

Hi Lisa,

Further to the information I provided on 19 August in response to questions on notice, I'm attaching a further de-identified letter, this time from an Authorised Review Officer which again demonstrates that insufficient information has been provided to enable the person to understand how the decision was made.

Thank you for forwarding this and my previous email to the Committee.

**Leanne Ho**  
Chief Executive Officer





Reference: [REDACTED]



Australian Government

Services Australia



[REDACTED] August 2021

Dear Mr [REDACTED]

#### Formal review of decision

A formal review was requested of the decision made on [REDACTED] April 2021 to reject your claim for Disability Support Pension.

#### Your review outcome

After carefully considering all relevant information, I have not changed the decision. This is because *you do not meet the qualifications for Disability Support Pension under section 94 of the Social Security Act 1991*.

#### Key findings:

- Your impairment rating is [REDACTED] points under the Impairment Tables.

#### Information considered

In making this decision I considered:

- Your claim for Disability Support Pension with supporting medical evidence.
- The Job Capacity Assessor's report dated [REDACTED] April 2021.
- The medical evidence you provided in support of your appeal on [REDACTED] June 2021, [REDACTED] June 2021 and [REDACTED] July 2021.
- The assessment of the new medical evidence you provided, dated [REDACTED] August 2021.
- The information you provided during our discussion.
- Records maintained by us.

#### Other important information

Additional information about your review outcome, and what you can do if you do not agree with this decision are on the next pages.

You can find more information about Disability Support Pension at  
[servicesaustralia.gov.au/dsp](http://servicesaustralia.gov.au/dsp)

Yours sincerely

Authorised Review Officer  
Appeals and Reviews Branch  
[REDACTED]

Yours sincere

**Reasons for the outcome**

To qualify for Disability Support Pension you must have medical conditions with a total impairment rating of 20 points. Impairment ratings assessed under the Impairment Tables apply to conditions that are fully diagnosed, treated and stabilised.

Your conditions are fully diagnosed, treated and stabilised and have a total impairment rating of [redacted] points.

To qualify for Disability Support Pension under the international agreement Australia has with New Zealand, there are certain qualification criteria that must be met –

- the person is severely disabled;
- the person was a resident of one of the Parties at the date of severe disablement; and
- the person, prior to the date of severe disablement, was residing in the territory of the other Party for a period of not less than one year at any time.

The international agreement defines 'severely disabled' as a person who –

- has a physical impairment, a psychiatric impairment, an intellectual impairment, or two or all of such impairments, which makes the person, without taking into account any other factor, totally unable:
- to work for at least 8 hours per week within the next 2 years; and
- unable to benefit within the next 2 years from participation in a program of assistance or a rehabilitation program; or
- is permanently blind;

I have found you do not meet the above criteria.

This means the decision to reject your claim for Disability Support Pension was correct.

Further information about your rights and options, as well as the law and policy used to make this decision, can be found on the next page.

## **Legislation and policy considered in this formal review**

- Section 94 of the *Social Security Act 1991*.
- The *Social Security (Tables for the Assessment of Work-Related Impairment for Disability Support Pension) Determination 2011* (the Impairment Tables).
- Section 36 and schedule 2, Part 2, clause 4 of the *Social Security (Administration) Act 1999*.
- Schedule 3 Article 1 of the *Social Security (International Agreements) Act 1999* which provides the definition of severely disabled.
- Schedule 3, Article 2 of the same Act, which outlines qualification for a payment of Disability Support Pension under the New Zealand Agreement.

To view the legislation, please go to [legislation.gov.au](http://legislation.gov.au)

For information about government policy please go to [guides.dss.gov.au](http://guides.dss.gov.au)

## **If you do not agree with this formal review outcome**

You can apply for an independent review by the Administrative Appeals Tribunal (AAT). Go to [aat.gov.au](http://aat.gov.au) for more information or call them on **1800 228 333**. This review is free.

It is important to ask for a review **within 13 weeks** of being notified about the decision. You can request a review after 13 weeks, however, if the decision can be changed it may only take effect from the date you requested the review.

There is no time limit for a review about money you owe us. However, we may ask you to start making repayments while the decision is being reviewed.

If you lodge an application, the AAT will notify us. We will send all the relevant documents to you, the AAT and other persons affected by the decision.

