

Senate Finance and Public Administration Legislation Committee —Budget Estimates Hearing—May 2010

Answers to Questions on Notice

Parliamentary Portfolio, Department of Parliamentary Services

Topic: **Provision of information from Centrelink to the Parliamentary Library.**

Question: **P19**

Hansard reference **F&PA 28, 24 May 2010**

Date set by the committee for the return of answer: 9 July 2010

Background

1 During the May 2010 Senate Estimates hearing, Senator Ronaldson raised a number of queries about the difficulties in obtaining information from Centrelink to permit the Parliamentary Library (the Library) to respond to an inquiry from Mr Abbott, the Leader of the Opposition.

2 The initial request from an officer of the Library for data from Centrelink was sent on 9 April 2010. However, the trigger for the concerns of Senator Ronaldson had been a later email dated 10 May 2010, from the same Library officer to a staff member in the office of the Leader of the Opposition about the difficulties that were being experienced in obtaining relevant data.

3 There are three broad components to the concerns raised during the Estimates Committee discussion about the circumstances which led to the 10 May 2010 email:

- (a) *Does Centrelink, or a client Government agency, require the Parliamentary Library to provide details about the Member of Parliament who is requesting information? This would breach the obligation of the Library to maintain confidentiality.*
- (b) *Was the initial refusal to provide information in this case at the direction of the Minister responsible for Centrelink?*
- (c) *Do government agencies and their staff have a sufficient understanding of the special role and obligations of the Parliamentary Library?*

4 The President of the Senate agreed to initiate a review of the matters which had been raised. Noting that the initial client for the Library was a Member of the House of Representatives, the President then consulted with the Speaker about the nature of the review. As a result, the Secretary of the Department of Parliamentary Services was requested to conduct the review. The findings are set out below.

Review into issues about provision of information from Centrelink to the Parliamentary Library, conducted by Mr A. Thompson, Secretary of DPS

Methodology

1 The review was conducted by initially interviewing relevant members of the Library staff, including the Parliamentary Librarian and the officer who sent the 10 May 2010 email to the office of Mr Abbott. I also interviewed senior executives of Centrelink and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), which is the "owner" of the data that the Library had been seeking from Centrelink.

2 Relevant documents from the Library, Centrelink and FaHCSIA were also reviewed.

3 The list of Interviewees is at **Attachment A** and the 10 May email is at **Attachment B**.

4 I was assisted in my inquiries by Mr David Bolitho, Parliamentary Service Liaison Officer.

Chronology

5 In early April 2010, an officer of the Parliamentary Library began to respond to an inquiry from the office of Mr Abbott. An early action was to request some relevant data from Centrelink, via an email sent on 9 April 2010.

6 On 12 April 2010, Centrelink responded by forwarding a request to the Library to fill out an application form and accept a quote for a fee before the Centrelink data would be provided.

7 The Library officer queried the charge with the Departmental Liaison Officer (DLO) in the office of the Minister responsible for Centrelink, who is the Minister for Human Services, the Hon Chris Bowen. The Library officer said that he adopted this approach because he was doubtful that the Centrelink officers understood the special status of the Library. On 22 April 2010, the DLO subsequently advised there would be no charges.

8 The Library officer then completed and submitted the form to Centrelink, but did not divulge the name of the Parliamentarian who was the client.

9 Several days later, the Library officer received a call from an officer of Centrelink statistics group who advised that Centrelink would require the identity of the Parliamentarian who was the client. *I note that the senior officers of both Centrelink and FaHCSIA confirmed to me that this advice from Centrelink had been provided after discussion between the Centrelink officer and an officer of FaHCSIA.*

10 The Library officer re-affirmed to the Centrelink officer that the confidentiality requirements of the Library did not permit identification of the client Parliamentarian. It was agreed that the Centrelink officer would seek further advice from the DLO.

11 On 6 May 2010, an advisor to the Minister rang the Library officer and confirmed the view of the Centrelink and FaHCSIA officers that the name of the client Parliamentarian was required.

12 On 10 May 2010, the Library officer then sent a progress report email to the office of the Leader of the Opposition. The email commenced by advising that:

Back in early April you asked me to seek some data from Centrelink about FTBB recipients and the age of their youngest child. I have recently been informed by Minister Bowen's office that they cannot give me the data unless I disclose who has requested it and what they want it for.

13 The Library officer also advised his manager in the Library about his frustration and concerns.

14 On 12 May 2010, arising from the concerns of the Library officer, the Parliamentary Librarian wrote to the Chief Executive Officer of Centrelink seeking to break the impasse.

15 On 27 May 2010, the relevant information was provided by Centrelink to the Library officer, without any requirement to divulge the name of the Parliamentarian.

16 During three sessions of the May 2010 Senate Estimates hearings, the issue was discussed at some length with DPS, Centrelink, and FaHCSIA.

