



Australian Government
Australian Public Service Commission

Dr Rachel Bacon
Deputy Commissioner

LEX 1719

Senator Karen Grogan
Chair
Senate Finance and Public Administration Legislation Committee
Parliament House
Canberra ACT 2600
Sent by email: FPA.SEN@aph.gov.au
CC: Briefs@apsc.gov.au

Dear Chair

Following allegations raised by Senator David Pocock that the APSC was “potentially misleading the Senate” (page 43 of Hansard Tuesday 2 December 2025), I am writing to provide additional information and context in relation to the evidence provided by the Australian Public Service Commission (APSC) at the Supplementary Budget Estimates session on 2 December 2025.

As I said in my evidence to the Committee on 2 December, the APSC and the APS Commissioner reject any suggestion that the APSC has misled the Senate. We take our obligations to provide accurate information to the Senate extremely seriously. The APSC’s evidence was to inform the Senate about the impact on APS workplaces, and particularly on staff processing FOI applications, of behaviours related to FOI applicants.

The health and wellbeing of APS staff is important, as it demonstrably affects staff engagement, productivity, psychological safety, and retention. This is linked to the Commissioner’s functions of “*strengthening professionalism in the APS*”, “*continuous improvement in workforce management in the APS*,” and “*promoting high standards of...effectiveness and performance*”.

The APSC has observed and experienced the psychosocial risks faced by FOI teams. In July 2024, the APSC sought case studies from other agencies of behaviours by FOI applicants that presented a work health and safety risk to staff engaged in FOI request processing. The case studies demonstrate through practical examples the types of risks that FOI processing staff face, while the FOI scheme lacks mechanisms to enable agencies to protect their staff from psychological harm, consistent with requirements under the work, health and safety laws.

The FOI Act requires agencies to process FOI applications within specified timeframes, and FOI staff are bound to act in accordance with the APS Code of Conduct. However FOI applicants are not required to conform to any norms of acceptable behaviour.

As part of preparations for an appearance before the Legal and Constitutional Affairs Legislation Committee inquiry into the Freedom of Information Amendment Bill 2025 on 17 October 2025, the APSC prepared a document (Attachment A – attached) comprising extracts from the de-identified case studies provided by senior Commonwealth officials. Attachment A was provided in response to a Question on Notice from Senator Pocock following the APSC’s appearance at the Committee.

In December 2025, the APSC requested and received a copy of the source email from Comcare for the purpose of clarifying its evidence to the Senate (Attachment B – attached). The email contains redactions to protect the privacy of individuals, and the relevant lines read to the Committee are on page 4 of Attachment B and page 5 of Attachment A:

“Just because your feelings are hurt doesn't absolve you of your legislated obligations. I could (not that I would do this, this is not a threat I would not do this, I'm just trying to explain the concept) come around and stab any one of you, and you would still have to action my claim as per the legislation. Being offended, or getting stabbed or anything like this is not a reason to fail to perform your duties.”

The APSC makes the following comments:

- The paragraph that contains the passage that was read during the Inquiry includes reference to FOI requests and the FOI Act. It is reasonable that Comcare identified it as being related to FOI and the APSC agrees with that assessment, now having access to the original email.
- The email was directed to a member of Comcare’s Statutory Oversight team among other recipients, and was made in the context of a complaint about Comcare. The Statutory Oversight team is responsible for all of Comcare’s FOI processing. The officer named by the author of the email is an FOI officer.
- The email includes express reference to making FOI applications and the obligation of agencies to process FOI requests regardless of an applicant’s behaviour.
- The APSC agrees with Comcare’s assessment that this email impacted on their team and related to psychosocial hazards in FOI request processing.
- Comcare has advised the APSC that it is common for Comcare claimants to raise issues with Comcare’s Statutory Oversight team that are directed to multiple areas, and cover multiple issues, including FOI.
- In this case, the email the APSC has referred to in its evidence to the Committee was sent to the Comcare team that processes FOI requests and refers to FOI processing under the FOI Act.

