



25 May 2015

Ben Fairless

Our reference: LEX 12236

By email: foi+request-914-63b0776a@righttoknow.org.au

Dear Mr Fairless

Your Freedom of Information Request - Decision

1. I refer to your request dated 12 February 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:

'106-03010000 First Contact Service Offer (FSCO)
106-03010010 Opening the First Contact Service Offer application
106-03010020 Running the First Contact Service Offer (FCSO)
106-03010030 First Contact Service Offer screens and functions.'

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

Background

3. On 6 February 2015, you requested the above operational information through the department's Information Publication Scheme (IPS).
4. On 12 February 2015, you were informed that the operational information you had requested was no longer available through the department's IPS. You were invited to make a request under the FOI Act.
5. On 16 February 2015, you were notified that you were liable to pay a charge of \$24.35 for processing your request.
6. On the same date, you contended that the charge had been incorrectly assessed and should not be imposed.
7. On 5 March 2015, you were notified of the department's decision not to reduce the amount of the charge.
8. On 9 March 2015, you requested an internal review of the department's decision not to reduce the charge.
9. On 8 April 2015, you were notified that the department had decided to affirm the decision to impose a charge.

10. On 29 April 2015, the department notified you of its decision to waive the charge.

Decision and Documents

11. The department has identified 4 documents (totalling 45 pages) as falling within the scope of your freedom of information (**FOI**) request. A schedule of the documents is set out at **Attachment B** (the **Schedule**).

12. Having considered these documents, I have decided to:

- grant access, in full, to document 3; and
- grant access, in part, to documents 1, 2 and 4.

13. I have decided that certain pages contain material that is conditionally exempt under section 47E(d) of the FOI Act because disclosure would or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the department.

14. Please note that some information has been deleted under section 22 of the FOI Act as the information was irrelevant to the scope of your request.

Information Considered

15. In reaching my decision, I have considered:

- the terms of your request, dated 12 February 2015;
- documents falling within the scope of your request;
- the FOI Act;
- factors relevant to my assessment of whether or not disclosure of certain pages would be in the public interest;
- consultations with departmental officers about:
 - the nature of the documents;
 - 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

16. As set out above, certain parts of documents within the scope of your request are exempt under the FOI Act. My findings of fact and reasons for deciding that the exemption applies to those documents are discussed below.

Conditional exemption – Section 47E(d) of the FOI Act

17. Section 47E(d) of the FOI Act relevantly provides:

‘A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- ...
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.’

18. Paragraph 6.92 of the Guidelines provides the following relevant commentary in relation to the term 'reasonably be expected':

'There must be more than merely an assumption or allegation that damage may occur if the document were to be released'

19. Furthermore, paragraph 6.112 of the Guidelines provides the following relevant commentary in relation to the term 'proper and efficient conduct of operations':

'The predicted effect must bear on the agency's 'proper and efficient' operations, that is, the agency is undertaking its expected activities in an expected manner.'

Application of section 47E(d) of the FOI Act to the documents

20. I have applied the exemption in section 47E(d) of the FOI Act to documents 1, 2 and 4 as set out in the Schedule.

21. The department is responsible for the development of service delivery policy and providing access to social, health and other payments and services. The department offers these services through Medicare, Centrelink and Child Support.

22. The department receives a large number of new claims for services and payments on a daily basis. To manage these claims, the department employs a number of guides and tools to ensure that all new claims are directed to the correct areas and actioned in an efficient and effective manner.

23. The First Contact Service Offer (FCSO) tool guides the screening process when a customer first contacts the department. The FCSO tool allows customer service officers to properly and efficiently assess customers in order to determine the payments and services that they may be eligible for. The tool requires customers provide accurate and fulsome responses to a number of questions. From these answers, the tool lists the payments and services that a claimant may be eligible for.

24. Documents 1, 2 and 4 contain material in regard to the streaming of Youth Allowance and Disability Support Pensions claimants. Given that the disclosure of documents under the FOI Act is akin to the disclosure to the world at large, I am satisfied the release of this material would be reasonably expected to encourage claimants to provide less accurate and fulsome information in order to be eligible for more favourable payments and services. This could delay the correct streaming of claimants to the most appropriate payment types, allow applicant to avoid non-payment periods and prevent the department from connecting claimants with the job market as quickly as possible. This could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations the department in regard to assessing new claimants.

25. For the reasons set out above, I am satisfied that parts of the requested documents are exempt under section 47E(d) of the FOI Act, as identified in the Schedule.

Public interest test

26. Section 11A(5) of the FOI Act provides the following:

“The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.”

27. When weighing up the public interest for and against disclosure under section 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would promote the objects of the FOI Act.

28. I have also considered the relevant factors indicating that access would be contrary to the public interest. In particular, I have considered the extent to which disclosure could reasonably be expected to prejudice the department's ability to receive accurate information from customers and prejudice the department ability to process new claims efficiently.

29. Based on these factors, I have decided that in the circumstances of this particular matter, the public interest in disclosing the information in the above-mentioned documents is outweighed by the public interest against disclosure.

30. I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision.

Conclusion

31. In summary I am satisfied that parts of documents, as set out in the Schedule, are conditionally exempt under section 47E(d) of the FOI Act. Furthermore I have decided that on balance it would be contrary to the public interest to release this information. Accordingly I have decided not to release these documents in full to you.

32. As identified in the Schedule, I have deleted the exempt information in these document and released the remaining material in accordance with section 22(1) of the FOI Act.

Release of documents

33. Documents for release, as referred to in the Schedule, are attached to this email.

Rights of review

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

35. Should you have any enquiries concerning this matter, please email FOI.Legal.Team@Humanservices.gov.au.

Yours sincerely

FOI Delegate
FOI and Litigation Branch
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 2999, Canberra ACT 2601 Fax: +61 2 9284 9666 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

ATTACHMENT B

SCHEDULE OF DOCUMENTS

LEX 12236 – Fairless

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
1.	1 – 18	Undated	First Contact Service Offer (FCSO) 106-0301000	Access granted in part	S 47E(d)	Material that could or would reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the department on pages 3, 4, 5 and 10 – 14. Irrelevant material deleted under section 22.
2.	19 – 28	Undated	Running the First Contact Service Offer (FCSO) application 106-03010020	Access granted in part	S 47E(d)	Material that could or would reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the department on page 24. Irrelevant material deleted under section 22.
3.	29 – 31	Undated	Opening the First Contact Service Offer application 106-03010010	Access granted in full		Irrelevant material deleted under section 22.

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
4.	32	Undated	First Contact Service Offer screens and functions 106-03010030	Access granted in part	S 47E(d)	Material that could or would reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the department on pages 37 and 41. Irrelevant material deleted under section 22.