Legislation and policies

17 **From the viewpoint of the Parliamentary Library:** The *Parliamentary Service Act 1999* sets out the functions of the Parliamentary Librarian as follows:

38B Functions of Parliamentary Librarian

(1) The functions of the Parliamentary Librarian are:

(a) to provide high quality information, analysis and advice to Senators and Members of the House of Representatives in support of their parliamentary and representational roles; and

(b) to undertake such other responsibilities within the joint Department, consistent with the function set out in paragraph (a), as are conferred in writing on the Parliamentary Librarian by the Secretary of the joint Department with the approval of the Presiding Officers.

(2) The Parliamentary Librarian must perform the function mentioned in paragraph (1)(a):

(a) in a timely, impartial and confidential manner; and

(b) maintaining the highest standards of scholarship and integrity; and

(c) on the basis of equality of access for all Senators, Members of the House of Representatives, parliamentary committees and staff acting on behalf of Senators, Members or parliamentary committees; and

(d) having regard to the independence of Parliament from the Executive Government of the Commonwealth.

18 In the context of this review, the critical obligations of the Librarian are to:

*provide high quality information, analysis and advice to Senators and Members.....in a timely, impartial and **confidential** manner.*

19 To undertake this important research role, officers of the Research Branch within the Library use a wide range of publicly accessible information sources, and also may seek further specific non-published information from various other organisations, including government agencies such as Centrelink.

20 I am advised there is reasonably good cooperation from many agencies in providing data to the Library, but there are occasional problems, including the circumstances which led to this review.

21 Over recent years, the Parliamentary Librarian has established Operating Policies and Procedures (OPPs) to guide the research work of Parliamentary Library staff. For the purposes of this review, the two most relevant OPPs are:

(a) OPP No. 9 "Communication by Parliamentary Library staff with Government Agencies"—published in November 2006; and

(b) OPP No. 13 "Responses to client requests"—published in May 2007.

22 The OPPs issued by the Parliamentary Librarian deal with many aspects of the research task, including quality control, privacy, freedom of information, etc. However, the OPPs provide little guidance for staff about circumstances when they are experiencing difficulties in obtaining information from a source such as a government agency. Guidance about communicating with clients is also limited.

23 **From the viewpoint of Centrelink and FaHCSIA** (from whom information was requested in this case): They use a Protocol titled: "*Protocol for the Release of Social Security Information*" (the Protocol). Versions of the Protocol have been in existence for some 10 years, and the current edition has been in place since September 2006. Signatories to the Protocol include Centrelink, FaHCSIA and the Department of Education, Employment and Workplace Relations (DEEWR). The protocol is essentially an agreement between the three agencies; it is not a Ministerial document.

24 Amongst other matters, page four of the Protocol notes:

The Protocol defines mutually agreed policies, processes and procedure for the release of two broad classes of social security information:

- **Non-protected information** (individual customers are unlikely to be identified)
- **Protected information** (individual customers may be directly or indirectly identified)

Requests for non-protected information are received from a wide range of sources, including Ministers and their offices, parliament, other agencies, media sector, community and research organisations, and individual citizens.

25 The Protocol establishes a set of rules for the release of information, including:

- (a) a charging regime; and
- (b) a requirement to identify the client.

26 I was advised by senior executives of FaHCSIA that the reasons for the charging and identification requirements are to:

- (a) prevent or minimise excessive demands, which generate high costs, for Centrelink (as the service provider) or for the relevant Department (which "owns" the data); and
- (b) reduce the likelihood that information will be used inappropriately.

27 I was also advised by senior executives of FaHCSIA that they have internal guidelines which would:

- (a) exempt the Parliamentary Library from any requirement for payment; and
- (b) treat the Parliamentary Library as the "client". In other words, for the 9 April 2010 request from the Library, there should have been no requirement for the name of a client beyond "the Parliamentary Library".

Discussion

28 If the email of 10 May 2010 from the Library officer to the office of Mr Abbott is read in isolation from the background information set out in the Chronology, it is understandable that there could be a major misunderstanding about which officer or agency was preventing the flow of information from Centrelink to the Library.

29 It is nevertheless clear to me that there are good reasons why some controls are needed for release of information from Centrelink or its client agencies. The existing Protocol largely meets this need. The Protocol is supported by a more recent application form. However, I noted that neither the Protocol, nor the application form provide any recognition of the special responsibility or role of the Parliamentary Library.

30 Moreover, although FaHCSIA has an internal guideline which exempts the Library from any charge, and treats the Parliamentary Library as the "client", it is now very clear that responsible mid-level officers in Centrelink, FaHCSIA and the officer of the Minister were not aware of the FaHCSIA guideline. This generated much of the concern which has led to this review.

31 Given the very nature of the work of the Parliamentary Library for its Parliamentary clients, the frequency of requests for information to any one government agency will inevitably fluctuate over time. Some agencies might receive no requests for many months or even years. With the benefit of hindsight, it is therefore not surprising that officers of government agencies will occasionally have little personal understanding of the role and status of the Parliamentary Library, unless that role is clearly documented.