## **Privacy and your personal information**

The privacy and security of your personal information is important to us, and is protected by law. We need to collect this information so we can process and manage your applications and payments, and provide services to you. We only share your information with other parties where you have agreed, or where the law allows or requires it. For more information, go to [servicesaustralia.gov.au/privacy](http://servicesaustralia.gov.au/privacy)

## **Freedom of Information**

The *Freedom of Information Act 1982* (FOI Act) gives every person the right of access to documents held by Australian Government agencies, unless the documents are exempt from disclosure. For more information, go to [servicesaustralia.gov.au/foi](http://servicesaustralia.gov.au/foi)

## **To make a complaint or give us feedback**

We aim to resolve your concerns as quickly as possible. If you want to make a complaint or give us feedback you can:

- call our feedback and complaints line on **1800 132 468**
- go to [servicesaustralia.gov.au/feedback](http://servicesaustralia.gov.au/feedback) for other options.

If we are not able to resolve your complaint to your satisfaction, you can contact the Commonwealth Ombudsman by going to their website [ombudsman.gov.au](http://ombudsman.gov.au) or calling them on **1300 362 072**.

Reference: [REDACTED]  
Phone: [REDACTED]



**Australian Government**  
**Services Australia**

[REDACTED] August 2021

Dear [REDACTED]

This letter provides information about [REDACTED] for whom you are a nominee.

Further to my letter dated 22 June 2021, this letter provides extra information regarding cancellation of the Age Pension.

Yours sincerely

[REDACTED]  
Authorised Review Officer  
Appeals Branch

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Reference: [REDACTED]



[REDACTED] August 2021

Dear [REDACTED]

#### **Formal review of decision**

A formal review was requested of the decision made on [REDACTED] March 2021 to raise an Age Pension debt of \$207,728.30 which included an interest charge amount of \$39.89 for the period [REDACTED] October 2007 to [REDACTED] September 2020. [REDACTED]

#### **Your review outcome**

After carefully considering all relevant information, I have not changed the decision. This is because you were not residentially qualified for Age Pension.

#### **Key findings:**

- You were in receipt of Age Pension from [REDACTED] October 2007.
- Your Age Pension claim form lodged on [REDACTED] October 2007 indicated incorrect information given for question [REDACTED]

#### **Information considered**

In making this decision I considered:

- Letters sent to you during the debt period.
- The information provided to us about your Australian residence as indicated in your Claim for Age Pension lodged [REDACTED] October 2007.
- The debt calculations.
- The information your nominee provided during our discussion.
- Records maintained by us.

#### **Other important information**

Additional information about your review outcome, and what you can do if you do not agree with this decision are on the next pages.

You can find more information about owing us money at  
[servicesaustralia.gov.au/owingmoney](http://servicesaustralia.gov.au/owingmoney)

Yours sincerely

[REDACTED]  
Authorised Review Officer  
Appeals Branch  
[REDACTED]

### **Reasons for the outcome**

Age Pension residence requirements are, a person must have been an Australian resident for a continuous period of at least 10 years, or must have been an Australian resident for a number of periods that total more than 10 years and at least five of these years in one continuous period.

I have decided, the decision to cancel your Age Pension on the basis that you have not met the Age Pension residence requirements is correct.

From █ October 2007 to █ September 2020 you received Age Pension totalling \$207,688.41. Based on your actual circumstances, you were entitled to receive \$0.00. This means you have a debt of \$207,728.30 which included an interest charge amount of \$39.89.

I have considered the rules that allow us to waive the recovery of a debt.

As the debt was not caused solely by our error, the recovery of this debt cannot be waived on this ground.

I have also considered that recovery of your debt cannot be waived under special circumstances as your circumstances are not unusual, uncommon or exceptional.

This means you have a debt of \$207,728.30 that must be repaid. As at the date of this letter, the current balance is \$207,728.30. If you access your Centrelink online account in myGov, you can use the **Money you owe** service to make a repayment arrangement.

Further information about your rights and options, as well as the law and policy used to make this decision, can be found on the next page.

### **Legislation and policy considered in this formal review**

- Sections 7, 43, 1223, 1237A and 1237AAD of the *Social Security Act 1991*.
- Sections 68, 72, 80 and 118 of the *Social Security (Administration) Act 1999*.

To view the legislation, please go to [legislation.gov.au](http://legislation.gov.au)

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