



12 August 2024

Our reference: LEX 80427

Gary Moorcroft
(Right to Know)

Only by email: foi+request-11607-95efa9ba@righttoknow.org.au

Dear Gary

Decision on your Freedom of Information Request

I refer to your request, dated and received by Services Australia (the Agency) on 2 July 2024 for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

The latest Senate Estimates Briefing Packs prepared for the CEO of Services Australia for his appearance at Senate Estimates on 3 June 2024.

My decision

The Agency holds 40 documents (totalling 354 pages) that relate to your request.

I have decided to:

- grant you **full access** to 2 documents (Documents 1 and 2), and
- grant you **part access** to 38 documents (Documents 3 - 40), with some of the content removed.

I have decided certain parts of documents you have requested are exempt under the FOI Act as they contain:

- information affecting the enforcement of law (section 37(1)(b) exemption and 37(2)(b) exemption)
- information which if disclosed, would have a substantial adverse effect on the proper and efficient conduct of the operations of an agency and release would be contrary to the public interest (section 47E(d) exemption), and
- personal information about other people and release would be contrary to public interest (section 47F(1) exemption).

Please see the schedule at **Attachment A** to this letter for a detailed list of the documents and the reasons for my decision, including the relevant sections of the FOI Act.

How we will send your documents to you

The documents are attached.

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 Agency, or an external review by the Office of the Australian Information Commissioner. See **Attachment B** for more information about how to request a review.

Further assistance

If you have any questions, please email freedomofinformation@servicesaustralia.gov.au

Yours sincerely

Cherie
Authorised FOI Decision Maker
Freedom of Information Team
FOI and Reviews Branch | Legal Services Division
Services Australia



SCHEDULE OF DOCUMENTS FOR RELEASE
MOORCROFT, Gary (Right to Know) - LEX 80427

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
1.	1	May-June 2024	Budget Estimates Briefs Index	Release in full	-	
2.	2	February 2024	Additional Estimates Briefs Index	Release in full	-	
3.	3-13	June 2024	Services Australia 2024-25 Budget Overview	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
4.	14-21	June 2024	Contractor and Consultancy Spend	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
5.	22-29	June 2024	Workforce Size and Structure (High Level)	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
6.	30-41	June 2024	Commonwealth Ombudsman Matters	Release in part	s 47E(d) s 47F(1)	Operational information deleted under s 47E(d) Personal information deleted under s 47F(1)
7.	42-46	June 2024	Overview of all ANAO Audits	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
8.	47-55	June 2024	3000 Staffing Boost for Services Australia	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
9.	56-88	June 2024	Census and Culture	Release in part	s 47F(1)	Personal information deleted under s 47F(1)

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
10.	89-91	June 2024	Bargaining	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
11.	92-98	June 2024	Payment Accuracy	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
12.	99-106	June 2024	Ombudsman Investigations / Scheme Apportionment	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
13.	107-115	June 2024	Income Apportionment	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
14.	116-122	June 2024	Response to the Royal Commission into the Robodebt Scheme	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
15.	123-125	June 2024	National Anti Corruption Commission	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
16.	126-131	June 2024	Enhanced Income Management	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
17.	132-147	June 2024	Centrepay	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
18.	148-154	June 2024	Paid Parental Leave	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
19.	155-162	June 2024	Detention Release Support	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
20.	163-169	June 2024	Vulnerability Strategy	Release in part	s 47E(d) s 47F(1)	Operational information deleted under s 47E(d) Personal information deleted under s 47F(1)

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
21.	170-201	June 2024	Government Response to the MyGov User Audit	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
22.	202-205	June 2024	Unpaid Medicare Benefits	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
23.	206-209	June 2024	Superannuation not Assessing at Age Pension Age	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
24.	210-221	June 2024	Telephony Performance	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
25.	222-227	June 2024	Claims Processing	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
26.	228-235	June 2024	Security Risk Management Review	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
27.	236-239	June 2024	Contact Centre Management in Services Australia	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
28.	240-251	June 2024	Emergency Management	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
29.	252-281	June 2024	Face to Face Transformation	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
30.	282-287	June 2024	Customer Complaints	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
31.	288-290	June 2024	Electorate Data	Release in part	s 47F(1)	Personal information deleted under s 47F(1)

