



Australian Government

Department of Health

Department Reference: FOI 2528

Mr Andrew Nguyen

via email: foi+request-7614-1564fd4c@righttoknow.org.au

Dear Mr Nguyen

**NOTICE OF DECISION UNDER SECTION 24A
OF THE FREEDOM OF INFORMATION ACT 1982**

I refer to your request received by the Department of Health (the department) on 19 July 2021 seeking access under the *Freedom of Information Act 1982* (Cth) (the FOI Act) to the following:

documents describing the number of COVID-19 vaccines that have expired in the period between 1st of May to the 15th of July 2021.

Publicly available information about vaccines

The states and territories are responsible for collecting information about potential and actual vaccine wastage for all Australian Government funded vaccines. For example, New South Wales vaccine storage and cold chain management guidance is available online here: <https://www.health.nsw.gov.au/immunisation/Pages/cold-chain-management.aspx>

In addition, a range of information about the COVID-19 vaccines is available on the department's website. For example, Australian Technical Advisory Group on Immunisation (ATAGI) guidance on the use of multi-dose vials for COVID-19 vaccination, including guidance to minimise the risks of vial contamination, administration and vaccine wastage, is available here: <https://www.health.gov.au/resources/publications/covid-19-vaccination-atagi-guidance-on-the-use-of-multi-dose-vials-for-covid-19-vaccination>

Clinical advice for COVID-19 vaccination, including and advice from ATAGI on immunisation, is available here: <https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/information-for-covid-19-vaccination-providers/covid-19-vaccine-clinical-considerations>

In addition, information and advice for vaccine providers, including COVID-19 vaccine program-related advice, is available here:

<https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/information-for-covid-19-vaccination-providers/covid-19-vaccine-advice-for-vaccine-providers>

The Commonwealth actively manages vaccine stock through monitoring of ordering, stock on hand and administration rates to reduce wastage. Vaccines are supplied to administration sites on a “first in first out” basis from the logistics partners warehouses, to ensure maximum time is available for sites to administer and use all its vaccines, and there are no expiring vaccines in the warehouses. The Operation COVID Shield Operations teams undertake regular review of all stock held within its control to monitor expiration dates and ensure that sites are aware of batch expiry through regular communications.

In the case where an administration site has excess doses that they are unable to use by the expiration date, processes are in place to redirect vials to sites that have capacity to administer. This includes redirection to nearby sites and reverse logistics to return vials to the warehouse for reallocation and distribution. The storage and transport of vaccines is constantly monitored to ensure the cold chain is maintained with cold chain data assessed for any retrieved vaccines. Declarations are also provided by sites on the compliance with all storage conditions and transport of vaccines. The Commonwealths logistics providers have systems and processes in place to ensure vaccines returned to the warehouses with short expiries are deployed as soon as possible to sites that have capacity to use the vaccines before the expiry date.

FOI decision

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision in response to your request.

Appropriate steps have been taken to find the documents referred to in your request including consultation with relevant departmental officers.

Whilst the department holds some information relevant to your request, that data is not held by the department in a discrete document.

Subsection 17(1) of the FOI Act authorises an agency to produce a document in discrete form in certain circumstances where it appears from a request that the applicant is seeking information that is not available in discrete form in written documents of the agency. However, subsection 17(2) of the FOI Act does not require the agency to produce such a document where doing so would substantially and unreasonably divert the agency’s resources from its other priorities. I am satisfied that producing a document to satisfy your request, including the resources necessary to remove any personal information from the document, would substantially and unreasonably divert the resources of the department.

I am satisfied, on the basis of the consultation undertaken, that the department does not hold any documents referred to in your request.

As a consequence, relying on section 24A of the FOI Act, I cannot provide access to the documents you requested.

FOI review rights

If you are dissatisfied with my decision, you may apply for a review.

Internal review

Under section 54 of the FOI Act, you may apply for internal review of this decision.

In accordance with section 54B of the FOI Act, an application for internal review must be made in writing within 30 days after the day you are notified of this decision (or such further period as the department allows). To assist in the internal review process, please provide reasons as to why you consider the review of my decision is necessary.

The internal review will be carried out by another officer of this department within 30 days of receipt of your application.

An application for an internal review should be addressed to:

Email: FOI@health.gov.au
Mail: FOI Unit (MDP 516)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Information Commissioner review

Alternatively, under section 54L of the FOI Act, you may apply to the OAIC for review of my decision by the Information Commissioner (IC).

In accordance with subsection 54S(1) of the FOI Act, an IC review application in relation to a decision covered by subsection 54L(2) (access refusal decisions) must be made in writing within 60 days after the day you are notified of this decision (if you do not request an internal review).

More information about Information Commissioner review is available on the OAIC website at: <https://www.oaic.gov.au/freedom-of-information/reviews/>

The OAIC can be contacted by:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992

Complaints

If you are dissatisfied with actions taken by the department, you may also make a complaint.

Complaint to the department

Complaints to the department are covered by the department's privacy policy. A form for lodging a complaint directly to the department is available on the department's website: <https://www.health.gov.au/about-us/contact-us/complaints>

Complaint to the IC

Information about making a complaint to the IC about action taken by the department is available on the OAI website: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

Relevant provisions of the FOI Act

The Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Details/C2021C00239>

Contacts

If you require clarification of any of the matters discussed in this letter, please contact the department's Freedom of Information Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely



Mr Nick Henderson
Assistant Secretary
Vaccine Operations Branch

18 August 2021