

CONFIDENTIAL

Request for Quote



## Request for Quote (RFQ)

### Organisational redesign and change management support

#### 1. Background

The Office of the Australian Information Commissioner (OAIC) is Australia's national privacy and information access regulator.

A recent strategic review of the OAIC has found OAIC needs to change to respond to its evolving environment and growing statutory workload.

OAIC's Commissioners are seeking to:

- move the OAIC from a reactive to a more harm-focussed<sup>1</sup> regulatory posture, with an increased emphasis on enforcement and education.
- embed structures and processes to ensure that, in all its work, OAIC is directing its efforts and resources strategically towards where they will provide the greatest benefits to the community.

To help drive this change, OAIC seeks assistance to refresh and rebalance its organisational structure. The OAIC must also revise its structure to maximise the benefits of the recent appointment of two additional statutory office holders.

OAIC seeks a suitably qualified Supplier to:

1. work closely with OAIC's Commissioners to support them in communicating their vision for the OAIC
2. develop a new structure for the OAIC in consultation with Commissioners, Executive, and staff
3. deliver an operationally effective change management plan reflective of Australian Public Service Requirements to support the OAIC to shift to the new structure as quickly as practicable.

As part of the proposal, OAIC requires the Supplier to provide a Senior Agent of Change (senior executive/principal level) who is available to be embedded within the OAIC's Executive management processes during the engagement by attending key Executive management meetings. This is to allow the person to make recommendations informed by a deeper understanding of OAIC's operations and organisational arrangements, and act as an executive-level change champion in discussions.

This will require the Senior Agent of Change to be available on Tuesdays when OAIC's management meetings (Governance Board, Executive Management Committee and Strategic Regulatory Committee) are held. Attendance will generally be virtual (via Microsoft Teams) but in person attendance could occur where the Supplier considers this would be helpful, and where this can be fit within the available budget.

OAIC seeks proposals that will provide maximum value within its budget cap for this work, which is **\$350,000 (GST incl)** or less.

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<sup>1</sup> Although widely referred to as a 'risk-based' approach to regulation, OAIC has been describing this approach as 'harm-based' to avoid confusion with corporate risk management.

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## 2. Requested response

The OAIC requests that providers offer a response of at most 20 pages (plus CVs) that directly responds to the criteria for the RFQ (see '*Responding to the RFQ*' below), which are:

1. Approach
2. Personnel
3. Price
4. Risk

## 3. Basis of RFQ

This RFQ is issued under clause 11.2 of the Head Agreement for the Management Advisory Services (MAS) Panel Standing Offer Notice (SON3751667) (Panel) and any arrangement entered into as a result of this RFQ will be made under the Panel's Deed of Standing Offer and will form a separate contract (Contract) between the OAIC and the successful Respondent (Supplier).

The OAIC, at its discretion, may discontinue this RFQ, decline to accept any offer, decline to issue any order or satisfy its requirement separately from this RFQ process.

Each Respondent to this RFQ is expected to:

- (i) fully inform itself on all aspects of the work required to be performed; and
- (ii) submit its offer (Response) in accordance with this RFQ.

Without limiting any other rights under this RFQ, Respondents are entirely responsible for submitting their Response in accordance with this RFQ and should ensure that their Response includes any attachments. Responses should be completely self-contained.

The Agency may, at any point during the evaluation process, ask a Respondent to clarify information with respect to any aspect of its Response. A person responding to a request for clarification on behalf of the Respondent will be deemed to be authorised by the Respondent to do so. Failure to respond to a request for clarification in the manner requested and by the required time may have an adverse impact on the evaluation of the affected Response.

## 4. Respondent acknowledgment

By submitting a Response, the Respondent acknowledges and agrees that:

- i. it does not rely on any oral or written representation, or other conduct by or on behalf of the Agency, except as expressly provided in this RFQ and any Addenda;
- ii. it has considered all relevant information, made all relevant enquiries and obtained all relevant independent advice as appropriate;
- iii. it has familiarised itself with relevant policies in accordance with clause **Error! Reference source not found.**;
- iv. it must not make any public statements in relation to this RFQ without prior written permission of the Agency, except as required by law;
- v. it will comply with all conditions set out in this RFQ;
- vi. it is solely responsible for:
  - a. examining this RFQ, any documents referenced in or attached to this RFQ and any other information made available via Addenda;
  - b. considering all further information obtainable by making reasonable enquiries relevant to the risks, contingencies, and other circumstances as may affect its Response;
  - c. satisfying itself that its Response (including prices) is accurate, complete and not misleading; and
  - d. it has not otherwise acted, and will not otherwise act, in an unethical or improper manner, or contrary to any law.

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## 5. Enquiries from Respondents

All enquiries relating to this RFQ, including requests for additional information or clarification, must be made before the Closing Time for Questions directly to the Agency Representative. The Agency Representative is the sole contact point for any enquiries relating to this RFQ.

The Agency will not respond to enquiries received after the RFQ Closing Time for Questions unless the Agency determines that it would benefit the RFQ process to do so.

The Agency may choose not to respond to enquiries at its discretion.

## 6. Addenda

The Agency may vary or supplement this RFQ by issuing an Addendum:

- i. before the RFQ Closing Time, via email to the Respondent email available on the MAS Panel; or
- ii. after the RFQ Closing Time, by email addressed to the contact email address specified by each Respondent in its Response.

## 7. Complaints

Any complaints about this RFQ process should be lodged with the Agency Representative. The Agency will acknowledge receipt of such complaints and seek to address them as soon as practicable, including by requesting further information from the Respondent if necessary.

## 8. Notification and Debriefing

The Agency will notify Respondents of the outcome of the RFQ process. A Respondent may request a debriefing after Respondents are notified of whether or not it has been selected as the Successful Respondent, in which event the Agency will:

- i. debrief the Respondent in respect of its performance against the Evaluation Criteria; and
- ii. not provide the Respondent with information concerning other Respondents, except publicly available information such as the name of Respondents with whom a contract has been entered (as reported on AusTender).

## 9. Governing Law

This RFQ is to be construed in accordance with, and any matter related to it is to be governed by, the laws of the Australian Capital Territory. The courts of the Australian Capital Territory have non-exclusive jurisdiction to decide matters related to this RFQ.

## 10. Application of Law and Commonwealth Policy

Respondents will be considered to have familiarised themselves with all relevant Commonwealth laws and policies relating to the Response and any resultant Work Order. In preparing and lodging its Response and in taking part in this RFQ process, each Respondent should comply with, and not be in breach of, the requirements of all applicable laws and Commonwealth policies (and State and Territory policies as applicable) including those stated in the Head Agreement.

Each Respondent should obtain, and will be deemed to have obtained, its own advice on the impact of all relevant policy and laws on its participation in this RFQ process.

Respondents have already agreed to comply with a range of Commonwealth policies in the Head Agreement. These policies will also apply (as relevant) to this RFQ.

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<b><u>Request For Quotation for Services</u></b>	
<b><i>Agency Information</i></b>	
<b>Agency</b>	Office of the Australian Information Commissioner
<b>Agency File Reference</b>	24/00110
<b>RFQ Reference</b>	EXEC03052024
<b>Agency Representative</b>	<p>Name: Mr Annan Boag            Position: Assistant Commissioner, Digital ID &amp; Implementation            Address: GPO Box 5288 Sydney NSW 2001            Email: <a href="mailto:procurement@oaic.gov.au">procurement@oaic.gov.au</a></p> <p>All enquiries about this RFQ should be sent by email to the Agency Representative at <a href="mailto:procurement@oaic.gov.au">procurement@oaic.gov.au</a>. Please copy to <a href="mailto:annan.boag@oaic.gov.au">annan.boag@oaic.gov.au</a>.</p>
<b><i>RFQ and Proposed Order Details</i></b>	
<b>RFQ Release Date</b>	3 May 2024
<b>RFQ Closing Time for Questions</b>	13 May 2024, 2:00pm (Sydney time)
<b>RFQ Closing Date and Time</b>	20 May 2024, 10:00am (Sydney time)
<b>Response Submission</b>	Responses should be submitted to the Agency Representative <b>by email</b> by the RFQ Closing Date and Time.
<b>Proposed Order Commencement Date</b>	27 May 2024, or such other date as agreed
<b>Proposed Order Term and/or Completion Date</b>	12 weeks, or a shorter period proposed by the Respondent.
<b>Options to extend</b>	The Agency may extend the Contract for up to three months by providing written notice to the Service Provider prior to the Order Completion Date.
<b>Milestones</b>	See <b>Attachment A – Statement of Requirements</b> .

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<b><u>Request For Quotation for Services</u></b>	
<b>Statement of Work</b>	
<b>Service Area and Category</b>	<p>The Respondent must be approved to provide Services under all of the following Panel Services Categories and Service Areas:</p> <ul style="list-style-type: none"> <li>• Corporate Service Areas – Organisational Planning and Development – Change Management</li> <li>• Corporate Service Areas – Organisational Planning and Development – Business strategy and improvement</li> </ul>
<b>Detailed Statement of Work</b>	See <b>Attachment A – Statement of Requirements.</b>
<b>Deliverables</b>	See <b>Attachment A – Statement of Requirements.</b>
<b>Subcontractors</b>	Subcontractor(s) are subject to prior written approval by the Agency.
<b>Location</b>	All Key Personnel must be located in Australia.
<b>Fees</b>	<p>Fees will be paid on a Milestone basis as per the Milestone Payment details in <b>Attachment A – Statement of Requirements.</b></p> <p>The Total Contract Fees must not exceed <b>\$350,000</b> (GST inclusive), including travel costs.</p>
<b>Payment Terms</b>	<p>(a) five calendar days where the Agency and the Service Provider both have the capability to deliver and receive e Invoices through the Pan-European Public Procurement On-Line Framework and have agreed to use this method of invoicing; or</p> <p>(b) 20 calendar days for all other invoices.</p>
<b>Travel</b>	<p>Attendance at OAIC's Sydney office by key personnel may be required, though it is expected the majority of meetings, interviews and workshops will be online.</p> <p>Providers should address any necessary travel costs in their pricing proposal.</p>
<b>Agency Material</b>	<p>All Material provided by the Agency to the Supplier for the purposes of the Contract, including:</p> <ul style="list-style-type: none"> <li>• any existing policies and documents relating to the Agency's organisational structure and functionality;</li> <li>• data and information relating to Agency staffing, structure, resourcing, capabilities, and existing processes; and</li> <li>• previous review reports, and other advisory material previously given to the Agency.</li> </ul> <p>For the purposes of this RFQ, Agency Material includes this RFQ and its attachments.</p>

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<b><u>Request For Quotation for Services</u></b>									
	When handling Agency Material, the Supplier must comply with any reasonable directions given by the Agency relating to confidentiality, security or privilege that apply to the Agency Material.								
<b>Existing Material</b>	Not applicable								
<b>Contract Material</b>	<p>For the purposes of any resulting Contract, the following Material (and draft versions of this Material) is Contract Material:</p> <ul style="list-style-type: none"> <li>• Reports and presentations delivered to the Agency;</li> <li>• Notes of interviews, workshops and stakeholder consultations; and</li> <li>• Any other material generated by the Supplier in order to deliver the contracted services.</li> </ul>								
<b>Confidential Information</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Agency Confidential information (for example)</th> <th style="text-align: center;">Period of Confidentiality</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Agency data and Agency Material</td> <td style="text-align: center;">Indefinitely</td> </tr> <tr> <td style="text-align: center;">Any Personal Information held by the Agency</td> <td style="text-align: center;">Indefinitely</td> </tr> <tr> <td style="text-align: center;">Security Classified Information</td> <td style="text-align: center;">Indefinitely</td> </tr> </tbody> </table>	Agency Confidential information (for example)	Period of Confidentiality	Agency data and Agency Material	Indefinitely	Any Personal Information held by the Agency	Indefinitely	Security Classified Information	Indefinitely
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Agency data and Agency Material	Indefinitely								
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<b><i>Key Personnel Requirements</i></b>									
<b>Required Qualifications and Experience</b>	Direct executive-level experience in public sector organisational design and implementation.								
<b>Other Requirements for Key Personnel</b>	Personnel performing the Services may be required to sign a deed and acknowledgements relating to conflicts of interest, confidentiality, security, moral rights, intellectual property and other relevant matters as required by the Agency. Any Contract will be conditional on this occurring to the satisfaction of the Agency.								
<b><i>Additional Requirements</i></b>									
<b>Agency Data Storage Requirements</b>	<p>For the purposes of any resulting Contract, Agency Material provided to the Supplier must be stored in a secure database with access restricted to Key Personnel only.</p> <p>Confidential Information must not be stored offshore.</p> <p>For the purposes of this RFQ, Respondents must treat this RFQ and their Response to it as Confidential Information and also ensure it is stored in a secure database.</p>								
<b>Agency Fraud and Corruption Requirements</b>	For the purposes of this RFQ and any resulting Contract, the Supplier must promptly report any suspicions or allegations of fraud or corruption by OAIC staff or contractors, or against the OAIC, and take all reasonable steps to								

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<b><u>Request For Quotation for Services</u></b>	
	support the Agency in any investigation of the possible fraud or corruption matter.
<b>Agency Security Requirements</b>	Under any resulting Contract, Confidential Information must be returned to the Agency or destroyed at the Completion Date, to the satisfaction of the Agency.  The Supplier must promptly notify the Agency of any actual or suspected unauthorised access to or unauthorised disclosure of Confidential Information, or a loss of Confidential Information ('possible data breach'), and take all reasonable steps to support the Agency in any investigation of the possible data breach.
<b>Security Clearance Requirements</b>	Key Personnel must be willing to obtain and maintain a BASELINE security clearance issued by the Australian Government Security Vetting Agency and/or obtain a police check if required by OAIC. OAIC will sponsor Key Personnel to obtain a security clearance if necessary.
<b>Liability</b>	As set out in clause 19 of the Head Agreement.
<b>Agency Insurance Requirements</b>	As set out in clause 18 of the Head Agreement.
<b>Agency Service Levels</b>	Deliverables must be prepared by the Service Provider to a high standard and quality commensurate with the standard and quality reasonably expected of a professional services firm.
<b>Conditions/Restrictions for Personal Information</b>	The Supplier must act in accordance with the <i>Privacy Act 1988</i> (Cth), including providing a privacy statement whenever collecting personal information (for example, at the start of workshops and interviews). The Supplier must comply with any Agency requirements relating to Notifiable Data Breaches.
<b>Other Additional Requirements</b>	See <b>Attachment A – Statement of Requirements</b> .
<b>Commonwealth Policy Requirements</b>	
<b>Black Economy Policy</b>	Not applicable – procurement below threshold.
<b>Indigenous Procurement Policy</b>	Not applicable – procurement below threshold.
<b>Australian Industry Participation Plan</b>	Not applicable – procurement below threshold.
<b>Evaluation Criteria</b>	
Responses to this RFQ will be evaluated to determine the extent to which the Service Provider's proposal represents value for money for the Australian Government.	
Responses will be assessed against the following weighted criteria:	
<ol style="list-style-type: none"> <li><b>Approach – 50%:</b> The Respondent's proposed approach for delivering the Services described in <b>Attachment A – Statement of Requirements</b>. In addressing this evaluation criterion, the Response should:</li> </ol>	

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### Request For Quotation for Services

- a. Detail the Respondent's proposed approach, including the specific activities it proposes to carry out during the engagement and its proposed timeline (being a 12-week timeframe, or shorter);
  - b. demonstrate the Respondent's understanding of the Services required in the OAIC's regulatory and APS governance environments, including identification of legislative requirements impacting the change management plan, key challenges and the management of risk; and
  - c. describe any relevant methods or framework the Respondent will apply in delivering the Services throughout the Contract with a specific focus on an organisational structure and effective, implementable change management plan that reflects APS governance, the regulatory environment and the OAIC's change management agenda.
2. **Personnel – 50%:** The experience and qualifications of the nominated Key Personnel, including
- a. ability to rapidly gain a working knowledge of OAIC's regulatory environment, existing processes, APS requirements relevant to organisational restructures, organisational risks and mitigation strategies
  - b. direct personal experience in public sector organisational design and implementation.
- In addressing this evaluation criterion, the Responses should:
- c. provide CVs and relevant work examples for each of its nominated Key Personnel;
  - d. state the number of working days or hours each nominated Key Personnel will spend on the project.

Responses will be assessed against the following unweighted criteria:

3. **Price:** The quoted price for delivering the Services, including the Respondent's proposed approach to maximising the value delivered to the OAIC from the available funding of \$350,000 (**GST inclusive**).
4. **Risk:** Any risks arising from the Respondent's proposed approach and broader Response.

#### ***Responding to this RFQ***

The Service Provider is required to complete the following information:

[Service Provider's Representative]

[Service Provider's Name]

[Service Provider's Address]

[Service Provider's ABN]

[Service Provider's email address]

In its Response to this RFQ, the Service Provider should:

- clearly address each Evaluation Criterion set out above in a separate clearly marked schedule or attachment;
- ensure that its methodology and program schedule that maps its proposed delivery (including Deliverable and Milestone dates) of the Services required;
- limit its Response to no more than 20 pages (not including CVs). The OAIC reserves its right to in its absolute discretion not evaluate any content in excess of the recommended page limit;
- submit its Response in Microsoft PowerPoint, Word or Adobe PDF format; and

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- declare any existing actual, potential or perceived conflicts of interest at the time of bidding, for the Service Provider or nominated Key Personnel, which does or might be seen to prejudice their impartiality. If a provider is involved in an active regulatory matter being conducted by the OAIC (e.g., an FOI review or privacy complaint) this should be declared.

The Service Provider is also required to:

- identify any subcontractors nominated to provide the services and their role in the delivery of the services
- disclose any conflicts of interest it would have with the delivery of the Services
- include any information in its respond that it requests to remain confidential.

Service Provider Confidential information	Period of Confidentiality

The Service Provider is also required to propose how it proposes to use the available funding of (\$350,000 (GST inclusive)) to maximise effective and efficient delivery of the Services, in a table that clearly sets out:

- the Service Provider's approach to Fees;
- proposed Fee structure for each Milestone, which may use the indicative Milestones identified by the Agency in **Attachment A – Statement of Requirements**; and
- any discounts or value-added offerings.

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## Attachment A: Statement of Requirements

### 1. Purpose

This Document (**Attachment A**) sets out the Statement of Requirements, proposed Milestones, and proposed Deliverables for this RFQ.

The Agency will consider a proposal by the Service Provider that adopts a different approach to the Milestones and Deliverables in delivering the required Services, subject to clear explanation of the Service Provider's methodology.

### 2. Background

The Office of the Australian Information Commissioner (OAIC) is Australia's national privacy and information access regulator.

A recent strategic review of the OAIC has found OAIC needs to change to respond to its evolving environment and growing statutory workload.

OAIC's Commissioners are seeking to:

- move the OAIC from a reactive to a more harm-focussed regulatory posture, with an increased emphasis on enforcement and education.
- embed structures and processes to ensure that, in all its work, OAIC is directing its efforts and resources strategically towards where they will provide the greatest benefits to the community.

To help drive this change, OAIC seeks assistance to refresh and rebalance its organisational structure.

The OAIC must also revise its structure to maximise the benefits of the recent appointment of two additional statutory office holders.

### 3. Requirement

#### **General Requirement:**

The Supplier must:

1. work closely with OAIC's Commissioners to support them in communicating their vision for the OAIC to OAIC's Executive and staff.
2. develop a new organisational structure for the OAIC in consultation with Commissioners, Executive, and staff.
3. deliver a change management plan to support the OAIC's shift to the new organisational structure.
4. embed a Senior Agent of Change in key management meetings for the duration of the engagement, which will require attendance at:
  - a. Governance Board - Tuesday mornings fortnightly
  - b. Executive Management Committee - Tuesday mornings fortnightly
  - c. Strategic Regulatory Committee - Tuesday afternoons fortnightly

#### **Specific requirements**

The Service Provider must carry out activities to gather relevant information and involve OAIC's Commissioners, Executive and staff in the delivery of the above requirements.

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In doing so, the Service Provider must:

1. **Interview** each of OAIC's three Commissioners.
2. **Support** OAIC's Commissioners in developing communications to staff about the organisation structure redesign, through delivery of a communications plan and drafting individual proposed communications.
3. **Gather and analyse** evidence relevant to the design of OAIC's organisation structure (e.g., current structure, work types, legislative and non-legislative work, and expected future work).
4. **Conduct a workshop** with OAIC's Executive.
5. **Present** principles and objectives for the restructure to the OAIC's Governance Board for feedback and endorsement.
6. **Consult** with OAIC Executive and staff on the proposed structure, informed by the agreed principles.
7. **Design** a proposed new organisational structure for the OAIC.
8. **Consult** with OAIC Executive and staff about the proposed structure and the transition to it.
9. **Prepare** a change management plan for the OAIC, giving consideration to relevant employment law requirements.

In delivering the above requirements to perform the Services, the Service Provider:

- may be required to draft documents incidental to the delivery of the Requirements;
- will be required to provide fortnightly progress updates;
- may be required to attend other meetings with or provide updates to the OAIC if requested;
- will be required to examine relevant documents and data, conduct interviews with OAIC Executives and staff, and consider the arrangements and capabilities of analogous agencies in Australia and elsewhere;
- must have regard to relevant contextual matters, about which the OAIC will provide relevant background material, including the findings of the recent Strategic Review of the OAIC.

#### 4. Deliverables

The OAIC requires the Supplier to provide the following deliverables.

The table below sets out the OAIC's proposed Deliverables, however this may be amended to align with the successful Respondent's proposed methodology and program schedule.

#### Deliverables:

Ref.	Deliverable	Description	Requirement Satisfied
D1	Communications plan	A plan for communicating with staff and OAIC Executive about the organisational redesign	1, 2
D2	Structural design principles	A description of the principles, and objectives the Supplier will apply in redesigning OAIC's structure, based on engagements with OAIC's Commissioners and Executive.	1, 3, 4, 5
D3	New organisational structure	A proposed new structure for the OAIC, developed in consultation with OAIC Executive and staff	6,7
D3	Change management plan	A plan for the OAIC to move to its new structure, which may include a staged approach to full implementation of the new structure, informed by good governance including relevant employment law requirements.	8, 9

**Note:** Deliverables may be bundled together as necessary.

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**5. Milestones:**

The Service Provider will be required to deliver the Deliverables in accordance with the following Milestones. On successful delivery and acceptance of the Milestones, the OAIC will pay the Service Provider the Milestone Payments specified in the table below.

The table below sets out the OAIC's proposed Milestones, however this may be amended to adopt a Milestone structure proposed by the successful Respondent, where that structure maximises the effective and efficient allocation of the available funding.

Suppliers are asked to please nominate due dates for each of the above Milestones in their proposal, which if accepted by the OAIC, will be incorporated into the completed work order. The maximum period Respondents may propose is 12 weeks, but OAIC would welcome proposals for a shorter total duration.

**Milestones:**

Ref.	Milestone	Description	Due date	Milestone Payment
M1	Delivery of communications plan and organisation structure design principles	D1 and D2 accepted by OAIC	To be confirmed	35% of the agreed fee for service.
M2	Delivery of new organisation structure proposal	D3 accepted by OAIC	To be confirmed	35% of the agreed fee for service.
M3	Delivery of change management plan	D4 accepted by OAIC	To be confirmed	30% of the agreed fee for service.

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## Procurement Requirement Memorandum

<b>To</b>	Melanie Drayton, a/g Deputy Commissioner
<b>From</b>	Annan Boag, Assistant Commissioner Digital ID & Implementation
<b>Consulted</b>	Privacy Commissioner FOI Commissioner A/g Chief Operating Officer Assistant Commissioner, Regulation & Strategy (CDR & Assessments) Director, Corporate Services
<b>Copies</b>	Australian Information Commissioner
<b>File ref</b>	D2024/011828
<b>Date</b>	2/05/2024
<b>Subject</b>	<b>Organisational redesign and change management support</b>

### Summary

- OAIC engaged Nous Group to conduct a strategic review of the OAIC between September 2023 and February 2024.
- The Strategic Review report and its implementation plan recommended changes to OAIC's organisational structure.
- The purpose of this document is to seek your approval to issue a request for quotation (RFQ) under the Management Advisory Services Panel (SON3751667) for organisational redesign and change management support for the OAIC.

### Procurement requirement

A recent strategic review of the OAIC found that OAIC needs to change to respond to its evolving environment and growing statutory workload. To help drive this change, OAIC Commissioners have identified a need to refresh and rebalance OAIC's organisational structures.

Specialist skills are required to design a new organisational structure and consult with staff about this change. These specialist skills are not available within the OAIC. OAIC proposes to engage a supplier to offer this expertise.

OAIC requires the supplier to:

1. support OAIC's Commissioners to communicate their vision for the OAIC to OAIC's Executive and staff
2. develop a new structure for the OAIC in consultation with Commissioners, executive, and staff
3. deliver a change management plan to support the OAIC to shift to the new structure as quickly as is practicable.

To allow the supplier to develop a full understanding of OAIC's existing operating model, OAIC Commissioners require the supplier to deliver these items by embedding a Senior Agent of Change within the OAIC for the duration of the engagement, by having them attend and participate in key executive management meetings (Executive Management Committee, Strategic Regulatory Committee, and Governance Board). Embedding the supplier within the OAIC's Executive team in this manner will allow them to gather insight about the OAIC's current operations and approach to working to design a new organisational structure and change management plan, and to act as a change champion for the duration of the engagement.

OAIC Commissioners have indicated that it is a high priority that this work be delivered as quickly as possible to equip the OAIC for significant upcoming changes, including the implementation of reforms in response to the Privacy Act review.

To provide sufficient time for new organisational structures to be in place in time for this, the 12-week engagement would need to start urgently, in May 2024.

## Estimated value of procurement

The Commonwealth Procurement Rules (CPRs) requires entities to estimate the value of a procurement before a decision on the procurement method is made.

The Implementation Plan provided by Nous Group suggested that the cost to redesign OAIC's organisational structure and embed its new governance model would be between \$200,000–\$300,000.

A requirements gathering exercise was conducted with OAIC's commissioners to estimate the value of the procurement. This involved identifying the expected steps in the redesign process, and the level of expertise required by the service provider delivering it. This resulted in slightly higher cost estimate than the Nous Group estimate, due to the requirement from Commissioners to have an executive level consultant lead the engagement and be embedded in OAIC's executive level meetings.

Based on this exercise, the expected value of the procurement is between **\$258,000 and \$358,000** (incl GST) based on the following assumptions:

- day rate of executive level consultant: \$4,500-5,500 (excl GST).
- day rate of supporting consultant (consultant or senior consultant): \$1,500-3,000 (excl GST).
- 3 days/week for executive level consultant and 3 days/week for Supporting Consultant over 12 week engagement.
- Additional travel costs and disbursements of \$20,000 (incl GST).

## Value for money consideration

To ensure value for money, we propose to take the following steps:

- utilise the Australian Government MAS panel, which includes professional rates negotiated via a competitive whole-of-government procurement process
- estimate the activities required to deliver the product, and communicating a budget for the work that is commensurate with that estimate
- seek proposals from multiple suppliers to deliver maximum value within a communicated budget for the work
- evaluate the proposal against defined evaluation criteria.

We have considered both financial and non-financial costs and benefits of the planned procurement in drafting the Statement of Requirements and Evaluation Criteria. Central considerations include:

- the need for this work to be completed quickly to respond to significant changes in OAIC's external environment and in advance of the reforms arising from the Privacy Act review.
- the review requires specialist skills and expertise related to Organisational Planning and Development, which OAIC does not have the in-house capability to deliver.
- an external perspective will support the development of an innovative and effective organisational structure, that may be substantially different to the status quo.

Responses will be assessed against the following weighted and unweighted criteria, which are further detailed in the RFQ document:

1. **Approach – 50%**
2. **Personnel – 50%**
3. **Price – unweighted**
4. **Risk – unweighted**

## Risk considerations

The following table presents the key risks identified in this procurement, and possible responses to those risks.

Risk	Mitigation	Owner
The short period for the RFQ and its specific requirements may result in no bids that meet the requirements and offer value for money.	Proposals be evaluated against the evaluation criteria and for value for money. If no suitable proposal is received, the OAIC will review its procurement strategy and may consider a different approach to meet the requirements.	Selection panel chair
Some suppliers may have access to more information, disadvantaging other suppliers.	A detailed RFQ document provides all suppliers with relevant information they need to make a bid. Suppliers will also be given the opportunity to ask questions.	Procurement contact officer

Suppliers may disclose or misuse OAIC information needed to be collected in performance of the contract.	Suppliers will be required to hold a security clearance and all personnel with access to OAIC information will be required to sign a confidentiality deed. Suppliers will also have to undergo onboarding training in information management, privacy and security.	Chief Operating Officer
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## Procurement method

The Management Advisory Services Panel (SON3751667) has been established to support the procurement of Management Advisory Services (MAS) by Commonwealth entities.

The services sought by the OAIC in this procurement relate to the MAS category 'Corporate Service Areas – Organisational Planning and Development'.

The OAIC must therefore use the MAS panel for this procurement.

## Shortlisted candidates

The OAIC has identified four providers that are able to provide the services under the RFQ. Each of these providers was selected based on relevant demonstrated expertise that will add value in delivering these services, include their familiarity with OAIC supporting their rapid onboarding.

The four candidates with the most relevant experience were identified from the 27 firms able to deliver services within the relevant MAS panel service areas.<sup>1</sup>

The four proposed providers are:

1. **Nous Group** – s47G

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

s47G

[Redacted]

We propose to provide these shortlisted candidates with the Request for Quotation (RFQ) and invite them to provide a submission.

<sup>1</sup> See [Search Tool | Department of Finance](#).



## Procurement evaluation methodology

We will evaluate submissions received from the above providers against the Evaluation Criteria detailed in the RFQ to assess which Response provides the best value for money outcome for the Agency.

