



14 October 2024

Our reference: 2024/1448

James Smith

By email: foi+request-11535-ef946ccb@righttoknow.org.au

Dear Mr Smith

Freedom of Information Request – Notice of Decision

I refer to your email of 19 June 2024 seeking access to the following:

“...all Work Health and Safety notices and reports, including Incident Reports and Notifications sent to Comcare in relation to the MRH-90 Taipan helicopter”

On 26 June 2024, you provided the following clarification:

“The FOI request should be read as is and hopefully is self explanatory. The request is for all notifications and reports in relation to the helicopter. It’s not limited to any particular incident or timeframe.

I understand Comcare has a searchable database. Additionally the information is likely to have been provided or submitted by Defence given the role of the helicopter.”

On 8 July 2024, I notified you that your request included documents containing business information in respect of an organisation or undertaking, which may be exempt under section 47 or 47G of the FOI Act. As such, Comcare confirmed that it was required to consult with the relevant third party regarding the business information contained in the requested documents, under section 27 of the FOI Act. For this reason, the processing period for your request was extended by 30 days

On 19 July 2024, I consulted with you formally under section 24AB of the FOI Act. I advised that a practical refusal reason existed as the work involved in processing your request would substantially and unreasonably divert the resources of Comcare from its other operations. On 8 August 2024, as you requested, Comcare provided a list of the documents within scope to assist you revise your request to make it more manageable. On 15 August 2024, following this formal consultation, you revised your scope to the following:

“I revise the request to only the documents in that list that are dated in 2023, 2024 and “N/A”.”

On 3 and 5 September, I sought your agreement to a 30-day extension of time to process your request under section 15AA of the FOI Act. You did not respond. On 6 September, Comcare applied for an extension of time to process your request under section 15AB from the Office of

the Australian Information Commissioner (OAIC). On 12 September, OAIC decided to extend the processing period by 30 days.

Summary of Decision

I am authorised under section 23 of the FOI Act to make decisions in relation to FOI requests.

Comcare holds 126 documents (totalling 798 pages) that relate to the scope of your request.

I have decided to:

- grant partial access to two documents, with exempt material removed, and
- refuse access to 119 documents.

I note that there are five further documents within scope of your request that Comcare could not consider as they are classified as 'protected' documents by the Department of Defence (**Defence**). Comcare is unable to view or hold 'protected' documents on its system.

I have decided that certain documents that you have requested are partially or fully exempt under the FOI Act, as they include information that if released:

- would, or could reasonably be expected to prejudice the conduct of an investigation of a breach, or possible breach, of the law; (section 37),
- would, or could reasonably be expected to, have a substantial adverse effect on the management or assessment of personnel by Comcare and Defence (section 47E(c));
- would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of Comcare and Defence (section 47E(d)); and
- would involve the unreasonable disclosure of personal information about a person (section 47F).

Section 22 of the FOI Act

In my email of 25 June 2024, you were advised that the names and contact details of Comcare staff members may be excluded from your request under section 22 of the FOI Act. You did not make any submissions and the names and contact details of Comcare staff have been removed as irrelevant.

The reasons for my decision, including the relevant sections of the FOI Act, are set out in **Attachment A**.

A schedule of documents within the scope of your request can be found at **Attachment B**.

Review rights

If you disagree with any part of the FOI decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within Comcare, or an external review by the Office of the Australian Information Commissioner. See **Attachment C** for more information about how to seek an external review.

Further assistance

If you have any questions please email foi@comcare.gov.au.

Yours sincerely

Sami
Legal Adviser

Statutory Oversight Team
Legal Group
Comcare



REASONS FOR DECISION

INFORMATION CONSIDERED

I have considered the following in making my decision:

- your request of 19 June 2024;
- your clarification email of 26 June 2024;
- your email of 15 August 2024 revising your request;
- the documents that fall within the scope of your request;
- consultations with Comcare officers about:
 - the nature of the documents;
 - Comcare's operating environment and functions;
- consultation with the Department of Defence (**Defence**);
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**); and
- the FOI Act.

REASONS FOR MY DECISIONS

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided to:

- grant partial access to two documents, with exempt material removed, and
- refuse access to 119 documents.

