



Australian Government

Comcare

5 June 2023

Our reference: 2023/1250

Bertha Binderschmitt

Email: foi+request-10119-d13b2ae7@righttoknow.org.au

Dear Ms Binderschmitt,

Your FOI Request – Decision letter

I refer to your email dated 6 May 2023, making a request under the *Freedom of Information Act 1982 (FOI Act)* in the following terms:

I recently came across a concerning article published today in the Canberra Times titled "Disability regulator put on notice by Comcare", which details the issues faced by the NDIS Quality and Safeguards Commission in terms of workload and safety. The full article can be accessed here: <https://www.canberratimes.com.au/story/8184632/ndis-regulator-put-on-notice-by-comcare-over-workplace-safety/>

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In light of the recent developments mentioned in the article, I would like to request the addition of the following documents to my FOI application:

- 1. A copy of the issued improvement notice (PIN).*
- 2. The email from the NDIS Quality and Safeguards Commission requesting an internal review, including the reasons for the request.*

My decision

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

Comcare holds two documents (totalling 22 pages) that relate to your request. I have decided to grant you **full access** to the documents.

A schedule of documents is at **Attachment A**.

Review rights

If you are not satisfied with this decision, you are entitled to seek review. Your review rights are set out at **Attachment B** to this notice.

Further assistance

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

Yours sincerely,

Sam
Authorised FOI Decision-maker
Statutory Oversight Team

SCHEDULE OF DOCUMENTS

2023/1250 – Bertha Binderschmitt / Right to Know

Doc No.	Pages	Date	Description	Decision	Exemption
1.	1 - 5	21 April 2023	Improvement Notice from Comcare's Regulatory Operations Group to the NDIS Quality and Safeguards Commission	Full Access	N/A
2.	6 – 22	1 May 2023	Application for Internal Review of Improvement Notice, including attachments	Full Access	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
mail: 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.