Responses will be assessed by a panel of three OAIC staff, and unsuccessful candidates will be notified by email and provided with the opportunity for a debrief session.

It is proposed that the spending delegate for this procurement be the Australian Information Commissioner. In the Commissioner's absence this week on leave, we seek your sign off on this approach. However, when the Commissioner returns from leave, she will act as the spending delegate for this procurement.

The proposed members of the evaluation panel are:

- Carly Kind, Privacy Commissioner (panel chair)
- Sarah Croxall, Assistant Commissioner, Regulation and Strategy
- Annan Boag, Assistant Commissioner, Digital ID Implementation

### Attachments

- **Attachment A:** Proposed Request for Quote (RFQ) including Statement of Requirements ([D2024/011815](#))
- **Attachment B:** Risk evaluation form ([D2024/011816](#))

## Recommendations:

It is recommended that you **approve:**

- The proposed procurement method: RFQ under the MAS Panel

**Approved** / Not Approved / Please Discuss

- The shortlisted candidates for the RFQ

**Approved** / Not Approved / Please Discuss

- The proposed evaluation approach

**Approved** / Not Approved / Please Discuss

- The Request For Quote documentation including Statement of Requirements

**Approved** / Not Approved / Please Discuss

*Melanie Drayton*

Melanie Drayton  
Deputy Commissioner

3 May 2024

Organisational redesign and change management support - Evaluation Plan



**Evaluation plan**

REQUEST FOR QUOTE – ORGANISATIONAL REDESIGN AND CHANGE  
MANAGEMENT SUPPORT

**RFQ24/00110**

## Organisational redesign and change management support - Evaluation Plan

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## Organisational redesign and change management support - Evaluation Plan

**1 DETAILS OF REQUEST FOR QUOTE**

- 1.1 The purpose of this evaluation plan is to document an evaluation process that is transparent, ethical and defensible and outlines the role and responsibilities for the Evaluation Personnel involved in the evaluation of Responses submitted in relation to the following Request for Quote (**RFQ**) issued by the Office of the Australian Information Commissioner (**OAIC**):

<b>Name of RFQ</b>	Organisational redesign and change management support
<b>RFQ number</b>	24/00110; EXEC03052024
<b>Release date for RFQ</b>	3 May 2024
<b>Closing Date and Time</b>	20 May 2024, 10:00am (Sydney time)
<b>Agency Contact Officer</b>	Annan Boag

- 1.2 A recent strategic review of the OAIC has found OAIC needs to change to respond to its evolving environment and growing statutory workload. OAIC's Commissioners are seeking to:
- (a) move the OAIC from a reactive to a more harm-focussed regulatory posture, with an increased emphasis on enforcement and education.
  - (b) embed structures and processes to ensure that, in all its work, OAIC is directing its efforts and resources strategically towards where they will provide the greatest benefits to the community.
- 1.3 To help drive this change, OAIC seeks assistance to refresh and rebalance its organisational structure. The OAIC must also revise its structure to maximise the benefits of the recent appointment of two additional statutory office holders.
- 1.4 The OAIC is approaching the market through a request for quote process through the Management Advisory Services Panel (SON3751667) (**Panel**) to appoint a member of the Panel (**Respondent**) to act as the reviewer and support this initiative as described in the Statement of Requirements for the RFQ ([D2024/011828](#)).
- 1.5 Any arrangement entered into as a result of the RFQ will be made under the Panel's Deed of Standing Offer and will form a separate contract (**Contract**) between the OAIC and the successful Respondent (**Supplier**).
- 1.6 If there is any conflict between the RFQ and this evaluation plan, the RFQ prevails to the extent of any inconsistency.
- 1.7 Any changes to this evaluation plan must be approved in writing by the Evaluation Panel Chair.
- 1.8 Capitalised terms used in this evaluation plan are defined below.

<b>Agency Contact Officer</b>	means the agency contact officer listed as such in the RFQ, being Annan Boag.
<b>Closing Date and Time</b>	means the date and time by which Responses must be

## Organisational redesign and change management support - Evaluation Plan

	submitted by Respondents as specified in the RFQ.
<b>Delegate</b>	means the OAIC delegate for this RFQ process, being the Information Commissioner, or in the Information Commissioner's absence, the Deputy Commissioner.
<b>Evaluation Panel</b>	means the Evaluation Personnel appointed to undertake the evaluation process, and as identified in section 2.5 of this evaluation plan.
<b>Evaluation Panel Chair</b>	means the Evaluation Panel member appointed to act as the chair of the Evaluation Panel and as identified in section 2.5 of this evaluation plan.
<b>Evaluation Personnel</b>	means all personnel involved in the RFQ process, including: <ul style="list-style-type: none"> <li>a) the Delegate;</li> <li>b) the Evaluation Panel members (including the Evaluation Panel Chair);</li> <li>c) the Agency Contact Officer;</li> <li>d) all external contractors involved in providing services in relation to the RFQ including the external probity adviser and external legal adviser (if one is appointed); and</li> <li>e) all subject matter experts, consultants or other advisers (including internal OAIC subject matter experts or advisers) involved in providing advice or services in relation to the RFQ process.</li> </ul>
<b>Weighted criteria</b>	means the evaluation criteria identified as weighted criteria in the RFQ and which each Response will be evaluated against.
<b>Unweighted criteria</b>	means the evaluation criteria identified as unweighted criteria in the RFQ and which each Response will be evaluated against.
<b>Project director</b>	means the OAIC officer responsible for managing and coordinating the project, being Annan Boag.
<b>RFQ</b>	means the Request for Quote issued by the OAIC on 3 May 2024 ( <a href="#">D2024/011828</a> ).

## 2 EVALUATION PERSONNEL

2.1 For the purposes of conducting the evaluation process in relation to the RFQ, the OAIC has appointed the Evaluation Personnel listed in section 2.5 as members of the Evaluation Panel.

2.2 All Evaluation Personnel must be fully prepared for the evaluation process.

## Organisational redesign and change management support - Evaluation Plan

- 2.3 In order to ensure a confident and well prepared approach to the evaluation, Evaluation Personnel involved in the evaluation process must, as a minimum:
- (a) read and understand the RFQ;
  - (b) understand the relationship between the RFQ evaluation criteria, the Services being procured and the OAIC's operations;
  - (c) understand (as relevant to them) the evaluation processes outlined in this evaluation plan;
  - (d) sign a Conflict of Interest Declaration.
- 2.4 In addition, Evaluation Personnel must be aware of, and comply with, the requirements of the following:
- (a) Commonwealth Procurement Rules, as updated from time to time (available at <https://www.finance.gov.au/government/procurement/commonwealth-procurement-rules>) particularly as they relate to ethics and fair dealing; and
  - (b) the Australian Government policy on Ethics and Probity in Procurement (available at <https://www.finance.gov.au/government/procurement/buying-australian-government/ethics-and-probity-procurement>).

**Evaluation Panel**

- 2.5 The Evaluation Panel comprises the following members:

Role	Name	Job Description
Chair	Carly Kind	Privacy Commissioner
Member Project Director Agency Contact	Annan Boag	Assistant Commissioner, Digital ID & Implementation
Member	Sarah Croxall	Assistant Commissioner, Regulation & Strategy

- 2.6 The role of the Evaluation Panel is to:
- (a) Evaluate all Responses received against the weighted and unweighted evaluation criteria;
  - (b) ensure the highest standard of probity and official conduct are maintained throughout the evaluation;
  - (c) decide what further investigations are appropriate, refer to specialist advisers and supervise those investigations, as relevant;
  - (d) ensure suitable records of issues and correspondence are maintained to support the evaluation process; and

## Organisational redesign and change management support - Evaluation Plan

- (e) prepare an evaluation report to the Delegate for consideration and approval detailing the evaluation process undertaken, recommending the preferred Respondent to be engaged as Supplier and providing rationale in support of the recommendation.
- 2.7 The Evaluation Panel Chair is responsible (with the support and on the advice of the Agency Contact/Project Director) for:
- (a) chairing all meetings of the Evaluation Panel;
  - (b) ensuring the evaluation process is conducted in accordance with this evaluation plan and otherwise in an objective, fair and ethical manner;
  - (c) overseeing the probity (including confidentiality and security) of the RFQ process;
  - (d) ensuring that appropriate records are kept of all Evaluation Panel deliberations and recommendations;
  - (e) organising meetings or interviews with Respondents in accordance with the Evaluation Plan if required;
  - (f) coordinating additional referee checks or other validation activities for Respondents in accordance with this Evaluation Plan if required;
  - (g) where necessary, seeking advice from advisers on matters relevant to evaluation deliberations;
  - (h) considering and approving requests for any clarification information from Respondents;
  - (i) overseeing the drafting of the evaluation report for submission to the Delegate; and
  - (j) overseeing the debriefing of successful and unsuccessful Respondents, where a debrief has been requested.
- 2.8 Where appropriate, the Evaluation Committee Chair may delegate authority to other Members of the Evaluation Committee.
- 2.9 All Evaluation Panel meetings should be minuted and the Evaluation Panel Chair should finalise the meeting minutes as an accurate record prior to the following meeting. The minutes should be filed appropriately and in accordance with relevant OAIC procedures as part of the audit trail for the evaluation process.
- 2.10 The Evaluation Panel may meet physically or virtually by teleconference or approved online platform. Where the Evaluation Panel meetings are occurring virtually, the Evaluation Panel Chair will ensure that the teleconference link is secure and restricted to the Evaluation Panel.
- 2.11 All Response documents are to be kept secure when not in use by members of the Evaluation Panel. The disclosure of information contained in Response documents may prejudice the commercial interests of the Respondents concerned and the bargaining position of the Commonwealth during subsequent contract negotiations.
- 2.12 All members of the Evaluation Panel are to be cognisant of their public duty, employment obligations and APS values (as relevant), in particular, they must be able to demonstrate impartiality and equitable treatment of all Respondents.

## Organisational redesign and change management support - Evaluation Plan

- 2.13 All members of the Evaluation Panel must be familiar with the probity protocol for the procurement ([D2023/021000](#)) and provide a completed probity declaration ([D2023/022593](#)) to the Project Director prior to reviewing any Respondent material.

**Delegate**

- 2.14 The Delegate is responsible for:
- (a) authorising administrative decisions in respect of the RFQ, for example, to vary the RFQ Closing Date and Time if required;
  - (b) approving this evaluation plan and appointing the Evaluation Panel;
  - (c) considering the recommendations put forward by the Evaluation Panel in the evaluation report;
  - (d) (without limitation) deciding whether to implement the recommendations of the Evaluation Panel and the evaluation report, seek further information from the Evaluation Panel to support the making of an alternate decision, or whether to terminate or suspend the procurement process;
  - (e) providing high level support to the Evaluation Panel; and
  - (f) resolving any issues in relation to any conflict of interest which may be raised in relation to the Evaluation Panel Chair or which cannot be resolved to the satisfaction of the Evaluation Panel Chair and the probity adviser.
- 2.15 In exercising a responsibility outlined in section 2.14, the Delegate may:
- (a) seek further input or clarification from the Evaluation Panel, or any member of the Evaluation Panel including the Evaluation Panel Chair to support the Delegate in their decision making;
  - (b) consult or seek advice from external probity adviser and external legal adviser, or any Subject Matter Expert, including authority within the OAIC regarding matters relevant to the RFQ process;
  - (c) approve, reject or seek further advice in relation to any findings or recommendations from the Evaluation Panel, including in relation to the exclusion of any Response or selection of shortlisted Respondents (if any); and
  - (d) access any Response or other evaluation data to satisfy themselves that, in making a decision under the evaluation plan, legislative, regulatory, policy and probity obligations have been met.
- 2.16 The Delegate may make inquiries of the Evaluation Panel and ask it to consider further matters prior to a decision being made to support the Delegate's responsibility to ensure value for money. This may result in the Evaluation Panel reconsidering elements of its report or its recommendation.
- 2.17 The Delegate is not authorised to direct the Evaluation Panel to alter its scoring, recommendations or report findings, unless such action is required to ensure compliance with the RFQ, this evaluation plan or the probity protocols.



## Organisational redesign and change management support - Evaluation Plan

**Other Evaluation Personnel*****Agency Contact Officer***

- 2.18 The Agency Contact Officer (who may seek assistance from the Procurement Team) is responsible for the administrative aspects of the evaluation process and for liaising with Respondents, including:
- (a) distributing and receiving completed Conflict of Interest Declarations. Overseeing management of conflicts of interest of Evaluation Personnel as detailed in this evaluation plan;
  - (b) distributing and receiving completed confidentiality undertakings/acknowledgements in relation to the RFQ;
  - (c) downloading and filing Responses received in relation to the RFQ;
  - (d) conducting initial screening activities in relation to Responses (with assistance from a delegated individual to assist with redaction of financial information from Responses).
  - (e) receiving requests for clarification and other communications from Respondents;
  - (f) preparing and issuing responses to requests for clarification and other communications from Respondents, and seeking advice on or input into those responses from OAIC personnel or the probity advisor as required;
  - (g) approving the distribution of responses and other communications from the OAIC to Respondents by OAIC's Corporate Services team; and
  - (h) receiving other requests for information from third parties (including media enquiries).

***Probity and legal adviser***

- 2.19 The Evaluation Panel and Project Director may seek advice from OAIC's legal team as required.

***Additional support***

- 2.20 From time to time, the Evaluation Panel may consider that other OAIC personnel or other subject matter experts should be called upon for additional specialist support to provide additional knowledge, experience or skills to facilitate the Evaluation Panel's assessments. However, the Evaluation Panel will remain responsible for conducting the evaluation.
- 2.21 If a member of the Evaluation Panel considers that additional specialist support should be obtained, this should be raised with the Evaluation Panel Chair. The Evaluation Panel Chair, in consultation with the Evaluation Panel, will decide whether such additional support is needed and will arrange for it to be provided. The Evaluation Panel Chair may seek probity advice in making this decision.

**3 EVALUATION CRITERIA**

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**Evaluation Criteria**

- 3.1 Responses are assessed against the evaluation criteria set out in the RFQ to determine which Response represents best value for money for the Commonwealth.
-

## Organisational redesign and change management support - Evaluation Plan

- 3.2 The evaluation criteria are those notified to Respondents in the RFQ. The evaluation criteria have been identified in the RFQ as either Weighted Criteria or Unweighted Criteria. The Evaluation Panel must apply these evaluation criteria to evaluate the Responses.

**Weighted Criteria**

- 3.3 The Weighted Criteria are set out below.

Item	Evaluation Criteria	Weighting
<b>Weighted Criteria</b>		
1.	<p><b>Approach</b></p> <p>The Respondent's proposed approach for delivering the Services described in <b>Attachment A – Statement of Requirements</b>.</p> <p>In addressing this evaluation criterion, Respondents have been asked to:</p> <ol style="list-style-type: none"> <li>1. Detail the Respondent's proposed approach, including the specific activities it proposes to carry out during the engagement and its proposed timeline (being a 12-week timeframe, or shorter);</li> <li>2. Demonstrate the Respondent's understanding of the Services required in the OAIC's regulatory and APS governance environments, including identification of legislative requirements impacting the change management plan, key challenges and the management of risk; and</li> <li>3. Describe any relevant methods or framework the Respondent will apply in delivering the Services throughout the Contract with a specific focus on an organisational structure and effective, implementable change management plan that reflects APS governance, the regulatory environment and the OAIC's change management agenda.</li> </ol>	50%
2.	<p><b>Personnel</b></p> <p>The experience and qualifications of the nominated Key Personnel, including:</p> <ol style="list-style-type: none"> <li>1. ability to rapidly gain a working knowledge of OAIC's regulatory environment, existing processes, APS requirements relevant to organisational restructures, organisational risks and mitigation strategies</li> <li>2. direct personal experience in public sector organisational design and implementation.</li> </ol> <p>In addressing this evaluation criterion, Respondents have been asked to:</p> <ol style="list-style-type: none"> <li>1. provide CVs and relevant work examples for each of its nominated Key Personnel;</li> <li>2. state the number of working days or hours each nominated Key Personnel will spend on the project.</li> </ol>	50%

## Organisational redesign and change management support - Evaluation Plan

**Unweighted Criteria**

3.4 The Unweighted Criteria are set out below. The Unweighted Criteria are unscored.

<b><i>Unweighted Criteria</i></b>	
3.	<b>Price:</b> The quoted price for delivering the Services, including the Respondent's proposed approach to maximising the value delivered to the OAIC from the available funding of \$350,000 (GST inclusive).
4.	<b>Risk:</b> Any risks arising from the Respondent's proposed approach and broader Response.

**4 PROBITY**

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4.1 Probity risks must be managed in accordance with good procurement practice and this evaluation plan. The Selection Panel should seek advice from OAIC's legal and procurement teams as required.

**5 CONFIDENTIALITY AND SECURITY INSTRUCTIONS**

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5.1 Responses and all information relating to Responses must be treated as commercial-in-confidence, according to the instructions set out below:

- (a) Responses and working documents containing Response information must be clearly marked as 'commercial-in-confidence';
- (b) Responses should not be removed from OAIC premises or systems nor reproduced in part or in full unless it is necessary for the conduct of the RFQ process to do so. The Evaluation Panel Chair will approve any removal or reproduction and is responsible for ensuring that Responses are transported in a manner that keeps the documents secure;
- (c) Evaluation Personnel must not discuss the RFQ process in public locations or with any person who is not a part of the RFQ process and does not have a 'need to know'; and
- (d) Evaluation Panel members should exercise caution in the use of email when evaluating Responses, to ensure inadvertent disclosure of confidential information (including information which is commercial-in-confidence) is avoided.

5.2 Where accessing Responses remotely, Evaluation Personnel must confirm that the area and network used to access the Responses is secure, including that appropriate security and confidentiality measures are in place to ensure that information about the RFQ process cannot be inadvertently disclosed.

5.3 Evaluation Personnel conducting evaluation activities remotely must do so using OAIC ICT systems, unless otherwise approved by the Delegate.

## 6 CONFLICTS OF INTEREST

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### ***General Principles***

- 6.1 All actual, potential and perceived conflicts of interest relating to Responses must be identified, documented using the Declaration attached to the probity protocols and forwarded to the Project Director to be recorded in the project Personnel Register and appropriately managed where necessary.
- 6.2 To ensure there is no public perception of conflict of interest or bias, the rules set out below apply to all Evaluation Personnel involved in the RFQ process (including the Delegate, members of the Evaluation Panel and any external advisers or stakeholders).
- 6.3 No Evaluation Personnel may accept any gifts or benefits of any nature from any Respondent or associate of a Respondent, except in accordance with the probity protocols.
- 6.4 Evaluation Personnel must avoid situations which could compromise, or be seen to compromise, the fairness and impartiality of the evaluation process.
- 6.5 Evaluation Personnel should refer to the probity protocols for more information in relation to Conflicts of Interest.

### ***Procedures for declaring and managing a conflict of interests***

- 6.6 Evaluation Personnel must immediately report any actual, potential or perceived conflict of interest to the Project Director. This includes any circumstance, including any current, prior or proposed association with prospective Respondents, which could possibly be construed as having the potential to influence the even-handedness of one or more aspects of the RFQ process.
- 6.7 Where the conflict of interest relates to a member of the Evaluation Panel (including the Evaluation Panel Chair), the Project Director must report the matter to the Delegate to consider and make a decision in relation to the treatment of the conflict.
- 6.8 Where the conflict of interest relates to the Agency Contact Officer or Project Director, the Agency Contact Officer must refer the matter to the Delegate to consider and make a decision in relation to the treatment of the conflict.
- 6.9 Where the conflict of interest relates to the Delegate, the Project Director must consult with the OAIC legal team, and any decision in relation to the treatment of the conflict must be approved in writing by OAIC's General Counsel.
- 6.10 In all cases, the Project Director must organise for the conflict of interest to be recorded, consider the circumstances of the conflict of interest and make a decision in relation to the treatment of the conflict. The Project Director may engage with OAIC's legal team to seek advice in relation to any reported conflict of interest. Subject to section 6.9, the Project Director may refer the matter to the Delegate at any time for assistance or resolution.
- 6.11 Appropriate treatment of a conflict of interest may include: a decision that no action is required, restricting the role of the person who has the conflict of interest in the Response, or removing the person who has the conflict of interest from the RFQ process entirely.
- 6.12 The Project Director or the Delegate may seek advice from the probity adviser at any time.

## Organisational redesign and change management support - Evaluation Plan

- 6.13 The Project Director must ensure that the decision in relation to the treatment of the conflict recorded in the procurement file.

## 7 RECEIPT OF RESPONSES

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- 7.1 Responses must be lodged electronically by the Closing Date and Time, via email to the following email address: [procurement@oaic.gov.au](mailto:procurement@oaic.gov.au).
- 7.2 As soon as practicable after the Closing Date and Time, the Agency Contact Officer will save copies of each of the Responses in a secure location on the OAIC system in folder '24/000110'.
- 7.3 After the RFQ Closing Time, the Agency Contact Officer will reconcile all Responses received, including by recording the time and date of receipt of each Response.
- 7.4 The Agency Contact Officer will advise the Evaluation Panel when the Responses are saved into the OAIC system and that they are able to commence their evaluation activities.

## 8 INSTRUCTIONS FOR PROCESSING AND EVALUATING RESPONSES

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- 8.1 The evaluation process will be divided into the following steps:

Step 1 Receipt and registration.

Step 2 Conformance check.

Step 3 Scored evaluation against weighted criteria.

Step 4 Evaluation of unweighted criteria

Step 5 General risk and Value for Money (VFM) assessment.

Further detailed instructions are set out below for each of the steps.

### ***Step 1 – Receipt and Registration***

- 8.2 The Receipt and Registration process is to be undertaken as follows:

#### ***For Responses lodged in accordance with the RFQ***

After the Closing Date and Time the Agency Contact Officer will download and save copies of each Response to OAIC's document management system.

#### ***Late Responses (including Responses lodged otherwise than in accordance with the RFQ)***

- (a) Any Response will be deemed to be late if it is not lodged in accordance with the timeframe specified in the RFQ.
- (b) Responses which are not properly submitted before the Closing Date and Time will not be accepted except with the approval of the Evaluation Panel Chair.
- (c) In general, late responses will only be accepted if delay in lodgement is because of an action or omission of the OAIC.
- (d) Any decision regarding whether a Response is a late Response, and if it is a late Response, whether it can be admitted to evaluation, will be made by the Evaluation

## Organisational redesign and change management support - Evaluation Plan

Panel Chair. The Evaluation Panel Chair may consult with OAIC's legal or procurement team in making this decision. If the Evaluation Panel Chair decides that a Response is a late Response and cannot be admitted to evaluation, the OAIC should inform the Respondent that its Response is a late Response and will not be evaluated.

**Step 2 – Initial Screening**

- 8.3 The Evaluation Panel will screen each Response to determine whether:
- (a) the Response appears to be complete and includes the Respondent's details and addresses each Evaluation Criterion;
  - (b) the Response is incomplete, illegible, non-competitive or otherwise non-compliant with the RFQ;
  - (c) the Respondent has a serious or non-mitigatable conflict of interest;
  - (d) the Respondent has engaged in any conduct that contravenes any Laws; and
  - (e) the Response is otherwise compliant with the published RFQ documentation.
- 8.4 If the Evaluation Panel considers there are unintentional errors of form in the Response, the Evaluation Panel with approval from the Evaluation Panel Chair contact the Respondent and permit it to clarify or correct the error. In doing so, the Respondent must not be allowed to rectify an error of form in such a way that it provides that Respondent with an unfair advantage compared to other Respondents.
- 8.5 Before making any decision to exclude a Response from the evaluation process for non-compliance, the Evaluation Panel should refer the matter to OAIC legal team for advice. The reasons for the decision must be fully documented by the relevant decision makers.
- 8.6 Screening is an ongoing process and the Evaluation Panel may decide during any stage of the evaluation process that a Response falls within the categories described in this Step 2 and should therefore be excluded from further consideration.

**Step 3 – Scored evaluation against weighted criteria**

- 8.7 For each conforming Response that passes Step 2, the Evaluation Panel will conduct a scored assessment of Responses against the Weighted Criteria using the Ten-point Scoring Guide in section 8.15 of this evaluation plan.
- 8.8 The Evaluation Panel will consider all relevant information for each Weighted Evaluation Criterion provided in each Response and conduct an analysis against each of those criteria. In addition, the Evaluation Panel may use material lodged in response to one evaluation criterion in the evaluation of another evaluation criterion.
- 8.9 Each member of the Evaluation Panel will separately score each Response for each scored Weighted Criteria. Evaluation Panel members must use any evaluation scoring templates made available by the OAIC.
- 8.10 Evaluation Panel members should then meet (in person or virtually) to discuss and agree on a consensus score for each Respondent for each of the Weighted Criteria.
- 8.11 The evaluation process will require the members of the Evaluation Panel to use their judgement to evaluate how well a Response addresses and meets the Weighted Criteria.
-

## Organisational redesign and change management support - Evaluation Plan

Where possible the Evaluation Panel should seek to reach a consensus decision on the score to apply to each Weighted Criteria. Should the Evaluation Panel members disagree on a score for a Weighted Criterion for a Response, the majority score will be recorded as the final score with the dissenting member separate recording a dissenting score with supporting reasons in the evaluation report.

- 8.12 The Evaluation Panel must provide comments justifying the evaluation and score for each Weighted Criterion in the evaluation report. A summary of the strengths and weaknesses of the response to each Weighted Criterion in each Response is to be detailed in the evaluation report and the Evaluation Panel comments should clearly reflect the agreed score and agreed view of the Evaluation Panel members as succinctly as possible. Where there is disagreement on a score as contemplated in section 8.11 above, then the Evaluation Panel must note any dissenting views in the evaluation report.
- 8.13 Any material differences in the assessments which cannot be resolved between the Evaluation Panel members is to be referred to the Evaluation Panel Chair for moderation and decision.
- 8.14 The scores for each of the three weighted criteria (**WC1 & WC2**) are to be combined and weighted in accordance with the weightings listed at section 3.3 above to reach an overall weighted evaluation (**OWE**) score by applying the following formula:

$$OWE = (WC1 \times 0.5) + (WC2 \times 0.5)$$

**Scoring**

- 8.15 The table below sets out a scoring scale with a commentary which provides details to assist members of the Evaluation Panel in applying scoring for the Weighted Evaluation Criteria.
- 8.16 The descriptions in the second column are to act only as guidance on assessing scores. They are not intended to be wholly exclusive of the issues to be taken into account, nor to be applied literally. Responses do not have to achieve every description associated with a score to achieve that score. However, in preparing the evaluation report, the Evaluation Panel should ensure that its commentary on each Weighted Evaluation Criterion links back to the description of the score awarded.

<b>Outstanding</b>	Highly convincing and credible. Response demonstrates outstanding capability, capacity and experience relevant to, or understanding of, the requirements of the Technical Evaluation Criteria. Documentation provides complete details. All claims adequately demonstrated and substantiated.	10
<b>Excellent</b>	Response complies, is convincing and credible. Response demonstrates excellent capability, capacity and experience relevant to, or understanding of, the requirements of the Technical Evaluation Criteria. Some minor lack of substantiation but the Respondent's overall claims are supported. Very few weaknesses.	9

## Organisational redesign and change management support - Evaluation Plan

<b>Very Good</b>	Response complies, is convincing and credible. Response demonstrates very good capability, capacity and experience, relevant to, or understanding of, the requirements of the Technical Evaluation Criteria. Minor uncertainties and shortcomings in the Respondent's claims or documentation. Few weaknesses.	8
<b>Adequate</b>	Response complies and is credible but not completely convincing. Response demonstrates adequate capability, capacity and experience, relevant to, or understanding of, the requirements of the evaluation criteria. Respondent's claims have some gaps. Some weaknesses.	7
<b>Marginal</b>	Response has minor omissions. Credible but barely convincing. Response demonstrates only a marginal capability, capacity and experience relevant to, or understanding of, the requirements of the Technical Evaluation Criteria. Some weaknesses.	6
<b>Limited</b>	Barely convincing. Response has shortcomings and deficiencies in demonstrating the Respondent's capability, capacity and experience relevant to, or understanding of, the requirements of the Technical Evaluation Criteria. Many weaknesses.	5
<b>Poor</b>	Unconvincing. Response has significant flaws in demonstrating the Respondent's capability, capacity and experience relevant to, or understanding of, the requirements of the Technical Evaluation Criteria. Many weaknesses.	4
<b>Very Poor</b>	Unconvincing. Response is significantly flawed and fundamental details are lacking. Minimal information has been provided to demonstrate the Respondent's capability, capacity and experience relevant to, or understanding of, the requirements of the Technical Evaluation Criteria. Very weak Response.	3



## Organisational redesign and change management support - Evaluation Plan

<b>Inadequate</b>	Response is totally unconvincing and requirement has not been met. Response has inadequate information to demonstrate the Respondent's capability, capability and experience relevant to, or understanding of, the requirements of the Technical Evaluation Criteria. Very weak response.	2
<b>Unacceptable</b>	Respondent was not evaluated as it did not provide any requested information relevant to the RFQ and/or contravened nominated restrictions. Very weak response.	1

***Interviews or presentations***

- 8.17 The Evaluation Panel may at this stage, decide to request and interview or presentation from the Repondents addressing any matter that may be relevant to the evaluation of a Response.
- 8.18 Before any interview or presentation the Evaluation Panel will agree a list of topics that will be discussed and the format that will be used to record answers.
- 8.19 Interviews or presentations are to be minuted and appropriately filed for consideration by the Evaluation Panel.
- 8.20 Following the interview or presentation the Evaluation Panel may reassess previous evaluations of the Weighted Evaluation Criteria in light of the further information obtained and, if applicable, revise scores for the Weighted Evaluation Criteria. Any changes to the scores and reasons for the changes are to be recorded in the evaluation report.

