Australian Government
Comcare

12 October 2026

Our Ref: SOID14083

Ms Jessica Stunden
By email: jessicastunden@gmail.com

Dear Ms Stunden

Decision on your Freedom of Information Request

I refer to your correspondence of 15 September 2026, seeking access under the *Freedom of Information Act 1982* (the FOI Act) to:

> *"I make this application for the purposes of the Freedom of Information Act 1982.*
>
> *I request access to documents held by Comcare recording or comprising any notification, report, disclosure or other communication received from Services Australia concerning my hospitalisation or the associated psychological health incident on or about each of the following dates:*
> - *17 December 2024;*
> - *1 May 2025; and*
> - *6 May 2025.*
>
> *The purpose of this request is to establish whether Services Australia, as an organisation, notified or otherwise reported any of these hospitalisations or associated incidents to Comcare.*
>
> *The requested documents include, to the extent they exist:*
> - *incident notifications submitted under sections 35–38 of the Work Health and Safety Act 2011;*
> - *online or written incident-notification forms;*
> - *telephone notification records;*
> - *emails, letters and attachments received from Services Australia;*
> - *entries in Comcare's incident-notification or regulatory databases;*
> - *file notes or records of contact;*
> - *acknowledgments, notification reference numbers or case numbers issued by Comcare; and*
> - *communications from Services Australia seeking advice about whether any of these incidents was notifiable.*
>
> *The scope is limited to records of communications made by Services Australia to Comcare. I do not seek information identifying which individual employee or officer made a communication on behalf of Services Australia. I consent to the redaction of individual officers' names, direct contact details and other personal information where those details are not necessary to establish whether Services Australia made the communication."*

GPO BOX 9905
CANBERRA ACT 2601
P 1300 366 979

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Summary of Decision

I am an authorised decision-maker under section 23 of the FOI Act. This letter sets out my decision on your request for access.

I have decidied to refuse your request for access under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied that they cannot be located or do not exisit.

Please see **Attachment A** for the resasons behind my decision.

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.

Further assistance

Should you require clarification of any matter discussed in this letter, please contact me by email at foi@comcare.gov.au.

Yours sincerely,

Antonia
Statutory Oversight Officer
Legal Group
Comcare

Attachment A

REASONS FOR DECISION

I have considered the following in making my decision:

Information Considered

In reaching my decision I have considered:

- your original request dated 15 September 2026;
- the documents that fall within the scope of your request;
- consultations with departmental officers about:
  - the nature of the documents;
  - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**);
- the FOI Act.

Reasons for my decisions

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

Relevant law and Guidelines

Section 24A of the FOI Act

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 construes 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 minister 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, and*
- *the individuals within an agency or minister's office who may be able to assist with the location of the documents.*

Application of section 24A to your request

I contacted the Regulatory Operations team within our Regulatory Operations Group (ROG) to undertake searches for documents relevant to your request as they are responsible for undertaking any such investigations, and I am therefore satisfied that they are the correct business area to identify any documents that fall within the scope of your request.

ROG have advised that they have conducted searches for WHS concerns, Persons involved – by persons name (including alternative spelling), the dates provided, Services Australia as the PCBU and location (QLD). ROG have adivsed that based on these searches no results have been found.

Based on the above, 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 cannot be located or does not exist.

Attachment B

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

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.