

Our reference: **FOI20/11**



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 ACT Health Directorate (ACTHD) on Wednesday 6 May 2020.

This application requested access to:

*“All documents you have relating to your ruling regarding mandating flu vaccinations for workers, contractors and visitors to Aged Care Facilities from 1 May 2020, including double-blind placebo controlled peer review studies of the 2020 flu vaccines mandated showing their safety and efficacy.”*

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 4 June 2020**.

#### **Decisions**

The Public Health (Residential Aged Care Facilities) Emergency Direction 2020 (No 2) does not “mandate flu vaccinations”. The Direction requires anyone entering or working in the facility to have had an influenza vaccine.

The Australian Health Protection Principal Committee (AHPPC), the expert public health decision-making committee to the Australian government during the COVID-19 epidemic, has advised that all residential aged care staff and visitors are required to be vaccinated against influenza from 1 May 2020 before entering a residential aged care facility. ACT, like all States and Territories, has issued a Public Health Direction, giving effect to that decision.

Information about the AHPPC decision and the Direction are publicly available at:

<https://www.health.gov.au/news/australian-health-protection-principal-committee-ahppc-advice-on-residential-aged-care-facilities>

The Public Health (Residential Aged Care Facilities) Emergency Direction 2020 (No 2) - <https://legislation.act.gov.au/ni/2020-281/>

Various Commonwealth bodies consider the evidence of the safety and effectiveness of influenza vaccines. The ACT does not hold this information.

### **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 and my decision 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 Your personal contact details will not be published.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](mailto:ACTFOI@ombudsman.gov.au)  
Website: [ombudsman.act.gov.au](http://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](mailto:HealthFOI@act.gov.au).

Yours sincerely



Meg Brighton  
**Deputy Director-General, Health Systems, Policy and Research**

4 June 2020