



8 March 2017

Our reference: LEX 26547

Mr Justin Warren

By email: foi+request-2903-a8c2eff5@righttoknow.org.au

Dear Mr Warren

Freedom of Information request – Internal Review Decision

I refer to your correspondence to the Department of Human Services (the **department**) dated 6 February 2017. You requested an internal review of the decision made by a delegate of the department under the *Freedom of Information Act 1982 (FOI Act)* dated 3 February 2017 (LEX 24878) (the '**original decision**').

I am authorised to make decisions under section 23(1) of the FOI Act, including internal review decisions under section 54C of the FOI Act, and my decision is set out below.

Original decision

On 3 January 2017 the department received your original request for access to the following documents under the FOI Act:

'I request the following information relating to Taskforce Integrity, the initiative to match Centrelink data with data from the Australian Tax Office (ATO) to detect potential overpayment and the recovery of those overpayments from citizens:

- Documents listing identified risks, categorisations (Likelihood, Impact), and treatments (i.e. Risk Registers) for Taskforce Integrity related projects in the period 1 Jan 2016 to 31 Dec 2016.
- Meeting agendas, minutes, and other notes for any meetings held with the Minister for Human Services between 1 Jan 2016 and 31 Dec 2016, inclusive.
- Meeting agendas, minutes, and other notes for any meetings held with the Minister for Social Services between 1 Jan 2016 and 31 Dec 2016, inclusive'.

On 3 February 2017, the department provided you with the original decision to refuse your request under section 24A of the FOI Act because the requested documents do not exist.

Consistent with the requirements of the FOI Act, I have made a fresh decision, set out below.

Internal Review Decision

I have decided to affirm the original decision and 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 do not exist. Please see **Attachment A** for the reasons behind my decision.

You can ask for a review of our decision

If you disagree with any part of the decision you can ask for an external review by the Office of the Australian Information Commissioner. You do not have to pay for reviews of decisions. See **Attachment B** for more information about how arrange a review.

Further assistance

If you have any questions please email FOI.LEGAL.TEAM@humanservices.gov.au.

Yours sincerely

Authorised FOI Decision Maker
Freedom of Information Team
FOI and Litigation Branch | Legal Services Division
Department of Human Services
FOI.LEGAL.TEAM@humanservices.gov.au

REASONS FOR DECISION

What you requested

- 'I request the following information relating to Taskforce Integrity, the initiative to match Centrelink data with data from the Australian Tax Office (ATO) to detect potential overpayment and the recovery of those overpayments from citizens:
 - Documents listing identified risks, categorisations (Likelihood, Impact), and treatments (i.e. Risk Registers) for Taskforce Integrity related projects in the period 1 Jan 2016 to 31 Dec 2016.
 - Meeting agendas, minutes, and other notes for any meetings held with the Minister for Human Services between 1 Jan 2016 and 31 Dec 2016, inclusive.
 - Meeting agendas, minutes, and other notes for any meetings held with the Minister for Social Services between 1 Jan 2016 and 31 Dec 2016, inclusive'.

What I took into account

In reaching my decision I took into account:

- your original request dated 3 January 2017;
- your internal review request dated 6 February 2017;
- the documents that fall within the scope of your request;
- consultations with departmental officers about:
 - the nature of the documents;
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**);
- the FOI Act.

Reasons for my decisions

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

Section 24A of the FOI Act

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.

You have requested documents specifically in relation to Taskforce Integrity. Taskforce Integrity partner with the Australian Federal Police to investigate and detect welfare fraud. The taskforce undertakes analysis of payment information and other data in order to identify individual non-compliance and more organised and complex fraud.

The department's FOI team contacted Taskforce Integrity and asked them to conduct searches of their records. Search minutes with the exact scope of your request were provided to Taskforce Integrity as subject matter experts. They have confirmed that there are no documents matching the description in your request.

Your internal review requests notes "I find it hard to believe that a government department would have no documented risks or risk treatments for a major project that the Minister has made public statements about". Taskforce Integrity investigate and detect welfare fraud and they do not hold any documents that match the description or period identified in your request.

Your internal review request also notes 'it would also appear that my request was confusing in what I was asking for... I want to know the scope that the Department has chosen to use, without any discussion with me as the requester to clarify my intent.' Where a request complies with section 15(2)(b) of the FOI Act [identification of documents] there is no requirement that the department consult with you so that you identify documents. Taskforce Integrity consider matters where payments may be an issue and as noted above, the full request made by you was provided to the department's subject matter experts.

On the basis of the searches detailed above, I am satisfied that in accordance with section 24A of the FOI Act:

1. all reasonable steps have been taken to find the documents; and
2. the documents do not exist.



Attachment B

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

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 department 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 3: 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 Department of Human Services' decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the department's decision.

Complaints to the Information Commissioner and Commonwealth Ombudsman

Information Commissioner

You may 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

Commonwealth Ombudsman

You may also 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.