The APSC does not accept that any level of frustration with any process or service should result in a threat of violence or abuse toward staff. The risks staff face are not remote, are increasing in intensity, and are creating significant challenges for agencies in managing their statutory functions

while also supporting the health and safety of their staff. The APSC continues to work closely with Comcare who shares these concerns.

We hope that this additional information is of assistance to the Committee and the Senate.

Yours sincerely



Dr Rachel Bacon
17 December 2025

Enclosed:

Attachment A – Response to QON provided to Legal and Constitutional Affairs Legislation Committee inquiry into the Freedom of Information Amendment Bill 2025

Attachment B – Email_Redacted

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE
ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet
October 2025

Department/Agency: Australian Public Service Commission
Inquiry: Freedom of Information Amendment Bill 2025
Topic: APSC Submission

Senator: Senator David Pocock
Question reference number: N/A
Type of question: Written
Date set by the committee for the return of answer: Friday, 24 October 2025

Number of pages: 2

Question:

Thank you for your appearance at the Legal and Constitutional Affairs Legislation Committee's public hearing into the Freedom of Information Amendment Bill 2025.

Senator David Pocock has placed the following written questions on notice to the Commission:

1. Both the Shergold and Thodey reviews suggested any change of the kind your submission supports should follow a comprehensive inquiry into FOI. Do you agree with that position? If not, why?
2. How do you view the Thodey Review's broader recommendations and the Robodebt Royal Commission's findings about appointment and tenure systems driving subservience? Are these not the real causes of reluctance to give frank and fearless advice?
3. When did you first become aware of the amendments contained in the FOI Amendment Bill? Were you informed by AGD or PM&C?
4. Your submission quotes observations by David Thodey and Peter Shergold about FOI's impact on frank and fearless advice. What evidence supports preferring their views over those of Allan Hawke and Andrew Podger, who have argued differently?
5. Since 1 May 2022, how many code of conduct investigations have there been into SES regarding not providing frank and fearless advice?
6. At 14:05:30 of the hearing (https://www.aph.gov.au/News_and_Events/Watch_Read_Listen/ParlView/video/3984386?startTime=11725), Ms McIntyre read out a quote from an email. I have been sent a copy of that email. Please provide the email for the benefit of the committee.

Answer:

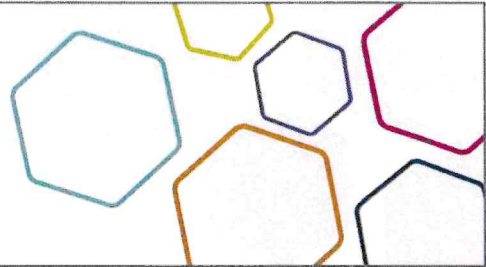
1. Whether to conduct an inquiry is a matter for government.

2. The Shergold and Thodey reviews contain observations of unintended negative consequences on actual transparency, integrity and record keeping (refer *Independent Review of the APS, 'Our Public Service Our Future'*, led by David Thodey AO, 2019, page 24, page 121; *Learning from Failure: Why large government policy initiatives have gone so badly wrong in the past and how the chances of success in the future can be improved*, led by Professor Peter Shergold AC, 2015). The APSC brings this material to the attention of the Parliament to assist with its consideration of the Bill.
3. The Attorney-General's Department engaged with the APSC in June 2025 in respect of the *Freedom of Information Amendment Bill 2025*.
4. The evidence the APSC provides is to assist the Parliament in its consideration of the Bill. The APSC's evidence by reference to the Shergold and Thodey reviews is focused on the proposed amendment to the deliberative exemption.
5. Departments and agencies are each responsible for their own code of conduct investigations, including investigations into SES staff.

The APS Commissioner's functions in this regard are limited. In the Commissioner's functions case load since 1 May 2022, 8 SES officers were alleged in Notices of Suspected Breach to have failed to provide frank advice or provided misleading advice that was alleged to breach the Code with respect to the APS Value, Impartial (section 10(5) of the Act).

In relation to the APSC as an agency, there are no records of code of conduct investigations of this type.

