



17 March 2023

Our reference: LEX 71589

Me (Right to Know)

Only by email: foi+request-9846-79834e52@righttoknow.org.au

Dear Me

Decision on your Freedom of Information Request

I refer to your revised request, received by Services Australia (the **Agency**) on 31 January 2023 for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

There are amendments to s 67CC(2) of the A New Tax System (Family Assistance) (Administration) Act 1999, contained in the Family Assistance Legislation Amendment (Cheaper Childcare) Act 2022. In particular, the amendment that adds 'claimant' to s 67CC(2).

For that amendment, please produce:

1. The earliest in time document in Services Australia's possession that relates directly to the above amendment
2. The latest in time document, but on or before 26 September 2022, in Services Australia's possession that relates directly to the above amendment
3. A document in Services Australia's possession that describes the origin of the idea to pursue the amendment.

My decision

The Agency holds 3 documents (totalling 15 pages) that relate to your request.

I have decided to:

- grant you **full access** to 1 document (Document 3), and
- grant you **part access** to 2 documents (Documents 1 and 2) with some of the content removed.

I have decided that parts of documents you have requested are exempt under the FOI Act as the documents include:

- personal information of third parties, the disclosure of which would be unreasonable and contrary to the public interest (section 47F(1) conditional exemption), and
- information that, if released, could be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency (section 47E(d)).

Please see the schedule at **Attachment A** to this letter for a detailed list of the documents and the reasons for my decision, including the relevant sections of the FOI Act.

How we will send your documents to you

The documents are attached.

You can ask for a review of our decision

If you disagree with any part of the decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within the Agency, or an external review by the Office of the Australian Information Commissioner. See **Attachment B** for more information about how to request a review.

Further assistance

If you have any questions please email freedomofinformation@servicesaustralia.gov.au.

Yours sincerely

Kylie
Authorised FOI Decision Maker
Freedom of Information Team
Freedom of Information and Ombudsman Branch | Legal Services Division
Services Australia



SCHEDULE OF DOCUMENTS FOR RELEASE
Me (RIGHT TO KNOW) - LEX 71589

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
1.	1-3	28 July 2022	Emails received by Services Australia from Department of Education	Release in part	s 47E(d) s 47F(1)	Agency positional mailbox redacted under section 47E(d) Personal information of staff of Department of Education redacted under section 47F(1) Agency junior staff details redacted under section 22 (out of scope) Out of scope information redacted under section 22(not related to amendment of paragraph 67CC(2)(d))

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
2.	4-13	12 September 2022	<p>Emails correspondence between Services Australia and Department of Education and attachment:</p> <p>Family Assistance legislation Amendment (Cheaper Child Care) Bill 2022</p>	Release in part	s 47E(d) s 47F(1)	<p>Agency positional mailbox redacted under section 47E(d)</p> <p>Personal information of staff of Department of Education redacted under section 47F(1)</p> <p>Agency junior staff details redacted under section 22 (out of scope)</p> <p>Attachment: Cover page and relevant page of Bill provided – out of scope material redacted (not related to amendment of paragraph 67CC(2)(d))</p> <p>Full document and information available here: Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022</p> <p>Out of scope information redacted under section 22(not related to amendment of paragraph 67CC(2)(d))</p>
3.	14-15	2022	<p>Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022</p> <p>Explanatory memorandum</p>	Relevant section - release in full		<p>Cover page and relevant page of Explanatory Memorandum provided – out of scope material redacted (not related to amendment of paragraph 67CC(2)(d))</p> <p>Full document and information available here: FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHEAPER CHILD CARE) BILL 2022 Explanatory Memorandum (austlii.edu.au)</p>



REASONS FOR DECISION

What you requested

There are amendments to s 67CC(2) of the A New Tax System (Family Assistance) (Administration) Act 1999, contained in the Family Assistance Legislation Amendment (Cheaper Childcare) Act 2022. In particular, the amendment that adds 'claimant' to s 67CC(2).

For that amendment, please produce:

1. The earliest in time document in Services Australia's possession that relates, directly or indirectly, to the above amendment
2. The latest in time document, but on or before 26 September 2022, in Services Australia's possession that relates, directly or indirectly, to the above amendment
3. The one document in Service Australia's possession that best describes what prompted Service Australia to pursue this amendment (to clarify: not the purpose of the amendment itself. Rather, why Services Australia had the idea to do it).

On 31 January 2023, I wrote to you about your original request. You revised your request and this was confirmed by email on the same date. Your revised request was:

There are amendments to s 67CC(2) of the A New Tax System (Family Assistance) (Administration) Act 1999, contained in the Family Assistance Legislation Amendment (Cheaper Childcare) Act 2022. In particular, the amendment that adds 'claimant' to s 67CC(2).

For that amendment, please produce:

1. The earliest in time document in Services Australia's possession that relates directly to the above amendment
2. The latest in time document, but on or before 26 September 2022, in Services Australia's possession that relates directly to the above amendment
3. A document in Services Australia's possession that describes the origin of the idea to pursue the amendment.

