



30 January 2025

Our reference: 2024/2724

Glenn Hamiltonshire / Right to Know

By email only: [foi+request-12426-6962b9d3@righttoknow.org.au](mailto:foi+request-12426-6962b9d3@righttoknow.org.au)

Dear Mr Hamiltonshire,

### **Freedom of Information Request – Decision**

I refer to your email dated 1 December 2024, making a request under the *Freedom of Information Act 1982 (FOI Act)* for access to:

*'I request access to the Style Guides/Brand Guides/Writing Guides currently used for the Seafarers Safety, Rehabilitation and Compensation Authority'*

#### **My FOI decision**

I have decided to refuse access to your request under section 24A of the FOI Act, on the basis that all reasonable steps have been taken to locate the documents and I am satisfied they do not exist. Please see **Attachment A** for the reasons behind this decision.

#### **Publicly available documents**

Following searches undertaken by the Seacare Authority and Comcare, who provide administrative supports to the Seacare Authority, the only documents identified as relevant to your request are publicly available guides issued for the whole of the Federal Government. These documents are as follows:

- **Australian Government Style Manual:** [Australian Government Style Manual](#)
- **Australian Government Branding Guidelines:** [Australian Government Branding Guidelines | PM&C](#)
- **Government Writing Handbook:** [Government writing handbook \[PDF\]](#)

#### **Review rights**

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

## Contacts

Should you require clarification of any matter discussed in this letter, please contact the Secretariat by email at [Seacare@comcare.gov.au](mailto:Seacare@comcare.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Barry Sherriff', written in a cursive style.

o.b.o Barry Sherriff  
Chairperson  
Seacare Authority

## REASONS FOR DECISION

### What I considered

In reaching my decision I have considered:

- your request dated 1 December 2024;
- searches for the documents that would fall within the scope of your request;
- consultations with Comcare officers about:
  - the nature of the documents, should they exist;
  - Seacare and Comcare's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**); and
- the FOI Act.

### My decision

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

#### *Relevant law and Guidelines – Section 24A*

Section 24A of the FOI Act provides that:

- (1) An agency or Minister may refuse a request for access to a document if:
  - (a) all reasonable steps have been taken to find the document; and
  - (b) the agency or Minister is satisfied that the document:
    - (i) is in the agency's or Minister's possession but cannot be found; or
    - (ii) does not exist.

Whilst the FOI Act is silent on what constitutes 'all reasonable steps' in s 24A(1)(a), paragraphs 3.88 and 3.89 of the FOI Guidelines relevantly provides:

*[3.88] ... The meaning of 'reasonable' in the context of s 24A(1)(a) has been construed as not going beyond the limit assigned by reason, not extravagant or excessive, moderate and of such an amount, size or number as is judged to be appropriate or suitable to the circumstances or purpose.*

*[3.89] Agencies and ministers should undertake a reasonable search on a flexible and common-sense interpretation of the terms of the request. What constitutes a reasonable search will depend on the circumstances of each request and will be influenced by the normal business practices in the agency's operating environment or the minister's office. At a minimum, an agency or minister should take comprehensive steps to locate documents, having regard to:*

- *the subject matter of the documents,*

- *the current and past file management systems and the practice of destruction or removal of documents,*
- *the record management systems in place,*
- *the individuals within an agency or minister's office who may be able to assist with the location of documents, and*
- *the age of the documents.*

#### *Application of section 24A to your matter*

Searches to locate any relevant documents were undertaken by Comcare's Secretariat and Scheme Support Services and Comcare's Marketing and Communications team. Comcare's Secretariat and Scheme Support Services provide administrative support to the Seacare Authority, while Comcare's Marketing and Communications team are responsible for all branding and writing guides for Comcare. I am accordingly satisfied that these two areas were well-placed to advise on the existence of any documents falling within the scope of your request.

Both business areas were unable to identify any documents that fall within the scope of your request that are specific to the Seacare Authority. They did, however, helpfully provide the details of the publicly available Australian Government guides which are linked on the first page of this decision.

#### *Conclusion*

On the basis of these searches, I am satisfied that in accordance with section 24A of the FOI Act:

1. all reasonable steps have been taken to find the documents; and
2. the documents do not exist.

## 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](http://www.oaic.gov.au)  
Post: GPO Box 5218, Sydney NSW 2001  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

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](http://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](mailto: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](mailto: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.

