



3 December 2015

Dr Justine Lloyd

Our reference: LEX 16270

By email: foi+request-1359-5479d2d2@righttoknow.org.au

Dear Dr Lloyd

Your Freedom of Information Request - Decision

1. I refer to your request dated 10 November 2015 and received by the Department of Human Services (the **department**) on the same date, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

'1. Transcripts of 'individual customer roundtables' conducted with income support payment customers during August 2014.

These documents were used to prepare the Reference Group's Final Report (released 2015, February) to the Minister for Social Services entitled 'A New System for Better Employment and Social Outcomes – Final Report' available from <https://www.dss.gov.au/our-responsibilities/review-of-australias-welfare-system/a-new-system-for-better-employment-and-social-outcomes-full-version-of-the-final-report>

To assist in locating the documents, I refer you to the following section of the Final Report:

'Appendix G: Summary of Main Themes from Customer Roundtables', pages 217-220.

I am, of course, expecting any personally-identifying information about individuals to be redacted.'

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

Decision

3. I have decided to refuse your request for access under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied that they cannot be located or do not exist.

Information Considered

4. In reaching my decision, I have considered

- the terms of your request, dated 10 November 2015;
- the FOI Act;
- consultations with department officers about the department's operating environment and functions; and
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**).

Reasons for Decision

Section 24A of the FOI Act

5. Section 24A of the FOI Act provides that:

- (1) An agency or Minister may refuse a request for access to a document 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.

6. I understand that the customer roundtables referred to in Appendix G of the Report of the Reference Group on Welfare Reform, *A New System for Better Employment and Social Outcomes* ('**the Final Report**'), were undertaken by the department at the request of the Department of Social Services (**DSS**). I am advised by departmental officers in the branch responsible for undertaking the customer roundtables that no verbatim transcripts of these discussions were made.

7. During the engagements, I am advised that some notes of customer commentary were made which summarised the group conversations. However, these notes were not retained by officers following the finalisation of the Final Report, once it was agreed that the report was an accurate representation of the conversations and sentiments expressed at the customer engagement sessions.

8. Searches of the department's internal paper and electronic files and folders associated with the Social Services Welfare Reform Roundtable customer engagement, and the hard drive of the laptop used for the engagements, did not identify any documents relevant to your request.

9. On the basis of these searches, I am satisfied that in accordance with section 24A of the FOI Act:

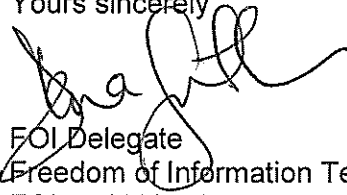
- all reasonable steps have been taken to find the documents; and
- the documents cannot be located or do not exist.

Rights of review

10. I have enclosed information about your rights of review under the FOI Act at Attachment A.

11. Should you have any enquiries concerning this matter, please send an email to
FOI.Legal.Team@humanservices.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Naill', written over the printed name 'FOI Delegate'.

FOI Delegate
Freedom of Information Team
FOI and Litigation Branch | Legal Services Division
Department of Human Services

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Application for review of decision

The *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for a review of this decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of this decision by:

- (i) an internal review officer in the Department of Human Services; or
- (ii) the Information Commissioner.

Internal Review

If you apply for internal review, it will be carried out by a different decision-maker who will make a fresh decision on your application. An application for review must be:

- made in writing;
- made within 30 days of receiving this letter; and
- sent to the address at the head of this letter.

No particular form is required, but it is desirable to set out in the application the grounds upon which you consider the decision should be reviewed.

If the internal review officer decides not to grant you access to all of the documents to which you have requested access, you have the right to seek a review of that decision by the Information Commissioner. You will be further notified of your rights of review at the time you are notified of the internal review decision.

Please note that if you apply for an internal review and a decision is not made by an internal review officer within 30 days of receiving the application, you have the right to seek review by the Information Commissioner for a review of the original FOI decision on the basis of a 'deemed refusal' decision. An application for Information Commissioner review in this situation must be made within 60 days of the date when the internal review decision should have been made (provided an extension of time has not been granted or agreed).

Information Commissioner review

You must apply in writing within 60 days of the receipt of the decision letter and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218, Sydney 2001
Email: enquiries@oaic.gov.au

If a person has sought an internal review and no result of that review is provided within 30 days, then the applicant may apply to the Information Commissioner to review the matter.

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Commonwealth Ombudsman and Information Commissioner

Commonwealth Ombudsman

You may complain to the 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 Ombudsman may be made in person, by telephone or in writing. The 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.

Information Commissioner

You may also complain to the 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 Information Commissioner must be made in writing. The Information Commissioner's contact details are:

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

Office of the Australian Information Commissioner (OAIC) is disbanding

Please note: The Australian Government announced as part of the 2014–15 Budget that the Office of the Australian Information Commissioner (OAIC) will be disbanded. The OAIC remains operational until further notice.

For further information on how the OAIC will deal with IC reviews and FOI complaints please visit their website at www.oaic.gov.au.