



**Australian Government**

**Department of Health**

Department Reference: FOI 2119

Hollie H

via email: [foi+request-6938-5c30d75a@righttoknow.org.au](mailto:foi+request-6938-5c30d75a@righttoknow.org.au)

Dear Hollie H

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

I refer to your request of 1 December 2020 to the Department of Health (the department) seeking access under the *Freedom of Information Act 1982* (Cth) (the Act) to:

documents held within the Department of Health that show the evidence of the isolation of the SARS-Cov-2 virus. To eliminate the possibility of contamination, I ask that these documents show the virus has been isolated from only the sample of a symptomatic patient of COVID 19, where it was not first combined with any other source of genetic material (not limited to but by way of example; monkey kidney cells/vero cells or liver cancer cells.)

**FOI decision**

I am authorised under subsection 23(1) of the 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.

Appropriate steps have been taken to find the documents referred to in your request including consultation with relevant departmental officers.

I am satisfied, on the basis of the consultation undertaken, that the department does not hold any documents referred to in your request.

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

## **FOI review rights**

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

### *Internal review*

Under section 54 of the Act, you may apply in writing to the department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the department allows). To assist in the internal review process, please provide reasons you consider review of my decision is necessary. The internal review will be undertaken by another officer of the department within 30 days of receipt of your application.

An application for an internal review can be sent to:

Email: [FOI@health.gov.au](mailto: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 Act, you may apply to the Office of the Australian Information Commissioner (OAIC) for review of my decision. An application for review must be made in writing within 60 days of this notice (if you do not request an internal review).

You may also make a complaint to the OAIC about action taken by the department in relation to your application.

The OAIC can be contacted by:

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Phone: 1300 363 992

More information about OAIC review and making a complaint is available on the OAIC website:

<https://www.oaic.gov.au/freedom-of-information/reviews/>

## **Relevant provisions of the Act**

The 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/C2020C00366>

**Additional information**

While the department does not hold the documents you have requested, I can provide the following information outside the Act, which I trust will be of assistance to you.

The Medical Journal of Australia (MJA) has published a paper on the isolation of SARS-CoV-2 at VIDRL. This paper describes the process of the inoculation of Vero/hSLAM cells from a nasopharyngeal swab, which led to the isolation of the SARS-CoV-2 virus in culture. The MJA paper is available here:

<https://www.mja.com.au/journal/2020/212/10/isolation-and-rapid-sharing-2019-novel-coronavirus-sars-cov-2-first-patient>

The Communicable Diseases Network Australia (CDNA) has provided information on the guidelines used by public health units to respond to diseases and assists in providing nationally consistent advice across Australia. More information about the CDNA and the guidelines are available on the department's website at:

<https://www1.health.gov.au/internet/main/publishing.nsf/Content/cdna-song-novel-coronavirus.htm>

I trust this information is of assistance to you

**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](mailto:FOI@health.gov.au).

Yours sincerely



K Bishop  
Principal Lawyer  
Legal Advice & Legislation Branch

10 December 2020