

Dear [REDACTED]

DECISION ON YOUR ACCESS APPLICATION

I refer to your application under Section 30 of the *Freedom of Information Act 2016* (FOI Act), originally received by ACT Health Minister's Office and transferred under Section 57, to the ACT Health Directorate (ACTHD) on **Thursday 5 August 2021**.

This application requested access to:

'Can you please provide material evidence of the Isolated SARS-CoV-2 virus on which the public health declaration is made? If this evidence does not exist can you please explain how the Public Health (Emergency) Declaration remains in the ACT?'

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under Section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Thursday 2 September 2021**.

Decisions on access

There is a significant amount of information accessible to the public regarding the SARS-CoV-2 virus that has not been assessed as part of this application. This information is already available to the applicant in accordance with Section 43(1)(d) of the FOI Act. We have been in contact with the relevant line areas who have advised that the Directorate has not created or contributed to any information within the scope of your application. The ACT Chief Health Officer issues public health directions as a necessary public health control measure to reduce the transmission of any potential COVID-19 infection and to protect the health and safety of the ACT Community.

In accordance with Section 35 (1)(b) ACTHD does not hold information relevant to the scope of your application.

Charges

Processing charges are not applicable to this request.

Disclosure Log

Under Section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the 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 Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI 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
Website: ombudsman.act.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/>

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely



Associate Professor Bruce Shadbolt
Executive Branch Manager
Centre for Health and Medical Research

1 September 2021