6. The APSC is not in possession of a copy of the email. The document that Ms McIntyre read contains a quote. This document is attached.



Attachment A – examples

Behaviours:

- Sending repeated emails to Agency staff of an inappropriate and harassing nature, including communication which has contained sexually explicit allegations;
- Posting personal information, including photographs, of Agency staff and their children on a publicly available blog, in posts that appear to be designed to distress and 'dox' them;
- Seeking out family members of Agency staff on social media; and
- Threatening to, and actually attending, Agency events, and Agency offices;
- Partner of a staff member found threatening notes in their private residence letterbox. These notes identified that the writer was aware that there were children in the staff member's family
- A staff member received call from an FOI applicant who claimed that the staff member, and the processing of the FOI request, has caused the applicant to become suicidal. The applicant proceeded to ask the officer whether they 'wanted him to kill himself' repeatedly.
- Online stalking staff members and raising aspects of their private lives in future requests

Use of names

- After making an FOI request, and receiving the Agency's standard acknowledgement (containing the first name of the FOI Coordinator, and the team standard signature block, including a contact number) an FOI applicant used the signature block to send doctored emails to a large number of recipients including various Commonwealth and State agencies, and media outlets making it appear as though the Agency (and specifically the named FOI Coordinator) was endorsing the individuals' complaint, and instructing other entities to take action in response. The named staff member

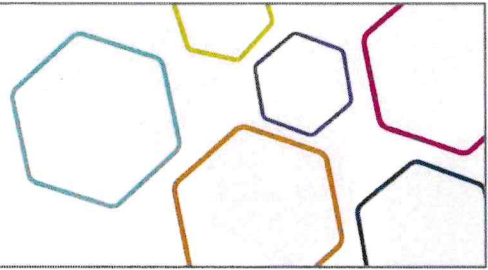


received a number of calls from recipients of the doctored email, asking questions about the 'tasking' causing unnecessary stress and anxiety

- FOI team employees have received correspondence from the Applicant direct to their individual email account or addressed to them using their last names where they have never been provided in a manner designed to intimidate the FOI officer
- Searching for details of an Agency staff members' previous employment on the internet and through Australian Public Service gazette and then submitting an FOI request for documents relating to their job application
- Applicant has proceeded to submit further access requests and make privacy complaints that specifically name and target Agency employees who have been involved with matters. Specifically named and targeted Agency employees in approximately 70 access actions
- Stalking staff on social media platforms and undertaking extensive internet searching to find information decades old on the internet about staff members;
- Using metadata in documents to send emails direct to staff where they have not provided their last name
- Release of Agency staff member's name into the public, the staff member became the target of hate emails. This resulted in the staff member's personal information being published on websites, including a partially pixelated photo of the staff member, address and Google maps images of their home. As a result, security assessments of the home were undertaken, the staff member, partner and children were briefed by the Australian Federal Police and a security system with a back-to-base alarm was installed in their home. Further investigations were conducted in relation to the pixelated photo published on the website, revealing it was a photo of the staff member and children on a family holiday

Making anonymous/ pseudonymous requests

- Have lodged FOI requests using names of FOI officers or their family members (including deceased family members)

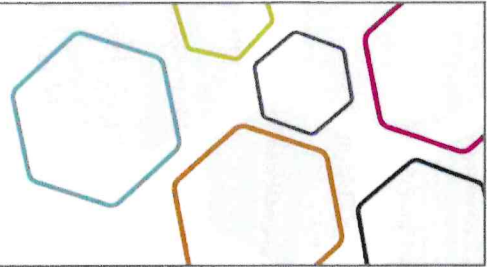


Threats

- *"I now have the name of one of your hateful practitioners and with this, Agency can no longer protect these individuals from accountability"*
- *"You on the other hand have a lot to lose, therefore I recommend that you start preparing";*
- *"The reality is, I can personally name every bloody individual without risk of defamation or any other undesirable consequence."*

Harassing statements:

