

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Department of Human Services and agencies

Supplementary Budget Estimates 2005-2006, 1 November 2005

Question: HS28

Outcome 1, Output 1.1

Topic: Centrelink - Senate Order on Confidentiality in Contracts

Hansard Page/Written Question on Notice: Written

SENATOR MURRAY asked on 1/11/05:

1. What guidance is provided to staff with responsibilities for contract negotiations specifically about the requirements of the Senate Order? If relevant guidance is not provided, please explain why this is the case.
2. What training and awareness sessions are provided, either in-house or through other training providers (eg. DOFA, APS Commission or private firms) in respect of the Order? Please provide a list of the dates, the identity of the training providers and the content of the training that staff attended in 2005. If training and awareness sessions are not provided, please explain why this is the case.
3. Has the department/agency revised its procurement guidelines to incorporate the new Commonwealth Procurement Guidelines that took effect from 1 January 2005, particularly with respect to the confidentiality elements contained in those guidelines? If so, when did this occur and can a copy be provided? If not, what is the cause of the delay and when will the revision occur?
4. ANAO audits for the last three years have revealed a consistently low level of compliance across most agencies with DOFA confidentiality criteria (February 2003) for determining whether commercial information should be protected as confidential. The ANAO's latest report on the Order (No.11 2005-2006, September 2005) states that departments and agencies need to give higher priority with this important requirement of the Senate Order.
 - a What specific measures have been or will be taken to address this problem, give it higher priority and raise compliance levels?
 - b What guidance and training are provided to staff about the confidentiality criteria and the four tests employed to determine whether information should be protected?
 - c What internal auditing or checking is performed to test compliance in this area? If none is performed, why not and is the agency considering the adoption of internal controls and checks?
5. What problems, if any, has the agency and/or relevant staff experienced in complying with the Senate Order? What is the nature and cause of any problems? What measures have been, or could be, adopted to address these concerns?

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Answer:

1. Information on the Senate Order and confidentiality issues is provided to all staff in Centrelink's Procurement and Contracting Manual that in turn is linked via the internet to guidance from the Department of Finance and Administration on these issues. In addition, standard tender documentation provides further information to both staff and prospective tenderers about the requirements for confidentiality provisions, including the principles that must be applied when considering whether or not information should be kept confidential. Centrelink officials are also reminded each six months, prior to the collection of data for the Senate Order, of the confidentiality requirements and the need to review the confidentiality status of the contracts they manage.
2. As noted in the previous answer, six monthly completeness and accuracy checks of the data in the Centrelink Contracts Register is used as a vehicle for maintaining awareness of the issues relating to confidentiality. The inclusion of confidentiality provisions in contracts is treated on a case-by-case basis during contract negotiations between the tenderer and Centrelink. Staff from the relevant business areas are supported in negotiations by advice from specialist procurement staff on the Commonwealth's position in relation to confidential information, and the tests that must be applied, when deciding whether or not to agree to keep information confidential. The default or starting position in all new contract negotiations in Centrelink is that no information is confidential.
3. Yes. Centrelink made such information available to its staff from 1 January 2005 in the form of an Addendum to its Procurement and Contracting Manual
- 4 (a) An accuracy and completeness check of contract data is conducted across Centrelink every six months prior to the collection of information for the Senate Order. The check includes reviewing the continuing validity of the confidentiality status of contracts.
- 4 (b) See responses to Q1 & Q2 above.
- 4 (c) See response Q4 above.
5. Nil