I note that there are five further documents within scope of your request that Comcare could not consider as they are classified as 'protected' documents by the Department of Defence (**Defence**). Comcare is unable to view or hold 'protected' documents on its system.

I have decided that certain documents that you have requested are partially or fully exempt under the FOI Act, as they include information that if released:

- would, or could reasonably be expected to prejudice the conduct of an investigation of a breach, or possible breach, of the law; (section 37),
- would, or could reasonably be expected to, have a substantial adverse effect on the management or assessment of personnel by Comcare and Defence (section 47E(c));
- would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of Comcare and Defence (section 47E(d)); and

- would involve the unreasonable disclosure of personal information about a person (section 47F).

The reasons for my decision are considered below.

Section 37 – Documents affecting enforcement of law and protection of public safety

I have determined that section 37 of the FOI Act applies to most documents that fall within scope of your request (see schedule below at **Attachment B**).

Relevant Law and Guidelines

Section 37(1)(a) of the FOI Act provides:

(1) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:

(a) prejudice the conduct of an investigation of a breach, or possible breach, of the law...

Further, paragraphs 5.98, 5.99, 5.103 and 5.104 of the Guidelines states the following:

[5.98] To be exempt under ss 37(1)(a) or 37(1)(b), the document in question should have a connection with the criminal law or the processes of upholding or enforcing civil law or administering a law. This is not confined to court action or court processes, but extends to the work of agencies in administering legislative schemes and requirements, monitoring compliance, and investigating breaches. The exemption does not depend on the nature of the document or the purpose for which it was brought into existence. A document will be exempt if its disclosure would or could reasonably be expected to have one or more of the consequences set out in the categories listed above at [5.95] (prejudice the conduct of an investigation of a breach, or possible breach, of the law).

[5.99] In applying this exemption, a decision maker should examine the circumstances surrounding the creation of the document and the possible consequences of its release. The adverse consequences need not result only from disclosure of a particular document. The decision maker may also consider whether disclosure, in combination with information already available to the applicant, would result in any of the specified consequences.

[5.103] The exemption is concerned with the conduct of an investigation. For example, it would apply where disclosure would forewarn the FOI applicant about the direction of the investigation, as well as the evidence and resources available to the investigating body — putting the investigation in jeopardy...

[5.104] Where the investigation is merely suspended or dormant rather than permanently closed, or where new information may revive an investigation, the Information Commissioner considers the exemption should apply. However, the expectation that an investigation may revive should be more than speculative or theoretical and be supported by evidence.

Whether the expectation of prejudice exists as a result of disclosure

The documents relate to an investigation conducted by Comcare to monitor and enforce compliance with the *Work Health and Safety Act 2011* (Cth) (**WHS Act**) and the *Work Health and Safety Regulations 2011* (Cth) (**WHS Regulations**).

We have consulted with the relevant Comcare area, and they have confirmed that the relevant investigation is ongoing. Most of the documents are statutory notices, or responses to statutory notices, that are for the purpose of gathering information and/or documents that captures evidence in an ongoing investigation. This information is likely to disclose Comcare's lines of inquiry, that if revealed, may be prejudicial to any future judicial proceedings. Investigations rely on protection of methodology and allowing evidence gathered lawfully to be untainted for a prosecuting authority to consider.

I consider that if this information were made available, it is possible that it would prejudice the ongoing investigation and any potential compliance action.

As we are aware that the investigation is ongoing, we consider the release of the documents would, or could reasonably be expected to prejudice the conduct of the investigation of a breach, or possible breach of the WHS Act and WHS Regulations.

Given the above, I am satisfied that most of the documents that fall within scope of your request are exempt under section 37(1)(a) of the FOI Act.

Section 47E(c) - substantial adverse effect on the management or assessment of personnel by an agency

I have determined that section 47E(c) of the FOI Act applies to some of the documents that fall within your request (see schedule below at **Attachment B**).

Relevant law and Guidelines

Section 47E(c) provides:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

...

(c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or by an agency.

Paragraph 6.103 of the Guidelines explains:

For this conditional exemption to apply, the documents must relate to either:

- the management of personnel – including the broader human resources policies and activities, recruitment, promotion, compensation, discipline, harassment and work health and safety
- the assessment of personnel – including the broader performance management policies and activities concerning competency, in-house training requirements, appraisals and underperformance, counselling, feedback, assessment for bonus or eligibility for progression.

