



ACT
Government

ACT Health

FOI19-26

Dear [REDACTED]

Freedom of Information Request: FOI19/26

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by ACT Health on 11 June 2019 in which you sought access to:

"I make this request in writing for the purposes of your Freedom of Information legislation following the alarming reports in mainstream media on 23 May 2019, and thereafter, of a jump in deaths from influenza, and the unique nature of the 2019 influenza season.

Please provide the following documents;

- 1. All documents held by your Department, relating to whether the reported influenza deaths, outlined in the mainstream media newspapers on 23 May 2019, and thereafter, were from patients who had been vaccinated in 2019, or otherwise unvaccinated in 2019.*
- 2. If any of the reported deaths were from vaccinated patients, please supply the number of vaccine doses received by each patient in 2019, including details as to vaccine name, batch number, registered ATRG number, dates of being injected, place of hospitalisation (if relevant) and date of death. Please note this request is clearly not seeking any private information which could be linked to the identity of patients.*
- 3. Please supply any documents relating to the issue described in paragraph 1 above, which your Department has received, or forwarded to any person engaged in any occupation, role, or advisory committee which falls under the Ministerial responsibility of the Federal Health Minister Greg Hunt MP, including persons involved with the following 17 agencies, 5 Statutory Office Holders, or 5 Regulators:*

*"The agencies are;
Aged Care Quality and Safety Commission
Australian Digital Health Agency*

Australian Commission on Safety and Quality in Health Care (ACSQHC)
Australian Institute of Health and Welfare (AIHW)
Australian Organ and Tissue Donation and Transplantation Authority (AOTDTA)
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)
Australian Sports Anti-Doping Authority (ASADA)
Australian Sports Commission (ASC)
Australian Sports Foundation (ASF)
Cancer Australia (CA)
Food Standards Australia New Zealand (FSANZ)
National Blood Authority (NBA)
National Health and Medical Research Council (NHMRC)
National Health Funding Body (NHFB)
Professional Services Review (PSR)
Independent Hospital Pricing Authority (IHPA)
National Mental Health Commission (NMHC)

There are five statutory Office holders in the Health portfolio exercise independent statutory functions with administrative support from the department. Four operating in the Department:
The Aged Care Complaints Commissioner
The Aged Care Pricing Commissioner
The Gene Technology Regulator
The Director of the National Industrial Chemicals Notification and Assessment scheme.

One operating within the National Health Funding Body, The Administrator of the National Health Funding Pool.
There are five Regulators:
Australian Sports Anti-doping Authority
Australian Radiation Protection and Nuclear Safety Agency
Office of Gene Technology Regulator
The National Industrial Chemicals Notification and Assessment Scheme
The Therapeutic Goods Administration.”

I am an Information Officer appointed by the Director-General of ACT Health under section 18 of the Act to deal with access applications made under Part 5 of the Act. ACT Health was required to provide a decision on your access application by 9 July 2019.

Decision on access

A thorough search of ACT Health records was conducted and did not return any documents within the scope of your request that are accessible under the Freedom of Information Act. Individual's Health Records cannot be accessed in accordance with section 12 of the Act. I am satisfied that appropriate searches were completed and that no documents relevant to your request are held by ACT Health.

Charges

Processing charges are not applicable to this request.

Online publishing – disclosure log

Under section 28 of the Act, ACT Health maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the ACT Health disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: ACTFOI@ombudsman.gov.au.

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

If you have any queries concerning ACT Health's processing of your request, or would like further information, please contact the FOI Coordinator on (02) 5124 9829 or email HealthFOI@act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Coleman', with a long horizontal flourish extending to the right.

Kerryn Coleman
Chief Health Officer

25 June 2019