



Australian Government

Department of Health

Department Reference: FOI 3685

Mr Dominic Manganaro

Via email: foi+request-8620-968d5148@righttoknow.org.au

Dear Mr Manganaro

NOTICE OF DECISION

Thank you for your request to the Department of Health on 17 March 2022 seeking access under the *Freedom of Information Act 1982 (Cth)* (the FOI Act) to the following:

1. *Documents created by the Department of Health in March 2020 containing formal health advice that were provided by the Department of Health to either the Prime Minister of Australia or to the Minister for Home Affairs that was relied upon for the closure of Australia's International borders in March 2020 and*
2. *Documents created by the Department of Health in September 2021 containing formal health advice that were provided by the Department of Health to either the Prime Minister of Australia or to the Minister for Home Affairs that was relied upon for the closure of Australia's International borders in September 2021*

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 documents you have requested including consultation with relevant departmental officers and searches of departmental file management systems.

I am satisfied, based on the consultation undertaken and the searches conducted, 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 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:

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

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/C2021C00382>

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



Carolyn Paterson
Assistant Secretary
Biosecurity and Border Health Taskforce

13 April 2022