



Dear 

DECISION ON YOUR ACCESS APPLICATION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by Canberra Health Services (CHS) on **Monday 27 September 2021**.

This application requested access to:

'I am requesting documents under the Freedom of Information Act that are containing: instructions, notices, evidence to support, in regards to the wearing of face masks by your internal staff and public that was sent to you from either the State or Federal Authorities in 2021.'

As the Principal Officer of Canberra Health Services (CHS), I am authorised to make a decision on access or amendment to government information in the possession or control of CHS. CHS was required to provide a decision on your access application by **Tuesday 26 October 2021**.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request; and
- The *Human Rights Act 2004*.

Decisions

In the ACT, the requirements of mask use in relation to Covid-19 are made in consultation with the Office of the ACT Chief Health Officer, within the ACT Health Directorate (ACTHD). As the Chief Health Officer is the ACT representative at cross jurisdictional meetings regarding Covid-19, any information from State or Federal authorities in 2021 regarding mask usage would come through that channel. An FOI access application for this information was processed by ACTHD. I have decided to refuse the application in accordance with;

Section 43 (1) A respondent may refuse to deal with an access application wholly or in part only if – (f) an earlier access application for the same government information –

- (i) was made in the 12 months before the application was made; and
- (ii) access to the information was refused; and
- (iii) the relevant public interest factors are materially the same as those considered in deciding the earlier application.

Please see the below links to the relevant earlier applications made to the ACTHD that are available on the ACTHD disclosure log;

https://www.health.act.gov.au/sites/default/files/2021-10/ACTHDFOI21-22.17%20ACTHD%20Response_DL.pdf

https://www.health.act.gov.au/sites/default/files/2021_08/FOI21-22%20ACTHD%20Response_DL.pdf

https://www.health.act.gov.au/sites/default/files/2021_08/FOI21-23%20ACTHD%20Response_DL.pdf

The general use of masks is an infection control measure used in The Canberra Hospital and other ACT Government health facilities. This practice has been in place in specific locations where it has been deemed appropriate dating back to well before the Covid 19 global pandemic. This is not administered with advice from Commonwealth or State authorities. Therefore, I am satisfied that CHS does not hold any additional information relevant to the scope of your request.

Charges

Processing charges are not applicable to this request.

Disclosure Log

Under section 28 of the FOI Act, CHS maintains an online record of access applications called a disclosure log. The scope of your access application and my decision 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



Dave Peffer
Interim Chief Executive Officer
Canberra Health Services

18 October 2021