Further, Paragraphs 6.105 and 6.107 state the following:

[6.105] The predicted effect must arise from the disclosure of the document being assessed. The decision maker may also need to consider the context of the document and the integrity of a system that may require those documents, such as witness statements required to investigate a workplace complaint, or referee reports to assess job applicants.

[6.107] Information relating to staff training and development, such as confidential feedback where public release could undermine confidence and inhibit candour in performance review processes, may also be conditionally exempt under this provision.

Substantial adverse effect

I have considered whether certain information is conditionally exempt on the basis that disclosure would result in a substantial adverse effect on the management or assessment of personnel by Comcare and Defence.

The documents contain information about a former employee's workplace complaint and their alleged performance at the agency. The employee provided personal information (opinions) on other employees in the agency that they were unsatisfied with. The documents also include the employee's performance plan, which contain improvement goals, targets and objectives set by their supervisor.

Comcare has a duty of care to ensure the health and safety of employees under the WHS Act. I understand that Comcare has undertaken an inspection in relation to the workplace complaint and sought further information from the complainant. Confidentiality during the course of an appropriate accountability process fosters fulsome participation, which allows appropriate decision-making. The confidential process acknowledges the individual privacy and dignity of the people involved. I also note Defence personnel information handling is undertaken in accordance with the *Privacy Act 1988* (Cth) (**Privacy Act**) and, like Comcare, Defence is similarly bound by strict privacy law obligations with respect to personal information held about its people. I consider that the complainant would expect this information to be confidential and only used for the purposes of investigating their complaint and not to be disclosed through the FOI process.

I consider the documents relating to the workplace complaint, including their performance and opinions of colleagues could undermine confidence and inhibit candour in performance review and complaint processes.

Given the above, I consider the documents about the workplace complaint would have a substantial adverse effect on the management or assessment of personnel by Comcare and Defence.

I am therefore satisfied that disclosure of the relevant information could reasonably be expected to have a substantial adverse effect on Comcare's and Defence's management of its personnel. I have decided that the information is conditionally exempt under 47E(c) of the FOI Act.

Public interest test

As I have decided that some of the documents you have requested are conditionally exempt under section 47E(c) of the FOI Act, I have applied the public interest test to determine whether the material should be released.

In this instance, I have decided that the factors against disclosure outweigh the factors in favour of disclosure.

Relevant law and Guidelines

Section 11A(5) of the FOI Act provides:

The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

The Guidelines state at paragraph 6.238:

To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The decision maker must analyse, in each case, where on balance the public interest lies, based on the particular facts of the matter at the time the decision is made.

Public interest considerations

When weighing up the public interest for and against disclosure under section 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would promote the objects of the Act.

I have also considered the relevant factors indicating that access would be contrary to the public interest. In particular, I have considered that disclosure is likely to:

- prejudice the protection of an individual's right to privacy
- harm the interests of individuals
- undermine confidence and inhibit candour in performance review and complaint processes
- prejudice the management function of an agency.

I am satisfied that the factors against disclosure outweigh the factors for disclosure. I have not considered any irrelevant considerations identified in section 11B(4).

I am satisfied that the protection of employees and their complaints and performances are a significant and persuasive public interest factor against the disclosure of the exempt material. Furthermore, I give weight to the fact that release of the information would not make a significant positive contribution to increasing public participation in Government processes or in increasing scrutiny, discussion, comment and review of Government activities.

On balance, I have decided that disclosure of the conditionally exempt documents within would be contrary to the public interest, and the material is exempt under section 47E(c) of the FOI Act.

Section 47E(d) – substantial adverse effect on the proper and efficient conduct of the operations of an agency

I have determined that section 47E(d) of the FOI Act applies to some of the information contained within the documents that fall within your request (see schedule below at **Attachment B**).

Relevant law and Guidelines

Section 47E(d) relevantly provides:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

...

(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

Substantial adverse effect

Parts of the documents are exempt as they include information regarding Comcare's internal mailbox contact details, a specific Comcare postal address and a specific Defence office address, which are not publicly known. Comcare and Defence use these private details to effectively manage communications, and to ensure this information is not disseminated to the wider public for security and work purposes.

