



5 September 2024

Our reference: LEX 81000

Frank N Fearless  
Right to Know

Only by email: [foi+request-11863-1894791a@righttoknow.org.au](mailto:foi+request-11863-1894791a@righttoknow.org.au)

Dear Frank N Fearless

### **Decision on your Freedom of Information Request**

I refer to your request, received by Services Australia (the Agency) on 9 August 2024 for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

The Agency's recent response to Senate Question on Notice SA SQ24-000473 provided Operational Blueprint "Income apportionment 107-24021218". Step 2 of the Blueprint instructs staff to:

"Check if income averaging was used and escalate the case via email to Income apportionment Policy/Helpdesk if:

- from 1 July 2015, the current debt was raised as part of the Income compliance program using wholly or partially averaged ATO match data income, or
- before 1 July 2015, income averaging was used to determine the current debt for a period"

I seek the most recent document, out of those created in the past six months, which reports on the number of historical income averaging matters escalated under this procedure or the income apportionment sampling exercises.

I'm hoping there will be a standard report that was sent to the National Managers for Income Apportionment Operations/Response. Happy to consult on scope to save you time. All I want is the most recent document which reports and reflects upon this statistic which is of great importance to any unknown victims of income averaging.

### **My decision**

The Agency holds one document (totalling 2 pages) that relates to your request.

I have decided to grant you **part access** to the document, with some of the content removed.

I have decided that part of the document you requested is exempt under the FOI Act as the document includes:

- operational information, the disclosure of which would have a serious or significant effect on the Agency's ability to conduct its operations efficiently and properly (section 47E(d) exemption), and
- personal information about other people (section 47F(1) exemption).

Out of scope or irrelevant material has also been removed, in accordance with section 22 of the FOI Act.

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

### **How we will send the document to you**

The document is 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](mailto:freedomofinformation@servicesaustralia.gov.au).

Yours sincerely

Cherie  
Authorised FOI Decision Maker  
Freedom of Information Team  
FOI and Reviews Branch | Legal Services Division  
Services Australia



**SCHEDULE OF DOCUMENT FOR RELEASE**  
**Frank N Fearless (Right to Know) - LEX 81000**

<b>Doc No.</b>	<b>Pages</b>	<b>Date</b>	<b>Description</b>	<b>Decision</b>	<b>Exemption</b>	<b>Comments</b>
1.	1 – 2	6 August 2024	IA Helpdesk Snapshot	Release in part	s47E(d)  s47F(1)	Information which would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency removed under s47E(d)  Personal information about other people removed under s47F(1)  Out of scope or irrelevant material removed under s22



## REASONS FOR DECISION

### What you requested

The Agency's recent response to Senate Question on Notice SA SQ24-000473 provided Operational Blueprint "Income apportionment 107-24021218". Step 2 of the Blueprint instructs staff to:

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I'm hoping there will be a standard report that was sent to the National Managers for Income Apportionment Operations/Response. Happy to consult on scope to save you time. All I want is the most recent document which reports and reflects upon this statistic which is of great importance to any unknown victims of income averaging.

On 9 August 2024, the Agency acknowledged your request.

On 21 August 2024, I emailed you and sought your agreement to exclude the personal details of our staff. You did not respond.

### What I took into account

In reaching my decision I took into account:

- your request dated 9 August 2024
- the document which falls within the scope of your request
- whether the release of material is in the public interest
- consultations with Agency officers about:
  - the nature of the document
  - 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 parts of the document you requested are exempt under the FOI Act. My findings of fact and reasons for deciding that the exemption applies are discussed below.

## Operations of the Agency

I have applied the exemption in section 47E(d) of the Act to a certain part of the document. The information I have found to be exempt is the Agency's positional mailbox.

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 customers 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.

Further, the FOI Act does not control or restrict any subsequent use or dissemination of information released under the FOI Act. Noting the Agency's interactions with the public number in the hundreds of millions, diverting people from correct channels cannot be appropriately categorised as insubstantial or nominal.

For the reasons outlined above, I am satisfied the positional mailbox is conditionally exempt under section 47E(d) of the FOI Act.

### *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 considered the disclosure of the Agency's positional mailboxes 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 document 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.

## Unreasonable disclosure of personal information

I have applied the exemption in section 47F(1) of the FOI Act to parts of the document.

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 the document contains personal information of other people, including the names of non-SES staff members and the contact information of Agency 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 available publicly, and the identity of the individuals concerned are readily apparent.

For the reasons detailed above, I am satisfied parts of the document are conditionally exempt under section 47F(1) of the FOI Act.

*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 and adversely affect or harm the individual's interests.

As such, I have decided in this instance, the public interest in disclosing the information in the above-mentioned document 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 document and released the remaining material in accordance with section 22(1) of the FOI Act.



**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 or by email to [freedomofinformation@servicesaustralia.gov.au](mailto:freedomofinformation@servicesaustralia.gov.au)

**Note:** 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](http://www.oaic.gov.au)

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**Note:** 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 'FOI Review Form' is available at [Information Commissioner Review Application form](#)
- If you have one, you should include with your application a copy of the Agency's 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](http://www.oaic.gov.au)  
Smart Form: [FOI Complaint Form](#)

***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](http://www.ombudsman.gov.au)

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