



Australian Government
Department of Social Services

Ria Smit
www.righttoknow.org.au

foi+request-2688-f67cad5d@righttoknow.org.au

Dear Ms Smit

Freedom of Information (FOI) Request No. 16/17-053

1. I refer to your correspondence received by the Administrative Appeals Tribunal on 9 November 2016, in which you sought access under the *Freedom of Information Act 1982 (FOI Act)* to:

the data that will show me, in the years July 2012 to June 2015, how many pensioners, under the age of 80yrs, there were in Australia receiving the full age pension.

I would also like to receive the data for the same period, as to how many of the above mentioned pensioners actually benefitted from the Age Pension Work Bonus (max. \$6500 per year).

2. Because the subject matter of your request is more closely connected with the functions of the Department of Social Services (the Department), your request was transferred to the Department on 21 November 2016.
3. I am authorised to make decisions under subsection 23(1) of the FOI Act. The following is my decision and the reasons for the decision.

Decision on access to documents

4. I am advised by the relevant line area within this Department that the Department has no data or documents on pensioners in Australia, under the age of 80 years, receiving the full age pension. Nor does the Department have data or documents on the number of pensioners under the age of 80 years receiving the full age pension, who also benefitted from the Age Pension Work Bonus Scheme.
5. The only data that the Department has are the numbers of pensioners receiving the full age pension, the numbers of pensioners on part pension rates due to the means test and the numbers of pensioners with employment income. This data is available in Table 2.1.16 on page 42 and Table 2.1.18 on page 43 of the Department's 2015-16 Annual Report at <https://www.dss.gov.au/about-the-department/publications-articles/corporate-publications/annual-reports>.

Reasons for decision

6. An agency or Minister may refuse a request for access to a document under subsection 24A(1) of the FOI Act 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.

7. I have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that the Department has taken all reasonable steps to find documents or data falling within the scope of your request, and I am satisfied that neither documents nor data exist.
8. The evidence on which I have based my decision is:
 - your correspondence dated 9 November 2016 outlining the particulars of your request for documents under the FOI Act;
 - consultations with departmental officers as to the data held by the Department;
 - the FOI Act; and
 - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.
9. I am advised by departmental officers in the Social Security Performance and Analysis Branch that they have no data within the scope of your request as set out at paragraph 1 of this decision.
10. Accordingly, I am satisfied that all reasonable steps have been taken to determine whether the relevant documents or data exists and such steps have failed to locate any documents or data falling within the scope of your request. I have therefore decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that the documents you are seeking do not exist.

Rights of review

11. I have enclosed information about your rights of review at **Attachment A**.
12. Should you have any enquiries concerning this matter, please do not hesitate to contact me via email at foi@dss.gov.au.

Yours sincerely



Andra Eisenberg
FOI Officer
Government and Executive Services Branch
Corporate Services Group

9 December 2016

ATTACHMENT A**Internal review**

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter. No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Post: Freedom of Information (FOI) Coordinator
Government and Executive Services Branch, TOP CE4
Department of Social Services
GPO Box 9820
Canberra ACT 2601

Email: foi@dss.gov.au

External review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply to the Australian Information Commissioner (Information Commissioner) to review a decision made by an agency on internal review of an access refusal decision.

If you wish to have this decision reviewed by the Information Commissioner you must apply for the review, in writing or by using the online merits review form available on the Information Commissioner's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the Information Commissioner your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the Information Commissioner about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au

Post: GPO Box 5218
Sydney NSW 2001

Fax: +61 2 9284 9666

Email: enquiries@oaic.gov.au

In person: Level 3, 175 Pitt Street
Sydney NSW 2000

The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.