- *"Just because your feelings are hurt doesn't absolve you of your legislated obligations. I could (not that I would do this, this is not a threat I would not do this, I'm just trying to explain the concept) come around and stab any one of you, and you would still have to action my claim as per the legislation. Being offended, or getting stabbed or anything like this is not a reason to fail to perform your duties."*
- *"What you are doing here is attempting to play silly games with me. Do you really want to start playing games with me? I would not advise it, but if you want to play games with me, I can do something like make the scope 1 week, and then put in 12 FOI requests all 1 single week each, and you are forced to treat each FOI separately as each covers a different date range. There is no limit to the number of FOI requests I can put in, so if you want to start playing games with me then continue down this path that you are heading and games we shall play. You will be constantly fulfilling FOI requests from me, for the rest of your life, if you want to start playing games with me"*
- *"your reasons are self-serving unsubstantiated assertions"*
- *"It is plain stupid of you..."*
- *"Your sheer disregard to these statutory provisions also warrants your sacking"*
- *"I will not be intimidated by a dud public servant..."*



- *"...you are another failed lawyer who could not practice the profession but took sanctuary at the Australian public service as an easy way out"*
- *"...a classic case of dud leading duds or the blind leading the blind"*
- *"Please pass on my very best regards to your Head Clinical Panel Gimp..."*
- *"I ask that the OAIC review this performance for what it is, and it is the work of a malicious twit employed by Agency FOI".*

Insults (profanity)

- *"If you don't like the way I am communicating with you, then go and bitch to the AFP"*
- *"I will not accept any further Bullshit from you bunch of dickheads",*
- *"...give me the fucking documents sought without any of the FOI Bullshit";*
- *"Thanks Shitforbrains"*
- *And yes I say some rude things to you and I have zero concerns about it, you deserve it 100% you are a c*** and I stand by what I am saying to you.*
- *Fk my dog, you are so thick, I cannot believe it, I would get a better response sending emails addressed to a brick wall. What a dunce.*

Attachment B

From: PII - Personal Privacy
To: [General.Enquiries](#); [Feedback.Mailbox](#); PII - Personal Privacy PII - Personal Privacy
Subject: OVERPAYMENT
Date: Sunday, 30 July 2023 4:59:31 PM
Attachments: [image.png](#)
[ILLEGAL.pdf](#)
Importance: High

Hello,

Due to Comcare providing me with incorrect math, it is evident that the payment in April 2023 contained an **overpayment**.

As Comcare has claimed that $(\$866.42/5) * 2 = \495.10 , we can see once putting our thinking caps on and applying a bit of primary school mathematics, that this is an incorrect calculation. The answer is actually \$346.57. I alerted Comcare to the possibility of an overpayment when I stated I did not believe I should have been paid in that financial year. I did mention that I believed an overpayment had occurred. Comcare should have looked at the calculations and confirmed them the minute I raised an issue with them. Also, Comcare should have supplied me with the calculations so I could confirm/verify them myself and have them resolved before the end of the financial year. Comcare by taking inaction, brushing me aside and not taking my concerns seriously, has imposed negative tax consequences on me, because Comcare has paid me more than it was supposed to in that financial year.

But probably more concerning here is that I raised the possibility of an overpayment, and Comcare brushed away my concerns without checking the calculations first. If I state that I believe an overpayment has occurred, Comcare absolutely must take that concern seriously. In this case we can see that in April 2023, an overpayment occurred. Instead of the correct \$346.57 that the calculation correctly produces, Comcare somehow used a different type of math to the rest of the planet, and they paid me \$495.10 for that payment, so this is **IN FACT a \$148.53 overpayment**. Whether a new determination balances it or not at a later date is entirely irrelevant. **The fact is that in April 2023, I was overpaid an amount, I alerted Comcare that I believed an overpayment had occurred, and Comcare tried to shush me and tell me to go away there was no problem. Specifically** PII - Personal Privacy **is the main perpetrator in this failure because** PII - Person **is the one who told me on the phone that I was supposed to be paid that financial year and then dismissed my concerns henceforth. I told** PII - Person **that it was not possible, I stated that mathematically it is impossible for me to have been paid \$1,188.24 for any amount of days, but** PII - Person **did not take my concerns seriously. I have also put this in writing on many occasions since.**