I consider that the release of these private details of Comcare and Defence, would adversely affect the proper and efficient conduct of the operations of these agencies. If these details are made public, individuals may begin to send correspondence there which would impact these agencies.

Accordingly, I consider that the release of the internal mailbox, postal and office address details contained in the documents would have a substantial adverse effect on the proper and efficient conduct of the security and work operations of Comcare and Defence.

Further, I consider that the disclosure of these private details would also allow members of the public to directly make contact with these addresses, which would, or could also reasonably be expected to, adversely affect Comcare's and Defence's operations by receiving unnecessary information or correspondence to these addresses, or by individuals attempting to visit or attend offices, which might, for example, disrupt normal operations.

The public interest

Because section 47E(d) is a conditional exemption, I must also consider the public interest in determining whether to release the information.

In balancing the public interest in this case, I have considered the following factors for and against disclosure:

Factors in favour of disclosure:

- promoting the objects of the Act, particularly in increasing scrutiny, discussion, comment and review of the Government's activities.

Factors against disclosure:

- could reasonably be expected to prejudice security and work operations of these agencies.

The disclosure of this information may promote some scrutiny of the manner in which the Government manages communications within an agency. On the other hand, the disclosure could reasonably be expected to prejudice the ongoing management of teams within Comcare, and the safety of Defence employees, particularly with regard to the release of unpublished internal mailbox, postal and office address details that are not intended to be used by the general public.

On balance, I have decided that disclosure of the exempt information in would be contrary to the public interest, and it is exempt under section 47E(d) of the FOI Act.

Section 47F – personal information

I have determined that section 47F of the FOI Act applies to some of the information contained within the documents that fall within your request (see schedule below at **Attachment B**).

Relevant law and Guidelines

Section 47F of the FOI Act relevantly provides:

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
 - (a) the extent to which the information is well known;
 - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
 - (c) the availability of the information from publicly accessible sources;
 - (d) any other matters that the agency or Minister considers relevant.

Personal information

The term 'personal information' is relevantly defined (in the Privacy Act) and adopted by the FOI Act) as follows:

...information or an opinion about an identified individual, or an individual who is reasonably identifiable

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

Paragraph 6.125 of the Guidelines provides:

Personal information can include a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information and signature.

Do the documents contain personal information?

The documents contain the name of a Defence employee to which this exemption has been applied. This is 'personal information' as defined in the Privacy Act because it is information about the individual who is identified or reasonably identifiable.

Is release of the personal information unreasonable?

To be conditionally exempt, disclosure of the personal information must be unreasonable.

In deciding whether disclosure of the information would be unreasonable, I have considered the matters at s 47F(2) above. I am satisfied that release of the Defence employee's personal information to you would be unreasonable in the circumstances as:

- the personal information is not well known or in the public domain;
- the individuals have not provided their authority for the release of their personal information;
- no public purpose would be achieved through the release of their personal information;
- the FOI Act does not control or restrict any subsequent use or disclosure of the information; and
- release of their personal information may impact on the health and safety of these individuals.

For the above reasons, I have found that the disclosure of the personal information would be unreasonable, and the parts of the documents containing that information are exempt pursuant to section 47F of the FOI Act.

Public interest test in relation to section 47F

For the conditional exemption under section 47F to apply, it is also necessary for me to consider whether there is a public interest in releasing the personal information, and whether the factors in favour of releasing the information outweigh the factors against.

Relevant law and Guidelines

Section 11A(5) of the FOI Act provides:

The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Section 11B Public interest exemptions – factors

Scope

- (1) This section applies for the purposes of working out whether access to a conditionally exempt document would, on balance, be contrary to the public interest under subsection 11A(5).
- (2) This section does not limit subsection 11A(5).

Factors favouring access

- (3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
 - a. promote the objects of this Act (including all the matters set out in sections 3 and 3A);
 - b. inform debate on a matter of public importance;
 - c. promote effective oversight of public expenditure;
 - d. allow a person to access his or her own personal information

Irrelevant factors

- (4) The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest:
 - a. access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
 - b. access to the document could result in any person misinterpreting or misunderstanding the document;
 - c. the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
 - d. access to the document could result in confusion or unnecessary debate.