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
32.	291-298	June 2024	Independent Services Australia – NDIA Procurement and Contracting Review	Release in part	s 37(1)(a) s 37(2)(b) s 47F(1)	Information affecting enforcement of law redacted under s 37(1)(a) and s 37(2)(b) Personal information deleted under s 47F(1)
33.	299-310	June 2024	Portfolio Management (Major Programs & Projects)	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
34.	311-322	June 2024	Cyber Safety and Security	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
35.	323-324	June 2024	ICT Systems Performance	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
36.	325-330	June 2024	PEGA Systems and Supported Projects	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
37.	331-344	June 2024	MyGov	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
38.	345-347	June 2024	GOVERP Programme	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
39.	348-350	June 2024	Technology and Digital Programs Workforce	Release in part	s 47F(1)	Personal information deleted under s 47F(1)
40.	351-354	June 2024	Welfare Payment Infrastructure Transformation	Release in part	s 47F(1)	Personal information deleted under s 47F(1)



REASONS FOR DECISION

What you requested

Under the Freedom of Information Act 1982 I seek the briefing pack prepared for the CEO of Services Australia for the 2024-25 Budget Estimates hearings.

On 3 July 2024, I wrote to you about your original request. You revised your request and this was confirmed by email on 8 July 2024.

Your revised request was:

The latest Senate Estimates Briefing Packs prepared for the CEO of Services Australia for his appearance at Senate Estimates on 3 June 2024.

On 9 July 2024, the Agency acknowledged your request. You consented to exclude personal details about our junior staff (such as their names) therefore, junior staff details have been redacted in accordance with section 22(1) of the FOI Act.

On 25 July 2024, the Agency requested your agreement to a 11 day extension of time under section 15AA of the FOI Act, and on 26 July 2024 you provided your agreement to this additional time. The Office of the Australian Information Commissioner (OAIC) was notified of the extension.

What I took into account

In reaching my decision I took into account:

- your original request dated 2 July 2024
- your revised request confirmed by you on 8 July 2024
- the documents which fall within the scope of your request
- whether the release of material is in the public interest
- consultations with Agency officers about:
 - the nature of the documents
 - the Agency's operating environment and functions
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines), and
- the FOI Act.

Reasons for my decision

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

I have decided that parts of documents that you requested are exempt under the FOI Act. My findings of fact and reasons for deciding that the exemption applies to those documents are discussed below.

Documents affecting enforcement of law

I have applied the exemption in sections 37(1)(a) and 37(2)(b) to part of Document 32.

These sections of the FOI Act allow the Agency to exempt release of a document if disclosure could reasonably be expected to prejudice the conduct of an investigation of a breach, or possible breach, of a law or disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of breaches or evasions of the law.

Document 32 contains information relating to current Agency investigations into possible breaches of a law and would disclose the lawful investigation methods of the Agency. Paragraph 5.82 of the Guidelines provides that a document should have a connection with the criminal law or the processes of upholding or enforcing civil law or administering a law, in order to be exempt under section 37(1)(a) of the FOI Act. This is not confined to court action or court processes but extends to the work of agencies in administering legislative schemes and requirements, monitoring compliance, and investigating breaches.

I am satisfied that the release of the information would disclose methods and Agency procedures for investigating breaches or possible breaches of the social security law and this in turn would prejudice the effectiveness of these methods now and into the future.

Paragraph 5.108 of the Guidelines provides that the exemption under section 37(2)(b) of the FOI Act requires that two factors are satisfied. There must be a reasonable expectation that a document will disclose a method or procedure and a reasonable expectation or a real risk of prejudice to the effectiveness of that investigative method or procedure. I consider there is a reasonable expectation of serious prejudice to the effectiveness of these investigative methods and procedures if the information were made publicly available. Release through FOI would undermine the Agency's ability to detect, investigate and take action in response to potential non-compliance with the social security law.

I am not suggesting you would misuse the information in anyway, however, the FOI Act does not control or restrict use or dissemination of the information once released in response to an FOI request. As such, I must consider actions any member of the public might take once the information enters the public domain.

For the reasons set out above, I am satisfied that the information is exempt under sections 37(1)(a) and 37(2)(b) of the FOI Act.

