



31 May 2019

Our reference: LEX 43983

Ms Evelyn Doyle

Only by email: foi+request-5397-329cb712@righttoknow.org.au

Dear Ms Doyle

Decision on 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)*. On 10 May 2019 you revised your request to the following:

'I seek all briefings provided by the Department of Human Services to the Minister for Human Services as follows:

1. All briefings In relation to advice provided about the decision to outsource Centrelink call centre function to private providers (private sector).
2. All briefings which outline the findings of the Serco Trial Report by KPMG) in relation to the decision to outsource ie. the arguments for outsourcing based on the trial.
3. All briefings which outline the risks of outsourcing Centrelink call service functions to the private sector.

Please limit the search to briefings to between 1 January 2018 to 30 November 2018.

It is most likely that the scope covered in all three parts of this request will be present together in most of the briefings which should make processing easier.

My query stems from the Sydney Morning article as referred to in the first version of the request'.

My decision

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 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 a review. There are two ways you can do this. You can ask for an internal review from within the department, or 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 to arrange a review.

Further assistance

If you have any FOI questions please email 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

REASONS FOR DECISION

What you requested

On 29 April 2019, the department received your FOI request for:

'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.'

On 8 May 2019, the department wrote to you providing a notice of intention to refuse your request under section 24AB(2) of the FOI Act as your request was broad and did not provide sufficient information as to where the department should conduct reasonable searches, and therefore a practical refusal reason existed.

On 10 May 2019 you revised your request to:

'I seek all briefings provided by the Department of Human Services to the Minister for Human Services as follows:

1. All briefings In relation to advice provided about the decision to outsource Centrelink call centre function to private providers (private sector).
2. All briefings which outline the findings of the Serco Trial Report by KPMG) in relation to the decision to outsource ie. the arguments for outsourcing based on the trial.
3. All briefings which outline the risks of outsourcing Centrelink call service functions to the private sector.

Please limit the search to briefings to between 1 January 2018 to 30 November 2018.

It is most likely that the scope covered in all three parts of this request will be present together in most of the briefings which should make processing easier.

My query stems from the Sydney Morning article as referred to in the first version of the request'.

What I took into account

In reaching my decision I took into account:

- your original request dated 29 April 2019 and your revised request on 10 May 2019;
- other correspondence with you;
- 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 (**Guidelines**); and
- 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.

The department conducted searches of the Parliamentary Document Management System (**PDMS**) which is the system through which briefings are sent from the department to the Minister of Human Services. PDMS is also where briefings are stored. No briefings to the Minister of Human Services between 1 January 2018 to 30 November 2018 containing any of the following were identified on PDMS:

1. All briefings In relation to advice provided about the decision to outsource Centrelink call centre function to private providers (private sector).
2. All briefings which outline the findings of the Serco Trial Report by KPMG) in relation to the decision to outsource ie. the arguments for outsourcing based on the trial.
3. All briefings which outline the risks of outsourcing Centrelink call service functions to the private sector.

Given that no documents were identified as within scope of your revised request on the relevant system that stores briefs sent to the Minister, I believe that documents in scope of your revised request do not exist.

On the basis of these searches, 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

Asking for a full explanation of a freedom of information (FOI) decision

Before you ask for a formal review of an FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

Asking for a formal review of an FOI decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

1. an Internal Review Officer in the Department of Human Services (**department**); and/or
2. the Australian Information Commissioner.

Note 1: There are no fees for these reviews.

Applying for an internal review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter.

Note 2: You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

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 Australian Information Commissioner and Commonwealth Ombudsman

Australian Information Commissioner

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

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

Commonwealth Ombudsman

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