



Australian Government

Commonwealth Superannuation Corporation

29 September 2016

To whom it may concern

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Re: Freedom of information request

I refer to your email dated 23 September 2016, seeking access under the *Freedom of Information Act 1982* (FOI Act) to the following information:

- a) *How many total complaints have been lodged for review of delegate's decisions under -*
 - i. *The Defence Forces procedures prescribed by the Superannuation Act 1976 during the period; and*
 - ii. *The APS Reconsideration Committee procedures pursuant to Division 3 of Part XA of section 153 of the Superannuation Act 1976 during the period.*
 - iii. *How many reviews of CSC decisions have been made under Division 4 of Part XA of section 153 of the Superannuation Act 1976 during the period?*
- b) *How many decisions of delegates have been overturned by the CSC's Reconsideration Advisory Committees with respect to complaints lodged by Defence Forces personnel and public sector complainants from 2006 to the present time?*
- c) *How many reviews of CSC decisions have there been during the period?*
- d) *How many reviews of CSC decisions have been overturned upon review during this time?*
- e) *Of all these decisions, how many have been taken to the Superannuation Complaints Tribunal (SCT) under section 101 of the Superannuation Industry (Supervision) Act 1993?*
- f) *How many of these decisions have been taken to the SCT pursuant to Review by the APS Reconsideration Advisory Committee?*
 - i. *What is the average time that CSC takes to investigate these complaints?*
 - ii. *Where does CSC derive its power of investigation of complaints under the Superannuation Act 1976?*
- g) *How many "partnered" Defence Forces marital or partner relationships as prescribed under section 8A of the Superannuation Act have been upheld upon review?*
- h) *What is the average period of time in which review of delegates' decisions take from the making of the application to final determination of the complaint by CSC?*
- i) *What is the period of time taken for review of medical discharge applications during the period between 2006 and the present?*

Your Government Super at Work

CSC
ABSL 238000
RSE R1000397
ABN 48 882 817 243

CSS
RSE R1004649
ABN 19 415 776 361

MSRS
RSE R1000306
ABN 50 925 823 120

PSS
RSE R1004595
ABN 74 172 177 893

PSNap
RSE R1004601
ABN 65 127 917 725

1922
Scheme

DFRB
Scheme

DFRDB
Scheme

PSG
Scheme

DISPB

- j) *What arrangements does CSC have in place for complainants who have been found to be entitled to receive pension benefits during the period of time taken for review of claims and final determination by the SCT and/or other Tribunals and/or Boards including court proceedings?*
- k) *During the period in question how much has CSC paid to Committee members of all various review committees by way of remuneration such as what is prescribed by section 153AG of the Superannuation Act 1976?*
- l) *Where arrears of pension entitlements have been found to be owing pursuant to a deceased member's superannuation policy how much has CSC retained through making arrears of pension payments as death benefit payments and retaining GST pursuant to section 32 of the Governance of Australian Government Superannuation Schemes?*
- m) *Is CSC bound by the provisions of section 101 of the Superannuation Industry (Supervision) Act 1993?*
- n) *Does CSC comply with the provisions of the Superannuation (Resolution of Complaints) Act 1993 in respect to sections 14(6D) (a) and (b) and also sections 37(3) and 37(4)?*
- o) *How does CSC place the complainants "as nearly as practicable to the position that the complainant was in... that the unfairness and or unreasonableness that the Tribunal has found when setting aside a decision of CSC" when a Tribunal finds that a complainant is owed "arrears" of superannuation entitlements?*
- p) *What provisions do CSC have for payment of arrears of pension payments other than by making payments in arrears as a death benefit payment?*

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

Notice of practical refusal reason

I write to advise you that I consider that your requests, in their current form either:

1. do not provide such information concerning the documents as is reasonably necessary to enable a responsible officer to identify the documents in accordance with section 15(2)(b) of the FOI Act; and/or
2. would substantially and unreasonably divert the resources of CSC from its operations.

This constitutes a 'practical refusal reason' under section 24AA(1)(b) of the FOI Act. On this basis, the decision-maker intends to refuse access to your request.

However, before the decision-maker makes a final decision to refuse the request for a practical reason, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice on one of the ways set out below.

Reasons for intention to refuse your request

Under section 24AA(1)(b) of the FOI Act, a practical refusal reason exists where an FOI request does not satisfy the requirements of section 15(2)(b) of the FOI Act. Relevantly, section 15(2)(b) states that a request must 'provide such information concerning the



document as is reasonably necessary to enable a responsible officer of the agency to identify it'. A number of your requests refer to:

- 'during the period' with no reference to the period in question; and
- any number of legislative provisions contained within the Superannuation Act 1976.

Additionally, it is unclear what you mean by interchanging the words 'review' and 'complaint' as these terms can refer to both internal and external handling processes. The decision maker also seeks clarification on whether you are only referring to reviews and/or complaints relevant to both the Superannuation Act 1976 and Defence Force personnel.

Finally, the decision-maker believes that in processing your request in its current form would substantially and unreasonably divert the resources of CSC from its other operations due to its broad scope. In coming to this conclusion, the elements provided for in section 24AA(2) of the FOI Act have been considered including the resources required to:

- identifying, locating or collating the documents within the filing system of the agency or the office of the Minister
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document (including resources that would have to be used for examining the document or consulting with any person or body in relation to the request)
- making a copy or an edited copy, of the document; and
- notify you of any interim or final decision on the request.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed. Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, we will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request
- make a revised request
- tell us that you do not wish to revise your request.

The consultation period runs for 14 days and starts on the day after you receive this notice. During this period, you are welcome to seek assistance from the contact person I have listed below to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. (Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request.)



If you do not do one of the three things listed above during the consultation period or you do not consult the contact person during this period, your request will be taken to have been withdrawn.

Publicly available information

CSC publishes its Annual Report on its website containing information relating to the superannuation schemes it manages. This information includes details of membership, payment benefits, invalidity benefits and invalidity classification reviews. The reports are available at <http://csc.gov.au/reports-and-information>. Additionally, the Superannuation Complaints Tribunal (SCT) provides historic data on complaints it has received falling into the categories of administration, death and disability. More information can be found at <http://www.sct.gov.au/downloads/annual-reports>.

Please contact me on 02 6272 9000 or email foi@admin.csc.gov.au with any questions you may have.

Yours sincerely,

FOI Officer
Legal & Governance, General Counsel

