



8 May 2019

Our reference: LEX 43983

Ms Evelyn Doyle

Only by email: [foi+request-5397-329cb712@righttoknow.org.au](mailto:foi+request-5397-329cb712@righttoknow.org.au)

Dear Ms Doyle

### Your Freedom of Information Request

I refer to your request dated 29 April 2019 and received by the Department of Human Services (**department**) on the same date for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

'I note in a Sydney Morning Herald newspaper article dated 30 October 2018, there is mention of a \$51m trial to outsource Centrelink call centre services to Serco.

Since then, the department has proceeded with a large call centre outsourcing project to various companies based on the report outlining the findings of the trial, and from which the decision to outsource was made.

I would like to request under the FOI Act any documents (briefings, correspondence etc) or emails which:

1. Outline the reasons for outsourcing Centrelink call centre functions.
2. Provide details of the costings and any savings for outsourcing Centrelink call centre functions.
3. Provides details of any risk factors in outsourcing Centrelink call centre functions.

I do not include the Serco Trial report in this request as the release of that document is under a separate internal review process with your department in relation to my earlier FOI request'.

Currently your request is broad and does not sufficiently identify the documents you require.

This letter is giving you an opportunity to provide us with specific information about the documents you need. Providing this additional information will assist the department in processing your request.

If you decide not to provide further information or revise your request, I will have to refuse your freedom of information (**FOI**) request as a 'practical refusal reason' exists. For a more detailed explanation of what this means, please see **Attachment A**.

## How to send us a 'revised request'

Before I make a final decision on your request, you can submit a revised request.

Within the next 14 days (consultation period) you must do one of the following, in writing:

- withdraw the request;
- make a revised request; or
- tell us that you do not want to revise your request.

If you do not contact us during the consultation period, we will assume you do not want to continue with your request. See **Attachment A** for relevant sections of the FOI Act.

If you decide to make a revised request you should be specific about what documents you actually want. This could help the department find the documents.

**Note:** You may want to access the department's online services at [www.humanservices.gov.au](http://www.humanservices.gov.au) to immediately find some of the personal information and documents included in your original request.

We have 30 days to give you a decision about your request, however the time taken to consult with you now is not included in this 30 day time period.

## Contact officer

I am the contact officer for your request. During the consultation period you are welcome to ask for my help in revising your request. You can contact me:

- in writing to the address at the top of this letter; or
- [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

**Note:** When you contact us please quote the reference number **FOI LEX 43983**.

Your response will be expected by **22 May 2019**. If no response is received, your matter will be taken as withdrawn.

## Further assistance

There may be information already in the public domain (and freely available) that may be of assistance to you and may cover what you are seeking. For example, you may wish to refer to:

- Senate Estimates, Official Committee Hansard, Community Affairs Legislation Committee, Social Services Portfolio, 31 May 2018 pages 111 to 139, which can be found here: [https://www.aph.gov.au/Parliamentary\\_Business/Senate\\_Estimates/ca/2018-2019\\_Budget\\_estimates](https://www.aph.gov.au/Parliamentary_Business/Senate_Estimates/ca/2018-2019_Budget_estimates); and
- Senate Estimates, Official Committee Hansard, Community Affairs Legislation Committee, Social Services Portfolio, 21 February 2019 pages 129 to 132 and 138 to 139, which can be found here: [https://www.aph.gov.au/Parliamentary\\_Business/Senate\\_Estimates/ca/2018-19\\_Additional\\_estimates](https://www.aph.gov.au/Parliamentary_Business/Senate_Estimates/ca/2018-19_Additional_estimates)

If you have any FOI questions please email [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

Yours sincerely

**Robert**

Authorised FOI Decision Maker

Freedom of Information Team

Employment Law and Freedom of Information Branch | Legal Services Division

Department of Human Services



## Attachment A

### What I took into account

You requested access under FOI Act to the following documents:

'I note in a Sydney Morning Herald newspaper article dated 30 October 2018, there is mention of a \$51m trial to outsource Centrelink call centre services to Serco. Since then, the department has proceeded with a large call centre outsourcing project to various companies based on the report outlining the findings of the trial, and from which the decision to outsource was made.

I would like to request under the FOI Act any documents (briefings, correspondence etc) or emails which:

1. Outline the reasons for outsourcing Centrelink call centre functions.
2. Provide details of the costings and any savings for outsourcing Centrelink call centre functions.
3. Provides details of any risk factors in outsourcing Centrelink call centre functions.

I do not include the Serco Trial report in this request as the release of that document is under a separate internal review process with your department in relation to my earlier FOI request'.

Your request is currently broad and does not sufficiently identify a scope that allows the department to conduct searches. By the wording of your request 'any documents' containing the words 'Serco' or 'call centre' would be captured by the scope of your current request. For example, using just those search terms and asking the approximately 27,000 staff at the department (excluding the staff that are no longer with the department) to conduct searches on their emails would be unreasonable diversion of the department's resources. Based on that general estimate if it took on average 15 minutes for each staff member to conduct searches, collate any found records and send their response to the FOI team this would be approximately 6,750 hours such for searches for one component of your request and it does not include processing of the request.

As provided above, your request is broad and does not provide sufficient information as to where the department should conduct reasonable searches. It also covers a wide range of types of documents, for example, 'any documents', 'briefings, correspondence, etc' and 'emails'. Furthermore, it is not clear your request is for documents containing all three of your listed criteria or whether one of the criteria contained within the document would be within scope of the request.

In *'AR' and Australian Federal Police* [2013] AICmr 80, Information Commissioner, Dr James Popple at 25 provided:

The applicant's request was broad. She declined to reduce its scope beyond the 'final report and all supporting documentation'. As the Acting Freedom of Information Commissioner explained in *Philip Morris Ltd and Department of Health and Ageing* [2013] AICmr 49, '[a] broadly worded request is more likely to constitute an unreasonable diversion of resources than a request that is

narrowly focused. And, as Branson J noted in *Radicic v Australian Postal Commission* [1999] FCA 574, '[t]he FOI Act is concerned with the provision of access to documents and does not, by its provisions, require the handing over of large portions of the records of a government agency to allow an individual to search them for himself or herself'.

If you do not revise, I intend to refuse your FOI request as a 'practical refusal reason' exists under sections 24AA(1)(b) and 24 of the FOI Act. Under the Act, the practical refusal reason is that your request does not satisfy the requirements in section 15(2)(b) (identification of documents).

### **Assistance to revise the scope of your request.**

You may wish to consider if the publicly available information provided to you on page 2 under the heading 'further assistance' contains the information that you are seeking. Alternatively, you may wish to use the information contained within to revise your request and provide specific information as to the scope of your request and the documents you are request. You may wish to consider narrowing the scope of your request to a type a document, for example, briefings or emails, and to date range, for example 1 to 30 October 2018.

### **Relevant sections of the *Freedom of Information Act 1982***

Section 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirement in section 15(2)(b) of the FOI Act.

Section 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable the agency to identify the documents that are being requested.

Section 24AB(6) of the FOI Act provides that the applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:

- withdraw the request,
- make a revised request, or
- indicate that the applicant does not wish to revise the request.

Section 24AB(7) of the FOI Act provides that the request is taken to have been withdrawn at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice, or
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.