



11 March 2022

Dominic de Vries

BY EMAIL: foi+request-8485-aec0351e@righttoknow.org.au

In reply please quote:

FOI Request: FA 22/02/01284

File Number: OBJ2022/4653

Dear Dominic de Vries

Freedom of Information (FOI) request - Access Decision

On 19 February 2022, the Department of Home Affairs (the Department) received a request for access to document under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

1 Scope of request

You have requested access to the following document:

The Department of Home Affairs issued a directive demanding Citizens to request permission to leave Australia if they do not state their medical status, which limits their right of free travel. This despite the fact that up to the 31st of January 2022 only 83 people died from Covid-19 and in 2019 812 people died from Influenza (Flu).

Reference: <https://covid19.homeaffairs.gov.au/leavi...> (08.02.2022) Please provide a copy of the legal document that allows, justifies and orders your department to limit these basic rights for a certain group of Australian Citizens and allows your department to demand healthy citizens that do not want to state their medical status to require a permission to freely leave the country. This includes the confirmation of such a restriction by the Governor-General of the Commonwealth of Australia, who guarantees free travel in every Australian Passport.

2 Authority to make decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access document or to amend or annotate records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your request
- the document relevant to the request
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from Departmental officers with responsibility for matters relating to the document to which you sought access

4 Document in scope of request

The data that you have requested is publically available at:

[Biosecurity \(Human Biosecurity Emergency\) \(Human Coronavirus with Pandemic Potential\) \(Overseas Travel Ban Emergency Requirements\) Determination 2020 \(legislation.gov.au\)](#).

Relevant policy documents available for further information at:

[Leaving Australia | COVID-19 and the border \(homeaffairs.gov.au\)](#)

Note: that you have not been charged for this request but you may be charged for future FOI requests.

5 Decision

The decision in relation to the document in the possession of the Department which falls within the scope of your request is as follows:

- Refuse

Section 4(1)(d) of the FOI Act provides that a document for the purpose of the FOI Act does not include material maintained for reference purposes that is otherwise publicly available. If the Department did hold any documents falling within the scope of your request, I consider that you would not be entitled to access to those documents, in accordance with section 4(1)(d) of the FOI Act.

6 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

7 Your Review Rights

Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a review of the decision is necessary. The internal review

will be carried out by an officer other than the original decision maker and the Department must make a review decision within 30 days.

Applications for review should be sent to:

OR By email to: foi.reviews@homeaffairs.gov.au

By mail to:
Freedom of Information Section
Department of Home Affairs
PO Box 25
BELCONNEN ACT 2617

Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

8 Making a Complaint

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Home Affairs as the relevant agency.

9 Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@homeaffairs.gov.au.

Yours sincerely

[signed electronically]

Kel
Position No 60100052
Authorised Decision Maker
Department of Home Affairs