Operations of the Agency

I have applied the exemption in section 47E(d) of the FOI Act to parts of Documents 6 and 20.

This section of the FOI Act allows the Agency to exempt a document from release if its disclosure would have a substantial adverse effect on the Agency's ability to conduct its operations efficiently and properly.

Document 6 contains confidential material relating to an ongoing investigation, of which the details are not publicly known. I consider that disclosure of this information could reasonably be expected to undermine this investigative process, including reducing the willingness of all parties to cooperate fully and frankly.

Document 20 contains internal information relating to the triaging of telephone enquiries by the Interactive Voice Response system. The Agency's purpose is to provide high-quality government services and payments to Australians. It is a large organisation with established processes and policies in place to ensure the effective management of its significant workload.

Disclosure of the above material would have a substantial and adverse effect on the Agency's proper and efficient conduct, as disclosure would undermine the Agency's ability to ensure the ongoing and effective delivery of the Agency's operations in the manners outlined above.

While I have no reason to believe you would misuse the exempt material in this way, the FOI Act does not control or restrict use or dissemination of the information once released, so I must consider actions any member of the public might take if the information is in the public domain.

Public interest considerations

Access to conditionally exempt material must be given unless I am satisfied it would not be in the public interest to do so.

I consider disclosure of the material would promote the objects of the FOI Act, including increased public participation in Government processes, and increased recognition that information held by the Government is to be managed for public purposes and is a national resource. It may also promote effective oversight of public expenditure.

However, I consider that release of the exempt material in Document 6 would prejudice the proper and efficient conduct of an ongoing investigation, the ability to obtain confidential information, and the ability to obtain similar information in future.

I also consider that release of the exempt material in Document 20 would prejudice the Agency's ability to properly and efficiently deliver services to the public, by potentially enabling individuals to circumvent elements of the Agency's processes for their own advantage.

On balance and having weighed the factors in favour of disclosure against the factors against disclosure, I find the public interest in disclosing the material is outweighed by the public interest factors against disclosure.

For the reasons set out above, I am satisfied that the information is exempt under section 47E(d) of the FOI Act.

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.

Unreasonable disclosure of personal information

I have applied the conditional exemption in section 47F(1) of the FOI Act to parts of Documents 3 to 40.

This section of the FOI Act allows the Agency to redact material from a document if its disclosure would result in the unreasonable disclosure of personal information about other people.

Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable. It can include, but is not limited to, a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information, or signature.

I find Documents 3 – 40 contain personal information of third parties, being the names and direct phone contact details of senior Agency employees and other third parties.

I am satisfied the disclosure of the personal information would be unreasonable, as you do not have consent from these individuals for the release of their personal information. Further, I am

satisfied the information is private, not available publicly, and is not well known to you. I also consider that revealing this information could reasonably be expected to expose the identified third parties and staff members to contact outside reasonable working hours and may result in harassment and/or threats from members of the public. I am not suggesting that you would misuse the information in these documents, however the FOI Act does not control or restrict use or dissemination of the information once released in response to an FOI request.

Public interest considerations

Access to conditionally exempt material must be given unless I am satisfied it would not be in the public interest to do so.

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. However, I have also considered the relevant factors weighing against disclosure, indicating access would be contrary to the public interest. In particular, I have considered the extent to which disclosure could reasonably be expected to prejudice an individual's right to privacy and adversely affect or harm the interests of a group of individuals.

Based on these factors I have decided that in this instance, the public interest in disclosing the information in the above-mentioned document is outweighed by the public interest against disclosure.

For the reasons set out above, I am satisfied that the information is exempt under section 47F(1) of the FOI Act.

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.

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



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 a 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 a 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 Services Australia (the Agency), and/or
2. the Australian Information Commissioner.

Applying for an internal review by an Internal Review Officer

If you apply for internal review, a different decision maker to the Agency 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 or by email to freedomofinformation@servicesaustralia.gov.au

Note: 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 Agency 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: 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 'FOI Review Form' is available at [Information Commissioner Review Application form](#)
- If you have one, you should include with your application a copy of the Agency's decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the Agency'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
Smart Form: [FOI Complaint Form](#)

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.