Here you can see (the full email is attached as ILLEGAL.pdf) I raised the issue of a possible overpayment on the 8th May 2023, because no matter which way I ran the math, I could never tally up to the amount that was paid. To me it was therefore obvious that an overpayment had occurred, but you all proceeded to gaslight me and sweep away my

concerns:



If I raise the suspicion that an overpayment has occurred, is it appropriate that it takes me 3 months of fighting you'se to get the calculations that I need to verify if an overpayment has occurred? I only received these calculations on 26/7/23.... WHY? Why when I say I think an overpayment has happened do you ignore me, refuse to provide the working out so I can verify it and just gaslight me for months? it is because you have a personal vendetta against me, because I keep pointing out your failures obviously you are upset about being so incompetent that you take it out on me. How else can it be explained? 'Oh ^{PII - Personal Privacy} said some swears that upset us' does not explain this in any way. You cannot ignore an overpayment happened just because I typed some words that upset you.

I believe that a few individuals such as ^{PII - Personal Privacy}, ^{PII - Personal Privacy}, ^{PII - Personal Privacy} and ^{PII - Personal Privacy} have a personal vendetta against me, and they are deliberately sweeping any issues I raise under the rug because I hurt their feelings calling them useless and some things like this. But they are legitimately useless..... if you can't do math like $1+1=2$, and you fail to verify the sums when I raise an issue, what are you if not useless? It is factual what I am saying when I say they are useless, let's not beat around the bush here, if you cannot perform grade 3 math, or you are unwilling to do your job and verify sums when I raise a concern, you are useless, this is a demonstrable fact. What possible excuse can you have for such spectacular incompetence? I sent just the picture of that math ^{PII - Personal Privacy} and the title "Comcare Math", and ^{PII - Personal Privacy} wrote back "spectacular incompetence", and this I feel is a fair assessment of Comcare. **Spectacular incompetence.**

Equally alarming is that you never acknowledge your mistakes. You continue to hide from them, you try and sweep them under the rug but what are you achieving? You continue to do everything wrong. Literally everything that has been produced to me by Comcare in the year 2023 has been wrong.... do you think that is appropriate? And as someone said to me the other day when I was explaining all this, that person said to me "It is alarming that they are more concerned about the words you are writing to them, then the failures they are making". And it is exactly this, you are more concerned about me calling you useless than the fact that you are making so many errors, nobody can see you as anything but useless.

The fact of the matter is I tried to raise this overpayment with Comcare before the financial year had ended, and Comcare failed to take any action, and this will for sure be shown to the Ombudsman along with your other failures. And you'se continue to stick your head in the sand, you're not going to acknowledge or remedy this issue and even if you do it will be months/years down the track and another 3000 issues will have occurred in the meanwhile. Seriously, your incompetence is breeding continual incompetence, you are now at a level of incompetence that makes it impossible for anyone to reasonably think you can get anything right.

- You got the April determination wrong
- you also did an overpayment in April,
- You got the subsequent RoM (Reconsideration of Own Motion) that was supposed to fix the April determination wrong
- you missed paying me an entire week when you paid me in July,
- you also short changed me \$10 and had to make a follow up payment for that also
- you still to this date cannot issue me a pay slip that contains correct pay advice