***Referee Checks***

- 8.21 The Evaluation Panel may at this stage, decide to conduct referee checks, including with Commonwealth and State Government stakeholders or to conduct independent inquiries about any matter that may be relevant to the evaluation of a Response.
- 8.22 The Evaluation Panel Chair will designate member(s) of the Evaluation Panel to undertake referee checks. Before any referee checks are undertaken the Evaluation Panel will agree a list of topics that will be discussed as part of each referee check and the format that will be used to record answers. Advice may be sought from the probity adviser to ensure appropriate protocols are adopted for referee checks.
- 8.23 Referee checks are to be minuted and appropriately filed for consideration by the whole Evaluation Panel.
- 8.24 Following the conclusion of referee checks (and any further independent inquiries), the Evaluation Panel may reassess previous evaluations of the Weighted Evaluation Criteria in light of the further information obtained and, if applicable, revise scores for the Weighted Evaluation Criteria. Any changes to the scores and reasons for the changes are to be recorded in the evaluation report.

## Organisational redesign and change management support - Evaluation Plan

**Step 4 – Unweighted criteria – cost and risks****Pricing**

- 8.25 For each Response that passes to Step 3, the Evaluation Panel will conduct an assessment of the pricing information.
- 8.26 If it is necessary to make assumptions or normalise pricing in order to assess the pricing information, the Evaluation Panel will set out their reasoning and record their comments in the evaluation report.
- 8.27 When evaluating Responses under Step 4, the Evaluation Panel:
- (a) will perform a comparative assessment for components of the offered Response price across each of the Responses, which may use an Excel Spreadsheet to allow easy comparison;
  - (b) shall consider any discounts offered,
  - (c) may:
    - (i) require the Respondent to provide information to evaluate submitted prices; and
    - (ii) seek clarification on any pricing matters;
  - (d) assess any financial risks associated with the Response including the financial viability of the Respondent;
  - (e) request all Respondent (or, if Respondents have been shortlisted, the shortlisted Respondents) to submit new or revised pricing based on an alternative methodology; and
  - (f) seek a best and final offer in respect of pricing from each Respondent (or, if Respondents have been shortlisted, the shortlisted Respondents) if it is deemed necessary to determine a clear value for money outcome.
- 8.28 Pricing will be assessed on a risk adjusted basis. This may include the level of risk transfer, assumptions underpinning the fees for Milestones, and any other matters which may be relevant to evaluating the level of fees and consequently the contribution of the proposed fees to overall value for money.
- 8.29 Due to the nature of the pricing, the pricing shall not be weighted or scored. Instead, Responses will be ranked in order cheapest to most expensive, taking into account any offered discounts.
- 8.30 The assessment of price in achieving value for money to the Evaluation Panel will take into account whether the price offered is reflective of the solution.

**Assessment of Risk**

- 8.31 The Evaluation Panel will conduct an assessment of any risks arising from the Respondent's proposed approach and broader Response.

## Organisational redesign and change management support - Evaluation Plan

- 8.32 In determining the risk profile of each Respondent and their respective Response the Evaluation Panel will assess the risk presented by each Response in terms of likelihood of the Respondent achieving what has been offered in its Response.
- 8.33 During this stage, the Evaluation Panel will also evaluate the Referee Reports (if obtained) for each Respondent if they were not obtained in Step 3.
- 8.34 Other matters which are unweighted and which may be taken into account by the Evaluation Panel in evaluating Responses and developing a risk profile of the Response, include:
- (a) compliance with legislation and policy—to determine whether any barriers or risks exist to the OAIC in contracting with the Respondent;
  - (b) compliance with the RFQ and to determine whether the Respondent would be able to treat successfully with the Commonwealth;
  - (c) proposed confidential information—any proposed confidential information will need to satisfy the criteria set out on the Department of Finance guidance on Confidentiality throughout the Procurement Cycle;
  - (d) corporate capability and structure—the Respondent's (and that of any subcontractors proposed by the Respondent) ability to achieve its strategic objectives/business targets and evidence of sound corporate structure and governance;
  - (e) Respondent's viability—the Respondent's (and that of any subcontractors proposed by the Seller) financial viability, ongoing capacity to provide the Services and its willingness and ability to provide indemnity cover and insurance to provide the Commonwealth with sufficient protection against the risks that may arise (noting that the material provided in the Response will be examined using all appropriate means of substantiation); and
  - (f) other risks—any other relevant risk to the Agency of engaging the Respondent, including without limitation, any actual or potential conflicts of interest.
- 8.35 The Evaluation Panel's overall risk assessment will take into account all risks not already assessed in Steps 1 - 3 of the evaluation process.

**Shortlisting**

- 8.36 The Evaluation Panel may decide to shortlist Responses following the completion of Steps 3 and/or 4 prior to the Value for Money Assessment in Step 5. A Response should not be discarded at this stage unless the outcomes of the evaluation to date clearly identify that the Response is not competitive enough to be selected as preferred.

**Step 5 – Best Overall Value for Money**

- 8.37 At the end of Step 4, the Evaluation Panel will assess and recommend to the Delegate the preferred Respondent, being the Respondent with the Response evaluated as representing overall best value for money.
- 8.38 Value for money is a comprehensive assessment that takes into account both cost represented by the assessment of price and value represented by the technical assessment in the context of the risk profile represented by each Response.

## Organisational redesign and change management support - Evaluation Plan

- 8.39 In determining which Responses represent the best value for money, the Evaluation Panel will consider:
- (a) the assessment against the Weighted Criteria, in particular the Overall Weighted Evaluation score;
  - (b) the assessment against the Unweighted Criteria; and
  - (c) pricing assessment.
- 8.40 The Evaluation Panel will rank Responses on the basis of their assessed Value for Money and provide a short and clear justification for why each Response is ranked where it is, as against the other Response(s).
- 8.41 Where Stage Five – Value for Money assessment results between the preferred Respondent and any other Respondents are very close, the Evaluation Panel may conduct a sensitivity analysis measuring the impact on the Value for Money assessment by changing one or more key input values with which there is uncertainty.
- 8.42 The initial rank assigned to a Response may be adjusted to reflect the pricing and risk assessment. The Response with the highest value for money rank will reflect, in a quantified manner, the Response representing best value for money.
- 8.43 The Evaluation Panel will use the final Value for Money rankings to determine Preferred Respondent for negotiations and award of contract.
- 8.44 The Evaluation Panel Chair will lead deliberations in relation to all aspects of the evaluation of Responses and recommendations under Step 5 – Best Overall Value for Money.

## **9 ADDITIONAL STEPS**

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- 9.1 Following the Closing Date and Time, the Evaluation Panel may:
- (a) use any relevant information obtained in relation to a Response (provided in the Response itself, otherwise through the RFQ or by independent inquiry) in the evaluation of Responses;
  - (b) with probity advice, seek clarification or additional information from a Respondent regarding its Response for the purposes of Response evaluation;
  - (c) with probity advice, interview Respondents or seek Referee Reports, as part of the evaluation process;
  - (d) perform security, probity and financial investigations and procedures as the OAIC may determine as necessary in relation to any Respondent, its employees, officers, partners, associates, subcontractors or related entities and their officers, employees and subcontractors; and
  - (e) make independent enquiries about any matters that may be relevant to the evaluation of a Response.
- 9.2 If part of a Response requires some form of further qualitative assessment, the OAIC may undertake this qualitative assessment as part of the Response evaluation and may, at this

## Organisational redesign and change management support - Evaluation Plan

point, exclude a Response from further consideration (regardless of a Response being assessed as initially meeting the relevant requirement).

## 10 EVALUATION REPORT TO DELEGATE

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- 10.1 When the Evaluation Panel has finalised Step 5 Value for Money, the Evaluation Panel must prepare an evaluation report setting out:
- (a) its recommendation as to the preferred Respondent;
  - (b) its reasons for the recommendation; and
  - (c) whether there are any areas which require discussion or negotiation with the preferred Respondent.
- 10.2 The evaluation report should contain (as a minimum):
- (a) a summary of the evaluation process, including the key findings and recommendation to the Delegate for each Response, including the Preferred Respondent;
  - (b) confirmation that the evaluation process was carried out in accordance with the RFQ, this evaluation plan and the probity protocol, as well as all relevant purchasing/procurement approvals;
  - (c) confirmation that the Evaluation Panel has considered and, where appropriate, implemented advice received from the Legal Adviser and the Probity Adviser;
  - (d) a summary of the assessment of each Response;
  - (e) reasons for why any Response was excluded from evaluation or further evaluation;
  - (f) overall Value for Money ranking of Responses; and
  - (g) details of issues that need to be resolved during negotiations (if any).
- 10.3 In drafting and finalising the evaluation report:
- (a) the Evaluation Panel Chair will ensure drafts of the evaluation report is circulated and discussed by all Evaluation Panel Members. Each member of the Evaluation Panel may request amendments, additions and deletions to the evaluation report. The Evaluation Panel will seek consensus in all material aspects of the final evaluation report, and the evaluation report must be signed by each member of the Evaluation Panel;
  - (b) if consensus cannot be reached on any material aspect the final evaluation report, then the dissenting Member(s) must prepare, sign and present a 'minority report', which is to be submitted to the together with the final evaluation report of the other Members; and
  - (c) if the Evaluation Panel deliberations require a vote by Members, then each Member has an equal vote. In the event of deadlock, the Evaluation Panel Chair shall have the deciding vote.

## Organisational redesign and change management support - Evaluation Plan

- 10.4 The evaluation report will be submitted to the Delegate for the purpose of exercising the delegated authority in relation to this procurement and making a decision to select a Preferred Respondent to enter into negotiations and award of a contract.

## 11 DECISION BY DELEGATE

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- 11.1 The Delegate will be the ultimate decision maker in respect of the evaluation/procurement process.
- 11.2 The Delegate must consider the requirements of the RFQ, the Evaluation Panel's evaluation report and recommendations to make a decision as to the Preferred Respondent. The Delegate may seek further information or assistance from the Evaluation Panel or other Evaluation Personnel prior to making the decision.
- 11.3 The Evaluation Panel may make further inquiries or considerations in response to requests for information or assistance from the Delegate, and may change elements of the Report.
- 11.4 The Evaluation Panel Chair should ensure that all supporting material (such as copies of requests for clarification or any advice from the Probity Adviser) is available for the Delegate to review.
- 11.5 The Delegate will then either:
- (a) confirm agreement with the recommendations made by the Evaluation Panel in the Evaluation Report; or
  - (b) make an alternative decision.
- 11.6 If the decision departs from the Evaluation Panel's recommendations the Delegate will state the reasons for this in writing. Legal and probity advice should be sought by the Delegate in the event that the Delegate intends to depart from the recommendations of the Evaluation Panel in the evaluation report.

## 12 NEGOTIATIONS WITH RESPONDENT

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- 12.1 Following the Closing Date and Time, the OAIC, acting in accordance with this evaluation plan and if recommended by the evaluation report or decided by the Delegate, may:
- (a) enter into negotiations or discussions with one or more Respondents (including, without limitation, in relation to fees, terms and conditions of the contract or any other matter); and/or
  - (b) discontinue negotiations or discussions with any Respondent at any time for any reason (whether or not the Respondent has been notified that it is a preferred Respondent).
- 12.2 Without limiting section 12.1 above, during negotiations the OAIC may engage in detailed discussions with Respondents with the goal of maximising the benefits to the OAIC, as measured against the evaluation criteria (see section 3 [*Evaluation Criteria*] above). The OAIC may seek a best and final offer from Respondent(s) as part of negotiations.

## Organisational redesign and change management support - Evaluation Plan

**13 DEBRIEFING OF RESPONDENTS**

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- 13.1 Unless otherwise determined by the Evaluation Panel Chair, unsuccessful Respondents will only be advised of the outcome of the RFQ process when the successful Respondent has signed a contract with the OAIC.
- 13.2 All Respondents will be given the opportunity to attend a debriefing session.
- 13.3 Respondents must be debriefed against the Evaluation Criteria set out in the RFQ. A Respondent will not be provided with information concerning other Respondents, except for publicly available information such as the name of the successful Respondent and the total price of the winning response. No comparison with other Respondents will be made.
- 13.4 The RFQ and the Evaluation Report will be used as the basis for debriefing the Respondents.

**14 APPROVAL**

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This evaluation plan has been approved by:

Melanie Drayton

Delegate (in absence of Information Commissioner)

17 May 2024



**Australian Government**

**Office of the Australian Information Commissioner**

# Evaluation Report

Organisational redesign and change management support



Office of the Australian Information Commissioner

27 May 2024

File reference: 24/000110

OAIC



## Background

This is an Evaluation Report on the evaluation of Responses received by the Office of the Australian Information Commissioner (**OAIC**) to a Request for Quote (**RFQ**) for Structure and Change Management Support (**Engagement**).

This Evaluation Report reflects the evaluation of the Responses received by the OAIC in accordance with the:

- Procurement Plan (D2024/011926) approved by Melanie Drayton, Acting Deputy Commissioner (**Delegate**) on 3 May 2024;
- Evaluation Plan (D2024/015001) approved by the Delegate on 20 May 2024; and
- RFQ (D2024/011815) for the Engagement, issued on 3 May 2024 (**RFQ**).

The RFQ closed at 10:00am Sydney time on Monday 20 May 2024.

Except where the contrary intention appears, any defined terms in this Evaluation Report have the meaning set out in the Evaluation Plan.

## Purpose

This Evaluation Report details the evaluation process undertaken and seeks the Delegate's consideration and approval of the recommendation of the Evaluation Panel in relation to the preferred Respondent to be engaged as Supplier to undertake the Engagement, including reasons for the recommendation made.

## Managing the RFQ process

### Process

As per the approved Procurement Plan, the OAIC shortlisted four panellists on the Management Advisory Services (MAS) Panel (SON3751667) to participate in the RFQ. The following four panellists were shortlisted:

s47G



4. Nous Group

During the period from release of the RFQ to Respondents and the Closing Date and Time:

- a total of 4 Respondents were issued with the RFQ documentation by email
- five requests for clarification were received by the OAIC from two respondents and were responded to by email to all Respondents in a de-identified manner. One update was provided by OAIC to Respondents proactively. These are detailed in the table below.

Copies of all communications between OAIC and the Respondents during this time period are retained on file 24/000110-001.

Communications from OAIC to all Respondents are set out in the following table.

Ref	Supplier question	OAIC answer
1	Can we please confirm the duration of the meetings that the senior agent of change will be attending?	<p>The duration of the meetings are:</p> <ul style="list-style-type: none"> <li>• Governance board: 2 hours</li> <li>• Strategic Regulatory Committee: 2 hours</li> <li>• Executive Management Committee: 2 hours</li> </ul>
2	Is it OK for the senior agent of change to attend all or most of these meetings remotely?	<p>It is OK for the senior agent of change to attend most of these meetings remotely, but some in person attendance would be helpful. OAIC is a blended work environment with staff working both in-person and online, so remote attendance at these meetings is common.</p> <p>OAIC seeks to schedule at least one day of meetings a month in person with executive staff, with those members of OAIC's executive working outside Sydney travelling to OAIC's Sydney office to attend. This is usually the second or third week of the month. There would be benefit in the senior agent of change attending at least some of these meetings in person if this could be accommodated. This might be scheduled to coincide with any workshops or other activities that would benefit from in-person working.</p>
3	Is the scope for the role of the senior agent of change to continue beyond the 12 week period within the specified budget envelope?	<p>Proposals for the agent of change to continue beyond 12 weeks within the specified budget envelope will be considered.</p> <p>However, OAIC requests that proposals like this that go beyond the core requirements of the RFQ be presented as optional additional services (still within the specified budget envelope) to allow OAIC to decide if the additional cost associated with the service represents value for money.</p>
4	Will the supplier be provided with the strategic work that has already been done?	Yes, this will be provided to the selected successful supplier.
5	We note a key objective of this engagement is to work with OAIC's Commissioners to support them in communicating their vision for OAIC. Has the future OAIC vision be developed as in input into this piece of work or is it expected to support the Commissioners	<p>The two dot points on the first page of the RFQ summarise the changes OAIC's Commissioners are seeking to achieve, which is an important part of the vision the supplier will need to support the commissioners to communicate.</p> <p>Beyond that, the Commissioners' vision for the OAIC has not been reduced to a single standalone document or statement. While a 'vision statement' or similar is not required as an output for this project, the supplier may find it useful to speak with the Commissioners about their vision for the OAIC and help them shape it into a form that can be communicated to staff and used to inform the structural design and communications work that is the main output of this engagement.</p>

	in devising the vision?	
6	<i>N/A: proactive update from OAIC to all suppliers</i>	<p>The Australian Federal Budget, which was delivered last night, saw a reduction in OAIC's total funding due to the cessation of several terminating measures.</p> <p>To provide Suppliers with information about the implications for OAIC in the short-term, we have attached an email circulated to all staff by the Acting Australian Information Commissioner about this.</p> <p>The OAIC asks that Suppliers hold this email in confidence and use it only for the purpose of responding to the RFQ.</p> <p>Acknowledging the late stage in the RFQ process at which this information is being shared with Suppliers, OAIC does not expect this information to be incorporated into or reflected in their responses to the RFQ. We are sharing this for background only.</p> <p><i>[Attached: email from acting Information Commissioner to all OAIC staff dated 15 May 2024, subject 'Federal Budget 2024 OAIC update']</i></p>

### Step 1 - Receipt and Registration

Four Responses were received electronically via the OAIC's nominated Agency Representative email address by the Closing Date and Time specified in the RFQ.

The four Responses were forwarded by OAIC's procurement team to the Evaluation Panel.

The Responses are registered in 24/000110-003.

Confirmation of receipt acknowledgements were sent to each Respondent on 20 May 2024 by OAIC's procurement team.

### Step 2 - Initial Screening

Initial Screening activities were conducted on 20 May 2024 in accordance with the Evaluation Plan.

A Step 2 - Initial Screening compliance report formed part of the Evaluation Matrices used by the Evaluation Panel Members.

All Responses were assessed as conforming and were admitted to Step 3.

### Variations from the Evaluation Plan

No variations to the Evaluation Plan were required to address any issues with the evaluation.

### Integrity and probity issues

All OAIC staff with access to privileged information concerning the procurement signed a conflict of interest and probity declaration (24/000110-002).

Two members of the evaluation panel declared potential conflicts of interest to the Delegate (having worked in a professional capacity with one or more of the providers previously). The Delegate decided that no further action was required.

### Step 3 – Weighted Assessment

#### Weighted Assessment - Weighted Evaluation Criteria

After receiving the responses, each member of the Evaluation Panel initially independently assessed each Response against the published Weighted Evaluation Criteria and recorded their initial scores, using the Evaluation Rating Scale as provided in the Evaluation Plan, including comments and reasons substantiating those scores. These are stored in 24/000110-004.

The Evaluation Panel then met on Wednesday 22 May 2024 to assess each Response as a group and arrive at a consensus score for each Weighted Evaluation Criteria. The scores for each of the weighted criteria were combined with the weighting percentages to reach an overall weighted evaluation score for each response.

Based on its evaluation of the Responses, the Evaluation Panel decided to shortlist three responses for further consideration, being:

- s47G
- 
- Nous

The Evaluation Panel decided not to shortlist s47G. The panel noted as per the Evaluation Plan that a Response should not be discarded at this stage unless the outcomes of the evaluation to date clearly identify that the Response is not competitive enough to be selected as preferred. The panel was unanimous in its decision that the Responses s47G and Nous were significantly more competitive than the remaining Response and should be shortlisted. In comparison, the panel agreed the remaining Response s47G were not competitive enough to be selected as preferred and should be excluded from further evaluation.

The Evaluation Panel decided, in accordance with the Procurement Plan, that it would be necessary to conduct interviews with the shortlisted providers to identify which offered the best Value for Money.

There were no dissenting views.

#### Interviews

The Evaluation Panel decided to put the following questions to the shortlisted providers at interview:

- how will your proposal maximise the benefits of the involvement of the senior agent of change?
- how will your team members work together and what will their respective roles be during the engagement (including areas of focus and amount of time expected to be spent on the project by each team member)?
- what experiences or perspectives will inform your ability to design an organisational structure that helps shift OAIC's regulatory posture, as an agency with case-management, regulatory, and other functions?

- how will you help us support OAIC staff through these changes?

Shortlisted Suppliers attended interviews with the Evaluation Panel at the following times and dates:

- Nous Group: 10:00am, 27 May 2024

■ s47G [Redacted]  
■ [Redacted]

### Overall evaluation of responses against weighted criteria

The Evaluation Panel reconvened at 11:30am-12:00pm on 27 May 2024 to reach a consensus position the scores of each provider, which were as follows:

Respondent	Panel Score
s47G [Redacted]	[Redacted]

## Step 4 - Pricing Evaluation, Risk Assessment and Value for Money

### Assessment of Pricing

The Evaluation Panel undertook a pricing and comparative analysis between the shortlisted Responses.

The following table outlines the proposed pricing of the shortlisted Responses, which were all provided on <sup>s47</sup> [REDACTED]

Shortlisted Respondent	Total fee (GST incl)	Inclusion – travel	Additional value-add
<sup>s47</sup> [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Nous	\$350,000	Includes budget for Senior Agent of Change to attend Sydney on 3 occasions and Project Director to attend on 2 occasions.	Proposed a 12 week engagement.

### Time and material costs

N/A

### Additional costs not elsewhere described

N/A

### Effective allocation of available funding, including to Milestone payments

All respondents proposed a Milestone structure, with payments made for delivery of key products.

### Assessment of Risk

The panel reviewed the risks identified in each Response and the treatments proposed by each Respondent.

The panel also considered whether any additional risks applied that had not been identified by the Respondent. The panel identified an additional risk in connection with <sup>s47G</sup> [REDACTED]

[REDACTED]. The evaluation panel

considered this would be made more challenging due to the current workload levels of OAIC staff causing limited availability of time with OAIC experts. s47G

. This resulted in it having a lower overall risk rating.

The panel assigned the following overall risk ratings to the three shortlisted Respondents:

Shortlisted Respondent	Likelihood	Severity	Overall Rating
s47G			

The panel considered that the risks associated with all three providers was an acceptable level, but s47G presented a higher level of risk overall than Nous.

### Value for money assessment

The Evaluation Panel conducted a comprehensive assessment of the cost as represented by an assessment of price, and value as represented by the technical assessment, in the context of the risk profile represented by each Response.

s47G, s47

Nous scored an overall weighted evaluation score of 9.0. Its approach and proposed personnel were both assessed as Excellent. It was the highest cost proposal at \$350,000.

s47G

Between the remaining two proposals, the panel considered that s47G provided the better value for money.

The panel ranked the respondents as follows in terms of the value for money as follows (listed in order of value for money ranking):

1. Nous

s47G

## Negotiation Points

The panel did not identify any negotiation points to raise with the preferred provider.

## RECOMMENDATION

### Recommendation to Delegate

On the basis of the Evaluation Panel's evaluation of the technical and non-technical criteria, and a comprehensive value for money assessment of the Responses, the Evaluation Panel recommends:

- **Nous** is selected as the preferred Respondent for entering into a work order, and will be invited to consider a proposed work order (**Attachment 5**) with a start date of Monday 3 June 2024;

s47G

#### For completion by the delegate who will be the Commitment Approver

(Note that the approval of this Evaluation Report does not constitute the exercise of a delegation in itself)

**Approved**       **Not Approved**

Approver's Signature

*Melanie Drayton*

Name: Melanie Drayton

Date: 28 May 2024

Additional terms or basis of approval: NIL



## Attachments

### Attachment 1: Procurement Plan

- D2024/011926




### Attachment 2: Evaluation Plan

- D2024/015001

### Attachment 3: RFQ

- D2024/011815

### Attachment 4: Evaluation scoring sheets

- s47G 
- 
- 
- Nous: D2024/015030

### Attachment 5: Proposed work order

- D2024/015053



**Australian Government**

**Office of the Australian Information Commissioner**

# Designing the Future OAIC

Proposed structure option report



Nous group

26 August 2024

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# Executive summary

## **The OAIC is refreshing its organisational structure.**

The operating environment of the Office of the Australian Information Commissioner (OAIC or the Agency) is changing as advances in technology, artificial intelligence and the growth of the digital economy affect information management and personal privacy. Rapid growth in these areas creates an increasingly complex and faster-evolving environment for the OAIC to regulate. Responding to these changes requires the right operating model to support effective regulation.

## **The OAIC underwent a Strategic Review which recommended the structure be updated.**

The Attorney-General's Department (AGD) commissioned Nous Group (Nous) to conduct a Strategic Review of the Agency (the Review) to ensure that it remains well positioned to deliver its functions into the future.

The Review concluded that despite recent reforms, the Agency's regulatory posture and operating model do not support the OAIC to meet its future challenges as a regulator.

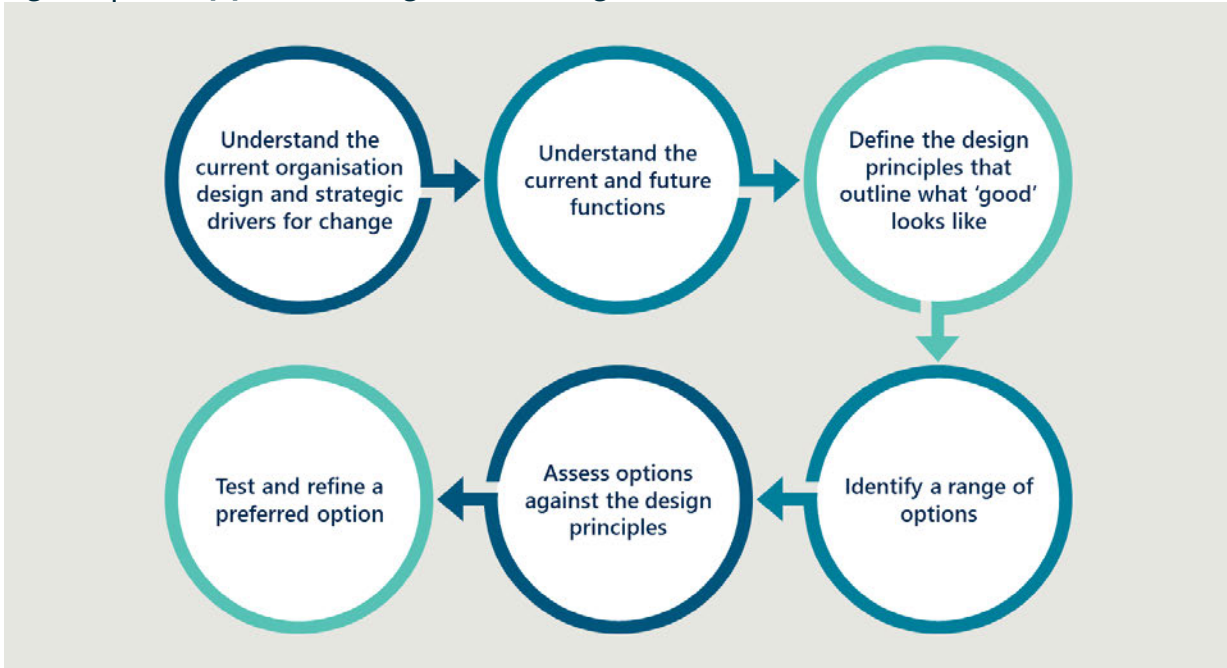
The Review recommended that the OAIC update its organisational structure to achieve its purpose and prepare for the future. It recommended this occur after the new Commissioners commenced in their roles to bring life to their identified strategic imperatives.

## **Nous is supporting the OAIC through a six-step process to develop the proposed organisational structure.**

The OAIC engaged Nous to support them through a six-step process of organisational redesign. Through these six steps the Agency is undertaking a robust process that:

- builds on the work of the strategic review and the current state of the organisation,
- acknowledges the strategic intent of the new Commissioners, and
- articulates a proposed model to deliver this strategic intent and to respond to the changing environment.

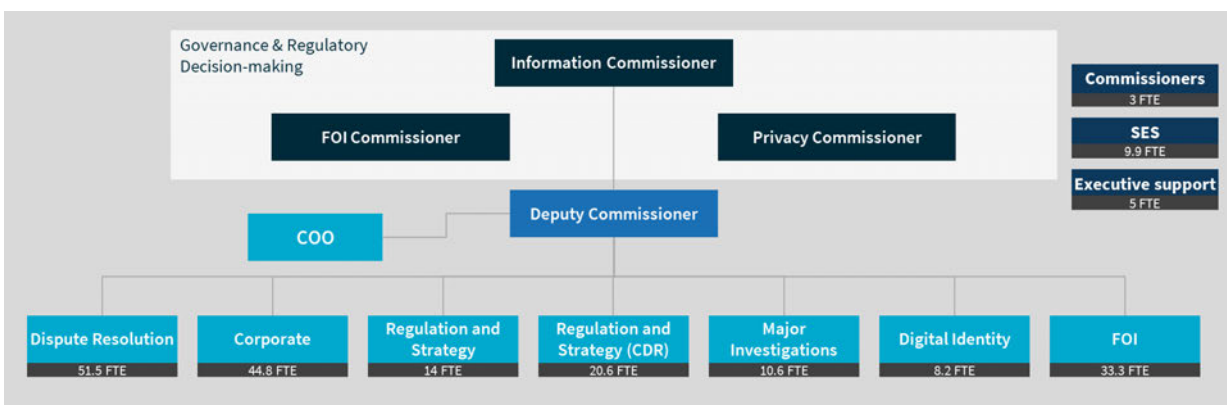
**Figure 1 | Six-step process for organisation design**



The current organisational structure of the OAIC organises the Agency into branches by regulated area and corporate functions.

