Australian Government

Department of Health

Department Reference: FOI 3033

Dee Mo
via email: foi+request-7800-54e365cc@righttoknow.org.au

Dear Dee Mo

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

I refer to your request of 2 September 2021 to the Department of Health (the department) seeking access under the *Freedom of Information Act 1982* (Cth) (the FOI Act) to documents related to COVID-19. Your request is in the following terms:

1. Provide evidence of what the current PCR testing cycles of amplication the Australian Department of Health is using?

Reverse Transcriptase Polymerase Chain Reaction (RT-PCR) Testing

During the testing process, the RT-PCR amplifies (or makes many copies of) a highly specific target region of the SARS-CoV-2 genome so that it can be detected. Each amplification reaction is known as a cycle. The cycle threshold (Ct) value of a reaction is the cycle number when the fluorescence of a RT-PCR product can be detected above the background signal.

Each RT-PCR assay may have a different Ct value that is used for detecting SARS-CoV-2. Ct values are device dependant and cannot be compared across platforms. This means there is no 'set' Ct value to aim for across all platforms. There are also nucleic acid amplification devices used for the diagnosis of SARS-COV-2 infection which do not record a Ct value.

For these reasons, it is critical that test results be interpreted by a suitably qualified pathologist or medical laboratory scientist in line with the instructions for use of the accredited test kit.

The department is a government agency and does not conduct scientific studies or laboratory testing for the SARS-CoV-2 in a laboratory. Diagnostic assays using reverse transcriptase polymerase chain reaction (RT-PCR) are conducted by testing laboratories throughout Australia. For more information, please see:

https://www.health.gov.au/resources/publications/phln-guidance-on-laboratory-testing-for-sars-cov-2-the-virus-that-causes-covid-19.

I would also like to inform you that the department does not have access to all documents created by, received by, or stored by other government entities. You might like to submit a request for access to documents held by a particular Commonwealth, State or Territory agency if you would like access to documents held by that entity.

Attached to this email is an article published in the Daily Telegraph on 13 August 2021 that may be of interest to you.

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.

The FOI Act provides a mechanism for individuals to request access to documents held by relevant entities. It is not a mechanism for asking questions or seeking information that the entity does not hold in documents.

Appropriate steps have been taken to find documents you have requested including consultation with relevant departmental officers and searches of departmental file management systems.

I am satisfied, on the basis of the consultation undertaken and the searches conducted, that the department, including the Therapeutic Goods Association, 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 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 Office of the Australian Information Commissioner (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 IC review is available on the OAIC website at:
https://www.oaic.gov.au/freedom-of-information/reviews/

The OAIC can be contacted by:

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

Complaints

If you are dissatisfied with action 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 OAIC website:

https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/

Relevant provisions of the FOI Act

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/C2021C00311

Contacts

If you require clarification of any of the matters discussed in this letter you should contact the department's Freedom of Information Unit at FOI@health.gov.au.

Yours sincerely

Dr Marcelle Noja
Acting Assistant Secretary
Public Health and Surveillance Branch

03 October 2021