The pay slip before me states that I have earned thousands of dollars more in YTD net earnings than I actually have. Whatever you need to do in the back end to fix your failures, I do not care about. If you need to raise fake overpayments to pay fake underpayments or any of these things, I'm not even clear what it is you are doing, but really I am not too bothered about it as long as the resulting outcome is a pay slip (and accompanying payment) that is accurate. You can calculate it any which way you like, but **do not mail me a pay slip that is wrong**. I care about getting a pay slip that contains ACCURATE pay advice on it, because I need to keep the pay slip in my records if I am audited etc. Is it normal for people to send out pay slips with incorrect pay advice? No it is not. If ^{PII - Personal Privacy} gave me a pay slip that was wrong, what would happen? Would ^{PII - Personal Privacy} take forever to fix the error and issue me a new pay slip? I know for a fact they would not. The payroll team would have it sorted same day, I know this because I have had pay issues resolved within the hour at ^{PII - Personal Privacy}. So here we are weeks later and Comcare has not even acknowledged the issue. I do not even know if I am going to get a new pay slip with correct pay advice on it???? And I have no way to contact Comcare and ask, because you are blocking me from doing so. I also have no way to call ^{PII - Perso} and ask, because they are also blocking me from doing so.

But anyway, I have asked time and time and time again to remove ^{PII - Personal Privacy} from managing my claim. It is difficult trying to get incompetence remedied ^{PII - Personal Privacy}, because you don't take any accountability for your mistakes, you just hide from them, **PII - Personal Privacy**. This is totally wrong. Who made the mathematical calculation error? Was it ^{PII - Perso} or was it ^{PII - Personal Privacy}? Nobody is owning up to the error, and nobody even seems to care about the error. It seems to be BAU at Comcare to just ignore such errors.... but this is literally an overpayment and for months now you have ignored it, to my frustration no less.

Also, Comcare staff should not be allowed to take their personal issues out on claimants. If I call 1 staff member useless, or say that they do not understand English so they need to take some lessons or whatever (I genuinely believe that ^{PII - Personal Privacy} struggles with english, I ask a question and instead of answering the question ^{PII - Person} repeats the question back to me.... this is indicative of someone who does not understand english), that should not give them the right to launch a hostile campaign against me. ^{PII - Personal Privacy} is even stopping me from accessing my inalienable rights. Make no mistake about it, under the Freedom of

Information Act 1982, I have the right to make FOI requests to a Government Agency. The latest "service restriction" that ^{PII - Personal Privacy} has imposed on me, strips me of my right to make a Freedom of Information request. According to ^{PII - Personal Privacy} Comcare will not engage with me and any email I send will be filed without reading it/actioning it. THIS MEANS THAT IF I MAKE A LAWFUL FOI REQUEST, COMCARE WILL ILEGALLY REFUSE IT BY NOT ACTIONING IT. I do not believe that just because I hurt ^{PII - Personal Privacy} feelings, I should have my inalienable rights stripped from me, and I'm pretty sure that the Ombudsman would agree. Inalienable means that the rights cannot be taken away FYI, for the benefit of some people that maybe are not fully across the English language. Just because your feelings are hurt doesn't absolve you of your legislated obligations. I could (not that I would do this, this is not a threat I would not do this, I'm just trying to explain the concept) come around and stab any one of you, and you would still have to action my claim as per the legislation. Being offended, or getting stabbed or anything like this is not a reason to fail to perform your duties. You must continue to perform your duties as you are legislated to do.

You literally cannot even get something as basic as issuing a pay slip done right..... and you've take punishment out on me because I get frustrated and call you some things..... anyway I know you will put this email in the bin, you never take my complaints seriously, this is mostly so I can demonstrate to the Ombudsman that you have been well and truly made aware of these issues and you fail to remedy your incompetence.

I TRIED TO RAISE THIS WITH COMCARE'SD INTERNAL FRAUD TEAM, BECAUSE IT IS LITERAL FRAUD TO TRY PRETEND AN OVERPAYMENT DOES NOT EXIST, AND MY COMPLAINT WAS SENT TO ^{PII - Personal Privacy} WHO SAID TO ME ON THE PHONE, I QUOTE: "WE ARE NOT AN INVESTIGATIONS TEAM SO I WON'T BE INVESTIGATING ANYTHING".

This is not small errors here. You are now making overpayments and refusing to investigate when you are informed about them. You are abusing your authority because you don't like me, you are abusing your positions to sweep these issues under the rug instead of properly investigating them, this is the corruption I have been speaking of. You are the face of corruption, it is now an undeniable fact.

PII - Personal Privacy