



Julie Keys  
via email: [foi+request-12144-74a69e49@righttoknow.org.au](mailto:foi+request-12144-74a69e49@righttoknow.org.au)

Dear Julie

## FREEDOM OF INFORMATION REQUEST: No. 2024/25-002 ACCESS DECISION

I refer to your request made under the *Freedom of Information Act 1982* (Cth) (FOI Act) to the National Health and Medical Research Council (NHMRC) on 6 October 2024, which you clarified on 8, 19 and 27 October 2024. You also revised the scope of your request on 20 November 2024 and then reduced the scope on 28 November 2024 (in response to NHMRC's request consultation letter). Your final request is seeking:

*Correspondence between the NHMRC and Prof Andrew Lloyd and Prof. Paul Glasziou after 30 April 2019 relating to ME/CFS.*

*Correspondence between the NHRMC and the NDIA after March 2024 relating to ME/CFS.*

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

I have decided to grant part access to 6 documents, with information redacted under section 22 of the FOI Act. Further information about my decision is provided below.

### Timeframe for processing your request

The FOI request was received by NHMRC via email on 6 October 2024. The statutory timeframe for processing a request is 30 days, starting from the day after the day on which your request was received. NHMRC sought an extension of 30 days under section 15AA of the FOI Act, to which you agreed on 27 October 2024. In addition, the period for processing your request stopped when NHMRC's request consultation letter was sent to you (on 27 November 2024) and restarted when you responded to the letter (on 28 November 2024), which added one day to the timeframe.

During the processing of your request, NHMRC also consulted with 2 third parties affected by the potential release of the documents. As noted in the FOI Unit's email of 5 December 2024, as a result of the consultation, the timeframe for processing your request was extended by 30 days in accordance with subsection 15(6) of the FOI Act. Accordingly, the due date for a decision on your request is 6 January 2025 (as the first business day following the 30-day period).

### Decision

In making my decision, I have had regard to the following:

- the terms of your request
- the content of the documents to which you have sought access
- advice from NHMRC officers with responsibility for the matters relating to the documents to which you sought access
- the views of third parties consulted by NHMRC, where relevant, under section 27 and 27A of the FOI Act
- the relevant provisions of the FOI Act (accessed via: [www.legislation.gov.au](http://www.legislation.gov.au))

- the *FOI Guidelines—Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982* (the FOI Guidelines) (accessed via: [www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/foi-guidelines](http://www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/foi-guidelines)).

I have interpreted the scope of your request to include an end date of 28 November 2024. This is because it is the date in which your final reduced request was provided to NHMRC (in response to the request consultation process), and an end date was not specified in your request.

For the part of your request about *correspondence between the NHRMC and the NDIA after March 2024 relating to ME/CFS*, I have interpreted this to include the National Disability Insurance Agency (NDIA), as well as the National Disability Insurance Scheme Quality and Safeguards Commission (NDIS Commission). Although the NDIS Commission is an independent Australian Government regulator and separate from the NDIA, it came up in our search for documents. I note that the NDIA and the NDIS Commission both relate to the NDIS and sit within the Social Services portfolio. I am mindful to not take a narrow or pedantic approach to interpreting the scope of your request, in line paragraph 3.110 of the FOI Guidelines.

NHMRC conducted a search of its electronic files and relevant email mailboxes in line with the scope of your request (and the above interpretations). The key search terms used were:

- Part 1 (Prof Andrew Lloyd and Prof. Paul Glasziou):  
[‘Myalgic Encephalomyelitis/Chronic Fatigue Syndrome’, ‘ME/CFS’, ‘ME-CFS’, ‘MECFS’, ‘long COVID’, ‘lloyd’ ‘glasziou’], with a date range of [1 May 2019–28 November 2024]
- Part 2 (NDIA):  
[‘Myalgic Encephalomyelitis/Chronic Fatigue Syndrome’, ‘ME/CFS’, ‘ME-CFS’, ‘MECFS’, ‘long COVID’, ‘ndis.gov.au’, ‘ndiscommission.gov.au’, ‘ndia.gov.au’], with a date range of [1 April 2024–28 November 2024].

