



Frank N Fearless

Via email to: [foi+request-11268-a6042164@righttoknow.org.au](mailto:foi+request-11268-a6042164@righttoknow.org.au)

Dear Frank N Fearless,

### Freedom of Information Request 50010 – Decision on access

I refer to the *Freedom of Information Act 1982 (FOI Act)* request made to the Department of Social Services (**Department**) on 26 March 2024. The request, which was subsequently revised by agreement, seeks access to:

*“documents relating to the implementation of the Ombudsman's recommendations on unlawful income apportionment:  
- a copy of any brief drafted on 1 February 2024 or later sent to Secretary Griggs or the Minister for the purposes of approving, or approving the design of, a remediation strategy for these unlawful decisions. If a copy has not yet been sent, I seek the most recent draft of it.  
- a copy of any supporting costing and assumptions document prepared for the options included in the brief.”*

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

### Decision – No documents exist

Section 24A of the FOI Act provides in part that an agency may refuse a request for access to a document if all responsible steps have been taken to find it and the agency is satisfied that it does not exist.

The FOI request seeks briefs that are related to the approval (or finalisation) of a remediation strategy for certain income apportionment decisions. Development of any remediation strategy is at a preliminary stage. As a result, the Department does not hold the briefs seeking approval of that final design, options for a final design or any costings associated with them.

As a result we do not have possession of the documents sought by this request and have decided to refuse it under section 24A of the FOI Act.

### Review rights and complaints

Information concerning how you may seek a review of this decision or make a complaint about the handling of this request is at **Attachment A**.

### Contact

If you would like to discuss any aspect of my decision, please contact me at [foi@dss.gov.au](mailto:foi@dss.gov.au).

Yours sincerely

Kim T

Authorised FOI Decision Maker

18 April 2024

### Attachments

A – Review Rights

## INFORMATION ON REVIEW RIGHTS

You may seek review of this decision via:

- (a) an internal review; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

### Internal review

If you apply for internal review, a fresh decision will be made by a different decision-maker within the Department. An application for internal review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to [foi@dss.gov.au](mailto:foi@dss.gov.au).

The application should also include the reasons why you think this decision should be reviewed.

If the internal review decision results in you not being provided access to all of the documents to which you have requested access, you have the right to seek a further review by the Information Commissioner.

### Information Commissioner review

You can apply for the Information Commissioner to review this decision either immediately or following an internal review decision. You must apply to the Information Commissioner within 60 days of the receipt of this decision letter.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.

## COMPLAINTS TO THE INFORMATION COMMISSIONER

You may also make a complaint to the Information Commissioner concerning actions taken by the Department while exercising its powers or performing its functions under the FOI Act.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.