



**Australian Government**  
**Safety, Rehabilitation and Compensation Commission**

GPO Box 9905  
Canberra ACT 2601  
Tel: 1300 366 979

30 November 2016

Mr Ben Fairless  
Right to Know

**By email:** [foi+request-2670-c5d6e654@righttoknow.org.au](mailto:foi+request-2670-c5d6e654@righttoknow.org.au)

Dear Mr Fairless

**Freedom of Information Request (2016/10810) – Notice of Decision**

I refer to your email of 2 November 2016 seeking access under the *Freedom of Information Act 1982* (FOI Act) to:

- *'...a copy of the current (Safety, Rehabilitation and Compensation Commission) FOI Delegations, and any related directions issued in respect of FOI'.*

**Searches**

A thorough search has been undertaken for the requested documents. No delegations under the FOI Act by the Commission, or related directions, have been located.

**Decision**

The Safety, Rehabilitation and Compensation Commission (the Commission) does not hold any documents relevant to your request. These documents are therefore deemed 'not to exist' and I am required to 'refuse' your request under section 24A of the FOI Act, which relevantly provides:

**S24A** *Requests may be refused if documents cannot be found, do not exist or have not been received;*

*Document lost or non-existent*

*(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.*

**Review rights**

Should you not be satisfied with this decision, there are rights of review open to you. Please see [Attachment A](#) to this notice for a copy of the review rights.

**Contact**

Should you require clarification of any matter raised in this notice, please contact the Commission Secretariat in writing at [secretariat@comcare.gov.au](mailto:secretariat@comcare.gov.au) or by post.

Yours sincerely

Barry Sherriff  
Chairperson

Attachment

A. Review rights

## **Review rights**

If you are dissatisfied with this decision, there are rights of review available to you. Firstly, under section 54 of the FOI Act, you may apply to the Commission for an internal review of the decision. Your application must be made by whichever date is the later between:

- 30 days of your receiving this decision notice; or
- 15 days of your receiving the documents to which you have been granted access

An internal review will be conducted by a person other than the original decision-maker. No particular form is required to apply for internal review. An application for an internal review of the decision may be emailed to: [secretariat@comcare.gov.au](mailto:secretariat@comcare.gov.au), or addressed to:

Freedom of Information  
Safety, Rehabilitation and Compensation Commission  
GPO Box 9905  
CANBERRA ACT 2601

An internal review is the preferred first option. Should you not be satisfied with the internal review decision, you may apply to the Office of the Australian Information Commissioner (OAIC) for an Information Commissioner Review (IC Review) of the internal review decision.

## **Review by the Office of the Australian Information Commissioner**

Alternatively, under section 54L of the FOI Act, you may seek review of this decision by the Information Commissioner without first going to internal review. Your application must be made within 60 days of receiving this notice.

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. Further information is available on the OAIC website [www.oaic.gov.au](http://www.oaic.gov.au).

Information on applying for an IC Review may be found at <https://www.oaic.gov.au/freedom-of-information/foi-review-process>. Alternatively, you may enquire to the OAIC by email to [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) or by telephone to 1300 363 992.

## **Complaints to the Australian Information Commissioner**

You may lodge a complaint with the Information Commissioner about any action taken by the Commission in relation to your request. Please note that the Information Commissioner may decide not to investigate a matter as a complaint if the alternative of IC Review is available. There is no particular form required to make a complaint to the Information Commissioner, but the request must be in writing and should set out the grounds for investigation and identify the Commission as the relevant agency.

Information on making a complaint to the Information Commissioner is available at: <https://www.oaic.gov.au/freedom-of-information/foi-complaints>. Alternatively, you may enquire to the OAIC by email to [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) or by telephone to 1300 363 992.