The Guidelines state at paragraph 6.238:

To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The decision maker must analyse, in each case, where on balance the public interest lies, based on the particular facts of the matter at the time the decision is made.

Application of the public interest test

I have considered the factors listed under section 11B of the FOI Act, which are relevant to my consideration of whether disclosure of the personal information is in the public interest. Specifically, I have considered the extent to which the disclosure would promote the objects of the FOI Act.

Weighed against this, I have considered whether release of the information could reasonably be expected to prejudice the individual's right to privacy.

I do not consider it is in the public interest to specifically identify the Defence employee, especially where there is a risk that, in undertaking their duties, they may face threats or targeted complaints and correspondence from external parties in their lives away from work.

I consider there is a significant public interest in protecting the Defence employee from unreasonable interferences to their privacy and allowing them to undertake their duties safely and efficiently.

Further, I do not consider that disclosure of the individual's personal information in this context would further promote the objects of the FOI Act generally or inform debate or effective oversight of public importance.

I have not considered any irrelevant considerations identified in subsections 11B(4) of the FOI Act.

I find that the relevant public interest factors in favour of disclosure are outweighed by the public interest facts against disclosure because the individual has a right to privacy which should be upheld in this instance.

Given the above, I am satisfied that some the information contained in the relevant documents that fall within scope of your request is exempt under section 47F of the FOI Act.

SCHEDULE OF DOCUMENTS

James Smith (Right to Know) – 2024/1448

Doc	Pages	Description	Decision	Exemption
1	1 - 2	Defence document	Access refused	s37 – affect law enforcement
2	3 - 5	Defence document	Access refused	s37 – affect law enforcement
3	6 - 16	Defence document	Access refused	s37 – affect law enforcement
4	17 - 20	Notification	Access refused	s37 – affect law enforcement
5	21 - 22	Email correspondence	Access refused	s37 – affect law enforcement
6	23 - 27	Notice	Partial access	s22 – staff details s47E(c) – management or assessment of personnel s47E(d) – operations of an agency
7	28 - 47	Email correspondence	Access refused	s47E(c) – management or assessment of personnel
8	48 - 69	Email correspondence	Access refused	s47E(c) – management or assessment of personnel
9	70 - 91	Email correspondence	Access refused	s47E(c) – management or assessment of personnel
10	92 - 112	Email correspondence	Access refused	s47E(c) – management or assessment of personnel
11	113 - 117	Email correspondence	Access refused	s47E(c) – management or assessment of personnel
12	118 - 119	Email correspondence	Access refused	s47E(c) – management or assessment of personnel
13	120 - 127	Email correspondence	Access refused	s47E(c) – management or assessment of personnel
14	128 - 129	Email correspondence	Access refused	s47E(c) – management or assessment of personnel
15	130 - 131	Email correspondence	Access refused	s47E(c) – management or assessment of personnel

16	132 - 142	Report	Access refused	s37 – affect law enforcement
17	143 - 148	Report	Access refused	s37 – affect law enforcement
18	149 - 154	Report	Access refused	s37 – affect law enforcement
19	155 - 160	Report	Access refused	s37 – affect law enforcement
20	161 - 166	Report	Access refused	s37 – affect law enforcement
21	167 - 172	Report	Access refused	s37 – affect law enforcement
22	173 - 178	Report	Access refused	s37 – affect law enforcement
23	179 - 184	Report	Access refused	s37 – affect law enforcement
24	185 - 190	Report	Access refused	s37 – affect law enforcement
25	191 - 196	Report	Access refused	s37 – affect law enforcement
26	197 - 202	Report	Access refused	s37 – affect law enforcement
27	203 - 208	Report	Access refused	s37 – affect law enforcement
28	209 - 214	Report	Access refused	s37 – affect law enforcement
29	215 - 220	Report	Access refused	s37 – affect law enforcement
30	221 - 226	Report	Access refused	s37 – affect law enforcement
31	227 - 232	Report	Access refused	s37 – affect law enforcement
32	233 - 238	Report	Access refused	s37 – affect law enforcement
33	239 - 244	Report	Access refused	s37 – affect law enforcement
34	245 - 250	Report	Access refused	s37 – affect law enforcement
35	251 - 256	Report	Access refused	s37 – affect law enforcement
36	257 - 262	Report	Access refused	s37 – affect law enforcement
37	263 - 267	Report	Access refused	s37 – affect law enforcement
38	268 - 273	Report	Access refused	s37 – affect law enforcement
39	274 - 279	Report	Access refused	s37 – affect law enforcement
40	280 - 285	Report	Access refused	s37 – affect law enforcement

