



Australian Government

Department of Health

Department Reference: FOI 2645

via email: [REDACTED]

Dear [REDACTED]

**NOTICE OF DECISION UNDER SECTION 24A
OF THE FREEDOM OF INFORMATION ACT 1982**

I refer to your request of 9 August 2021 to the Department of Health (department) seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) in the following terms:

Please provide a full, accurate and complete list of records held by the Australian federal government (or under the authority of the Australian federal government) which describe the isolation of the SARS CoV-2 virus taken directly from a symptomatic patient with COVID-19, and where the sample was not combined or mixed with any other source of genetic material (such as for example monkey kidney cells or cancer cells) that would result in a contaminated sample

FOI decision

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision in response to your request.

The FOI Act provides a mechanism for individuals to request access to documents held by relevant entities. It is not a mechanism for asking questions or seeking information that the entity does not hold in documents.

Appropriate steps have been taken by the department to find documents you have requested, including consultation with relevant departmental officers and searches of departmental file management systems.

The department is a government agency and does not conduct laboratory testing for SARS-CoV-2, the virus that causes COVID-19. Diagnostic assays using reverse transcriptase polymerase chain reaction (RT-PCR) are conducted by testing

laboratories throughout Australia. For more information, please see the [Public Health Laboratory Network \(PHLN\) guidance on laboratory testing for SARS-CoV-2](#), which is available online.

SARS-CoV-2, the virus which causes COVID-19, is real. Multiple scientific studies across the world demonstrate that highly reputable expert laboratories have isolated and sequenced the virus that causes COVID-19, demonstrating that the virus exists, that it is different from the influenza virus, and that it causes a disease that has resulted in more than 4.5 million deaths worldwide in just over 18 months. While the department is not the custodian of the scientific studies proving the existence of SARS-CoV-2, this research has informed the Australian Government's response to the pandemic, and is available in the public domain.

I am satisfied, on the basis of the consultation undertaken and the searches conducted, that the department does not hold any documents referred to in your request. While the department is not the custodian of scientific studies establishing the existence of SARS-CoV-2, this research, which is available in the public domain, has informed the Australian Government's response to the pandemic.

As a consequence, relying on section 24A of the FOI Act, I cannot provide access to the documents you requested.

Please note that the department does not have access to all documents created by, received by, or stored by other government entities. You might like to submit a request for access to documents held by a particular Commonwealth, State or Territory agency if you would like access to documents held by that entity.

FOI review rights

If you are dissatisfied with my decision, you may apply for a review.

Internal review

Under section 54 of the FOI Act, you may apply for internal review of this decision. In accordance with section 54B of the FOI Act, an application for internal review must be made in writing within 30 days after the day you are notified of this decision (or such further period as the department allows). To assist in the internal review process, please provide reasons you consider the review of my decision is necessary.

The internal review will be carried out by another officer of this department within 30 days of receipt of your application.

An application for an internal review should be addressed to:

Email: FOI@health.gov.au
 Mail: FOI Unit (MDP 516)
 Department of Health
 GPO Box 9848
 CANBERRA ACT 2601

Information Commissioner review

Alternatively, under section 54L of the FOI Act, you may apply to the Office of the Australian Information Commissioner (OAIC) for review of my decision by the Information Commissioner (IC).

In accordance with subsection 54S(1) of the FOI Act, an IC review application in relation to a decision covered by subsection 54L(2) (access refusal decisions) must be made in writing within 60 days after the day you are notified of this decision (if you do not request an internal review). More information about IC review is available on the OAIC website at: <https://www.oaic.gov.au/freedom-of-information/reviews/>

The OAIC can be contacted by:

Phone: 1300 363 992
 Email: enquiries@oaic.gov.au

Complaints

If you are dissatisfied with action taken by the department, you may also make a complaint.

Complaint to the department

Complaints to the department are covered by the department's privacy policy. A form for lodging a complaint directly to the department is available on the department's website:

<https://www.health.gov.au/about-us/contact-us/complaints>

Complaint to the IC

Information about making a complaint to the IC about action taken by the department is available on the OAIC website:

<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>

Relevant provisions of the FOI Act

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Details/C2021C00311>

Contacts

If you require clarification of any of the matters discussed in this letter you should contact the department's Freedom of Information Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

A handwritten signature in blue ink, consisting of a series of loops and a horizontal line extending to the right.