On 1 February 2023, the Agency acknowledged your revised request and advised you that we would not include personal details about our staff (such as their names). You did not contact the Agency again about this. Agency staff details have therefore been redacted in accordance with section 22(1) of the FOI Act.

What I took into account

In reaching my decision I took into account:

- your original request dated 25 January 2023 and your revised request on 31 January 2023
- the documents that fall within the scope of your request

- consultation with Department of Education about documents which contain information concerning them
- whether the release of material is in the public interest
- consultations with Agency officers about:
 - the nature of the documents
 - the Agency's operating environment and functions
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**); and
- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided that parts of documents you requested are exempt under the FOI Act. My findings of fact and reasons for deciding that the exemption applies to those documents are discussed below.

Operations of the Agency

I have applied the exemption in section 47E(d) of the FOI Act to parts of Document 1 and 2.

This section of the FOI Act allows the Agency to redact material from a document if its disclosure would have a serious or significant effect on the Agency's ability to conduct its operations efficiently and properly.

Documents 1 and 2 contain an internal Agency positional mailbox address.

The Agency's purpose is to provide high quality government services and payments to Australians. It is a large, public facing government organisation with many points of contact designed to facilitate its purpose. The Agency has established channels of communication for customer and members of the public, which have been put in place to ensure the effective management of the significant volume of communication received. Such channels include dedicated and externally published positional mailboxes of different business areas within the Agency. These have been established to ensure correspondence is directed to the correct area and actioned accordingly.

If internal positional mailbox details were to be made publicly available, correspondence received and directed could be mishandled, lost, duplicated or double-handled on account of it not being directed to the most appropriate teams through the publicly available communication channels.

Public interest considerations

Access to conditionally exempt material must be given unless I am satisfied it would not be in the public interest to do so.

I consider the disclosure of the material would generally promote the objects of the FOI Act, which is in the public interest. However, I also consider the disclosure of the Agency's positional mailbox would prejudice the Agency's ability to effectively and efficiently manage contact with the public.

As such, I have decided in this instance, the public interest in disclosing the information in the above-mentioned documents is outweighed by the public interest against disclosure.

For the reasons set out above, I am satisfied parts of Documents 1 and 2 are conditionally exempt under section 47E(d) of the FOI Act.

Unreasonable disclosure of personal information

I have applied the conditional exemption in section 47F(1) to parts of Documents 1 and 2.

This section of the FOI Act allows the Agency to redact material from a document if its disclosure would result in the unreasonable disclosure of personal information about another person.

Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable. It can include a person's name, address and telephone number. I am satisfied Document 1 and 2 contain personal information about other people, namely the names and contact information of Department of Education staff.

I am satisfied that the disclosure of the third party personal information would be unreasonable as you do not have the consent of these individuals for the release of their personal information, the information is private and not publicly available, and the identity of the individuals concerned is readily apparent.

Public interest considerations

Access to conditionally exempt material must be given unless I am satisfied it would not be in the public interest to do so.

I consider the disclosure of the material would generally promote the objects of the FOI Act, which is in the public interest. However, I also consider disclosure would prejudice the individual's right to privacy, adversely affect or harm the individual's interests and prejudice the Agency's ability to interact with staff in other government agencies and departments.

As such, I find the public interest in disclosing the material is outweighed by the public interest against disclosure.

I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision.

As identified in the Schedule, I have redacted the exempt information in the documents and released the remaining material in accordance with section 22(1) of the FOI Act.

Summary of my decision

In conclusion, I have decided to:

- grant you full access to 1 document, and
- grant you part access to 2 documents

I have decided that:

- Documents 1 and 2 are conditionally exempt, in part, under sections 47E(d) and 47F(1) of the FOI Act, and disclosure would be contrary to the public interest for the purposes of section 11A(5).



Attachment B

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a Freedom of Information (FOI) decision

Before you ask for a formal review of a FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

Asking for a formal review of a FOI decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982 (FOI Act)* gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

1. an Internal Review Officer in Services Australia (the **Agency**); and/or
2. the Australian Information Commissioner.

Applying for an internal review by an Internal Review Officer

If you apply for internal review, a different decision maker to the Agency delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter.

Note 1: You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the Agency within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can **lodge your application**:

Online: www.oaic.gov.au

Post: Australian Information Commissioner

GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

Note 2: The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

Important:

- If you are applying online, the application form the 'Merits Review Form' is available at **www.oaic.gov.au**.
- If you have one, you should include with your application a copy of the Services Australia decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the Agency's decision.

Complaints to the Australian Information Commissioner and Commonwealth Ombudsman

Australian Information Commissioner

You may complain to the Australian Information Commissioner concerning action taken by an Agency in the exercise of powers or the performance of functions under the FOI Act, There is no fee for making a complaint. A complaint to the Australian Information Commissioner must be made in writing. The Australian Information Commissioner's contact details are:

Telephone: 1300 363 992
Website: www.oaic.gov.au

Commonwealth Ombudsman

You may also 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. There is no fee for making a complaint. A complaint to the Commonwealth Ombudsman may be made in person, by telephone or in writing. The Commonwealth Ombudsman's contact details are:

Phone: 1300 362 072
Website: www.ombudsman.gov.au

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.