

Private and Confidential

8 November 2021

Ms Matilda Bawden

By email only: foi+request-7945-b4f18632@righttoknow.org.au

Dear Ms Bawden

Decision about your request for documents

I am writing about your request for documents¹ which we received on 9 October 2021.

As an authorised decision maker,² this letter sets out a summary of my decision and outlines:³

- a summary of your request
- a list of the materials used to reach the decision
- the reasons for the decision, and
- information about your review rights.

Your request

As you'll know, we wrote to you on 20 October 2021 to provide you with information about the FOI process and to acknowledge that we would consider your request for the following documents:

- *'any & all Green Papers & White Papers provided to &/or accessed by AHPRA, including drafts, to detail grounds for caution or call for the need for lockdowns &/or other State-wide restrictions on individuals, businesses &/or corporations, due to alleged State of Emergency on grounds of "Pandemic";*
- *'evidence of all scientific reports and studies used in any such Green and White papers';*
- *'any and all other key scientific reports that seek to justify AHPRA's illegal and improper tortious interference in the professional autonomy and business practices of Health Practitioners deemed to be "anti-vaxxers" & acting against the best interests of Australians who will risk adverse events or death against their informed consent.'*

At the time, we explained that we are legally required to make a decision about your request within 30 days.

In your case, this means that we are required to make a decision by 8 November 2021.

¹ Made under the *Freedom of Information Act 1982* (Cth).

² Under section 23 of the *Freedom of Information Act 1982* (Cth).

³ In accordance with section 26 of the *Freedom of Information Act 1982* (Cth).

How I made my decision

In reaching my decision I referred to:

- the terms of your request
- searches conducted in relation to the scope of your request
- the nature of work ordinarily conducted by Ahpra
- internal consultation with relevant business units
- the FOI Act
- the Health Practitioner Regulation National Law, as enforced in each state and territory (the National Law)
- FOI Guidelines issued by the Australian Information Commissioner

Decision

Under section 24A(1) of the FOI Act, an agency may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document does not exist or cannot be located.

In response to your request, Ahpra conducted a search of its information holdings and did not identify any documents that fell within the scope of your request. Further, internal consultation with relevant business units did not identify any documents within the scope of your request. As all reasonable searches have been conducted by Ahpra and no document relevant to your request can be located, it is my decision to refuse access under section 24A(1) of the FOI Act.

Ahpra's role

In processing your request for documents, I have considered that you may hold the misapprehension that Ahpra is directly involved in the enforcement of lockdown and quarantine measures. However, this is not the case. Ahpra is the national occupational regulator for the 16 health professions regulated under the Health Practitioner Regulation National Law. Ahpra works in partnership with the 15 National Boards to ensure that the community has access to a safe health workforce across all professions registered under the National Registration and Accreditation Scheme.

As previously advised, I have searched Ahpra's record holdings and am satisfied that no document within the scope of your request can be located within our control or possession.

Charges

No charges have been imposed for processing your request.

Review rights

Although my decision is that no documents exist within the scope of your request, you can ask for the decision to be reviewed if you believe there are documents which I have not identified. It would assist us if you could explain why you believe that particular documents do exist.

[Review of this decision by Ahpra](#)

You may apply to Ahpra for a review of this decision.⁴ Your application must be made by whichever date is the later between:

- 30 days of you receiving this notice, or
- 15 days of you receiving the documents to which you have been granted access.

⁴ Under section 54 of the *Freedom of Information Act 1982* (Cth).

This review would not be conducted by me. To apply, it would help your case to explain why you believe the original decision is not correct.

An application for a review of the decision should be addressed to:

Mailing address:

Mr Robert Green
Senior Legal Adviser
Ahpra
GPO Box 9958
MELBOURNE VIC 3001

Email address: foi@ahpra.gov.au

If you choose to seek a review and disagree with that decision, you would subsequently have a right to apply to the National Health Practitioner Privacy Commissioner (the Commissioner) for a review of our decision. However, if you wish, you may choose to instead apply directly for review of this decision to the Commissioner, as I describe below.

[Review by the Commissioner](#)

You can apply to the Commissioner to review an FOI decision made by Ahpra.⁵ Your application must be made within 60 days of receiving our decision.

The Commissioner is an independent office holder who may review decisions of Ahpra under the FOI Act. You can contact them to seek review of this decision at the details listed below. An FOI review application form is available on the National Health Practitioner Ombudsman (the Ombudsman) website:

<https://nhpo.gov.au/>

Complaints about the way we've managed your matter

If you want to provide feedback or make a complaint about Ahpra or a National Board then you can contact our Complaints and Feedback team. Information about how to do this can be found on our website: <https://www.ahpra.gov.au/About-AHPRA/Complaints.aspx>

If you're unhappy with our response to your complaint, you can contact the Ombudsman. Their details are:

Mailing address:

National Health Practitioner Ombudsman
GPO Box 2630
MELBOURNE VIC 3001

Email address: complaints@nhpo.gov.au

Telephone enquiries: 1300 795 265

⁵ Under section 54L of the *Freedom of Information Act 1982* (Cth).

Contact

If you have any questions about anything in this letter, please contact us at xxx@xxxxx.xxx.xx.

Yours sincerely

A handwritten signature in blue ink, consisting of several fluid, overlapping loops and a long horizontal stroke extending to the right.

Matthew Reghenzani

Senior Freedom of Information Officer
National Information Release Unit

Reference Number: FOI33445