Dr Marcelle Noja
Acting Assistant Secretary
Public Health and Surveillance Branch

02 September 2021

FW: Freedom of Information Request 2645 - Notice of Decision [SEC=OFFICIAL]

Thu, Aug 25, 2022 at 2:25 AM

To: christinem@fluoridefreepeel.ca, Christine Massey <cmssyc@gmail.com>

Hi Christine,

I am so sorry to take so long to get back to you regarding my Australian experience of making a numerous requests to my government, including an FOI, for evidence of SARS CoV-2.

Please find attached –

1. The Notice of Decision in response to my FOI request
2. The Internal Review response I received after requesting a review of their decision
3. One of many pointless letters received from various politicians/bureaucrats – this one from the then Minister for Health and Aged Care
4. The email below is my actual request for the Internal Review after receiving the Notice of Decision.

It is clear that the Australian Government do not and never have had any evidence of the virus. They claim that SARS CoV-2 "was first isolated in Australia at the Victorian Infectious Diseases Reference Laboratory (VIDRL) at the Peter Doherty Institute for Infection and Immunity. VIDRL shared the isolated virus with other Australian laboratories, the World Health Organization, and other countries, to enable the development, validation and verification of diagnostic tests for COVID-19". I don't know if anyone has made a request to this organisation for the evidence.

I hope you can make use of my documents. Please remember to redact my personal information before uploading them or using them in any other way.

I haven't noticed any new interviews by you for a long time. Are you still investigating the issue? Please let me know where I can find more interviews or information on your research.

Kind regards,


Australia

From: 
Sent: Monday, 4 October 2021 6:33 PM
To: 'FOI' <FOI@health.gov.au>
Subject: RE: Freedom of Information Request 2645 - Notice of Decision [SEC=OFFICIAL]

Hi Grace,

I am writing in regards to my request to the Commonwealth Department of Health ("the department") of date 16 August 2021, which was received by the department on 17 August 2021. I am writing in particular regarding the decision dated 2 September 2021 which I received on 8 September 2021 (attached). I was informed that I have 30 days in which to lodge a request for an internal review. I am now formally requesting an internal review of the decision.

I firstly need to correct a statement made in the decision. The decision states that my request was made on 9 August 2021, however that is incorrect. I made several FOI requests to state and federal politicians on 9 August 2021, however my request to the Commonwealth Department of Health was sent via email on 16 August 2021. I have a letter from the department stating that they received my request on 17 August 2021. So please amend the records to reflect the correct date of the request that I made to the department.

The crux of the decision I received was –

*"I am satisfied, on the basis of the consultation undertaken and the searches conducted, that the department does not hold any documents referred to in your request. While the department is not the custodian of scientific studies establishing the existence of SARS-CoV-2, this research, which **is available in the public domain**, has informed the Australian Government's response to the pandemic. As a consequence, relying on section 24A of the FOI Act, I cannot provide access to the documents you requested. Please note that the department does not have access to all documents created by, received by, or stored by **other government entities**. You might like to submit a request for access to documents held by a particular Commonwealth, State or Territory agency if you would like access to documents held by that entity".*

I have highlighted two sections of the decision: firstly, "other government entities". In the decision it was suggested that I might like to submit a request to "other government entities" for the information I requested. I'd like to remind the department that my request was worded, in part, as follows –

*"Please provide a full, accurate and complete list of records held by the Commonwealth government (or under the **authority of the Commonwealth government**) which describe the isolation of the SARS CoV-2 virus taken directly from a symptomatic patient with COVID-19, and where the sample was not combined or mixed with any other source of genetic material (such as for example monkey kidney cells or cancer cells) that would result in a contaminated sample."*

My phrasing "or under the authority of the Commonwealth government" by definition includes "other government entities". I therefore request an internal review based on this aspect of the decision because my request has not been addressed in its entirety.