The current organisational structure of the OAIC organises the Agency into branches by regulated area and corporate functions. The Agency is divided into seven branches, each led by an Assistant Commissioner, with all branches reporting to the Deputy Commissioner. Figure 2 illustrates a high-level overview of the current organisational structure and the functions associated with each branch.

**Figure 2 | The OAIC's current organisational structure**



The Commissioners are seeking to engender a fundamental change in how the OAIC works.

The Commissioners are seeking to engender a fundamental change in how the OIIC works. This change is aimed at driving a transition to a more effective, harm-focused regulator. There are several strategic aspirations underpinning this transformation, which include:

**Changing the organisation’s risk posture:** shifting towards a more harm-focussed approach that considers risk but is not risk averse. This shift will require all parts of the OAIC to reconsider how risk is approached across all regulatory activities.

**Ensuring transparent information sharing across the organisation:** ensuring the OAIC’s expertise is shared across the organisation. Going forward the OAIC hopes to foster collective vigilance and a deeper understanding of regulated entities, enhancing the effectiveness of regulatory interventions aimed at harm reduction.

**Fostering greater collaboration:** collaboration across diverse functions is not just beneficial; it's imperative to achieving OAIC’s strategic aims. Knowledge exchange across compliance, enforcement, policy, and other teams, will drive a holistic understanding of privacy and FOI matters. Insights from frontline enforcement can inform policy development, while policy teams can guide compliance officers on the latest frameworks and thresholds, ensuring a unified, effective regulatory approach.

**A focus on the core regulatory role of the OAIC:** the OAIC oversees the regulation of privacy and information rights. Functions include case management, investigations, policy and guidance development and support and education of regulated entities. Going forward the OAIC hopes to foster a culture whereby resources are balanced according to the regulatory priorities of the Commission.

**Responding to a changed authorising environment:** the Commissioners’ vision is informed by, among other things, the authorising environment of the organisation. The May 2024 budget reflects a shift in the authorising environment with the cessation of terminating measures that funded major investigations and privacy work relating to social media and online platforms. This signals a change in expectations that requires a shift in how the OAIC operates. More specifically, it signals an expectation of where the OAIC does, and does not, spend its time.

### **The change is being guided by a strong set of principles and clear priorities.**

The Commissioners have distilled their strategic intent in a clear set of guiding principles that outline the vision for the Agency. These have been outlined in the Agency’s 4 Pillars (4Ps). These principles articulate the OAIC’s strengths and the Commissioners’ expectations that will inform what the OAIC does. These principles support the Agency to regulate in a strategic and risk-based way.

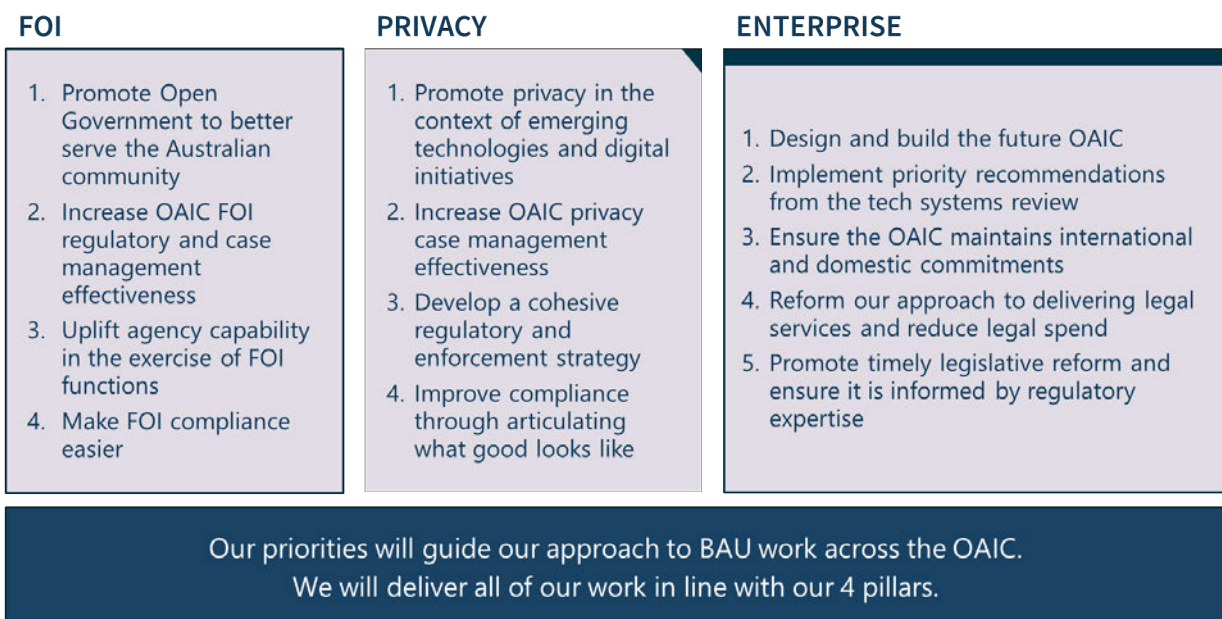
Figure 3 | OAIC's Four Pillars

## OAIC Guiding Principles



The OAIC's FY24-25 priorities indicate the actions the organisation will focus on over the coming 12 months. They account for its operating environment, characterised by change, and give life to the 4Ps and the OAIC's statement of regulatory intent. These priorities are outlined in Figure 4.

Figure 4 | Commissioners' strategic priorities FY25



Options development was guided by design principles that give life to the strategic intent.

The OAIC articulated a set of design principles to assess potential organisational structure options and ensure the new structure is fit-for-purpose. These principles were developed through engagement with OAIC Commissioners and staff. Table 1 outlines the design principles aligned to the 4Ps to outline how they align with the vision for the OAIC.

**Table 1 | Design principles**

Guiding principle	Design principle
<p><b>PROACTIVE</b> <i>We adopt a risk-based, education and enforcement-focussed posture.</i></p>	<ol style="list-style-type: none"> <li><b>Externally focussed:</b> Our focus is on the entities we regulate, the individuals we serve and the ecosystem in which we operate. Functions and roles at OAIC exist either to effectively deliver our external regulatory activities (e.g., education or enforcement) or to support others to do so.</li> <li><b>Lean and agile:</b> We minimise unnecessary processes, clearances, and hierarchies so that we can act quickly, proactively and informed by a balanced approach to risk relative to the issue or matter at hand.</li> <li><b>Consistent with legislation:</b> Our structure reflects the ability of our three Commissioners to undertake multiple functions under the <i>Australian Information Commissioner Act 2010</i> (Australian Information Commissioner Act).</li> </ol>
<p><b>PROPORTIONATE</b> <i>We prioritise our regulatory effort based on risk of harm to the community.</i></p>	<ol style="list-style-type: none"> <li><b>Flexible:</b> Our structure is flexible and adaptable to change, permitting Commissioners to decide to move people and resources to different activities according to experience and whole of Commission priorities. We avoid: ‘when all you have is a hammer, everything looks like a nail’.</li> <li><b>Efficient and cost effective:</b> We optimise resources and minimise costs. This includes streamlining processes, ensuring all roles and functions add value, and building capability in-house to reduce reliance on outsourcing.</li> </ol>
<p><b>PURPOSE-DRIVEN</b> <i>We focus on harms and outcomes, and are driven by evidence and data</i></p>	<ol style="list-style-type: none"> <li><b>Outcome-driven enabling services:</b> Our structure supports the development of strong expertise and resources in enabling services (e.g. legal, policy, finance, IT, HR and governance) to help us deliver our regulatory remit and vision.</li> <li><b>Connection to purpose:</b> The connection between functions and roles, and the outcomes they deliver or support, are clear in our structure.</li> </ol>



## PEOPLE FOCUSED

*We preserve expertise and talent. We make the best use of our resources and maximise opportunities for our people*

8. **Empowerment and autonomy:** Our structure demonstrates trust in our people by devolving and decentralising decision-making as much as possible. This supports decisions to be made in a timely manner and at the appropriate level.
9. **Collaborative:** Our structure minimises siloes and provides maximum opportunities for people to work across the organisation. We are one team working together for a common purpose and are always happy to see the job done by whoever can best do it. This is supported by whole of Agency transparency to ensure that staff understand the work we do.
10. **Expertise:** Our structure fosters and respects regulated area expertise across the Agency and supports work to be completed by the teams with relevant knowledge. We support staff to build their expertise and capacity to support work across the Agency.

## Several models were developed and shortlisted, before two were initially circulated for engagement with staff.

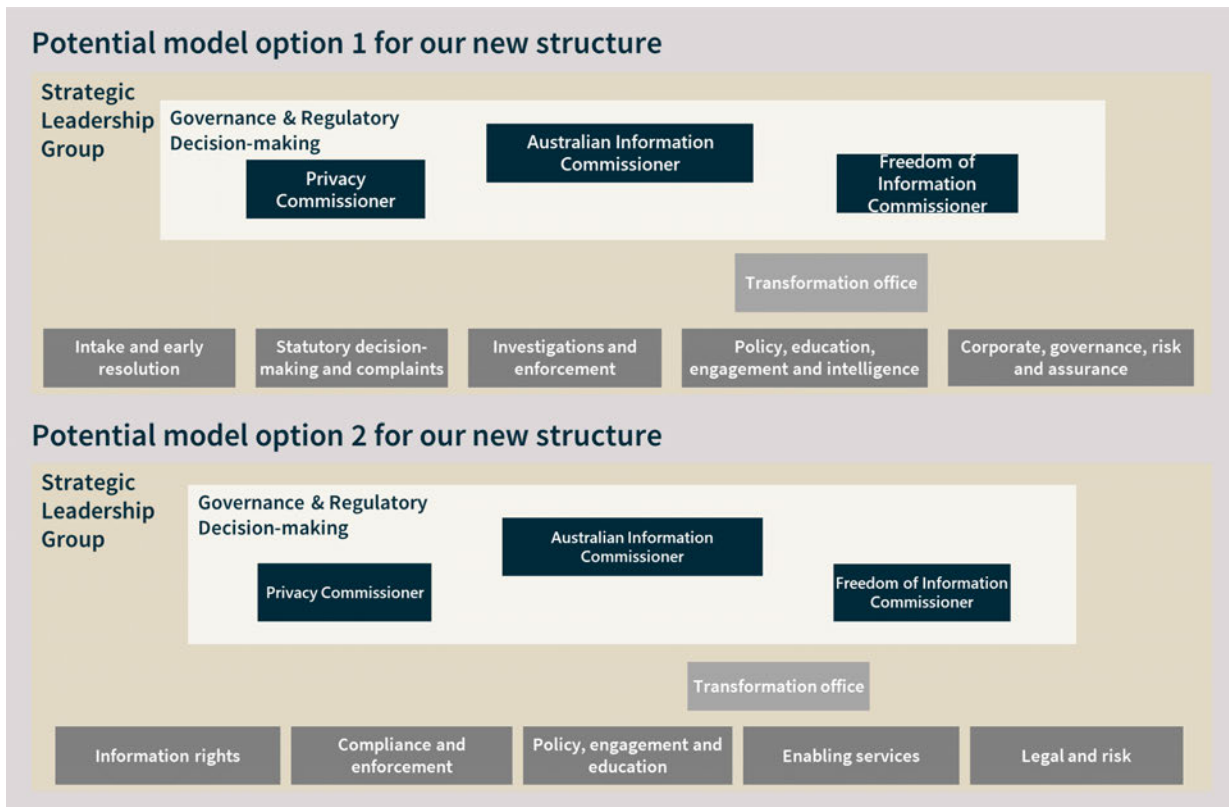
The Commissioners determined that staff would be engaged at across the design process, this included providing feedback on the functional model and the design principles as well as two structure options. This engagement style sought to bring staff along the journey in the development of the model and enable buy-in opportunities for all staff across the agency.

Once staff had provided feedback on the functional model and design principles, seven models were developed that reflect the current needs of the Agency while ensuring that the structure could be scaled to address future regulatory challenges the OAIC is likely to face. These models implemented staff feedback on the functional model and presented different options of groupings and leadership.

The seven developed models considered different combinations of functions and leadership structures. All options split branches according to functional activities completed and some also split some functions into regulated areas.

The Commissioners reviewed all seven models and further refined and consolidated the models to arrive at four that could be assessed according to the design principles. The four high level models selected by the Commissioners were assessed according to the design principles. The shortlist was narrowed down to two potential options. Further refinements were made to integrate some of the preferred characteristics of options that had been eliminated. These models were designed down to the branch level.

**Figure 5 | Potential models presented to staff**



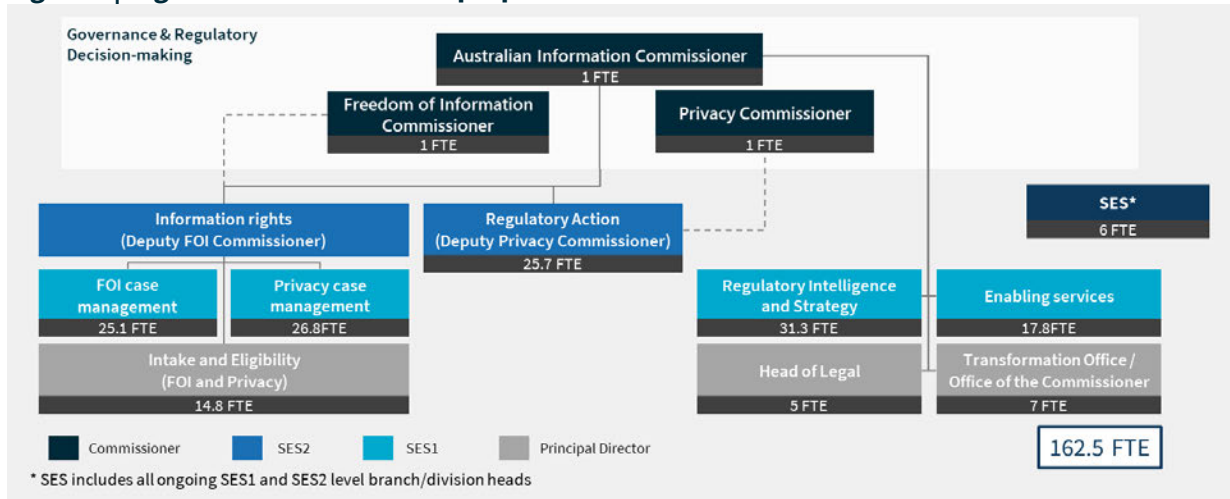
Staff provided feedback on these two options through a series of engagements with Nous. These engagements sought to understand staff views on the model and the implications if a model similar to one of these was implemented.

This feedback fed into the development of a proposed structure option that was refined by the Commissioners ahead of consultation with staff. A proposed structure model was then developed, implementing staff feedback during the entire engagement processes. This model was then refined into the proposed structure option.

### Overview of the proposed structure

The proposed organisational structure has been designed to support the OAIC to achieve its regulatory objectives. This structure seeks to combine elements of privacy and FOI where practicable while retaining regulated area expertise. This structure also seeks to rebalance the OAIC towards core regulatory work through the inclusion of Deputy Commissioners for both FOI and privacy.

**Figure 6 | High level overview of the proposed structure**



The following sections of this report outline in detail the proposed structure, the process undertaken to design it, and the strategic environment that guided its development.

# The OAIC is developing a proposed future structure

This section outlines the role and purpose of the OAIC and the context for redesigning the organisation.

## The OAIC is responsible for the regulation of privacy and information access across Australia

The OAIC (the Agency) is the Australian national privacy and information access regulator. The OAIC regulates under the *Privacy Act 1988* (Privacy Act) and the *Freedom of Information Act 1982* (FOI Act) and plays a critical role in promoting, protecting and upholding the privacy and information access rights of the Australian community.

The OAIC was established in 2010 under the *Australian Information Commissioner Act 2010* (AIC Act), which outlines its key functions, including:

- freedom of information functions, which give the Australian community access to information held by the Commonwealth Government in accordance with the *Freedom of Information Act 1982* (and other Acts)
- privacy functions, which protect the privacy of individuals in accordance with the *Privacy Act 1988* (and other Acts)
- Information Commissioner functions, which are strategic functions concerning information management by the Commonwealth Government.

## The OAIC has undergone significant change

The OAIC's operating environment is changing as advancements in technology, artificial intelligence and the growth of the digital economy change how information is used and valued. The OAIC operates in an increasingly complex and faster-evolving operating environment. Responding to these changes requires the right capabilities, mindsets and structures to support effective regulation.

In recent years the Agency has undergone significant changes. These include:

- The implementation of a three-Commissioner model for the first time in many years
- A shift in regulatory environment and posture
- The introduction of structural changes
- A period of significant growth
- A transition to a hybrid workforce.

Collectively, these changes have necessitated a refreshed approach to governance and strategic decision-making arrangements.

## The OAIC underwent a Strategic Review to ensure that it was fit-for-purpose

The Attorney-General's Department (AGD) and OAIC commissioned Nous to conduct a Strategic Review of the Agency (the Review) to ensure that it remains well positioned to deliver its functions

into the future. The Review drew on a variety of data sources including stakeholder consultation across the Agency and AGD, extensive document review and analysis of key budgetary, staffing and case load data.

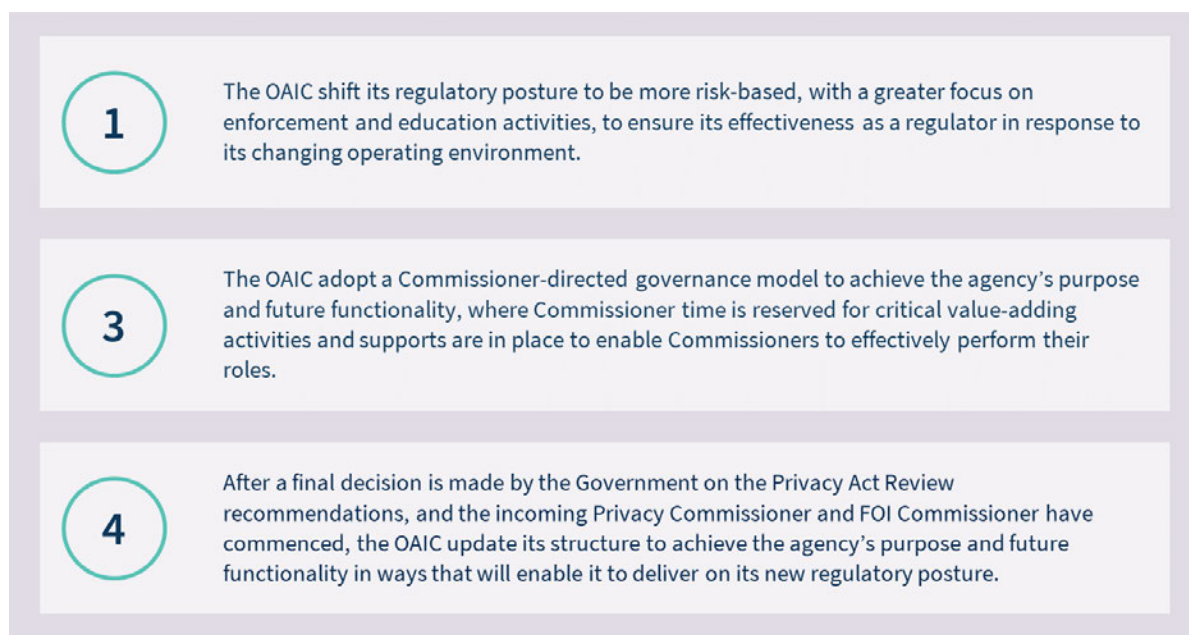
The Review found that the OAIC's approach to regulation, regulatory posture and some processes were not set up to meet the changing operating environment. The Review made a number of recommendations including an update to the structure of the OAIC to achieve the Agency's purposes and functions as the regulator of information access and privacy rights in Australia.

### The Review recommended that the OAIC update its structure

The Review concluded that despite recent reforms, the Agency's regulatory posture and operating model do not support the OAIC to meet its future challenges as a regulator.

Recommendations 1, 3, and 4, outlined in Figure 7 below, highlighted the need for an updated structure to ensure that the OAIC could meet its strategic objectives and regulatory priorities. The Review outlined that the updated regulatory posture and governance model should be built into any consideration or development of a new structure. It also recommended that further consideration on structure be deferred until after the new Commissioners commenced in their roles to bring life to their identified strategic imperatives.

### Figure 7 | Review recommendations related to structure



### Some changes have been implemented to organisational structure since the completion of the Review

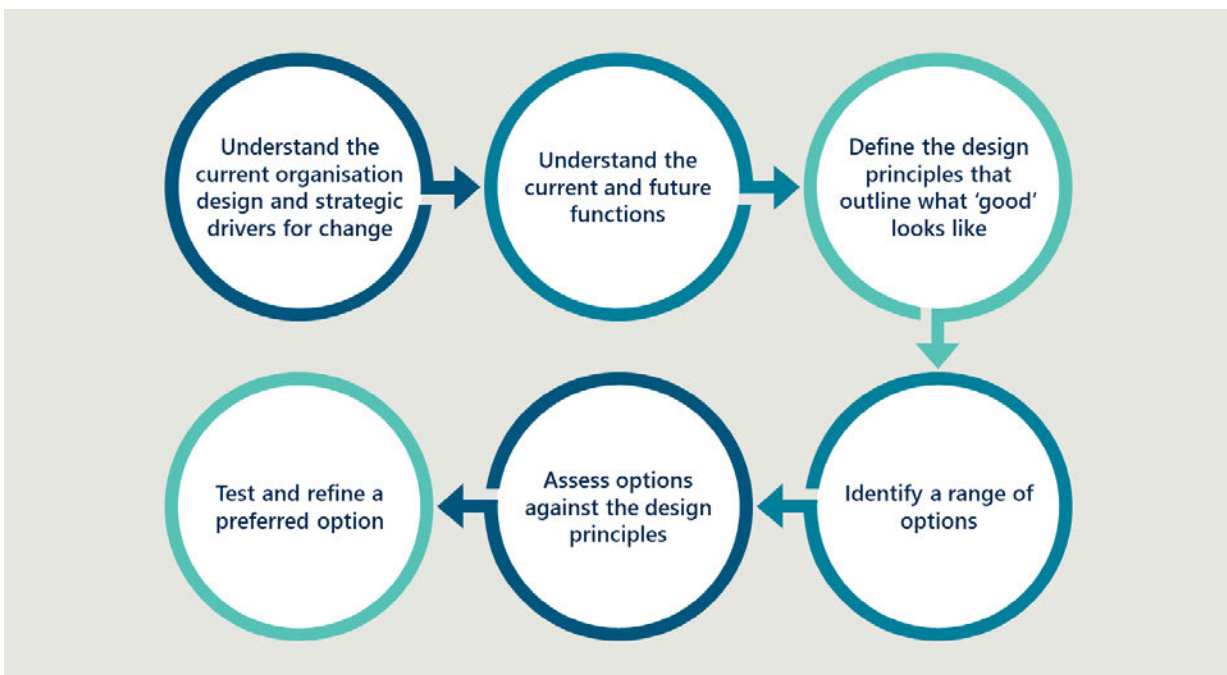
The OAIC has implemented some changes following the Strategic Review. In doing so, it has made important progress towards implementing a more risk-based regulatory model. Despite this progress, there remain significant and important opportunities to shift the OAIC's culture and ways of working, and to realise additional efficiencies in how it operates.

The need for increased efficiencies is highlighted following the Government’s recent decision to cease funding of some terminating funding measures, which has been applied across the Agency’s operations. This returns the OAIC to similar total funding levels of FY23 and equates to approximately \$11 million reduction from FY24.

## Nous is supporting the OAIC through a six-step process to develop the proposed organisational structure

The OAIC engaged Nous to support the development of an organisational structure. The development of this new structure follows the six-step process outlined Figure 8.

**Figure 8 | Six-step process for organisation structure design**

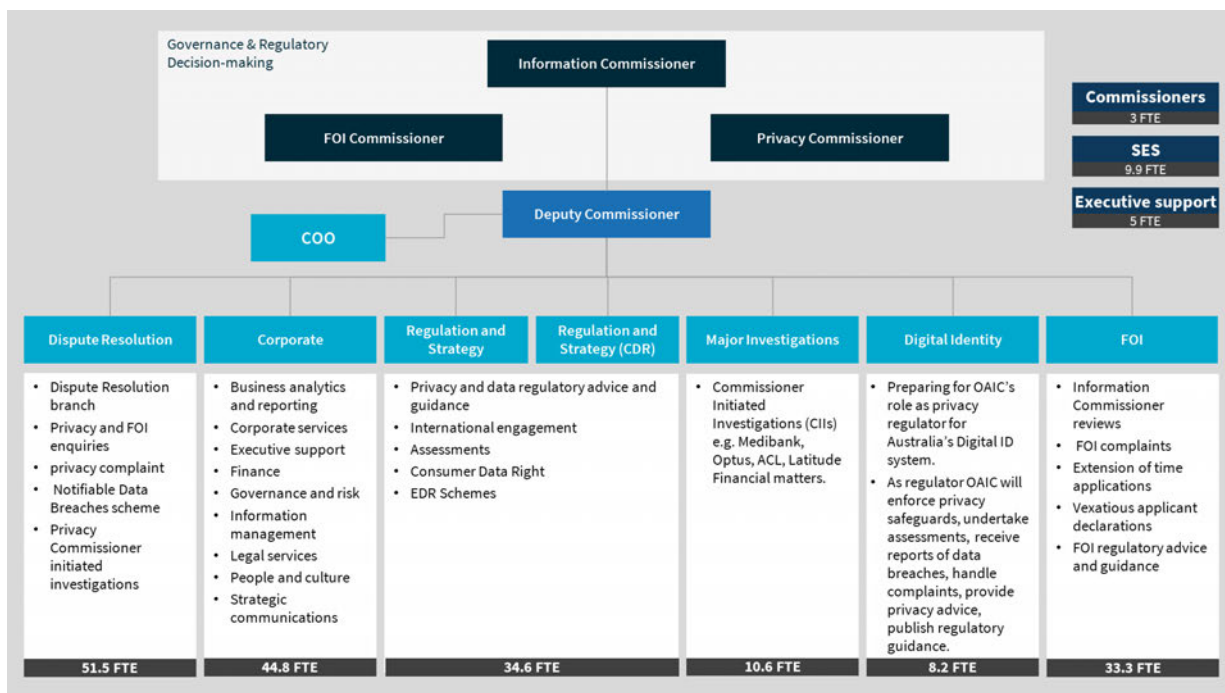


Each of these six steps is outlined in the following sections of this report.

## The current organisation design

The current organisational structure of the OAIC organises the Agency into branches by regulated area and corporate functions. The Agency is divided into seven branches, each led by an Assistant Commissioner, with all branches reporting to the Deputy Commissioner. Figure 9 below outlines a high-level overview of the current organisational structure and the functions associated with each branch.

Figure 9 | The OAIC's current organisational structure



Each branch and its composite teams are described in more detail below:

## Dispute Resolution

Dispute Resolution oversees the resolution of privacy disputes and is the largest branch in the OAIC. This branch is responsible for all privacy complaints from intake to resolution, enquiries for both FOI and privacy, the administration of the NDB scheme, CIIs and CDR enforcement.

It is composed of six teams:

- **Commissioner Initiated Investigations (CIIs):** This team oversees the resolution of CIIs which includes case management and resolution of inquiries, oversight of tip-offs to the OAIC and enforcement of decisions made in CIIs including responding to stakeholders.
- **Enquiries and Early Resolution:** This team oversees the intake and triage of all privacy matters for the OAIC, seeking to resolve cases at the earliest possible opportunity. It handles FOI and Privacy complaints for the Agency, and manages FOI requests for OAIC documents.
- **Determinations:** This team drafts determinations for privacy complaints. It may also oversee the final stages of assessment and review as the drafting process is completed. This branch also supports the Complaints Continuum Committee through the development of agendas, oversight of backlog projects and collating minutes.
- **Notifiable Data Breaches:** This team administers the NDB scheme including the recording, assessment, analysis and decision making of cases. This branch also supports stakeholder communication and engagement on the NDB scheme including development of guidance.

- **Privacy Case Management:** This team oversees and assesses privacy complaints including the collection of evidence, recording keeping, data analysis and drafting of non-determination decisions.
- **Conciliations:** This team oversees the conciliation process for privacy complaints including pre-conciliation review, facilitation of the conciliation hearing and post-conciliation reporting including closure of the matter where possible. If a matter is unable to be resolved in this team, the case is triaged to privacy case management.

## Corporate

The Corporate branch provides enabling services to the OAIC, including people and culture, finance and legal. This branch coordinates the OAIC's identification, assessment and mitigation of strategic and operational risks. It also oversees the security posture of the OAIC, including privacy governance, risk management and compliance with the Protective Security Policy Framework. This branch is divided into two groups, with Governance and Risk and Corporate Services overseen by the Chief Operating Officer (COO) and the remaining six teams overseen by the Assistant Commissioner Corporate.

- **Governance and Risk:** This team manages the governance and risk functions for the OAIC including strategic risk planning, completion and implementation of audits and reviews, compliance monitoring and integrity and corruption management. It also develops internal risk and governance polices and facilitates Agency Security Advisor for the OAIC to ensure compliance with relevant legislation.
- **Corporate services:** This team provides support functions that underpin the OAIC's operations. This includes procurement, travel administration and management of office spaces (including leases), the OAIC's laptop fleet and records and information. This team also manages IT and the OAIC's shared services agreement.
- **Finance:** This team oversees the finances of the OAIC, including internal and external budgets, payroll management and compliance with tax legislation and audits. This team also provides cross branch training and support on financial matters.
- **People and culture:** This team focuses on attracting, developing and retaining talent across the OAIC and oversees the exit process for all staff who leave. This includes workforce planning, OHS monitoring, learning and development and management of a HR complaints including sensitive staffing issues. This team also develops and distributes relevant all-staff internal communications.
- **Business Analytics, Data and Reporting:** This team oversees the data and analytics reporting for the OAIC. This includes oversight over all data associated with casework, ensuring data quality, developing predictive analysis and business intelligence and reporting to the Commissioners and relevant branches or teams on the analysis to inform further action.
- **Technology Systems Program:** This team was developed to oversee and implement the Technology Systems Review for the OAIC. The technology systems review was a program of work that sought to analyse the OAIC's current systems and provide recommendations on a future direction for technology and systems. This team's work also includes immediate remediation of issues as well as implementation of any future updates or a new system.



