

[REDACTED]

Dear [REDACTED]

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 Thursday 21 May 2020.

This application requested access to:

1. *"I request all documents and information providing proof of a reduction in overall hospitalisation following the receipt of the Influenza Vaccines currently approved by the Therapeutic Goods Administration for administration in Australia (FluQuadri, Vaxigrip Tetra, Fluad Quad, Fluarix Tetra, Influvac Tetra, Afluria Quad) that Dr Kerryn Coleman, Chief Health Officer, ACT Government, relied upon when issuing the direction that a person "must not enter or remain on the premises of a residential aged care facility in the Australian Capital Territory if the person does not have an up to date vaccination against influenza..." as detailed in the "Public Health (Residential Aged Care Facilities) Emergency Direction 2020 (No 2)"*
2. *I request the document, instrument or certificate stipulating the powers relied upon by Dr Kerryn Coleman, Chief Health Officer, ACT Government, to make directions pertaining to the subject matter of mandatory influenza vaccinations as stated in the "Public Health (Residential Aged Care Facilities) Emergency Direction 2020 (No 2)"*

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 **Monday 22 June 2020**.

Decisions

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.

Various Commonwealth bodies consider the evidence of the safety and effectiveness of influenza vaccines. The ACT does not hold this information. You are able to submit an application for this information to the Department of Health. Further information regarding this process is available at:

<https://www.health.gov.au/about-us/corporate-reporting/freedom-of-information-foi>.

In relation to the second part of your request, the *Public Health Act 1997* provides the Chief Health Officer relevant powers in relation to the management of a public health emergency.

This information is publicly available at:

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

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
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



Meg Brighton

Deputy Director-General, Health Systems, Policy and Research

4 June 2020