NHMRC identified 6 documents as falling within the scope of your request and the Schedule of Documents at [Attachment A](#) provides a description of these documents. NHMRC also identified a number of duplicate documents in the search, however, these were removed. Please note that NHMRC found no correspondence between NHMRC and Professor Paul Glasziou from 1 May 2019 to 28 November 2024 relating to ME/CFS.

For the documents identified in [Attachment A](#), I have decided to grant part access to all 6 documents, with information redacted under section 22 of the FOI Act on the grounds that is irrelevant to your request. The detailed reasons for my decision are set out below.

### ***Documents containing irrelevant material (s22)***

Section 22 of the FOI Act allows NHMRC to prepare an edited copy of a document, modified by deletions or redactions, so that the edited copy would not disclose any information that is reasonably regarded as irrelevant to the request.

I consider the following material to be irrelevant to the scope of your request and have therefore decided to redact it from the documents identified in [Attachment A](#):

- any correspondence that is not relating to ME/CFS
- contact details of members from the NHMRC [ME/CFS Advisory Committee](#)<sup>1</sup>, except for Professor Andrew Lloyd as he is specifically mentioned in your request (I note that Professor Lloyd’s email address is already publicly available<sup>2</sup> and that Professor Paul Glasziou was not a member of the Committee)
- the specific names and contact details of staff from NHMRC (below the level of CEO), NDIA and the NDIS Commission.

<sup>1</sup> URL: <https://www.nhmrc.gov.au/about-us/publications/mecfs-advisory-committee-report-nhmrc-chief-executive-officer>

<sup>2</sup> URL: <https://www.unsw.edu.au/staff/andrew-lloyd>

I have decided not to redact the details of the agency, area and/or position of staff in the documents identified at [Attachment A](#), as I consider this material to be relevant to the scope of your request. Also, I have decided not to redact the name of NHMRC's previous CEO (Professor Anne Kelso) because her involvement with the ME/CFS Advisory Committee in 2019 is already publicly available on [NHMRC's website](#)<sup>3</sup>, including her signature within correspondence.

## Charges

I have decided not to impose charges for processing this FOI request.

## Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision.

### *Internal review*

Under section 54 of the FOI Act, you may apply in writing to NHMRC for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter. Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days. Please email a request for internal review to NHMRC's FOI Unit at [foi@nhmrc.gov.au](mailto:foi@nhmrc.gov.au).

### *Information Commissioner review*

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. Such an application must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

- online: <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>
- email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)
- post: GPO Box 5288, Sydney NSW, 2001.

More information about Information Commissioner review is available on the [Office of the Australian Information Commissioner](#)<sup>4</sup> website.

## Complaints

If you are unhappy with the way your FOI request has been handled, you can make a complaint in writing to NHMRC at: [complaints@nhmrc.gov.au](mailto:complaints@nhmrc.gov.au). Information on how NHMRC manages complaints can be found on the [NHMRC](#)<sup>5</sup> website.

If you are not satisfied with our response, you can make a complaint in writing to the Australian Information Commissioner in one of the following ways:

- online: <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>
- email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)
- post: GPO Box 5288 Sydney 2001

More information about FOI complaints is available on the [Office of the Australian Information Commissioner](#)<sup>6</sup> website.

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<sup>3</sup> URL: <https://www.nhmrc.gov.au/about-us/publications/mecfs-advisory-committee-report-nhmrc-chief-executive-officer>

<sup>4</sup> URL: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>

<sup>5</sup> URL: <https://www.nhmrc.gov.au/about-us/resources/nhmrc-complaints-policy>

<sup>6</sup> URL: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints>

**Questions**

If you have any queries or wish to discuss my decision, please contact the NHMRC FOI Unit at [foi@nhmrc.gov.au](mailto:foi@nhmrc.gov.au).

Yours sincerely

*signed electronically*

Alan Singh  
Executive Director  
Research Quality and Advice

19 December 2024

**Attachment**

- A. Schedule of Documents, including 6 documents