41	286 - 290	Report	Access refused	s37 – affect law enforcement
42	291 - 296	Report	Access refused	s37 – affect law enforcement
43	297 - 301	Report	Access refused	s37 – affect law enforcement
44	302 - 306	Report	Access refused	s37 – affect law enforcement
45	307 - 311	Report	Access refused	s37 – affect law enforcement
46	312 - 316	Report	Access refused	s37 – affect law enforcement
47	317 - 321	Report	Access refused	s37 – affect law enforcement
48	322 - 326	Report	Access refused	s37 – affect law enforcement
49	327 - 331	Report	Access refused	s37 – affect law enforcement
50	332 - 336	Report	Access refused	s37 – affect law enforcement
51	337 - 341	Report	Access refused	s37 – affect law enforcement
52	342 - 346	Report	Access refused	s37 – affect law enforcement
53	347 - 352	Report	Access refused	s37 – affect law enforcement
54	353 - 358	Report	Access refused	s37 – affect law enforcement
55	359 - 364	Report	Access refused	s37 – affect law enforcement
56	365 - 370	Report	Access refused	s37 – affect law enforcement
57	371 - 376	Report	Access refused	s37 – affect law enforcement
58	377 - 382	Report	Access refused	s37 – affect law enforcement
59	383 - 388	Report	Access refused	s37 – affect law enforcement
60	389 - 394	Report	Access refused	s37 – affect law enforcement
61	395 - 400	Report	Access refused	s37 – affect law enforcement
62	401 - 406	Report	Access refused	s37 – affect law enforcement
63	407 - 412	Report	Access refused	s37 – affect law enforcement
64	413 - 418	Report	Access refused	s37 – affect law enforcement
65	419 - 424	Report	Access refused	s37 – affect law enforcement

66	425 - 430	Report	Access refused	s37 – affect law enforcement
67	431 - 436	Report	Access refused	s37 – affect law enforcement
68	437 - 442	Report	Access refused	s37 – affect law enforcement
69	443 - 448	Report	Access refused	s37 – affect law enforcement
70	449 - 453	Report	Access refused	s37 – affect law enforcement
71	454 - 459	Report	Access refused	s37 – affect law enforcement
72	460 - 465	Report	Access refused	s37 – affect law enforcement
73	466 - 470	Report	Access refused	s37 – affect law enforcement
74	471 - 475	Report	Access refused	s37 – affect law enforcement
75	476 - 480	Report	Access refused	s37 – affect law enforcement
76	481 - 486	Report	Access refused	s37 – affect law enforcement
77	487 - 492	Report	Access refused	s37 – affect law enforcement
78	493 - 497	Report	Access refused	s37 – affect law enforcement
79	498 - 502	Report	Access refused	s37 – affect law enforcement
80	503 - 507	Report	Access refused	s37 – affect law enforcement
81	508 - 512	Report	Access refused	s37 – affect law enforcement
82	513 - 517	Report	Access refused	s37 – affect law enforcement
83	518 - 536	Defence document	Access refused	s37 – affect law enforcement
84	537 - 538	Report	Access refused	s37 – affect law enforcement
85	539 - 542	Response	Access refused	s37 – affect law enforcement
86	543 - 553	Response	Access refused	s37 – affect law enforcement
87	554 - 561	Report	Access refused	s37 – affect law enforcement
88	562 - 572	Report	Access refused	s37 – affect law enforcement
89	573 - 584	Report	Access refused	s37 – affect law enforcement
90	585 - 589	Report	Access refused	s37 – affect law enforcement

