

Records in the News

Good afternoon LGIG Group members. For your information and sharing, this is a snapshot of five (5) articles on records management related matters in the news since our last meeting in case you missed them.

1. Pharmacy Guild: Review of PBS deal with Government raises concerns of how money was spent

By medical reporter Sophie Scott

Date: 10 March 2015

Source: ABC News

Serious concerns have been raised about how millions of dollars of taxpayers' money has been spent by the Pharmacy Guild of Australia. The guild receives the money as part of its \$15 billion agreement with the Federal Government to dispense medications on the Pharmaceutical Benefits Scheme (PBS).

An independent audit of the deal outlined irregularities in how some of the funds were spent and how the agreement was managed by the Health Department.

Health advocates have called for a full and open inquiry, describing it as a "widespread and significant failure".

The report from the Australian National Audit office found:

- \$5.8 million given by the Government to the guild for professional development of pharmacists was instead funnelled into a public relations "communications strategy" without approval from the health minister;
- Most of the \$7.3 million of government funds meant to be paid to pharmacists to encourage electronic prescribing was instead reallocated to "fund other activities". The Health Department could not provide evidence to prove the health minister had been consulted;
- The Health Department did not keep any formal record of meetings with the guild.

Since 1990, the Federal Government has funded five-year agreements to help maintain a national network of 5,460 pharmacies as a way of dispensing medicines on the PBS. **Do you know more about this story? Email investigations@abc.net.au**

The current agreement is about to expire and Health Minister Sussan Ley has held meetings with pharmacy representatives, the Health Department and patient groups on the next agreement. A spokesman for Ms Ley said the Government was taking a close look at the report and its findings.

The Consumers Health Forum (CHF) said the audit raised serious concerns about how effectively the Health Department managed the current agreement. "The audit of the fifth pharmacy agreement shows a disturbing laxity in what is a vitally important and costly scheme involving the dispensing of prescriptions," CHF chief executive Adam Stankevicius said. The review found there were persistent shortcomings in departmental record-keeping relating to the pharmacy agreement.

"[The Department of] Health did not keep a formal record of its meetings with the Pharmacy Guild during negotiations of the agreement and did not document its subsequent discussions with the Guild on the negotiation of related contract," the audit found.

"Given the significance of the issues under negotiation, the decision not to prepare an official record of discussion is not consistent with sound practice."

'Scandalous' agreement between Government, PBS

The audit also highlighted that the Health Department did not develop a risk management plan or ensure that conflict of interest declarations for members of its negotiation team were completed. Greens health spokesman Richard di Natale said it was "scandalous" that taxpayers' money was being allocated on a handshake agreement. "It fails by any standard of governance," he said.

"There is no transparency, no formal processes in place. It's actions like these that leave governments open to corruption."

In its response, the Health Department acknowledged "there is scope to realise further improvement in the effective and efficient administration of these agreements".

A spokesman for the Pharmacy Guild said it welcomed the audit.

"The guild welcomes the fact that the audit does not make any adverse findings in relation to its role in the administration of the agreement," the spokesman said. The CHF said it beggared belief a

program of such financial significance and health importance had been beset by such fundamental administrative deficiencies.

"We call on the Federal Parliament's powerful Joint Committee of Public Accounts and Audit to conduct a full and public inquiry into this report and its critical findings," Mr Stankevicius said.

"The inquiry must get to the bottom of why the two biggest components of the pharmacy agreement — the remuneration to pharmacists [totalling \$13.8 billion] and the [\$950 million] CSO payments to wholesalers — have not been fully reviewed for over 25 years."

The Health Department said it had implemented a range of improvements identified in the report.

Article submitted by Toulia Varvarigos – eAssure

2. Journalist wins 2 year battle with defiant Telstra

Date: 5 May 2015

Reported by: Ben Grubb

Source: The Age Newspaper

Yesterday marked 688 days since I first asked Telstra for the metadata generated by my mobile phone – the same information it routinely gives law-enforcement and intelligence agencies without a warrant when investigating crime.

Yesterday also marked the start of Privacy Awareness Week 2015, which usually goes by each year without too much fuss and is, to be frank, a little boring. Not this year.

You see, yesterday also marked the day the Office of the Australian Information Commissioner made public a landmark decision in relation to my battle with Telstra for access to my metadata. You might remember how I detailed my tussle with the Telco last year, explaining how spies, councils, and the RSPCA and others could gain access to my phone's metadata but I couldn't, as Telstra was refusing me access.

I wanted to access to the data in light of the data retention laws, which recently passed Parliament, so I could provide the complainant with access

Article Submitted by Roger Bublert – Cardinia Shire Council

3. Courts must embrace technology and cut down on paper, says judge

Date: 22 May 2015

Reported by: Katie Walsh

Source: Australian Financial Review

Excessive paper filings swamp some court registries and place prohibitive printing costs on parties, Federal Court judge, Nye Perram has warned as he urged other courts to introduce electronic court files.

"I do not believe that it is a 'nice' idea. ...it is essential that courts now move to arrangements of this kind," Justice Perram said at the Australasian Institute of Judicial Administration's technology conference in Brisbane on Thursday.