- **Strategic Communications:** This team oversees all communications for the OAIC. This includes monitoring media incidents, overseeing internal communications, supporting the Commissioners through speech writing and public speaking support alongside website publishing and maintenance. This branch also distributes and manages privacy and information awareness campaigns that the OAIC delivers.
- **Legal:** This team oversees internal legal advice and consultations as well as supporting litigation for majoring investigations and cases resulting from work completed by the Dispute Resolution branch. This team also oversees internal privacy governance, handles FOI requests for OAIC documents and responds to complaints made against the OAIC.

## Regulation and Strategy

The Regulation and Strategy branch is responsible for the development of strategic advice and guidance to individuals, government and businesses on privacy matters. This branch also oversees the OAIC's internal strategy and audits privacy practice in industry and government agencies. It is divided into three teams that each oversee a specific type of privacy policy and guidance:

- **Health and Government:** This team oversees the policy, guidance and advice regarding privacy concerns across health and specific Commonwealth, State and Territory government entities. This includes supporting the Commissioner to make privacy rules relating to MBS and PBS, comments on Cabinet submissions, external regulatory advice and preparation of submissions to government. This team also supports the Commissioners to engage with internal counterparts and engage across regulator networks including CSRN and DP-REG.
- **Law Reform and Digital Platforms:** This team oversees policy, guidance and advice regarding digital privacy concerns and supporting privacy law reform. This includes the provision of internal and external advice on digital platforms. The team also prepares regulatory guidance and submissions on digital platforms and emerging technology issues. This team also engages with working groups across regulator networks including DP-REG and supports the Commissioners to engage in this way.
- **Systems and Security:** This team oversees policy, guidance and advice regarding systems and security, this included cyber security concerns, development of credit reporting codes and technology concerns. This includes submissions on cyber security and credit reporting policy, guidance on the privacy act and supporting the Commissioners in international and regulator network engagements.

## Regulation and Strategy (CDR)

The Regulation and Strategy (CDR) branch is responsible for the administration, assessment and policy of Consumer Data Rights (CDR) functions as well as completion of privacy assessments. This branch oversees an integrated response to CDR including strategic policy development and advice on CDR functions alongside the administration of CDR complaints. This branch is divided into four teams, each with a distinct function:

- **Assessments and inspections:** This team oversees privacy assessments and inspections from commencement to completion. Initiation of an assessment is directed either by Commissioners discretion or by direct funding by government to complete an assessment to a specific sector or

organisation. The assessment process includes fieldwork, evidence gathering and extensive stakeholder engagement.

- **CDR Assessment:** This team oversees CDR assessments from commencement to completion. This team also supports regulatory bodies to implement CDR functions including audits and assessment of regulated bodies. This team is also developing new templates and processes, given the relative recency of the establishment of CDR functions.
- **CDR Policy Implementation:** This team oversees CDR policy development including internal and external guidance. This team supports the CDR co-regulators to provide advice to the Minister in formal and informal ways to ensure the appropriate management of the CDR scheme. This team also develops guidance and education material for regulated entities and consults on draft changes to the CDR scheme.
- **CDR Operations:** This team manages CDR complaints and supports the Commissioners to facilitate the External Dispute Resolution scheme. This includes management of the online complaint tool, triage and investigation of CDR complaints and resolution where possible. This team also provides internal and external guidance on compliance and enforcement of the CDR scheme in partnership with the ACCC.

## Major Investigations

This team oversees the management of major Commissioner Initiated Investigations. This team was established to address serious breaches of the Privacy act, to date this has included Optus, Medibank and Latitude. It is made up of three sub-teams that each focus on a single investigation, from commencement to the start of legal proceedings, where the case is handed over to the legal team to oversee. This team facilitates all parts of an investigation including planning, stakeholder engagement, investigation and drafting of recommendations for resolution. Given the identical functions of each team they have not been outlined specifically below.

## Digital Identity

This branch is overseeing the OAIC's functions associated with the management privacy in the Digital ID functions. This includes implementing new processes, developing guidance, stakeholder engagement, advice and policy, and guidance development. Once the Digital ID scheme commences, the OAIC will also conduct assessments, receive reports of data breaches, handle complaints for Digital ID accredited entities. This branch is intended as a temporary measure to support the OAIC to develop these functions. It operates as a single team which is intended to be integrated into the other privacy focused branches as BAU activity.

## Freedom of Information

The FOI branch is responsible for the OAIC's FOI regulatory functions. This includes the resolution of FOI complaints, IC reviews and Commissioner Initiated FOI Investigations. It also monitors and reports on compliance with FOI law and matters relating to information access. This branch is divided into six teams that each oversee a specific function or part of the FOI continuum:

- **Intake and Early Resolution:** This team oversees the intake and early resolution of all FOI related cases in the OAIC. This includes preliminary assessment, classification and engagement for cases.

This team also supports complainants to develop their complaints through the provision of advice and support. This team also oversees extension of time applications and provides that information to the relevant officer overseeing the case.

- **Reviews and Investigations teams:** The reviews and investigations function for IC reviews, FOI complaints and FOI investigations is split into three separate teams. Each team oversees the conduct of the case to resolution if possible, or hands the case over to the significant decisions team to draft the final decision where necessary. The conduct of cases includes stakeholder engagement, drafting of decisions, facilitating negotiations with parties, and gathering evidence.
- **Significant Decisions:** This team oversees the drafting and development of decisions for FOI cases. This includes drafting a decision, reviewing precedents and communicating decisions with respondents. This team builds on the work completed by the Reviews and investigations teams to resolve cases.
- **Monitoring, Guidance and Engagement:** This team oversees the development of guidance and advice for FOI functions. This includes the development of internal and external guidance as well as collaboration with co-regulators and regulated entities. It also oversees the compliance of all government agencies with Freedom of Information requests including FOI statistics and recommendation outcomes reporting.

## Staffing and resourcing

Table 2 outlines the FTE of the Agency across each branch as at 17 July 2024, which was agreed by the OAIC to be used as the baseline date for assessing the OAIC's current structure.

**Table 2 | FTE of the OAIC as at 17 July**

Branch	FTE
Corporate	27.4
Corporate (Legal)	17.4
Digital ID	8.2
Dispute Resolution	51.5
Executive	17.9
Freedom of Information	33.3
Major Investigations	10.6
Regulation and Strategy (Policy and engagement)	14
Regulation and Strategy (CDR and assessments)	20.6

## The strategic imperative

This section outlines the Commissioners' vision for the OAIC and the principles that will guide the transformation to a new organisational structure. This includes the 4 Pillars and strategic priorities.

The Commissioners are seeking to engender a fundamental change in how the OAIC works. This change is aimed at driving a transition to a more effective, harm-focussed regulator.

There are several strategic aspirations underpinning this transformation, which include:

**Changing the organisations risk posture:** Key to the implementation of this new vision will be the shift towards a more harm-focussed approach that considers risk but is not risk averse. This shift will require all parts of the Agency to reconsider how risk is approached across regulatory activities in the OAIC.

The Commissioners want to see the OAIC be a leader in the provision and practice of FOI and privacy regulation, review and case management. This requires expertise to be recognised and built across the Agency. In doing so, the Commissioners recognise the multiple complementary forms that expertise can take. To enable its core FOI and privacy regulatory work, the OAIC needs to also build legal, intelligence, regulatory strategy and corporate expertise. Balancing each to ensure they all contribute to the strategic, operational and tactical decisions of the organisation.

This might mean:

- Entrusting FOI and privacy regulatory and operational staff in OAIC to make sound decisions and progress their work without over-reliance on multiple layers of review, legal advice (both internal and external), or use of consultants and external experts.
- Taking regulatory action in ways that are informed by an assessment of impact, new, novel, or risk less success, where the possible benefits justify the risk.
- Being confident to not spend time and resources on particular issues where the benefit to the community does not justify this, even in the face of pressure from external stakeholders, the public, or strongly invested individuals.
- Applying resources to OAIC's corporate compliance obligations in a manner that is fit for size and purpose (e.g., security, risk management, procurement) and proportionate.

**Ensuring transparent information sharing across the organisation:** ensuring the OAIC's expertise is shared across the organisation is critical to enabling the change to risk posture. It supports a unified approach to identifying and mitigating risks and enabling swift and informed responses. Going forward the OAIC hopes to foster collective vigilance and a deeper understanding of regulated entities, enhancing the effectiveness of regulatory interventions aimed at harm reduction. Likewise reporting publicly and being an accountable regulator will inform our future operations.

This transparency and unity also builds public trust, affirming that the OAIC actively protects privacy and information rights.

This might mean:

- Ensuring that as many staff as possible can access and benefit from professional advice received by the OAIC.
- Creating informal and formal mechanisms for staff to exchange knowledge.
- Building information systems to support information and data being as accessible as possible to as many relevant OAIC staff as possible.

**Fostering greater collaboration:** collaboration across diverse functions is not just beneficial; it's imperative to achieving OAIC's strategic aims. Knowledge exchange across compliance, enforcement, policy, and teams, will drive a holistic understanding privacy and FOI matters. Insights from frontline enforcement can inform policy development, while policy teams can guide compliance officers on the latest frameworks and thresholds, ensuring a unified, effective regulatory approach.

When different functional areas work in concert, they amplify their collective insights, leading to more nuanced risk assessments and targeted interventions. This unified force anticipates industry shifts and pre-emptively address potential harm before it materialises. The Commissioners are driving towards a collaborative culture that builds OAIC resilience and enhances credibility and capacity to safeguard public interests.

This might mean:

- Building formal and informal opportunities for OAIC staff to work together and get to know each other socially, especially across team lines.
- Organisational structures that support cross-functional teams and working, and mobility of staff between different roles.

**A focus on the core regulatory role of the OAIC:** the OAIC oversees the regulation of privacy and information rights. This includes a variety of functions including case management, investigations, policy and guidance development and support and education of regulated entities. Going forward the OAIC hopes to foster a culture whereby resources are balanced according to the regulatory priorities of the Commission. At this stage this requires a shift of resourcing towards case management functions and an associated shift in focus of legal and corporate functions to supporting roles.

This might mean:

- Empowering staff across the OAIC to engage in new and different aspects of their regulatory focus
- Rebalancing resources across the Agency from leadership or management functions to frontline staff
- In the context of a likely more constrained financial situation moving forward, shift our focus towards those activities that directly protect and uphold the information rights of the community, with less focus on strategically non-core activities.

**Responding to a changed authorising environment:** the Commissioners vision is informed by, among other things, the authorising environment of the organisation which is encompassed in:

- the regulatory legislative instruments across privacy and FOI,
- other legislative and whole of government requirements, and

- the Government's expectations of the OAIC.

The May 2024 budget reflects a shift in the authorising environment, as the cessation of terminating measures that funded major investigations and privacy work relating to social media and online platforms. This signals a change in expectations that requires a shift in how the OAIC operates. More specifically, it signals an expectation of where the OAIC does, and does not, spend its time.

OAIC needs to reduce its staffing profile from around 200 full-time equivalent staff (as at July 2024) to around 165 FTE, at the same time as substantially reducing its external expenditure - especially legal expenditure. This will require the OAIC to work more efficiently, but it will also mean some activities that were funded by terminating funding (and related or enabling activities that were supported by that funding) must be scaled back or ceased.

The budget outcome signals a requirement for the OAIC to efficiently deliver on its regulatory mandate. This efficiency driver is not the primary force for change, but is an important element that must be considered in designing the future OAIC.

## **The OAIC has a clear set of guiding principles**

The Commissioners have distilled their strategic intent in a clear set of guiding principles that outline the vision for the Agency. These have been outlined in the Agency's 4 Pillars (4Ps). These principles articulate the OAIC's strengths and the Commissioner's expectation that will inform the activity of the Agency. These principles support the Agency to regulate in a risk-based and strategic manner.

Figure 10 | OAIC's Four Pillars

## OAIC Guiding Principles



These principles have been supported by the statement of regulatory intent, which provides a central reference point for how decisions are to be made and the prioritisation of regulatory matters. In particular the statement reflects:

- Our harm-focused approach to regulation, which means that we will direct our efforts towards the areas where we can reduce the most harm, or the greatest risk of harm, to the community
- The need to use both encouragement and deterrence in taking a harms-focused approach
- That we will apply our regulatory tools in a consistent, transparent and proportionate manner.

The guiding principles will be key to the implementation of a new organisational structure that reflects the future vision of the OAIC that reflects the strategic vision set out by the Commissioners in the 4Ps.

## A statement of regulatory approach describes OAIC's harm-focused approach to regulation

The OAIC's regulatory approach uses both encouragement and deterrence to promote and protect privacy and information access rights. We apply a proactive and harms-focused approach to prioritise our efforts. We take regulatory action to encourage and support compliance by regulated entities and to address high-risk matters with the greatest potential for harm.

We will be more likely to take regulatory action in response to issues:

- that create a risk of substantial harm to individuals and the community, especially to vulnerable people and groups
- that concern systemic harms or contraventions
- where our action is likely to change sectoral or market practices, or have an educative or deterrent effect
- that are subject to significant public interest or concern
- where our action will help clarify aspects of policy or law, especially newer provisions of the Acts we administer.

We take regulatory action in a consistent, transparent and proportionate manner. When deciding on which regulatory tools to use, and how to use them, we:

- identify the risks of harm we are responding to, and the likelihood and possible consequences of those risks
- respond in ways that are proportionate, consistent with the expectations of the community and the Government, and manage risks to adequately protect the public
- take timely and necessary action
- seek to minimise regulatory burden and cost.

## **The OAIC's strategic priorities are guiding the development of a new structure**

The OAIC has set out a clear set of strategic priorities for FY25. These priorities outline the activities that best support the OAIC to meet government requirements and effectively regulate privacy and information access. These priorities are not intended as an exhaustive list of the activities to be completed by the OAIC, rather they outline how the activities to be completed will be prioritised.

The priorities, outlined in Figure 11 below, reflect both the unique priorities of FOI and Privacy functions alongside the priorities that will have an impact on the OAIC as a whole.



**Figure 11 | Commissioners' strategic priorities FY25**

FOI	PRIVACY	ENTERPRISE
<ol style="list-style-type: none"><li>1. Promote Open Government to better serve the Australian community</li><li>2. Increase OAIC FOI regulatory and case management effectiveness</li><li>3. Uplift agency capability in the exercise of FOI functions</li><li>4. Make FOI compliance easier</li></ol>	<ol style="list-style-type: none"><li>1. Promote privacy in the context of emerging technologies and digital initiatives</li><li>2. Increase OAIC privacy case management effectiveness</li><li>3. Develop a cohesive regulatory and enforcement strategy</li><li>4. Improve compliance through articulating what good looks like</li></ol>	<ol style="list-style-type: none"><li>1. Design and build the future OAIC</li><li>2. Implement priority recommendations from the tech systems review</li><li>3. Ensure the OAIC maintains international and domestic commitments</li><li>4. Reform our approach to delivering legal services and reduce legal spend</li><li>5. Promote timely legislative reform and ensure it is informed by regulatory expertise</li></ol>

Our priorities will guide our approach to BAU work across the OAIC.  
We will deliver all of our work in line with our 4 pillars.

# The development and assessment of structure options

This section sets out the process followed to develop and assess the structure options and proposed structure for the OAIC.

## A set of design principles articulates what ‘good’ looks like

The OAIC articulated a set of design principles to assess potential models and ensure the new structure is fit-for-purpose. These principles were developed through engagement with OAIC Commissioners and staff. Table 3 outlines the design principles aligned to the 4Ps to outline how the design principles mapped with the larger vision for the OAIC.

**Table 3 | Design principles**

Guiding principle	Design principle
<p><b>PROACTIVE</b> <i>We adopt a risk-based, education and enforcement-focussed posture.</i></p>	<ol style="list-style-type: none"> <li><b>Externally focussed:</b> Our focus is on the entities we regulate, the individuals we serve and the ecosystem in which we operate. Functions and roles at OAIC exist either to effectively deliver our external regulatory activities (e.g., education or enforcement) or to support others to do so.</li> <li><b>Lean and agile:</b> We minimise unnecessary processes, clearances, and hierarchies so that we can act quickly, proactively and informed by a balanced approach to risk relative to the issue or matter at hand.</li> <li><b>Consistent with legislation:</b> Our structure reflects the ability of our three Commissioners to undertake multiple functions under the <i>Australian Information Commissioner Act 2010</i> (Australian Information Commissioner Act).</li> </ol>
<p><b>PROPORTIONATE</b> <i>We prioritise our regulatory effort based on risk of harm to the community.</i></p>	<ol style="list-style-type: none"> <li><b>Flexible:</b> Our structure is flexible and adaptable to change, permitting Commissioners to decide to move people and resources to different activities according to experience and whole of Commission priorities. We avoid: ‘when all you have is a hammer, everything looks like a nail’.</li> <li><b>Efficient and cost effective:</b> We optimise resources and minimise costs. This includes streamlining processes, ensuring all roles and functions add value, and building capability in-house to reduce reliance on outsourcing.</li> </ol>
<p><b>PURPOSE-DRIVEN</b> <i>We focus on harms and outcomes, and are driven by evidence and data</i></p>	<ol style="list-style-type: none"> <li><b>Outcome-driven enabling services:</b> Our structure supports the development of strong expertise and resources in enabling services (e.g. legal, policy, finance, IT, HR and governance) to help us deliver our regulatory remit and vision.</li> <li><b>Connection to purpose:</b> The connection between functions and roles, and the outcomes they deliver or support, are clear in our structure.</li> </ol>

## PEOPLE FOCUSED

*We preserve expertise and talent. We make the best use of our resources and maximise opportunities for our people*

8. **Empowerment and autonomy:** Our structure demonstrates trust in our people by devolving and decentralising decision-making as much as possible. This supports decisions to be made in a timely manner and at the appropriate level.
9. **Collaborative:** Our structure minimises siloes and provides maximum opportunities for people to work across the organisation. We are one team working together for a common purpose and are always happy to see the job done by whoever can best do it. This is supported by whole of Agency transparency to ensure that staff understand the work we do.
10. **Expertise:** Our structure fosters and respects regulated area expertise across the Agency and supports work to be completed by the teams with relevant knowledge. We support staff to build their expertise and capacity to support work across the Agency.

The principles were used to by the Commissioners to test the potential model options.

## Several models were developed and considered

A series of models were developed in consultation with the Commissioners. Through these models the Commissioners sought to build on the work completed during the strategic review alongside the process improvements implemented by branches. In addition, the Commissioners also considered:

- OAIC strategic priorities,
- The 4Ps,
- The legislative framework,
- The statement of regulatory intent,
- All functions to be carried out by the OAIC,
- Feedback from staff during the strategic review and in response to staff surveys
- Benchmarking analysis of several regulators across Australian jurisdictions, and
- Inputs such as Goold and Campbells tests of good fit.

Seven models were developed that reflect the current needs of the Commission while ensuring that the structure could be scaled to address future regulatory challenges that the OAIC is likely to face.

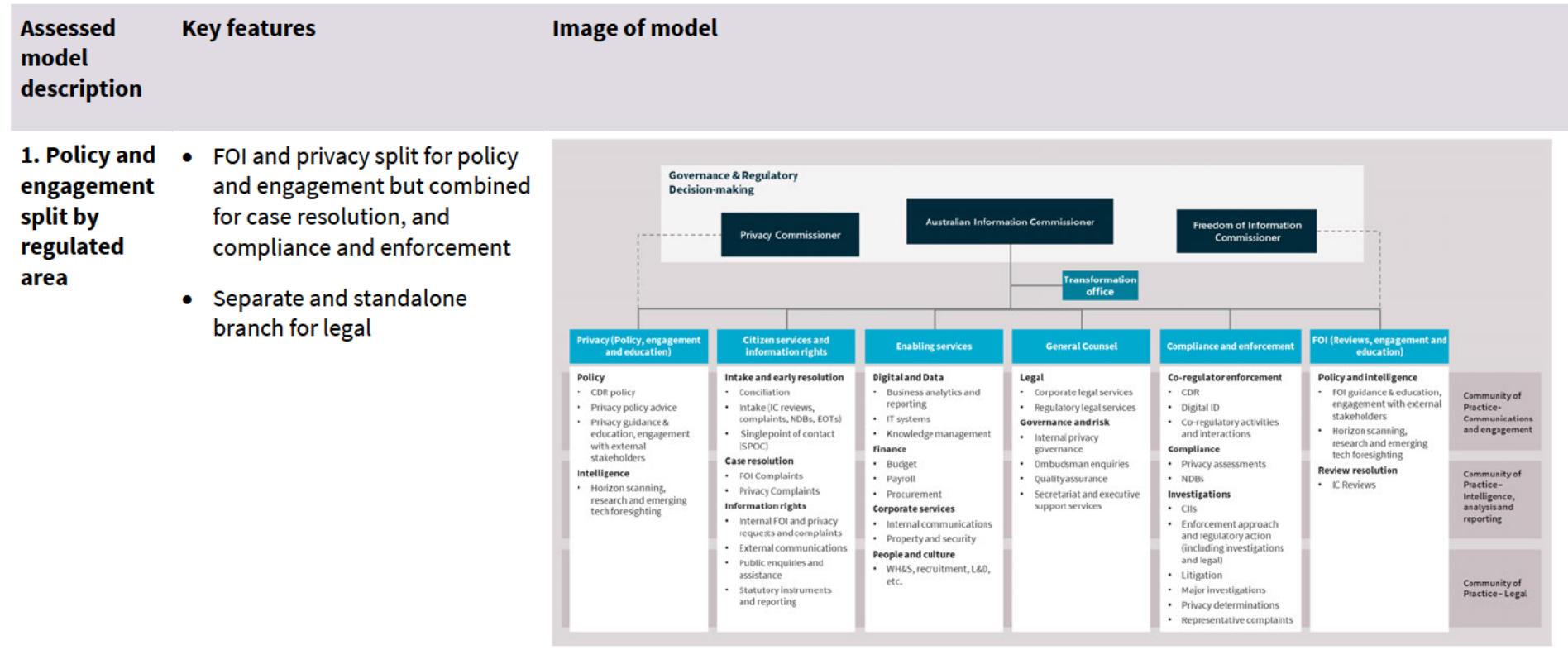
The seven developed models considered different combinations of functions and leadership structures. All options split branches according to functional activities completed and some also split some functions into regulated areas. Appendix A outlines each of these models and their key features.

The Commissioners reviewed all seven models and further refined and consolidated the models to arrive at four that could be assessed according to the design principles.

## A shortlist of models was assessed and refined

The four high level models selected by the Commissioners were assessed according to the design principles. Figure 12 below outlines a high-level overview of the four options assessed by the Commissioners.

Figure 12 | Shortlisted model options assessed by the Commissioners

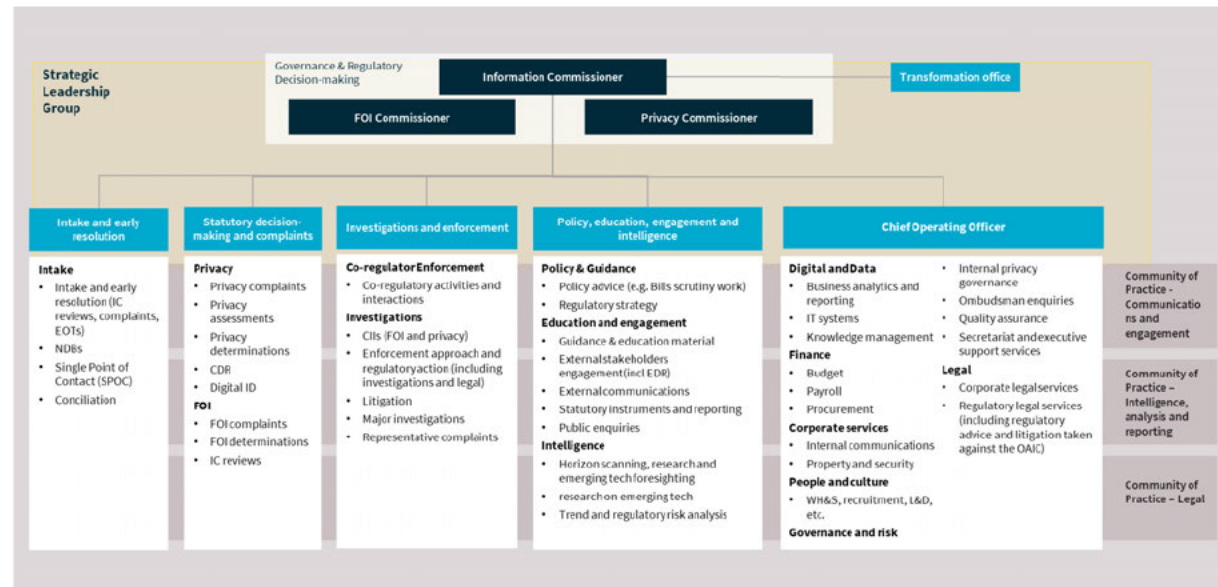


Assessed model description	Key features	Image of model
<p><b>2. Case resolution split by regulated area</b></p>	<ul style="list-style-type: none"> <li>FOI and privacy are separated for Case Resolution but combined for Policy, education, engagement, and intelligence, and compliance and enforcement</li> <li>Legal, risk and governance functions are combined into a risk and governance branch. In this model it is anticipated that the legal team will shrink, while the risk and governance team will grow (from current proportionate levels)</li> </ul>	<p>The organizational chart shows the Information Commissioner at the top, with the FOI Commissioner and Privacy Commissioner as direct reports. A Transformation office reports to the Information Commissioner. Below the Transformation office are six main functional areas:</p> <ul style="list-style-type: none"> <li><b>Case Resolution - FOI:</b> Intake (IC reviews, complaints), Single Point of Contact (SPOC), Case finalisation (FOI complaints, IC reviews).</li> <li><b>Compliance and enforcement:</b> Co-regulator Enforcement (CDR, Co-regulatory activities and interactions, Digital ID), Compliance (Privacy assessments), Investigations (CIs (FOI and privacy), Determinations, Enforcement approach and regulatory action (including investigations and legal), Litigation, Major investigations, Representative complaints).</li> <li><b>Policy, education, engagement and intelligence:</b> Policy &amp; Guidance (Policy advice (e.g. Bills scrutiny work), Regulatory strategy), Education and engagement (Guidance &amp; education material, External stakeholder engagement (incl EDR), External communications and reporting, Statutory instruments and reporting, Public enquiries), Intelligence (Horizon scanning, research, Research on emerging tech, Trend and regulatory risk analysis).</li> <li><b>Enabling services:</b> People and Culture (WH&amp;S, recruitment, L&amp;D, etc), Finance (Budget, Payroll, Procurement), Digital and data (IT systems, Analytics and business reporting, Knowledge management), Corporate Services (Internal communications, Property and security).</li> <li><b>Legal, risk and governance:</b> Legal (Corporate legal advice, Regulatory legal advice), Risk and Governance (Governance and risk, Secretariat and executive support services, Internal FOI and privacy requests and complaints, Quality assurance, Ombudsman inquiries, Internal privacy governance).</li> <li><b>Case Resolution - Privacy:</b> Intake (Conciliation, Intake (Complaints, NDBs, EOTs), Single Point of Contact (SPOC)), Case finalisation (Privacy complaints).</li> </ul> <p>Three Communities of Practice are shown on the right side of the chart:</p> <ul style="list-style-type: none"> <li>Community of Practice - Communications and engagement</li> <li>Community of Practice - Intelligence, analysis and reporting</li> <li>Community of Practice - Legal</li> </ul>

Assessed model description	Key features	Image of model
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**3. Case management split by continuum stage**

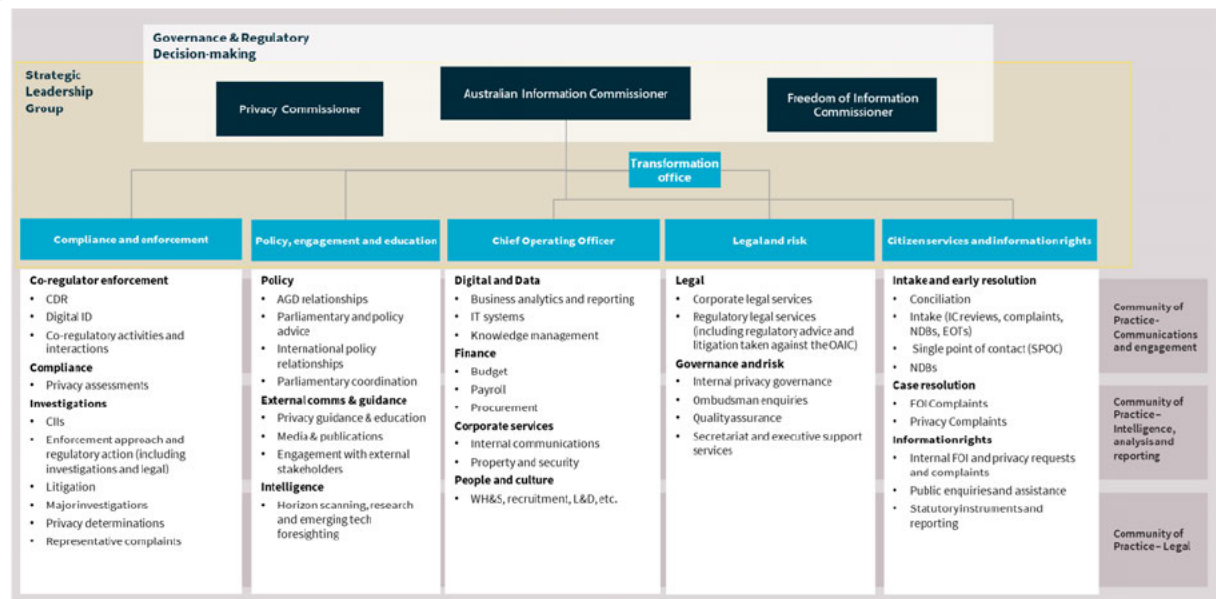
- FOI and privacy are combined for all stages of the continuum. Branches are split based on stage in the continuum.
- Legal, risk and governance functions are combined into a risk and governance branch. In this model it is anticipated that the legal team will shrink, while the risk and governance team will grow (from current proportionate levels)



Assessed model description	Key features	Image of model
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**4. Strategic leadership model**

- Branches contain both privacy and FOI regulatory areas, with teams first split by function then by regulated area
- Each branch has at least one deputy manager who support the branch head to lead the branch
- All enabling services, including legal, risk, finance and people and culture are co-located in a single branch



## Two model options were selected for engagement with staff

The shortlist was narrowed down to two potential options. Further refinements were made to integrate some of the preferred characteristics of models that had been eliminated. These models were designed down to the branch level.