91	590 - 595	Report	Access refused	s37 – affect law enforcement
92	596 - 612	Report	Access refused	s37 – affect law enforcement
93	613 - 620	Report	Access refused	s37 – affect law enforcement
94	621 - 624	Notice	Access refused	s37 – affect law enforcement
95	625 - 628	Notice	Access refused	s37 – affect law enforcement
96	629 - 632	Notice	Access refused	s37 – affect law enforcement
97	633 - 636	Notice	Access refused	s37 – affect law enforcement
98	637 - 640	Notice	Access refused	s37 – affect law enforcement
99	641 - 644	Notice	Access refused	s37 – affect law enforcement
100	645 - 649	Notice	Access refused	s37 – affect law enforcement
101	650 - 653	Notice	Access refused	s37 – affect law enforcement
102	654 - 657	Notice	Access refused	s37 – affect law enforcement
103	658 - 661	Notice	Access refused	s37 – affect law enforcement
104	662 - 665	Notice	Access refused	s37 – affect law enforcement
105	666 - 670	Notice	Access refused	s37 – affect law enforcement
106	671 - 674	Notice	Access refused	s37 – affect law enforcement
107	675 - 678	Notice	Access refused	s37 – affect law enforcement
108	679 - 682	Notice	Access refused	s37 – affect law enforcement
109	683 - 686	Notice	Access refused	s37 – affect law enforcement
110	687 - 690	Notice	Access refused	s37 – affect law enforcement
111	691 - 694	Notice	Access refused	s37 – affect law enforcement
112	695 - 698	Notice	Access refused	s37 – affect law enforcement
113	699 - 702	Notice	Access refused	s37 – affect law enforcement
114	703 - 706	Notice	Access refused	s37 – affect law enforcement
115	707 - 708	Email correspondence	Access refused	s37 – affect law enforcement

116	709 - 714	Email correspondence	Access refused	s37 – affect law enforcement
117	715 - 726	Email correspondence	Access refused	s37 – affect law enforcement
118	727 - 728	Email correspondence	Access refused	s37 – affect law enforcement
119	729	Email correspondence	Access refused	s37 – affect law enforcement
120	730 - 734	Email correspondence	Access refused	s37 – affect law enforcement
121	735	Image	Partial access	s47F – personal information
122 - 126	Protected (63 pages in total)	Defence documents	N/A	N/A



INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Application for review of decision

The *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for a review of this decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of this decision by:

- (i) an internal review officer within Comcare; or
- (ii) the Information Commissioner.

Internal Review

If you apply for internal review, it will be carried out by a different decision-maker who will make a fresh decision on your application. An application for review must be:

- made in writing;
- made within 30 days of receiving this letter; and
- sent to the postal or email address shown in this letter.

No particular form is required, but it is desirable to set out in the application the grounds upon which you consider the decision should be reviewed.

If the internal review officer decides not to grant you access to all of the documents to which you have requested access, you have the right to seek a review of that decision by the Information Commissioner. You will be further notified of your rights of review at the time you are notified of the internal review decision.

Please note that if you apply for an internal review and a decision is not made by an internal review officer within 30 days of receiving the application, you have the right to seek review by the Information Commissioner for a review of the original FOI decision on the basis of a 'deemed refusal' decision. An application for Information Commissioner review in this situation must be made within 60 days of the date when the internal review decision should have been made (provided an extension of time has not been granted or agreed).

Information Commissioner review

You must apply in writing within 60 days of the receipt of the decision letter and you can lodge your application in one of the following ways:

- Online: www.oaic.gov.au
Post: GPO Box 5218, Sydney NSW 2001
Email: enquiries@oaic.gov.au



Australian Government

Comcare

If a person has sought an internal review and no result of that review is provided within 30 days, then the applicant may apply to the Information Commissioner to review the matter.

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Information Commissioner or the Commonwealth Ombudsman

You may complain to either the Commonwealth Ombudsman or the Australian Information Commissioner about action taken by Comcare in relation to your request. The Ombudsman will consult with the Australian Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone: 1300 362 072 (local call charge)
Email: ombudsman@ombudsman.gov.au

Your enquiries to the Australian Information Commissioner can be directed to:

Phone: 1300 363 992 (local call charge)
Email: enquiries@oaic.gov.au

No particular form is required to make a complaint to the Ombudsman or the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify Comcare as the relevant agency.