

AUSTRALIAN COMMISSION ON SAFETY AND QUALITY IN HEALTH CARE

TRIM: D21-38429

Verifysp

Via email: foi+request-7750-32a68c5a@righttoknow.org.au

Dear Verifysp

Freedom of Information Request no. 01/2021

I refer to your request to the Australian Commission on Safety and Quality in Health Care (the Commission) of 28 September 2021 seeking access under the Freedom of Information Act 1982 (Cth) (FOI Act) to documents sent to the Commission from state or federal authorities that contain the following information, directive or policy:

- “WHAT the State & Federal Authority wants you to do regarding mask wearing
- WHY include evidence & reason why staff and/or public should obey mask mandate.
- WHO these docs should show where they originated and be ideally dated also
- WHEN I am only after those docs covering this 2021 delta variant covid19 outbreak
- EXCEPTION - and finally what is permitted as Exceptions for staff and public including any advice on who is bearing responsibility should any legal claim arise from staff or public suffering harm from mask-wearing (risk management)”

I am writing to advise you of my decision.

I am authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

Decision

All reasonable steps have been taken to find the documents referred to in your request including consultation with the relevant policy and program areas.

Thorough searches have been conducted of:

- the Commission’s file management system; and
- individual and group email accounts.

I am satisfied that the searches conducted were thorough and all reasonable steps have been taken to locate documents relevant to your request. I am satisfied that the documents referred to in your request do not exist. As a consequence, I refuse your request for access to the documents referred to in your request pursuant to section 24A of the FOI Act.

The Commission has relied on information from the NSW Health website and the Australian Government Comcare website in relation to mask wearing requirements for Commission staff and the general public during the COVID-19 Delta variant outbreak. You can access this information via the following links:

NSW Health – Public Health Orders and restrictions

<https://www.health.nsw.gov.au/Infectious/covid-19/Pages/public-health-orders.aspx>

Comcare – Current workplace safety hazards – Coronavirus (COVID-19)
<https://www.comcare.gov.au/safe-healthy-work/current-workplace-hazards/coronavirus#face-masks>

Review rights

If you are dissatisfied with my decision, you may apply for an internal review or Australian Information Commissioner (Information Commissioner) review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the department allows). Where possible please provide reasons why you consider review of the decision is necessary. The internal review will be carried out by another officer of this department within 30 days. An application for an internal review should be addressed to:

Email: SafetyandQualityFOI@safetyandquality.gov.au

OR

Mail: FOI Officer
Australian Commission on Safety and Quality in Health Care
GPO Box 5480
Sydney NSW 2011

Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review must be made in writing within 60 days of this notice (if you do not request an internal review).

The Australian Information Commissioner can be contacted by:

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

More about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website:

<https://www.oaic.gov.au/freedom-of-information/reviews-andcomplaints/information-commissioner-review/>

You may also make a complaint to the Information Commissioner about action taken by the Commission in relation to your application. Further information can be obtained from the OAIC website.

Relevant provisions

The FOI 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/C2019C00288>

Contacts

If you require clarification of any of the matters discussed in this letter you should contact 02 9126 3600 or SafetyandQualityFOI@safetyandquality.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mike Wallace', written in a cursive style.

Mike Wallace

Chief Operating Officer

Australian Commission on Safety and Quality in Health Care

17 September 2021