Secondly, I also highlighted the phrase "available in the public domain". The decision has informed me that the Commonwealth government does not hold hard scientific evidence of the isolation of the SARS CoV-2 virus, and that I should, effectively, 'look on the internet' for it because that is apparently where the government found it. I am extremely concerned about the government's position on this for several reasons, most importantly being that I have searched the internet for the information I requested and I was unable to find it – that is the reason why I made my FOI request. If the Commonwealth government is certain that the information I requested can be found in the public domain - because that is where they apparently found it - then those links should be able to be provided to me. It is untenable for the government to reply to a formal request for information with words to the effect of 'go find it yourself'. I therefore request an internal review based on this aspect of the decision because my request has not been addressed in its entirety.

Finally, if the Commonwealth government (or other government entities) is unable to provide –

1. hard scientific evidence of the isolation of the SARS CoV-2 virus as requested, or

2. links to the information held in the public domain on which the government relied to declare a pandemic, impose restrictions/penalties on the Australian public, and make decisions related to COVID-19 in general,

...then please provide the hard scientific evidence that the Commonwealth government (or other government entities) DID rely on to declare the pandemic and to inform their decision making throughout the pandemic. If no such evidence can be produced, then please fulfil the rest of my original request -

"If such records cannot be provided to me, presumably because they do not exist, please answer the following questions

1. *What proof do you have that a virus known as SARS CoV2 exists if it has not been isolated?*
2. *How can a reliable test be developed to detect the presence of a particular virus if the virus itself has not been isolated?*
3. *How can you claim that a new variant or mutant strain exists if the original virus itself has not been isolated?*
4. *How can a vaccine be developed for a particular virus if the virus itself has not been isolated?*
5. *How can a vaccine be determined to be effective if the virus that it was designed to treat has not been isolated?*

These are important and pressing questions in light of the fact that the proposed virus, SARS CoV-2, is the reason that more than half of the Australian population is currently in lockdown. The proposed virus is also the basis of mask mandates, vaccine mandates, social distancing, contact tracing and the vaccine passport. We are being told that 70% of Australians must receive the vaccine before lockdown measures are removed. However, we are also being told that even when people are double vaccinated they will still pose a risk to others and they will therefore still need to wear masks and practice social distancing. This of course, makes no sense whatsoever. If the vaccine is ineffective, and clearly it is known to be so, then please answer my final question -

6. *Why are Australians being forced/coerced into taking an ineffective vaccine, and why is taxpayer money being wasted on buying it?"*

The basis of my request was to obtain evidence of the scientific justification for the decisions made in regards to the COVID-19 pandemic. In other words, my request was for evidence of the due diligence carried out by the Commonwealth government (and/or entities under the authority of the Commonwealth government) in regards to the COVID-19 pandemic. My request stated that if such evidence could not be produced, then a series of questions were to be answered. To date, no such evidence has been produced by the department, and my questions remain unanswered. Therefore, on that basis, I request an internal review based on this aspect of the decision because my request has not been addressed in its entirety.

Please address all three aspects of my original request that have not been addressed adequately to date.

Thank you for your time and consideration.

Kind regards,

[REDACTED]

[REDACTED]

From: FOI [mailto:FOI@health.gov.au]
Sent: Wednesday, 8 September 2021 2:01 PM
To: [REDACTED]
Cc: FOI <FOI@health.gov.au>
Subject: Freedom of Information Request 2645 - Notice of Decision [SEC=OFFICIAL]


Dear [REDACTED]

Please see attached correspondence in relation to your Freedom of Information request to the Department of Health.

Kind regards

Grace

FOI Unit – FOI and Legislation Support Section


Legal & Assurance Division | Corporate Operations Group

Legal Advice & Legislation Branch

Australian Government Department of Health

E: FOI@health.gov.au


GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

If you receive this email in error, please delete it and contact the sender immediately.

"Important: This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you receive this transmission in error please notify the author immediately and delete all copies of this transmission."

3 attachments

 Notice of Decision FOI 2645.pdf

132K



FOI Internal Review.pdf

141K



Greg Hunt SARS Cov2 Reply.pdf

105K



Australian Government

Department of Health

Department Reference: FOI 2645

via email: [REDACTED]

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Contacts

If you require clarification of any of the matters discussed in this letter you should contact the department's Freedom of Information Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

A handwritten signature in blue ink, consisting of a series of loops and a horizontal line extending to the right.