These two models sought to implement the feedback from staff on the design principles and functional model while also implementing new ways of working and structural ideas from the Commissioners. These models were designed at the high level to test with staff, in particular understand if groupings of functions were correct or if there were any other structures that the agency could implement.

The two highest ranking options split the OAIC into branches by the functions completed, rather than regulated area alongside a likely reduction in total number of branches.

The Commissioners then sought to engage staff on the models, these sessions were facilitated by Nous and provided a branch-by-branch opportunity for staff to discuss the models and provide feedback on the contents of the model and the implications if a similar model was implemented.

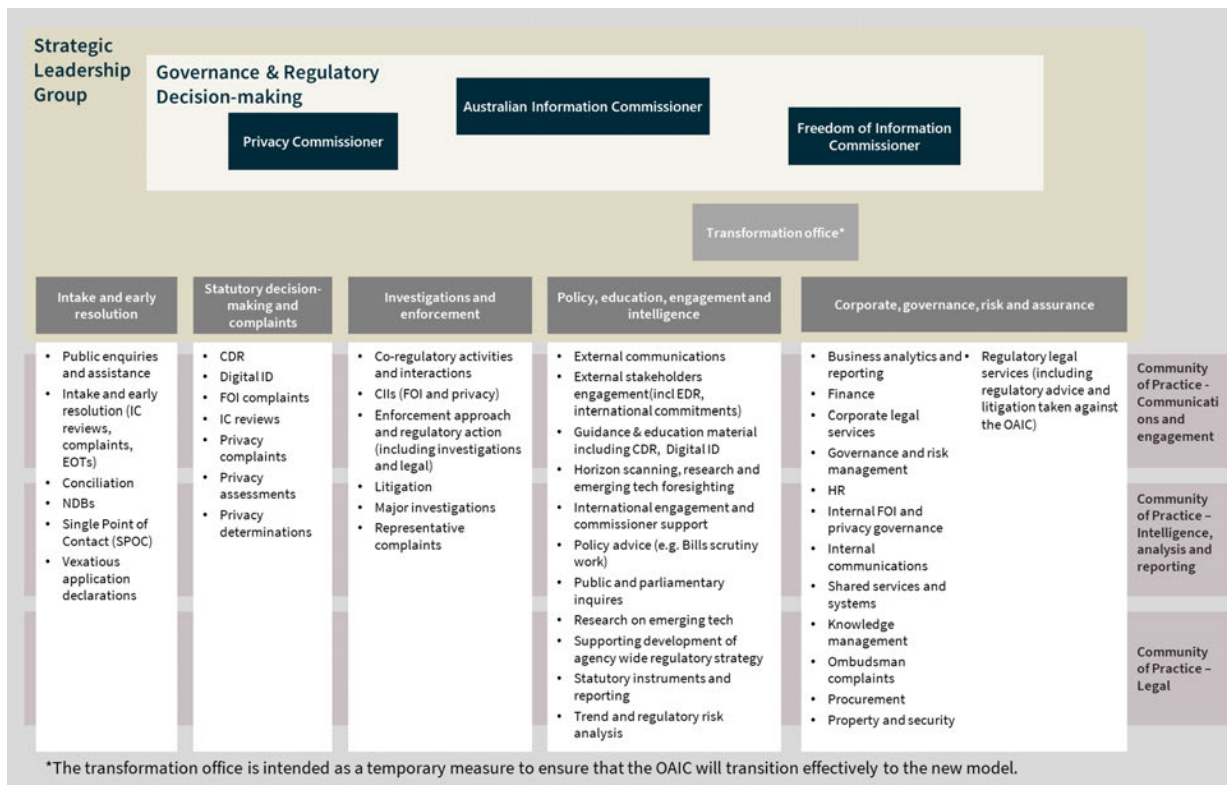
### Potential Model 1

Option 1 (see Figure 13 ) splits regulatory work completed by the OAIC into branches by time spent for resolution. In this model matters that are resolved quickly are grouped together and those that require ongoing work are grouped together. The splitting of the privacy and FOI continuum seeks to create structural offramps for cases whereby a case either progresses to another branch or is closed or declined. This structure would help support clarity of progression for a case through the system and staff would have a clear role within the case continuum.

This model also maintained the grouping of legal, governance and risk and other enabling services as a single corporate branch.



Figure 13 | Model option 1 for staff engagement

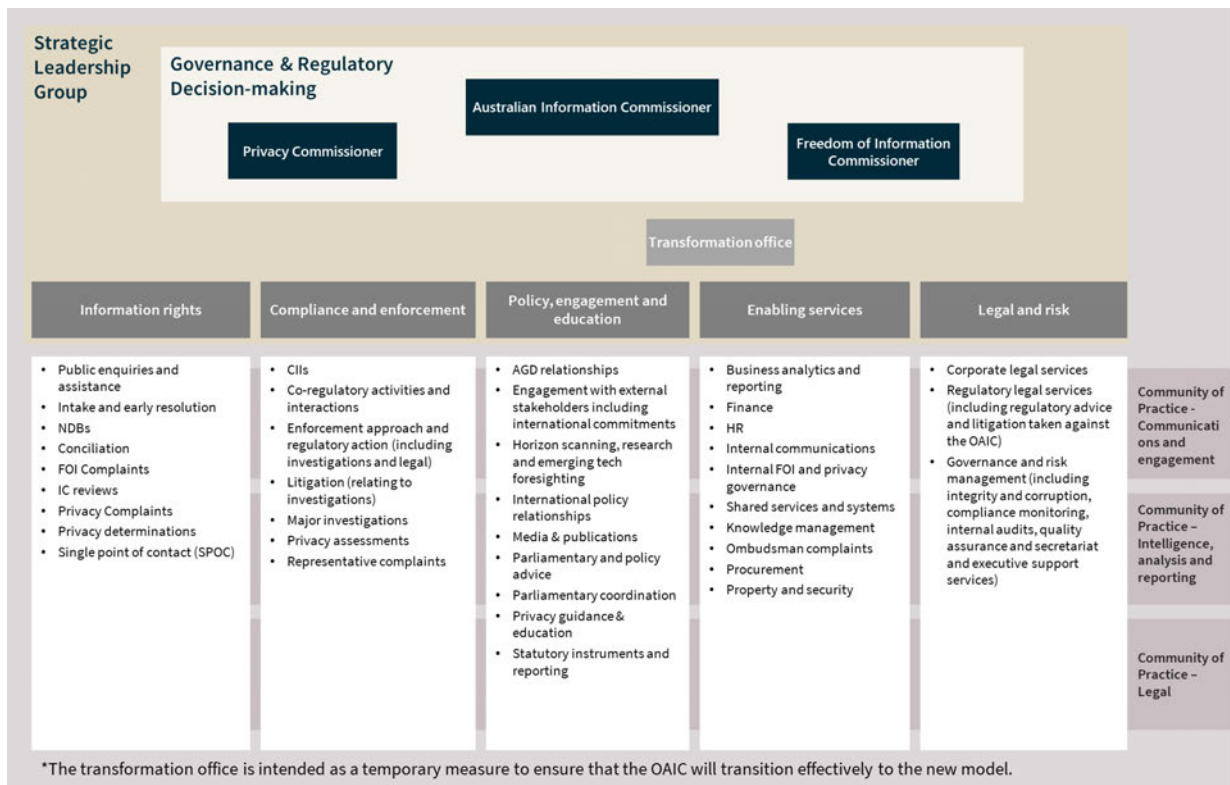


## Potential Model 2

Option 2 (see Figure 14) splits regulatory work completed by the OAIC into branches by the nature of interaction with external stakeholders. In this model, interactions with functions grouped by the nature of interaction with external stakeholders. In this model the information rights branch takes care of first instance interaction with single or small group external stakeholders, whereas the Compliance and Enforcement branch would take on the functions that require longer term or larger groups of external stakeholders.

Unlike Option 1 this model splits the current corporate branch into two distinct branches, Enabling services and Legal and risk.

Figure 14 | Model option 2 for staff engagement



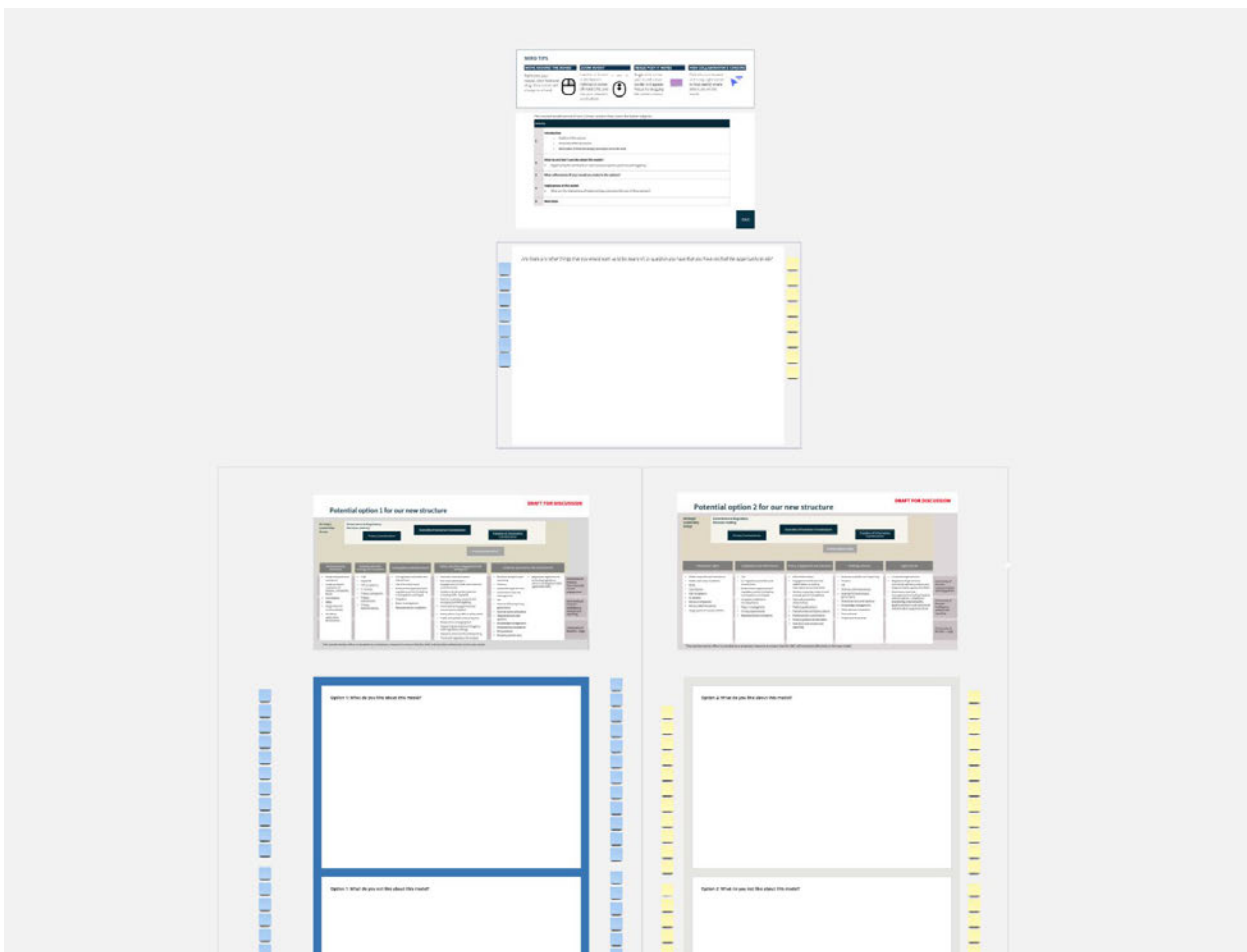
## Staff provided input through branch feedback sessions

Staff were presented with the two high-level model options alongside the design principles and functional model. Staff were then asked to engage with Nous through branch feedback sessions. These sessions provided staff with the opportunity to discuss the options and provide ideas that would improve the structure through a Miro Board that asked the following questions:

- What do you like and not like about the two options?
- What refinements (if any) would you make to the options?
- What are the implications of implementing a model like one of these options?

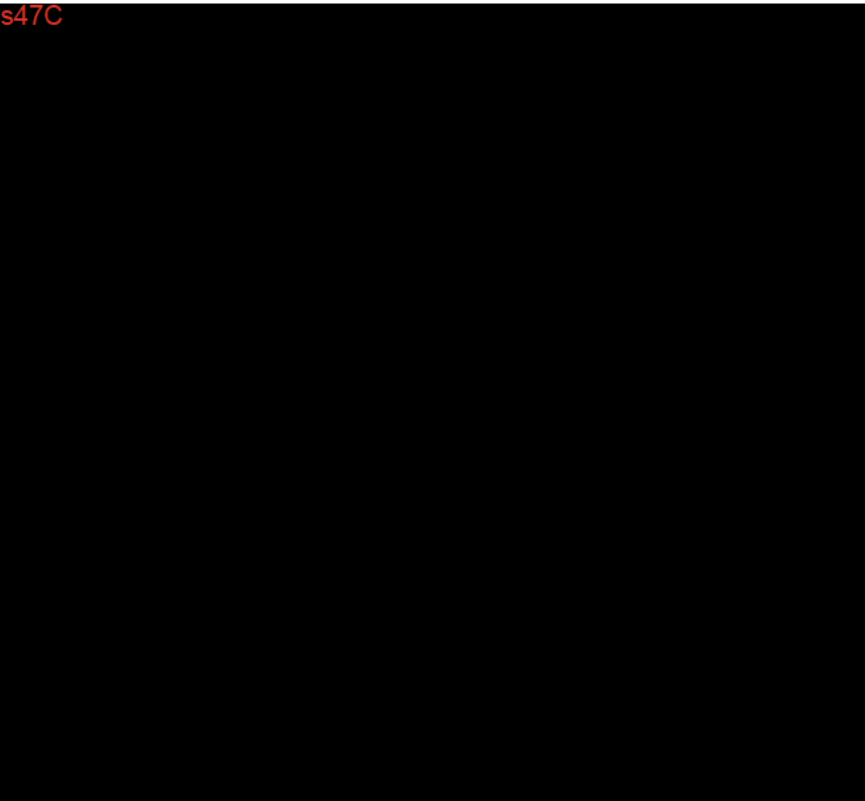
Each branch was provided with an individual miro board that was used to provide anonymous feedback. Staff were invited to react to other comments left in the board and provided the opportunity to discuss any comments future in a plenary discussion

**Figure 15 | Miro board used to guide staff workshops**



The feedback provided by staff varied across the workshops, however there were some key themes that emerged. Table 4 outlines the key themes heard across all workshops as well as how these themes were considered in developing the proposed structure option. All themes heard across the feedback sessions can be found in Appendix B.

Table 4 | Summary of key themes from staff feedback sessions

Key themes from staff feedback sessions	Considerations for the proposed structure
<p>s47C</p> 	<p><b>Partially adopted</b></p> <p>The proposed model will maintain the overall process of completing cases and most functions will remain co-located. The bulk of substantive case management will occur in the proposed privacy case management branch. However, intake functions will be separated and combined with FOI to achieve efficiencies between these two functions and to emphasise in the structure the importance of providing quick outcomes to applicants and complainants by finalising matters at the earliest possible time where investigation, conciliation, or review is not warranted.</p> <hr/> <p><b>Substantively adopted</b></p> <p>Staff feedback highlighted that in some instances (particularly more complex cases), there is value in having a dedicated stream of staff focussed on each domain. The proposed structure addresses these concerns through dedicated Privacy and FOI branches in the information rights division, with intake for both regulated areas occurring in a single branch.</p> <p>However, for simple cases and intake we believe this can be managed in an integrated way with guidance material and clearly articulated processes and workflows.</p>

In more complex cases, it is not envisioned that staff would be working across both Privacy and FOI. However, should staff wish to develop this capability, the structure may provide additional opportunities.

s47C

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**Addressed in other ways**

While some efficiencies have been gained from the current integrated model, including the each of information sharing between casework and guidance functions. Both functions were set up to build a specific expertise and capability that can be delivered on an ongoing basis if funding continues for these schemes.

The proposed structure will ensure that this capability is not siloed in once area of the Agency and integrated across the required functions.

Communities of practice may be implemented to support staff transition from dedicated branches to integrated provisions.

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**Fully adopted**

A centralised and independent legal team is necessary for the OAIC. The proposed structure will support the legal team to more effectively complete necessary work.

The management of corporate legal functions including questions of industrial relations matters, contracts reviews and responded to legal matters brought against the OAIC should be completed by a team in Enabling services with legal expertise. This structure is to ensure that legal work is focused on these core

corporate responsibilities rather than regulatory work that should be completed by front line regulatory staff. Legal may be brought in where input is required, however matters of statutory interpretation, and compliance and enforcement should be delivered by those functions

However, OAIC's legal advice and general counsel function will be in a dedicated Legal services branch, the ownership of legal risk and legal decision making will be spread across the Agency. For example, a new enforcement branch will be responsible for bringing civil penalties and other action, with support from the Legal Services branch where independent legal expertise is requested. This narrowed focus of the Office of General Counsel will require resources to be rebalanced to provide a smaller and more focussed team of lawyers.

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This feedback fed into the development of a proposed structure option that was refined by the Commissioners ahead of consultation with staff.

# The proposed future structure

This section sets out the proposed future structure of the OAIC to the section level. This outlines the proposed branches for the OAIC and their sections.

## Overview of the proposed structure

The proposed organisational structure has been designed to support the OAIC to achieve its regulatory objectives. This structure seeks to combine elements of privacy and FOI where practicable while retaining and highlighted regulated area expertise. This structure also seeks to rebalance the OAIC towards core regulatory work through the inclusion of deputy commissioners for both FOI and privacy.

The proposed structure (see overleaf) outlines the proposed branches for the OAIC and the sections to be included in each branch. These sections represent a grouping of functions to be completed by a group of OAIC staff. In some sections there may be more than one team. Some branches, for example Regulatory Intelligence and Strategy, may employ a matrix structure for some of their teams, as work completed across the branch is similar, however extensive and deep expertise in regulated areas may be required to develop guidance and policy effectively.

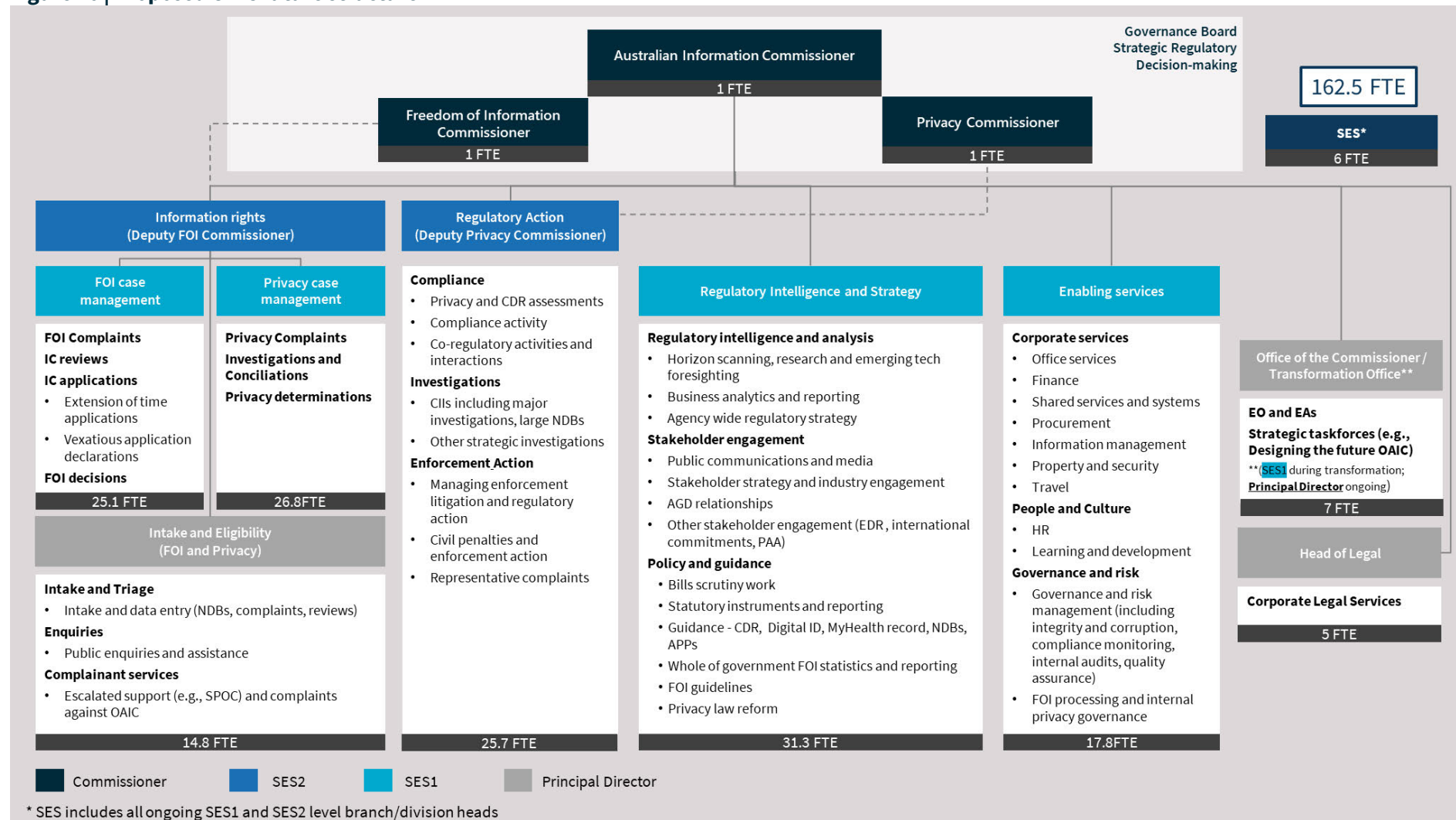
There is also a variance in the level of leadership across branches, this is intended to reflect the level of risk and workload associated with different branches. The proposed structure, outlined in Figure 16 , displays the intended level of leadership for each branch, and in the case of the Information Rights division, grouping of branches. This structure includes 2 SES2, who in addition to their management and leadership role over their branch, have a dual role working as deputy to the FOI and Privacy Commissioner. The structure also proposes the implementation of principal directors to lead smaller branches (and possibly larger or more complex functions within branches), where appropriate.

The communities of practice (CoPs) are intended as a support to cross-branch information and process sharing across the Agency. These may include CoPs to support:

- Operational Intelligence and Analytics
- CDR
- Digital ID

The CDR and Digital ID CoPs if implemented would be intended as transitional supports for the teams completing this work to support its integration into BAU activity across the OAIC.

Figure 16 | Proposed OAIC future structure





## Executive team

Implementing the Commissioners' strategic intent and responding to the OAIC's changed operating environment requires the OAIC to adjust the staffing profile and roles of its executive teams, as well as reducing the overall size of the executive.

Each branch would be led by an SES1 General Manager or a Principal Director (an EL2 whose responsibilities and remuneration sit at the mid-point between an EL2 and SES1 role). The change in title of SES1 employees from Assistant Commissioner to General Manager is intended to signify a rebalance in focus from subject-matter (FOI and privacy) and operational decision making, towards leadership and strategic management for these roles.

The exception, in this model would be two proposed new SES2 Executive General Manager/Deputy Commissioner positions, who have a dual responsibility of leading a functional areas and teams, but also serving as the Deputy to the FOI Commissioner and Privacy Commissioner. Below, the proposed SES positions are described in connection to the divisions and branches they are proposed to lead below.

Executive support arrangements will also change, with the OAIC's executive assistants moving to the proposed Office of the Commissioner.

## Information Rights division

The information right division oversees the management of all FOI and privacy cases from pre-intake enquiries to resolution. It is also responsible for the OAIC's interactions with members of the community, for example the OAIC's public enquiries function. This division includes three branches, Intake and Eligibility, FOI Case Management and Privacy Case Management.

Regulated areas (FOI and privacy) will be combined in the intake and eligibility branch, with complicated and extended case management served by a distinct branch for each regulated area. These Branches will support and oversee process innovation for the completion of case work and share learnings across all teams in this division, regardless of regulated area.

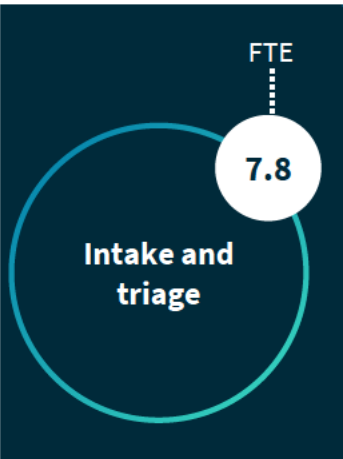
This division is overseen by the Executive Director Information Rights / Deputy FOI Commissioner. Each branch is then overseen by either an SES1 General Manager or Principal Director depending on the nature and scale of work and level of risk associated with the branch.

## Intake and Eligibility branch

In this model the Intake and Eligibility branch would be responsible for the intake and triage of all cases reported to the OAIC and monitoring the key issues that come through in these cases. It is a first point of contact for all cases and enquiries in the OAIC. This branch would complete work across both regulated areas and ensure that casework is either resolved or distributed to the appropriate team. It would also process all NDB notifications and seeks to resolve those notifications that can be resolved within 90 days.

This branch would be led by a Principal director, who oversees the intake processes, community engagement and support and public enquiries. This role would require knowledge across both regulated areas and will support staff to quickly and efficiently complete the functions associated with intake and assessment of eligibility. This branch would be comprised of four sections, which are outlined below.

Figure 17 | Intake and eligibility section structure

	Purpose	Functions	Key relationships
 <p>The diagram shows a dark teal circle with the text 'Intake and triage' in white. A white circle with the number '7.8' is positioned to the right of the teal circle, connected by a dashed line to the text 'FTE' above it.</p>	<p>In this model, the Intake and triage section would be responsible for the initial assessment and allocation of incoming cases across privacy and FOI including complaints, reviews and NDBS. This team would oversee all incoming cases across both regulated areas and distribute the work to the appropriate team. This would include logging the case into the system and completing an initial assessment of the work to be completed. This branch also</p>	<p>The core functions of the Privacy and FOI Intake section would be:</p> <ul style="list-style-type: none"> <li>Log received cases into the system</li> <li>Complete an initial assessment of each case</li> <li>Ensure that all required information is included in applications provided to the OAIC</li> <li>Liaise with applicants to obtain further information if required</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>FOI and Privacy case management</li> <li>Regulatory Intelligence and Strategy</li> <li>Regulatory action</li> </ul> <p><b>External to the OAIC</b></p> <ul style="list-style-type: none"> <li>Applicants or complainants</li> <li>Organisations experiencing data breaches</li> </ul>

	Purpose	Functions	Key relationships
<p><b>Enquiries</b> 5</p> <p><b>Complainant services</b> 2</p>	supports ongoing intelligence efforts through reporting of case data.	Apply a risk-based approach to examining notifications for compliance with the NDB scheme (i.e., only reviewing a proportion of all notifications)	Information security-focussed agencies
	The Public enquiries and assistance section would receive enquiries from the public and regulated entities, and provide assistance to people seeking to access the OAIC's services. This includes responding to enquiries made by phone or email, logging cases into case management systems, and distributing information to the intake section or elsewhere as needed.	<p>The core functions of the public enquiries and assistance section would be:</p> <ul style="list-style-type: none"> <li>Receive phone calls and emails from members of the public</li> <li>Ensure that all required information is captured and logged into resolve</li> <li>Provide assistance where required to support a member of public access the OAIC's services</li> </ul>	<p><b>Internal to the OAIC:</b> Privacy and FOI intake</p> <p><b>External to the OAIC:</b> Members of the general public in need of advice or who wish to make an enquiry Regulated entities needing information</p>
	<p>The Complainant support section would support the OAIC in providing support to complainants and other members of the public with special needs, including those who show challenging behaviour.</p> <p>It would also be responsible for coordinating complaints against the</p>	<p>The core functions of the Complainant support section would be:</p> <ul style="list-style-type: none"> <li>Responding to complaints from citizens and through the ombudsman</li> <li>Supporting other areas in the OAIC to manage the needs of members of the community with special requirements and, in exceptional</li> </ul>	<p><b>Internal to the OAIC:</b> FOI and Privacy Case Management Other areas of the OAIC where they interact directly with members of the public</p>

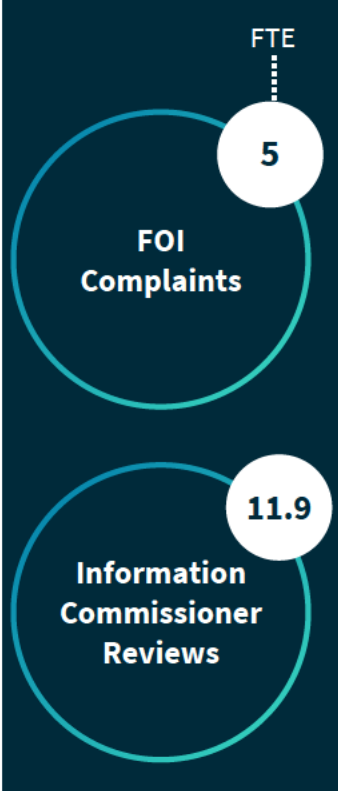
	Purpose	Functions	Key relationships
<b>Total FTE: 14.8</b>	OAIC, and providing advice to other areas of the OAIC about how they can improve the way they deliver services.	cases, directly manage these relationships (for example, offering a single point of contact (SPOC) for some individuals) Finding opportunities to improve community experience	<b>External to the OAIC:</b> Community members who wish to interact with the OAIC through complaints and applications Commonwealth Ombudsman, AHRC, etc



## FOI Case management

In this model the FOI Case Management branch would oversee the management of FOI case work. This includes IC reviews and FOI complaints unable to be resolved at intake. This team would expert in FOI and apply this knowledge across casework to ensure that cases are appropriately completed. This team also supports mutual capability uplift with other case management teams to ensure that best and most efficient practices are implemented across the Agency.