Key conclusions

32 Taking into consideration the evidence from the interviews and the relevant documentation, I have concluded that:

- (a) *Does Centrelink or a client Government agency require the Parliamentary Library to provide details about the relevant Member who is requesting the information?*

The answer to this question is that if the provider agency officers knew about the internal FaHCSIA guideline (which treats the Parliamentary Library as the client), there would have been no conflict between the needs of the Library and the procedures of FaHCSIA and Centrelink.

However, this set of events has demonstrated that a number of officers were not aware of FaHCSIA guidelines, and were basing their decisions only on the Protocol and the application form. This is unsatisfactory and needs to be rectified.

- (b) *Was the initial refusal to provide information in this case at the direction of the Minister responsible for Centrelink?*

Based upon the clear advice of senior officers of both FaHCSIA and Centrelink, decision making about the provision of information to the Library originated with mid-level officers in the two Government agencies. The staff member of the Minister's office was simply passing on that decision.

These events do, however, raise significant questions about the wisdom of attempting to communicate information between agencies via a political office.

- (c) *Do government agencies and their staff have a sufficient understanding of the special role and obligations of the Parliamentary Library?*

It is clear that some officers of Government agencies do not have an adequate understanding of the role and responsibilities of the Parliamentary Library.

Moreover, because of the intermittent nature of requests from the Library, the problems could re-occur, especially if there is staff turnover in relevant positions in government agencies.

33 I have also concluded that the email of 10 May 2010 from the Library officer to the office of the Leader of the Opposition should have been clear about the reasons for the non-availability of data, notably the reluctance of the relevant Centrelink and FaHCSIA officers to provide the information.

Immediate actions arising from the Review

34 I have already shared my preliminary findings with the Parliamentary Librarian, and she has had constructive discussions with her staff about clarity of future communications to clients.

35 I have also been advised by the senior executives of Centrelink and FaHCSIA that they have counselled their current staff, thus ensuring existing officers have a much clearer understanding of the special role and responsibilities of the Parliamentary Library. Additionally, I am advised that staff of Centrelink and FaHCSIA now understand the desirability of having direct discussions with the Library, rather than relying on communication via the Minister's office.

Further actions

36 Three further actions are warranted:

- (a) **Firstly**, improved understanding by current staff of Centrelink and FaHCSIA needs to be transformed into understanding by all future staff. I therefore propose that the Parliamentary Librarian and I write to Centrelink, FaHCSIA and DEEWR requesting an upgrade to the Information Protocol to clearly set out within that document (and in the associated application form) the special provisions which apply for information requests from the Library. In other words, the FaHCSIA "internal procedures" should be included in the main Protocol.

DEEWR needs to be a party to this change because it is the other major party to the Protocol.

- (b) **Secondly**, this type of problem could occur in other government agencies. I therefore propose that the Parliamentary Librarian and I also write to the Secretary to the Department of Prime Minister and Cabinet, asking him to circulate clear advice to all government agencies about the need to recognise the special role and responsibilities of the Parliamentary Library.

- (c) **Thirdly**, I will be requesting the Parliamentary Librarian to work with her staff to upgrade the existing Operating Policies and Procedures of the Library to:

- (i) encourage Library staff to seek earlier assistance from senior library management when they believe their requests for

information from an agency are being inappropriately delayed;
and

- (ii) ensure that future communications from Library staff to clients are clear about the reasons for any difficulties in providing the information requested.

Alan Thompson
Secretary

Review into issues about provision of information from Centrelink to the Parliamentary library

List of Interviewees

Ms Roxanne Missingham	Parliamentary Librarian
Ms Nola Adcock	Assistant Secretary, Research Branch of the Parliamentary Library
Ms Carol Kempner	Director Social Policy section, Research Branch
Mr Dale Daniels	Senior Researcher, Social Policy section
Ms Carolyn Hogg	CEO, Centrelink
Ms Barbara Bennett	Deputy CEO, Corporate Support, Centrelink
Ms Liza Carroll	Deputy Secretary, FaHCSIA
Mr Bruce Hunter	Deputy Secretary and Chief Operating Officer, FaHCSIA

From: Daniels, Dale (DPS)
Sent: Monday, 10 May 2010 10:48 AM
To: Baxendale, Helen (T. Abbott, MP)
Subject: Centrelink data request

Senate F&PA Committee
Tabled Document
Inquiry: Budget estimates 2010-11
Date/Time: 24 May 2010, 10:47
Witness Name: Sen. Ronaldson
Organisation:

Helen

Back in early April you asked me to seek some data from Centrelink about FTBB recipients and the age of their youngest child. I have recently been informed by Minister Bowen's office that they cannot give me the data unless I disclose who has requested it and what they want it for. Since I am unable to provide that information due to the confidentiality requirements the Library operates under, I wanted to let you know the situation. If you are happy for me to tell Centrelink who wants the data and why you should let me know in writing by email so I can proceed.

This is a new process for requesting data from Centrelink that appears to have been introduced early this year.

cheers

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