Dr Marcelle Noja
Acting Assistant Secretary
Public Health and Surveillance Branch

02 September 2021



Australian Government
Department of Health

Ref No: MC21-025369

[REDACTED]
[REDACTED]

Dear [REDACTED]

Thank you for your correspondence of 4 August 2021 to the Minister for Health and Aged Care, the Hon Greg Hunt MP, concerning COVID-19. The Minister has asked me to reply.

The safety of the Australian population has always been the highest priority of the Australian Government. For this reason, decisions regarding COVID-19 vaccines have been guided by the expert medical advice of the Australian Technical Advisory Group on Immunisation (ATAGI). The Government is working closely with the Australian Technical Advisory Group on Immunisation, the Therapeutic Goods Administration (TGA), and all state and territory health departments to ensure that monitoring of COVID-19 vaccine safety is of the highest possible standard.

The TGA is formally assesses the safety, quality, and efficacy of medicines, including vaccines, prior to their approval for use in Australia. All vaccines must pass the TGA's rigorous assessment and approval processes, after being tested in large clinical trials on thousands of people. Technical experts analyse the three phases of clinical trials to test for safety at every phase, as well as how effective the vaccine is at protecting against infection and/or disease.

All COVID-19 vaccines used in Australia's rollout have been granted provisional approval following a complete assessment of all this available data. No part of the process has been rushed and the TGA does not have an 'Emergency Use Authorisation' pathway for COVID-19 vaccines.

The TGA is open and transparent about safety information relating to COVID-19 vaccines, including any suspected side effects or potential safety issues. The TGA publishes a weekly safety report, including information about reported suspected side effects, as well as other safety alerts as required. More information can be found at www.tga.gov.au using the search terms 'COVID-19-vaccine safety monitoring and reporting'. Product information and consumer medicines information including ingredient listings for all provisionally approved vaccines can also be located on the TGA's website.

The goal is to protect all people in Australia from the harm caused by COVID-19 infection, through preventing serious illness and death, and where possible, disease transmission. The Pfizer, AstraZeneca (Vaxzevria) and Moderna vaccines have all been proven through approval and safety monitoring processes to be very effective at reducing severe illness, hospitalisation and death.

GPO Box 9848 Canberra ACT 2601
Telephone: (02) 6289 1555

Vaccination remains voluntary and the Government respects a person's choice to make an informed decision on whether to participate in Australia's COVID-19 vaccine rollout. Anyone with questions or concerns about the benefits of being vaccinated is encouraged to talk to their doctor or health professional. However, it is important that everyone who can get it, does get it, to help keep themselves and others safe.

SARS-CoV-2 (the virus that causes COVID-19) was first isolated in Australia at the Victorian Infectious Diseases Reference Laboratory (VIDRL) at the Peter Doherty Institute for Infection and Immunity. VIDRL shared the isolated virus with other Australian laboratories, the World Health Organization, and other countries, to enable the development, validation and verification of diagnostic tests for COVID-19. In Australia, nucleic acid amplification testing using polymerase chain reaction (PCR) is the gold standard test used to diagnose and confirm acute SARS-CoV-2 infection. This test method is very sensitive and detects nucleic acid sequences specific to the virus.

The Government, along with states and territories, has pursued an aggressive suppression approach in Australia. This means that Governments have taken all necessary measures to shut down community transmission where it occurs. The strategy balances the economic and social costs of suppression against the potential costs associated with widespread disease – in terms of lives lost, an overwhelmed healthcare system and a loss of consumer confidence. This strategy has bought Australia valuable time to enhance its hospital and public health capacity to manage the disease. Early forecasts, based on the observations of the Australian Health Protection Principal Committee's observations of the international experience and modelling, indicated a worst-case scenario should no public health measures be implemented.

State and territory governments have primary operational responsibility for emergency management and public health in their respective jurisdictions, including measures such as lockdowns and border controls. This enables jurisdictions to best manage their public health response to COVID-19, suitably adapted to local prevailing epidemiological and public health conditions. Such measures have not been taken lightly by state and territory governments and have helped to keep Australians safe.

If you are interested to review statistical data on the pandemic, including international comparisons, you can keep up to date by visiting the Department's [website](#).

Thank you for writing on this matter.

Yours sincerely



Radha Khiani
Director
Office of Health Protection and Response
31 August 2021