This team is led by an SES1 General Manager with a focus and expertise in case management and FOI to support the effective resolution of complaints and IC reviews. This team is comprised of three sections outlined in the figure below.

Figure 18 | FOI case management section structure

	Purpose	Function	Key relationships
 <p>The diagram on the left shows two circular nodes. The top node is labeled 'FOI Complaints' and has a '5' in a white circle next to it, with a dashed line pointing to 'FTE' above. The bottom node is labeled 'Information Commissioner Reviews' and has '11.9' in a white circle next to it.</p>	<p>The FOI complaints section will oversee the resolution of all FOI complaints, as triaged by the Intake section. This section will oversee the completion of complaints including by means of complaint investigation, alternative dispute resolution (ADR), and stakeholder engagement.</p>	<p>The core functions of the FOI Case management section are:</p> <ul style="list-style-type: none"> <li>Assessing FOI complaints</li> <li>Communicate with respondents</li> <li>Communicate with applicants and third parties</li> <li>Investigate complaints</li> <li>Draft decision on complaints</li> <li>Process withdrawals</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Intake section</li> <li>Enforcement section</li> </ul> <p><b>External to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Complainants</li> <li>Regulated entities</li> </ul>
	<p>The IC Reviews section would oversee the assessment and investigation of IC Reviews. This includes case management, ADR, documentation review and drafting of preliminary enquiries, notices and intentions to decline where required.</p>	<p>The core functions of the IC Reviews section are:</p> <ul style="list-style-type: none"> <li>Manage IC reviews</li> <li>Gather evidence for IC reviews</li> <li>Draft and request submissions</li> <li>Finalise deemed access IC reviews</li> <li>Draft preliminary views and intention to decline</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Intake section</li> <li>Enforcement and Compliance sections</li> </ul> <p><b>External to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Complainants</li> <li>Regulated entities</li> </ul>


	Purpose	Function	Key relationships
 <p><b>FOI Decisions</b></p>	<p>The FOI Decisions section would oversee the drafting of IC Reviews and complex FOI complaint decisions. This would include research and final analysis if required, communication of decisions with the complainant and respondent and the drafting of decisions.</p>	<p>The core functions of the FOI Decisions section would be:</p> <ul style="list-style-type: none"> <li>Draft complex decisions</li> <li>Review of precedents</li> <li>Decision communication and publishing</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>FOI Complaints and IC reviews sections</li> <li>Teams developing guidance</li> </ul>
 <p><b>Information Commissioner Applications</b></p>	<p>This section would oversee the administration and resolution of any information commissioner applications received by the Agency. This includes Vexatious applicant declarations and extension of time applications. This team would then communicate the decision on the application or declaration to the relevant case management team or Regulatory Action</p>	<p>The core functions of the Information Commissioner Applications section would be:</p> <ul style="list-style-type: none"> <li>Oversee vexatious applicant declarations</li> <li>Assess vexatious applicant declarations or tip-offs from other sections</li> <li>Log extension of time applications</li> <li>Assess extension of time applications</li> <li>Communicate decisions to relevant sections or branches</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>FOI Complaints and IC reviews sections</li> <li>Deputy Commissioner FOI</li> <li>Commissioners</li> <li>Regulatory Action</li> </ul> <p><b>External to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Applicants or Complainants</li> </ul>
<b>Total FTE: 25.1</b>			

## Privacy Case Management

The Case Management – Privacy team would oversee the completion of complex and high-risk Privacy casework. This team would be expert in Privacy functions and apply this knowledge across assessment of privacy complaints, drafting of privacy decisions and resolution through conciliation. This team would also support mutual capability uplift with other case management teams to ensure that best and most efficient practices are implemented.

This branch would be led by an SES1 General Manager, with a background in case management, alternative dispute resolution and privacy, to ensure the effective resolution of privacy casework. This branch would be comprised of three teams.

Figure 19 | Privacy case management section structure

	Purpose	Function	Key relationships
	<p>The Complaints Resolution team would oversee the resolution of short-term and lower complexity privacy complaints. This team would also play a role in the ongoing intelligence efforts of the Agency through the collection of case data and ensure that this data is fed into enforcement and case management teams when required.</p>	<p>The core functions of the Complaint resolution team would be:</p> <ul style="list-style-type: none"> <li>Assess privacy complaints</li> <li>Collect and analyse evidence</li> <li>Draft decisions for less complex decisions or declines</li> <li>Resolve privacy complaints</li> <li>Communicate decision to complaints and respondents</li> </ul>	<p>Internal to the OAIC</p> <ul style="list-style-type: none"> <li>Intake</li> <li>Regulatory Action branch</li> </ul> <p>External to the OAIC</p> <ul style="list-style-type: none"> <li>Privacy complainants and respondents</li> </ul>

	Purpose	Function	Key relationships
<p><b>9.2</b></p> <p><b>Investigation and Conciliation</b></p>	<p>The investigation and conciliation section would seek to resolve more complex complaints through investigation or conciliation. Complaints would be directed towards each form of resolution based on the nature of the case, as determined by the intake team. This may be through conciliation however investigation functions and the swift closure of cases will be prioritised in the future.</p>	<p>The core functions of the Investigation and Conciliation section would be:</p> <ul style="list-style-type: none"> <li>Review complaint and triage resolution team</li> <li>Assess case</li> <li>Draft decisions</li> <li>Facilitate resolution of privacy complaints</li> <li>Communicate decisions to complainants and respondents</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Intake</li> <li>Regulatory Action branch</li> </ul> <p>External to the OAIC</p> <ul style="list-style-type: none"> <li>• Privacy complainants and respondents</li> </ul>
<p><b>6.8</b></p> <p><b>Privacy Determinations</b></p>	<p>The Privacy Determinations section would oversee the drafting of the most complex privacy decisions. This includes drafting preliminary views, administrative warnings, declines and communicating these decisions to complainants and respondents. This section will also communicate decisions to the Enforcement, Compliance and Investigation branch to enforce the decision.</p>	<p>The core functions of the Privacy Determinations section would be:</p> <ul style="list-style-type: none"> <li>Review the case for legal and regulatory compliance</li> <li>Draft decisions including preliminary views, administrative warnings, declines</li> <li>Engage with effected parties</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Intake, Complaint Resolution and Investigation and Conciliation sections</li> <li>Regulatory Action branch</li> </ul>
<p><b>Total FTE: 26.8</b></p>			





## Regulatory Action


The Regulatory Action branch oversees the management of compliance, investigation and enforcement to promote adherence to the FOI Act and Privacy Act. This includes the management of Commissioner initiated and some high-risk complaint investigations, of privacy and CDR assessments, and the enforcement of privacy and FOI through legal action. This branch is expert in enforcement, investigations, and litigation, and ensures the OAIC can regulate proactively and strategically.

This team would be overseen by an SES2 Executive General Manager Enforcement / Deputy Privacy Commissioner and would contain three sections (which may be led by a Principal Director or Director).

Figure 20 | Regulatory action section structure

	Purpose	Function	Key relationships
 <p>The diagram shows a dark teal circle containing the text 'Enforcement Action'. Above the circle is a white circle with the number '3.6'. A dashed line connects '3.6' to the text 'FTE' above it.</p>	<p>The Enforcement section would support the proactive regulation of information rights through the strategic court action against non-compliance and violations. This team would be directed by the work completed by the Investigations and Compliance sections to guide activity and make strategic decisions about the conduct of litigation and investigations, informed by legal and regulatory expertise. This team would support the commissioner to pursue civil penalties and take other enforcement action. This team supports</p>	<p>The core functions of the Enforcement section would be:</p> <ul style="list-style-type: none"> <li>Manage litigation and legal risk, supported by the legal services branch or external lawyers where needed</li> <li>Enforce privacy and FOI decisions</li> <li>Facilitate civil penalties and enforcement actions</li> <li>Manage representative complaints.</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Information rights division</li> <li>Regulatory intelligence and strategy</li> <li>Legal Services</li> </ul> <p><b>External to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Regulated entities</li> <li>Partner regulators</li> <li>Engaged solicitors and barristers</li> </ul>

	<b>Purpose</b>	<b>Function</b>	<b>Key relationships</b>
	<p>the Commissioners to deliver the ongoing strategic regulation approach of the OAIC</p>	<p>Support the commissioners to deliver the ongoing strategic regulatory approach</p>	
	<p>The Compliance team would be focused on promoting adherence to the Australian private and public sector to the APPs, FOI Act and associated legislation through monitoring and assessment of practices. This includes privacy and CDR assessments as well as co-regulatory activities with partners across regulatory schemes. This team would also be responsible for supporting the commissioners to select the most appropriate regulatory tool to address compliance issues. This team is informed by the work completed across IER and Information Rights to target and select targets.</p>	<p>The core functions of the Compliance team would be:</p> <ul style="list-style-type: none"> <li>Monitor and assess regulated entities across FOI and privacy</li> <li>Manage the OAIC’s program of assessments.</li> <li>Engage with regulated entities and co-regulatory partners to promote compliance</li> <li>Support co-regulatory partners across regulatory schemes including CDR</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Information rights division</li> <li>Regulatory intelligence and strategy</li> </ul> <p><b>External to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Regulated entities</li> <li>Partner regulators</li> <li>Key stakeholders for OAIC assessments program</li> </ul>

	Purpose	Function	Key relationships
 <p><b>Investigations</b></p> <p>11.6</p>	<p>The Investigations team oversees large and high-risk investigations as directed by the Commissioners. This branch investigates significant policy breaches and recommends suitable regulatory action including civil penalty proceedings, determinations and enforceable undertakings. It works in partnership with the enforcement section to resolve cases if litigation is, or is likely to be, required.</p> <p>This section would also oversee FOI own motion inquiries.</p>	<p>The core functions of the Investigations team are:</p> <ul style="list-style-type: none"> <li>Complete Commissioner Initiated Investigations for FOI and privacy</li> <li>Liaise with complainants and respondents</li> <li>Facilitate FOI own motion inquiries</li> <li>Provide recommendations to parties responsible for privacy breaches</li> <li>Support the enforcement section to undertake enforcement action if required</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Information rights division</li> <li>Regulatory intelligence and strategy</li> </ul> <p><b>External to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Regulated entities</li> </ul>
<p><b>Total FTE: 25.7</b></p>			

## Regulatory intelligence and strategy branch


The Regulatory Intelligence and Strategy (RIS) Branch would be responsible for gathering intelligence and engaging with stakeholders to support the Commissioners to make informed decisions about regulatory action, and shape the OAIC's regulatory strategy and posture. It would work with OAIC's operational teams to coordinate the development of guidance, operational policy, and public communications.

This branch may operate as a central hub for policy innovation, knowledge dissemination, and relationship management to align regulatory objectives with stakeholder expectations and legislative requirements.

This branch would be led by an SES1 General Manager and comprise five functions.

Due to the overlap between the different functions within the team, a matrix model of management (with specialist subject matter and functional leaders, and junior generalist staff that work across teams formed for specific projects or activities) is proposed for the policy and guidance section rather than a traditional 'team based' management structure.

**Figure 21 | Regulatory intelligence and strategy section structure**

	Purpose	Function	Key relationships
 <p><b>Regulatory strategy and analysis</b></p> <p>6</p> <p>FTE</p>	<p>The Strategy and Intelligence section would support the OAIC by performing research and analysis. The section would undertake analysis of OAIC information holdings and open-source intelligence to analyse industry and operational trends to identify risk and potential targets for regulatory action. The section would support the Commissioners to shape the strategic direction and regulatory strategy for the OAIC, for example providing evidence to support the selection of regulatory priorities.</p> <p>This section would also be responsible for data analytics and reporting across the OAIC.</p>	<p>The core functions of the Strategy and Intelligence section would be:</p> <ul style="list-style-type: none"> <li>Develop strategic direction and regulatory posture with the Commissioners</li> <li>Research emerging technology and information rights issues</li> <li>Oversee horizon scanning and share learnings across the OAIC</li> <li>Develop guidance and communications on the Agency-wide regulatory strategy</li> <li>Develop reports and insights for distribution across the Agency and to external stakeholders</li> <li>Internal data analytics and reporting, and developing and maintaining OAIC's internal data warehouse</li> </ul>	<p><b>Internal to the OAIC:</b></p> <p>This team will be informed by the work completed by both the Information Rights division and the Enforcement branch. It will also feed intelligence back to the relevant locations.</p>

	Purpose	Function	Key relationships
<p><b>8.6</b> <b>Stakeholder Engagement</b></p> <p><b>16.7</b> <b>Policy and Guidance</b></p>	<p>The Stakeholder Engagement section would be responsible for managing OAIC’s public communications and its overall stakeholder engagement strategy. This team could act as a key communication channel that conveys the OAIC’s strategy and policy decisions to the broader community.</p>	<p>The core functions of the Stakeholder Engagement section would be:</p> <ul style="list-style-type: none"> <li>Coordinate and maintain relationships with industry and government stakeholders</li> <li>Support the communication of OAIC initiatives and activities to the public and relevant stakeholders</li> <li>Develop stakeholder engagement policies and approaches for the OAIC</li> <li>Manage enquiries from the media</li> <li>Manage OAIC publications and public communications</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Supports all sections of the OAIC</li> <li>Office of the Commissioners to coordination external communications</li> </ul> <p><b>External to the OAIC:</b></p> <ul style="list-style-type: none"> <li>News media organisations</li> <li>Industry bodies</li> <li>Government stakeholders</li> <li>Co-regulated entities</li> </ul>
	<p>The Policy and guidance section would be developed implementing a matrix structure that supports learning across functions while also supporting staff to use their expertise across schemes and regulated areas. All parts of the section would develop and deliver targeted external guidance and educational programs</p>	<p>The core functions of the Policy and Guidance section would be:</p> <ul style="list-style-type: none"> <li>Develop internal privacy guidance for the OAIC</li> <li>Develop privacy policy advice for the OAIC and external stakeholders</li> <li>Oversee statutory instruments and reporting</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Case Management</li> <li>Privacy and FOI branches</li> <li>Enforcement section</li> <li>Information and Privacy Commissioners</li> </ul> <p><b>External to the OAIC:</b></p>

Purpose	Function	Key relationships
<p>and resources that empower stakeholders to understand and meet regulatory requirements. Its work will be guided by the Strategy and Intelligence team to ensure it aligns with the areas of greatest risk. It will include both FOI and Privacy expertise to ensure that internal and external guidance is aligned.</p>	<p>Serve as a repository for expertise for key subject areas (e.g., CDR, Digital ID, NDBs MyHealth record) and manage relationships associated with those subject areas</p> <p>Develop FOI and privacy guidance and support other areas to develop guidance</p> <p>Oversee whole of government FOI statistics and reporting</p> <p>Carry out limited 'policy' functions such as reviewing draft legislation and other instruments and engaging with government processes</p> <p>Preparing commissioners for parliamentary processes and committees (e.g., Senate Estimates)</p>	<p>Regulated entities</p> <p>AGD</p> <p>Other government agencies</p>
<b>Total FTE: 31.3</b>		


## Enabling Services Branch


The Enabling Services Branch would provide a suite of corporate services including HR, IT, information management, governance, and risk management, ensuring operational support and strategic enablement across the OAIC. The Enabling Services Branch would underpin the regulator's capabilities, managing essential functions that allow for effective governance, risk and operations across the OAIC. The Enabling

Services Branch will have a strong customer-service ethos, focused on supporting other areas in the OAIC to deliver the Commissioners' strategic priorities.


This branch would be led by an SES1 General Manager and is comprised of three sections, as outlined below.


Figure 22 | Enabling services section structure

	Purpose	Function	Key relationships
 <p><b>Corporate Services</b></p> <p>FTE 9</p>	<p>The Corporate services section would deliver many of the key corporate functions required for the smooth operation of the OAIC. This section would provide expertise in finance, procurement, office facilities management, travel, knowledge management, and other administrative supports and management of IT and information systems.</p>	<p>This section would have four core functions:</p> <p>11. Corporate functions            Provide travel administration            Provide procurement support to the office            Property and security            Agency security advisor            Shared systems services and systems</p> <p>12. Finance            Manage budgets, financial reporting and NPP development            Process payroll, including resolution of issues and approvals            Oversee transactional processes for the OAIC including accounts</p>	<p><b>Internal to the OAIC:</b></p> <p>This section will maintain strong connections to all parts of the OAIC to ensure that the supporting functions of the Agency will be completed</p> <p><b>External to the OAIC:</b></p> <p>Shared services providers (eg DEWR)            Other suppliers of corporate services</p>

Purpose	Function	Key relationships
	payable and expense reimbursement <b>13. Information Management</b> Develop and maintain OAIC internal data warehouse Classify and catalogue information assets Ensuring compliance with privacy and data protection laws Support information audits and risk assessments	
	<b>14. IT management</b> Manage relationships with IT helpdesk providers Coordinate training and maintenance on OAIC technology Monitor and assess cyber security risks for the OAIC Develop cyber security policy for the OAIC Oversee data governance, quality and compliance across the OAIC, including case management training, development of user manuals and changes to Resolve	



	Purpose	Function	Key relationships
 <p data-bbox="443 683 495 715">4.8</p> <p data-bbox="259 751 439 858">Governance, Risk and Compliance</p>	<p data-bbox="539 435 1106 834">The Governance, Risk and Compliance section would be responsible for supporting the OAIC to understand and respond appropriately to its corporate compliance obligations, including through maintaining organisational governance structures and enabling teams across the office to engage effectively with risk. This section would support the OAIC's compliance with legal and ethical standards of integrity and assist the OAIC to identify and act on operational risks.</p> <p data-bbox="539 866 1106 1185">It would also have the role of ensuring the OAIC meets its own corporate FOI and privacy obligations. For straightforward FOI decisions this team would act as the FOI decision maker for the OAIC, but for complex or contested matters it may administer FOI processes and prepare draft decisions for consideration by SES level FOI decision makers within relevant OAIC functional areas.</p>	<p data-bbox="1128 427 1615 499">The core functions of the Governance, Risk and Compliance section would be:</p> <ul data-bbox="1182 528 1648 1126" style="list-style-type: none"> <li data-bbox="1182 528 1603 699">Considers the overall compliance obligations of the OAIC, and advise the Commissioners on how best to meet these within available resources</li> <li data-bbox="1182 711 1610 775">Completion of FOI requests for the OAIC</li> <li data-bbox="1182 788 1648 887">Oversee development of OAIC privacy policies and oversee privacy governance</li> <li data-bbox="1128 900 1632 963">• Develop and oversee internal risk and governance policies</li> <li data-bbox="1128 995 1632 1027">• Complete internal audits and reviews</li> <li data-bbox="1128 1059 1632 1123">• Oversee the management of strategic and operational risks</li> </ul> <p data-bbox="1182 1158 1581 1222">Manage integrity and corruption functions for the OAIC</p>	<p data-bbox="1666 368 1939 392"><b>Internal to the OAIC:</b></p> <p data-bbox="1720 405 2029 1134">This section would support all parts of the OAIC to ensure that governance and risk is appropriately considered and managed as the OAIC completes its regulatory functions. Given the fluctuating workload of OAIC's FOI and privacy obligations, this section may draw on FOI expertise from OAIC's case management branch where needed to assist it to discharge FOI functions.</p> <p data-bbox="1666 1182 1944 1206"><b>External to the OAIC:</b></p> <p data-bbox="1720 1219 2029 1283">Key integrity agencies Audit and risk committee</p>

Purpose	Function	Key relationships
 <p data-bbox="456 724 479 756">4</p> <p data-bbox="271 810 427 879">People and Culture</p>	<p data-bbox="542 692 1115 1018">The People and Culture section would be responsible for engaging and supporting the engagement and development of OAIC’s human resources. This section’s focus would be attracting, developing, and retaining skilled talent, fostering a culture that aligns with the OAIC’s values, and implementing human resource strategies that advance OAIC’s objectives and well-being.</p> <p data-bbox="1133 443 1608 507">The People and Culture section would have four core functions:</p> <ol data-bbox="1133 520 1653 1289" style="list-style-type: none"> <li>1. HR                     <ul data-bbox="1182 555 1653 769" style="list-style-type: none"> <li>Manage Agency wellbeing and sensitive staffing issues, including responding to reports, managing cases</li> <li>Oversee OHS requirements for the OAIC</li> </ul> </li> <li>2. Culture</li> <li>3. Manager support</li> <li>4. Learning and Development                     <ul data-bbox="1182 890 1621 1216" style="list-style-type: none"> <li>Oversee learning and development program for the OAIC including procurement of vendors and financial management.</li> <li>Develop workforce plan for the Agency including development goals and plans</li> <li>Manage onboarding, development and training of staff</li> </ul> </li> <li>5. Recruitment                     <ul data-bbox="1182 1257 1563 1289" style="list-style-type: none"> <li>Develop recruitment materials</li> </ul> </li> </ol>	<p data-bbox="1671 708 1939 740"><b>Internal to the OAIC:</b></p> <ul data-bbox="1720 772 1912 836" style="list-style-type: none"> <li>OAIC staff</li> <li>OAIC managers</li> </ul> <p data-bbox="1720 884 1998 916"><b>External to the OAIC:</b></p> <ul data-bbox="1720 922 2033 1024" style="list-style-type: none"> <li>Prospective staff through recruitment processes</li> </ul>

Purpose	Function	Key relationships
Total FTE: 17.8	Support recruitment and selection of new staff	


## Legal services

Legal Services would be responsible for the delivery of independent and expert legal advice to the OAIC's Commissioners and Executive, and managing the conduct of litigation brought against the Commissioner. It will also support OAIC functional areas to access external legal support where needed. OAIC Legal Services staff will appear for the Information Commissioner in tribunals on lower-risk matters, and instruct external lawyers on higher-risk matters and court-based litigation. This branch also supports the Information Commissioner to certify compliance with the legal services directions.

While the team is likely to have some privacy and FOI expertise, this expertise will primarily be housed elsewhere in the Agency. The team's primary areas of focus should be corporate legal matters (e.g., industrial relations, contract management), administrative law, and litigation.

This branch is led by the Head of Legal (at the principal director level) who provides legal advice to the commissioners and executive, and leadership to the corporate legal services section.

Figure 23 | Legal services section structure

	Purpose	Function	Key relationships
 <p><b>Corporate Legal Services</b></p> <p>FTE</p> <p>5</p>	<p>The Corporate Legal Services section provides advice to commissioners and SES staff on request. It has expertise across corporate legal matters that include industrial relations and contract management, as well as experience in administrative law and litigation. The legal services team will operate with a client service approach to provide independent legal advice and litigation support, and will provide advice when requested by Commissioners or OAIC executive.</p>	<p>The core functions of the corporate legal services section would be:</p> <ul style="list-style-type: none"> <li>Provide legal advice on the request of internal clients (OAIC commissioners or members of the OAIC executive)</li> <li>Support commissioners and OAIC executive when engaging external lawyers</li> <li>Maintain a database of OAIC legal advice and facilitate access to advice</li> <li>Appear in tribunals for the information commissioner on low-risk matters</li> <li>Manage external lawyers conducting litigation for complex or high-risk matters, or where the legal services directions require litigation to be run externally</li> </ul>	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> <li>Information, Privacy and FOI Commissioners</li> <li>Members of the executive</li> </ul> <p>External to the OAIC:</p> <ul style="list-style-type: none"> <li>General Counsels and lawyers across government</li> <li>Office of Legal Services Coordination</li> <li>Law firms</li> </ul>
<p><b>Total FTE: 5</b></p>			


## Office of the Commissioner

The Office of the Commissioner would include the Executive Assistants (supporting Commissioners and the executive) and an Executive Officer for the Information Commissioner. This branch would support the Commissioners in their day-to-day activities and facilitate interactions between the Commissioners and the branches to ensure that Commissioner time is used in an effective, efficient and strategic manner.

To support the OAIC to transition to the new organisational structure it could also contain a transformation office. This would be led by a temporary SES1 for 12 months, supported by secondees from across the office.

In the future, similar strategic taskforces could be stood up in the Office of the Commissioners where there are projects with significant whole-of-Agency impact. Specific teams may be moved to the Office of the Commissioner when needed to support priority projects. For example, the OAIC's people and culture function may be moved within the Office of the Commissioner during the transformation project. The sections to be included upon establishment are outlined below.

Figure 24 | Office of the Commissioner section structure

	Purpose	Function	Key relationships
 <p><b>Executive Support</b></p> <p>3 FTE</p>	<p>The Executive support section would support the Commissioners in the development of policy and strategic communications as well as ensure that the work or decisions that reach the Commissioners are appropriate to their level. They would also manage the Commissioners diaries and provide ad hoc administrative support as needed.</p>	<p>The core functions of the Executive support would be:</p> <ul style="list-style-type: none"> <li>Support the day-to-day activities of the Commissioners</li> <li>Ensure strategic communications from the Commissioners are consistent across the Agency</li> <li>Support the Commissioners to develop whole-of-Agency regulatory strategy</li> <li>Oversee the Commissioners relationships with external partners</li> <li>Support the Commissioners to engage with international and national partners and stakeholders</li> <li>Manage the diaries of the Information, Privacy and FOI Commissioners</li> <li>Support and Coordination internal and external meetings involving Commissioners</li> <li>Support, prepare and manage documentation</li> </ul>	<p><b>Internal to the OAIC:</b></p> <ul style="list-style-type: none"> <li>Information, Privacy and FOI Commissioners</li> <li>OAIC executive</li> <li>Other OAIC staff</li> </ul> <p><b>External to the OAIC:</b></p> <ul style="list-style-type: none"> <li>AGD</li> <li>Co-regulatory partners</li> <li>External legal advisors</li> <li>International counterparts to support engagement</li> </ul>

	Purpose	Function	Key relationships
<p style="text-align: center;"><b>3</b></p> <p style="text-align: center;"><b>Designing the Future OAIC</b></p> <p style="text-align: center;"><b>Total FTE: 6</b></p>	<p>The designing the future OAIC section would oversee the transition to the new structure. This includes mapping roles and supporting the executive through the change. The team will be experts in the operations of the entire OAIC and will maintain strong relationships with stakeholders across the organisation. They will have responsibility for the implementation of the remaining recommendations of the Strategic review.</p>	<p>The Designing the Future OAIC section would:</p> <ul style="list-style-type: none"> <li>Oversee the transition to the new organisational structure</li> <li>Develop new role descriptions for all required positions</li> <li>Develop and support distribution of all internal communications relating to the new organisational model</li> <li>Support the commissioners to implement the changes associated with the reduction in ASL</li> <li>Oversee the consultation on the proposed structure model</li> <li>Support the Commissioners to consider the suggestions from staff and develop the final organisational structure</li> <li>Support the implementation of a new system and technology with support from the information management team</li> </ul>	<p><b>Internal to the OAIC:</b></p> <p>Each section of the OAIC Information, Privacy and FOI Commissioners</p>

## To achieve the transition to the new structure the OAIC will need to scale back or cease some functions

To support the transition to a new operating model, and in light of the cessation of terminating funding measures, the OAIC would need to scale back or cease some of its current functions.

The Commissioners have assessed the current functions completed by the Agency and identified areas where they would expect that activities to cease or a reduction in effort applied, which have informed the proposed allocation of staff across the different teams.

The functions where activities are proposed to be scaled back are set out below.

**Figure 25 | Proposed activities to scale back in 2024/25**

Function	Description	Future effort applied to function
Internal Legal	The Commissioners are seeking to achieve a shift in how legal services are delivered across the OAIC to support a less resource intensive approach to legal services.	Scaled back within 2024/25 budget
	This includes clear delineation between the roles of lawyers and regulatory staff, but which recognises the legal expertise of OAIC regulatory staff.	
External legal	Legal advice will be sought in a strategic and targeted way. This will likely result in a reduction in total resourcing across legal functions, and the reallocation of resources (and legal expertise) from the OAIC's existing legal team to other parts of the Agency (e.g., FOI, enforcement action, representative complaints).	Scaled back within 2024/25 budget
	The cessation of terminating funding requires the OAIC to dramatically reduce the use of external legal providers.	
	Reliance on external legal advice will be achieved by embracing a changed approach to risk, and by trusting in the expertise of OAIC staff. Less legally resource intensive compliance and enforcement strategies (e.g., determinations rather than civil penalties) will be preferred where they can achieve similar objectives. These changes are intended to shift OAIC's legal expenditure back to its 5-year average level.	



