



18 August 2023

Our reference: LEX 75376

Frank N Fearless (Right to Know)

Only by email: foi+request-10545-2432c164@righttoknow.org.au

Dear Frank N Fearless

Acknowledgement of your Freedom of Information Request

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act). You requested access to:

Following recent AAT decisions and Ombudsman reports highlighting the failures of the Agency in understanding and applying legislation, I seek the following documents:

1. For income apportionment debts: The General Instructions for Decision makers created by DSS for Services Australia decision-makers to apply referred to in the Ombudsman's recent statement (Recommendation 2):
https://www.ombudsman.gov.au/__data/assets/pdf_file/0040/299947/Commonwealth-Ombudsman-public-statement-regarding-OMI-Income-Apportionment-Lawfulness.pdf#:~:text=The%20Ombudsman%20used%20section%209%20of%20the%20Ombudsman,a%20section%209%20notice%20without%20a%20reasonable%20excuse.

In the event there is a version change prior to my request being finalised, I would like both versions of the document, original and updated please.

I'm requesting this from you, not DSS, as it constitutes operational information of Services Australia.

Can I also get the date this General Instructions document was published by Services Australia in compliance with its obligations under section 8(D)(3), Freedom of Information Act 1982 (Cth)

I also seek the revised policy on grossed up bank statement debts referred to by Senior Member Webb in Jackson and Secretary, Department of Social Services (Social services second review) [2023] AATA 1286 (22 May 2023) at paragraph 4:

"The Secretary's legal representative informed me a new Departmental policy was promulgated in December 2022 in respect of assessing income from a claimant's bank records, under which records from Mr Jackson's previous employer/s would be obtained. "

I would like this policy.

Can I get the date this revised policy was published by Services Australia in compliance with its obligations under section 8(D)(3) of the Freedom of Information Act 1982?

Your request was received by Services Australia (the Agency) on 10 August 2023 and the 30 day statutory period for processing your request commenced from the day after that date. You should therefore expect a decision from us by 11 September 2023. The period of 30 days may be extended if we need to consult third parties or for other reasons. We will advise you if this happens.

Services Australia will advise you if a charge is payable to process your request and the amount of any such charge as soon as practicable. No charge is payable for providing a person with their own personal information.

Your Address

The FOI Act requires you provide us with an address which we can send notices to. You have advised your electronic address is foi+request-10545-2432c164@righttoknow.org.au. We will send all notices and correspondence to this address. Please advise us as soon as possible if you wish correspondence to be sent to another address or if your address changes. If you do not advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

Administrative Release of Documents

Services Australia has administrative access arrangements (arrangements) for the release of certain documents without the need for a formal FOI request. Unless you advise us otherwise, in processing your request we may provide you with documents under these arrangements where appropriate. The arrangements do not extend to information or materials of third parties. You will be notified when documents are released to you under the arrangements.

Disclosure Log

Please note information released under the FOI Act may be published in a disclosure log on the Agency's website. Section 11C of the FOI Act requires this publication, however it is subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

Exclusion of junior staff details

The Agency is working towards ensuring all staff have a choice about whether they provide their full name, personal logon identifiers and direct contact details in response to public enquiries. Where such details are included in the scope of a request, this may add to processing time and applicable charges as it may be necessary to consider whether the details are exempt under the FOI Act. On this basis, unless you tell us otherwise, we will assume these details are out of scope of your request and they will be redacted under section 22 of the FOI Act.

Further assistance

If you have any questions please email FOI.LEGAL.TEAM@servicesaustralia.gov.au.

Yours sincerely

Jennifer
FOI Registration Officer
Freedom of Information Team
FOI and Ombudsman Branch | Legal Services Division
Services Australia