Supreme Courts of every state except South Australia allow e-lodgment, along with some district and local courts, but Justice Perram said that did not differ "structurally from an ordinary court registry counter": the court file remains physical...The quantity of paper generated is already swamping some registry systems" he said.

The Federal Court was the first to roll out electronic court files, throughout 2014. The court began its digitisation efforts over a decade ago with its electronic filing system in 2001. Nearly all, 91 percent of documents filed by practitioners are now done electronically; a dramatic leap from the roughly 50 per cent one year ago.

Making parties pay for printing pages that are "never looked at" would become unacceptable, and a print-off was a "wholly deficient rendering" of emails and web pages, Justice Perram said, noting that most documents in litigation are electronic to begin with.

"The only issue about [electronic court files] is, therefore, one of timing. Is your court going to get one now or later?"

The conference explored the next frontier for courtrooms: e-hearings and e-trials. Attendees caught a glimpse of what it might entail watching a trial in a virtual court room which brought together participants from three different locations.

Article Submitted by Roger Bublert – Cardinia Shire Council

4. ASADA chief reveals concern that Essendon records may have been destroyed

Date April 2, 2015

Reported by: Samantha Lane and Richard Baker

Source: The Age Newspaper

ASADA hit back at ruling

Despite all 34 players being found not guilty, ASADA were right to pursue the Essendon Bombers over their 2012 supplements regime insists CEO Ben McDevitt.

Australian Sports Anti-Doping Authority boss Ben McDevitt has revealed his concern that crucial records of the Essendon supplements program may have been "either destroyed or removed".

ASADA CEO Ben McDevitt: "I think everybody involved is just so, so surprised at the extraordinary lack of records."

In an exclusive interview with Fairfax Media, Mr McDevitt warned of fresh show-cause notices if evidence emerged of document destruction in an attempt to cover-up the use of a banned substance.

Stressing that the authority did not at present have evidence to pursue a case on evidence removal, Mr McDevitt admitted the extraordinary lack of records about the Bomber's 2012 supplements program remained "a troubling issue" for the authority.

Essendon's former sports scientist Stephen Dank has maintained he kept detailed records of the supplements program. But these records have not been found in hard copy or electronic form by the anti-doping authority or the AFL.

Mr McDevitt's comments came the day after an AFL anti-doping tribunal ruled against ASADA's case that 34 past or present players had been given banned drug Thymosin beta-4.

"I believe there are two scenarios," he said. "One is because of the secretive nature of the regime, that no records at all were kept. Or, alternately, if records were kept then they were either destroyed or removed by persons unknown in a bid to get rid of the evidence."

Asked why anyone would destroy such records, Mr McDevitt responded: "Because if the records actually showed what substances were injected, and when.

"I think everybody involved is just so, so surprised at the extraordinary lack of records. My understanding with sporting bodies is that, with their supplements regimes, there's extensive documentation and you would expect to be able to find that. In this case it's just extraordinary that there is no documentation to be found. So, I have a suspicious mind and I'd love to know what happened to the records if there were records."

In response to Mr McDevitt's comments, an Essendon spokesman said the AFL had forensic accounting firm Deloitte seize every computer hard drive and other records at the club as soon as it revealed it had reported its supplements program to the anti-doping authority in February 2013.

The spokesman added that every club official and player was made available to the authority's investigators and urged to tell the truth. He said the club could not speak for what individuals no longer associated with Essendon may have done with any records they had made.

As reported by Fairfax Media on Tuesday, the AFL anti-doping tribunal slammed the record keeping at Essendon as "deplorable".

The tribunal also noted that "it is the responsibility of the club to ensure that complete and accurate records are kept".

Speaking in a briefing in Canberra that lasted for 50 minutes on Wednesday, Mr McDevitt again called on Mr Dank to produce the records.

"Stephen Dank has publicly stated that extensive records of the injection regime were kept but throughout this investigation no such records have been found," he said.

"Curiously, Mr Dank, in a statutory declaration provided to ASADA in response to a disclosure notice, declared he had no documents to produce."

Later in the briefing McDevitt said that if Dank did actually keep, or have, records of the Essendon supplements program he suspected they would be "chaotic and shambolic".

Article Submitted by Roger Bublert – Cardinia Shire Council

5. Vic Freedom of Information watchdog probed

Date 22 May, 2015

Reported by: Unknown

Source: Herald Sun Newspaper

VICTORIA'S Freedom of Information Commissioner Lynne Bertolini has been investigated over a "serious" allegation, which is yet to be revealed.

THE Andrews government has been handed the results of the investigation, but its finding or any detail of the allegation is yet to be made public.

It was revealed by Department of Premier and Cabinet secretary Chris Eccles during opposition questioning at a parliamentary committee.

"There were certain matters that were brought to my attention - and it's not appropriate to disclose the detail - which I consider to be sufficiently serious to ... initiate an inquiry," Mr Eccles told the Public Accounts and Estimates Committee on Thursday.

"That inquiry is on foot and the matter is before government."

Former Public Sector Standards Commissioner Peter Allen led the investigation.

An Andrews government spokesman confirmed Mr Allen's report was under consideration.

Article Submitted by Roger Bublert – Cardinia Shire Council