Investigations	<p>The terminating funding that ended in 2024/25 related to investigations. To give effect to this change, OAIC needs to reduce the amount of resources (staff and financial) it invests in investigations, especially major investigations.</p> <p>It is expected that the current investigations will be completed, however lower cost investigation pathways need to be considered where possible.</p> <p>The major investigations and CII teams, and parts of the current NDB team doing investigations work, will be integrated into a single branch. The OAIC will prioritise the investigations it commences and continues, having regard to its regulatory posture and statement of regulatory approach.</p>	Scaled back within 2024/25 budget
Assessments	<p>Due to the cessation of terminating measures for privacy functions, the OAIC will need to identify more efficient methods to conduct assessments. This may include applying new and condensed assessment methodologies, or placing less reliance on external experts.</p>	Scaled back within 2024/25 budget
Executive support	<p>Due to a reduction in SES numbers, less executive support is likely to be required.</p>	Scaled back within 2024/25 budget
Privacy advisory and policy work	<p>The cessation of terminating measures linked to the regulation of privacy and social media require a reduction in privacy advisory and policy work.</p> <p>The OAIC's current structure splits privacy advisory and policy work by subject matter: for example, CDR, Digital ID, and digital platforms. A new structure would combine these teams in a single section and to support cross-scheme advice and policy work.</p> <p>It is also expected that the OAIC would reduce the extent to which it engages in cross-government policy initiatives (such as IDCs and legislative consultation processes), instead relying on the Information Law unit in AGD to be responsible for privacy policy matters.</p>	Scaled back within 2024/25 budget
Risk-based NDB monitoring	<p>The cessation of terminating measures linked to the regulation of digital privacy will require a reduction in the resources applied to assessing and responding to data breach notifications.</p>	Scaled back within 2024/25 budget

The OAIC's response to NDBs (providing guidance, assessing for compliance with the scheme) is discretionary. To allow this work to continue with a reduced resourcing profile, the OAIC will shift to a risk-based approach to responding to NDBs, which will mean that it only reviews a proportion of reported NDBs for compliance with the scheme or to provide guidance to entities. This will be guided by the OAIC's regulatory posture and statement of regulatory approach.

IT systems changes	<p>OAIC's constrained budgetary situation for 2024/25 means that the bulk of the IT systems review recommendations will not be able to be progressed this year.</p> <p>During 2024/25, a reduced level of internal IT expertise will progress the lowest cost and highest impact IT improvements that can be progressed within a reduced budget.</p>	Scaled back within 2024/25 budget
Conciliation	<p>Commissioners propose to change the OAIC's model of conducting conciliations by reassigning resources from the current dedicated conciliation team to general case management. This will require the OAIC to reduce the number of formal conciliation conferences held, and likely to engage external expertise to conduct complex or high-risk conciliations, rather than conduct them in-house.</p>	Scaled back within 2024/25 budget
Corporate travel	<p>The OAIC will reduce the level of non-mandatory corporate travel. This will include reducing the number of branch planning days, instead replacing them with a smaller number of whole-of-office planning activities to support collaboration.</p>	Scaled back within 2024/25 budget
Corporate services (e.g., people and culture, finance)	<p>The amount of resource the OAIC expends on corporate services and support will need to be reduced to reflect the reduced overall size of the Agency. This will be achieved by moving from a specialist to a more generalist approach to delivering corporate services, where specialists in areas such as finance, data analytics, and information management will be coordinated by generalist leaders or managers. The reduced size of the OAIC's corporate team will require Commissioners and OAIC's executive to be selective in how they seek corporate services support.</p>	Scaled back within 2024/25 budget

Engagement in government level activities and policy processes	The OAIC currently engages in a range of cross-government and cross-jurisdictional forums where it advocates for information rights. To operate within a reduced funding level, this activity will need to be scaled back, and OAIC will rely on AGD as the policy Agency for information law to have this role.	Scaled back within 2024/25 budget
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## Teams in the current structure have been mapped to teams and branches in the proposed structure

This mapping exercise considers the current functions and activities performed, and the capability and skillsets of people within teams. Notwithstanding this, some teams will be required to perform some new functions, or work in a different way. Table 6 outlines how teams map to the new structure, and indicates which functions may need to operate with a reduced staffing profile in future.

**Table 5 | Current teams mapped to proposed future teams and branches**

Current Branch	Current Team		Future Team	Future Branch
Corporate	BARD	>	Regulatory Intelligence and analysis	Regulatory Intelligence & Strategy
	Corporate Services	>	Corporate Services	Enabling Services
	Finance	>	Corporate Services	
	Governance and Risk	>	Governance, Risk and Compliance	
	Legal - FOI processing	>		
	Legal - Litigation and Representative complaints	>	Corporate Legal Services	Legal Services
	Legal - Major Investigations (Legal)	>	Enforcement	Regulatory Action
	Legal advices, policy, privacy governance	>	Corporate Legal Services	Legal Services
	People and culture	>	People and Culture	Enabling Services

Current Branch	Current Team		Future Team	Future Branch
	Strategic communications	>	Stakeholder Engagement	Regulatory Intelligence & Strategy
	Executive Support	>	Commissioner support	Office of the Commissioners
	Technical	>	Corporate Services	Enabling Services
			Enforcement	Regulatory Action
Digital ID	Digital ID	>	Privacy	Regulatory Intelligence & Strategy
			Stakeholder Engagement	
	CII	>	Investigations	Regulatory Action
	Conciliations	>	Privacy complaints	
	Determinations	>	Privacy Determinations	Privacy Case management
		>	Privacy Early Resolution	
Dispute Resolution	Enquiries and Early Resolution	>	Public Enquiries	Intake and Eligibility
		>	NDB processing	
	Notifiable Data Breaches	>	Privacy	Regulatory Intelligence & Strategy
	Privacy Case Management	>	Privacy Complaints	Privacy Case management
		>	FOI Early Resolution	FOI Case management
FOI	Intake and Early Resolution	>	Intake	Intake and Eligibility

Current Branch	Current Team		Future Team	Future Branch
	Monitoring, Guidance and Engagement	>	FOI	Regulatory Intelligence & Strategy
	Reviews and Investigations 1	>	FOI complaints	
	Reviews and Investigations 2	>	IC reviews	FOI Case management
	Significant Decisions			
Major Investigations	Major Investigations 1			
	Major Investigations 2	>	Investigations	Regulatory Action
	Major Investigations 3			
Regulation and Strategy	Health and Government	>	Privacy	
	Law Reform and Digital Platforms	>	Privacy	Regulatory Intelligence & Strategy
	Systems and Security	>	Strategy and Intelligence	
Regulation and Strategy (CDR)	Assessments and Inspections	>	Compliance	Regulatory Action
	CDR Assessments	>		
	CDR Operations	>	Guidance	Regulatory Intelligence & Strategy
	CDR Policy guidance	>	Privacy	

## We have assessed the degree of change for each team under the proposed structure

In assessing the degree of change for each team we have assessed:

The degree to which a teams <b>functions have changed</b>	<b>No change</b>	<b>Low</b> – the team will be required to perform substantively the same function but working in a different way.	<b>Medium</b> – the team may be required to begin performing some additional functions, or stop performing some which they had traditionally performed.	<b>High</b> – The team is likely to be required to perform its functions in a substantially different way.
The degree to which the <b>composition of a team has changed</b>	<b>No change</b>	<b>Low</b> – the team is staying together but might be joining a larger team in the same branch.	<b>Medium</b> – the team might be changing branches, or the team splitting into different teams in the same branch.	<b>High</b> – the team is splitting across multiple teams in different branches.
Whether there has been a <b>reporting line change</b>	<b>No Change</b>	<b>Change</b>		
Whether the <b>staffing level may change</b> to respond to OAIC’s reduced overall budget	<b>No Change</b>	<b>May change</b> – this team may require further resources to complete its assigned workload under the proposed structure.	<b>May reduce</b> – the proposed scaling back of activities required by the cessation of terminating measures may affect the staffing level of this function in a future structure.	

The combination of these factors determines the overall degree of change likely to be experienced by a team. Table 7 below outlines the degree of change for each team.

Table 6 | Estimated degree of change for teams based on current structure

Branch	Current team	Change to function	Change to Composition	Change to reporting	Change in staffing level	Overall Degree of change
Corporate	Business analytics, Data and Reporting (BARD)	Medium	Medium	Change	May reduce	High
	Corporate Services	Low	Low	Change	No change	Low
	Finance	No change	Medium	Change	No change	Medium
	Governance and Risk	No change	No change	Change	May change	Medium
	Legal - FOI processing	Medium	Low	Change	No change	Medium
	Legal - Litigation and Representative complaints	Medium	Low	Change	May reduce	High
	Legal - Major Investigations (Legal)	High	High	Change	May reduce	High



Branch	Current team	Change to function	Change to Composition	Change to reporting	Change in staffing level	Overall Degree of change
	Legal advice, policy, privacy governance	Medium	Low	Change	May reduce	High
	People and culture	No change	No change	No change	May reduce	Low
	Strategic communications	Medium	Medium	Change	No change	Medium
	Systems review team	Low	Low	No change	May reduce	Medium
Digital ID	Digital ID	Medium	Medium	Change	May reduce	High
	CII	No change	No change	Change	May reduce	Medium
Dispute Resolution	Conciliations	No change	Low	No change	May reduce	Medium
	Determinations	No change	No change	No change	No change	Low

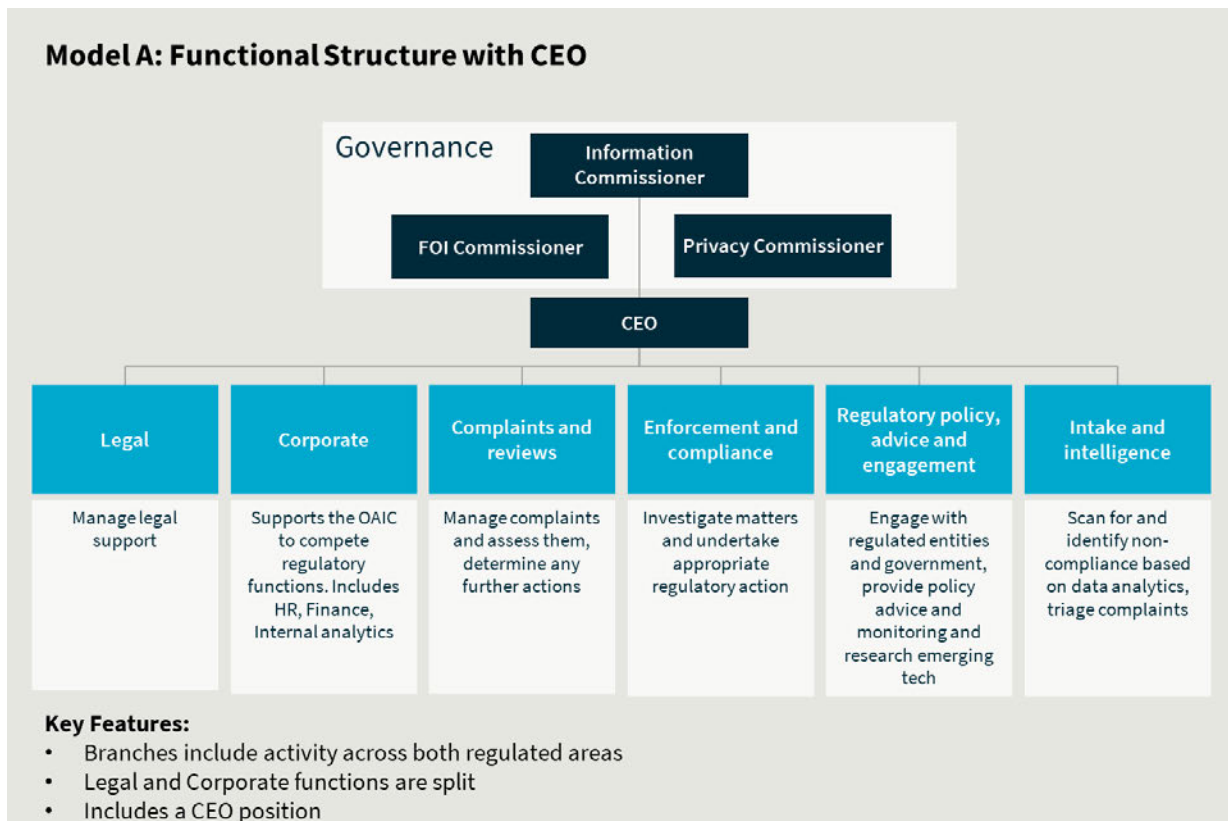
Branch	Current team	Change to function	Change to Composition	Change to reporting	Change in staffing level	Overall Degree of change
	Enquiries and Early Resolution	Low	High	Change	No change	Medium
	Notifiable Data Breaches	Medium	High	Change	May reduce	High
	Privacy Case Management	No change	No change	No change	No change	Low
FOI	Intake and Early Resolution	Low	Medium	Change	No change	Low
	Monitoring, Guidance and Engagement	Low	Medium	Change	No change	Medium
	Reviews and Investigations 1	No change	Low	No change	No change	Low
	Reviews and Investigations 2	No change	Low	No change	No change	Low

Branch	Current team	Change to function	Change to Composition	Change to reporting	Change in staffing level	Overall Degree of change
	Reviews and Investigations 2	No change	Low	No change	No change	Low
	Significant Decisions	Low	Low	No change	No change	Low
	Major Investigations 1	Medium	Medium	Change	May reduce	High
Major Investigations	Major Investigations 2	Medium	Medium	Change	May reduce	High
	Major Investigations 3	Medium	Medium	Change	May reduce	High
	Health and Government	Low	Low	No change	May reduce	Medium
Regulation & Strategy	Law Reform and Digital Platforms	Low	Low	No change	May reduce	Medium
	Systems and Security	Low	Low	No change	May reduce	Medium

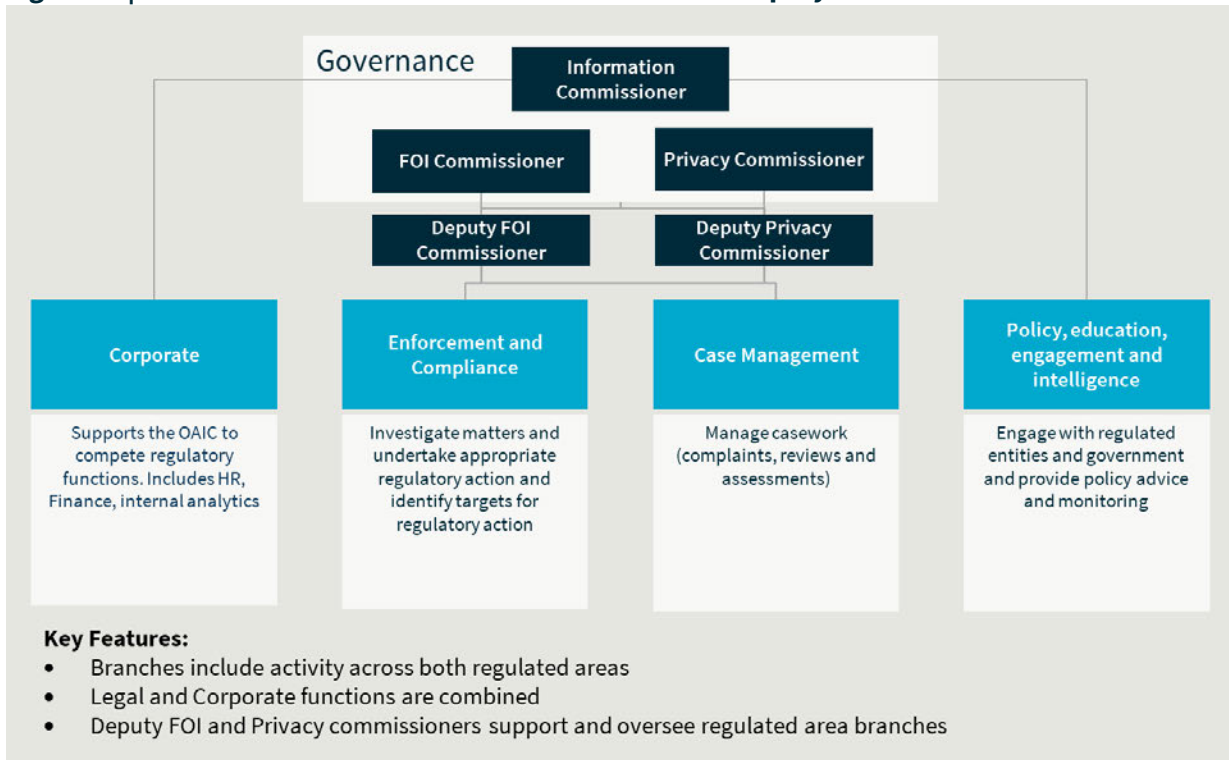
Branch	Current team	Change to function	Change to Composition	Change to reporting	Change in staffing level	Overall Degree of change
Regulation & Strategy (CDR)	Assessments and Inspections	Low	Low	Change	May reduce	Medium
	CDR Assessments	Medium	High	Change	May reduce	High
	CDR Operations	Medium	High	Change	May reduce	High
	CDR Policy guidance	Medium	High	Change	May reduce	High

## Appendix A | High level descriptions of models considered by the Commissioners

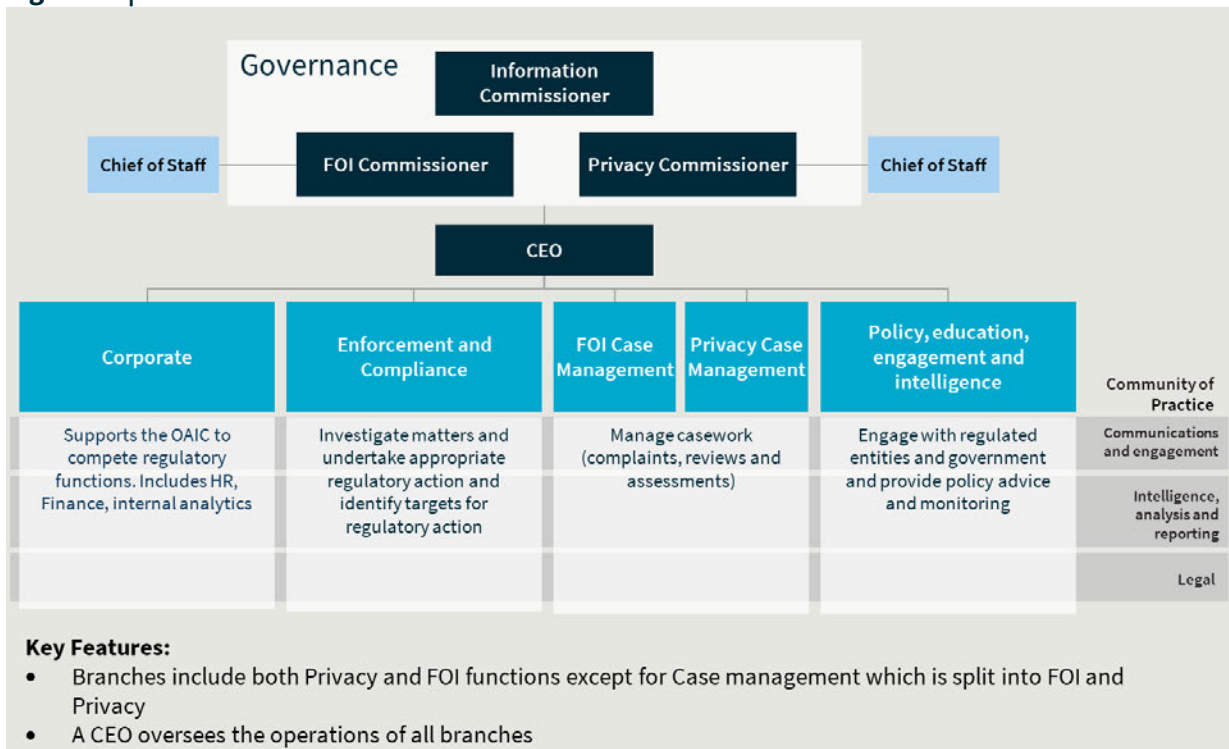
Figure 26 | Model A: Functional Structure with CEO



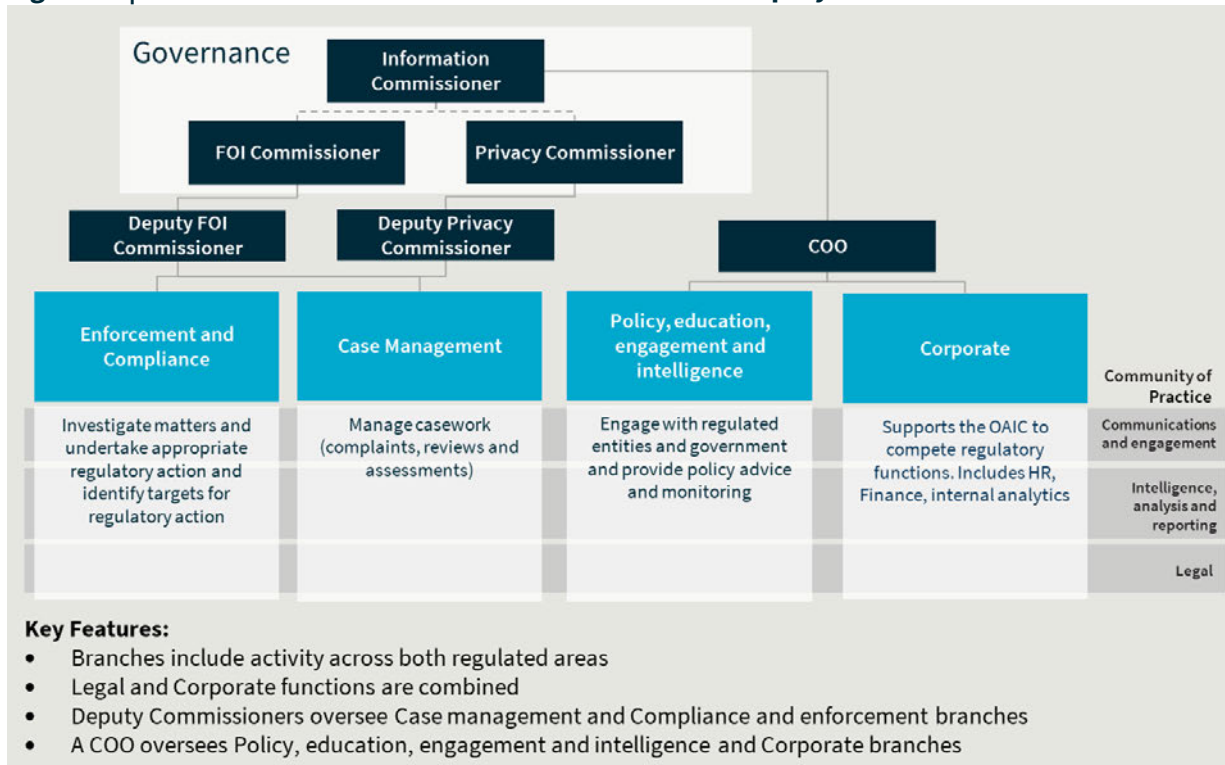
**Figure 27 | Model B: Streamlined functional structure with Deputy Commissioners**



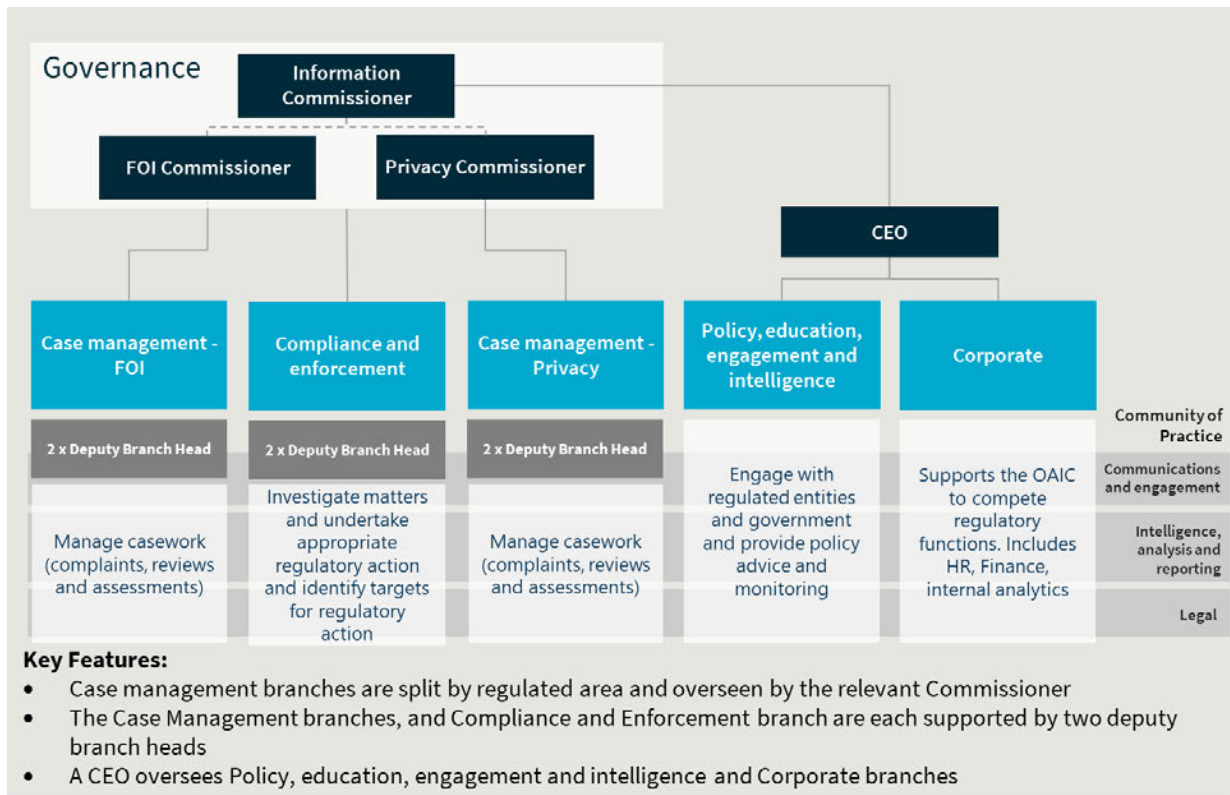
**Figure 28 | Model C: Streamlined Matrix**



**Figure 29 | Model D: Streamlined functional structure with Deputy Commissioners and COO**

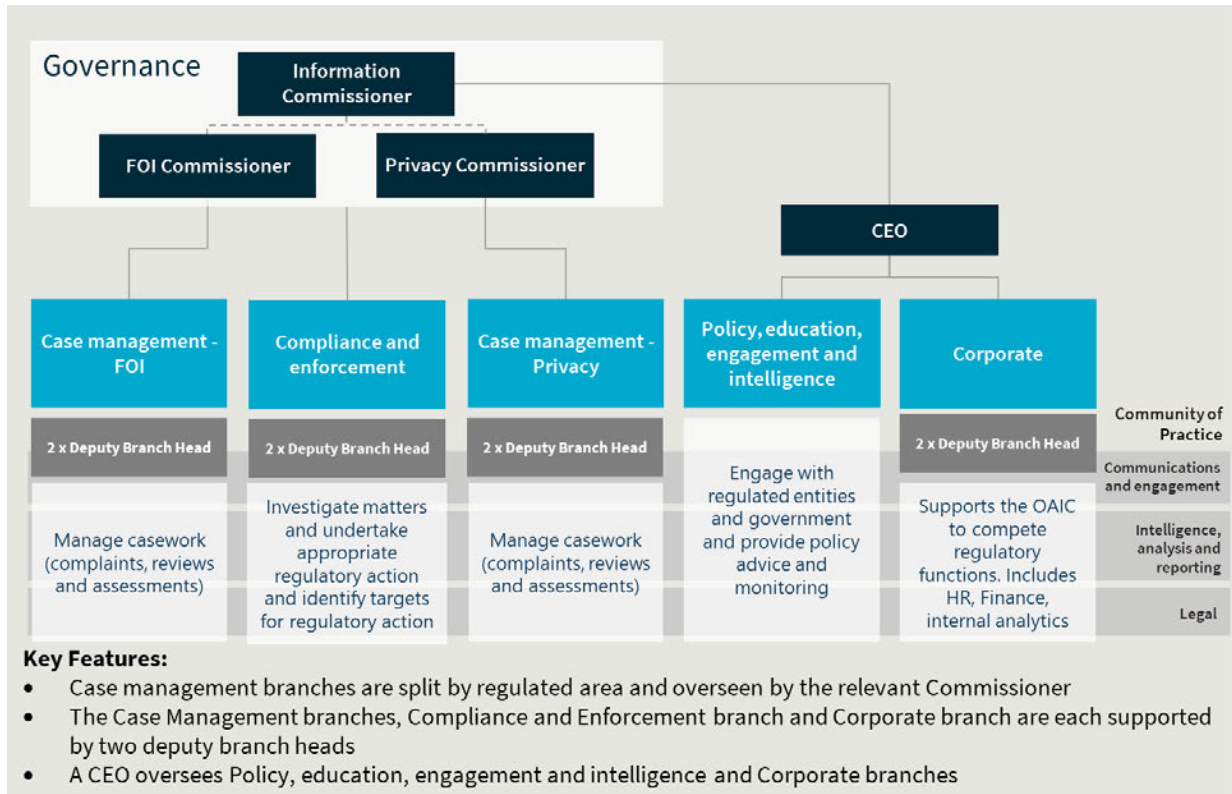


**Figure 30 | Model E: Streamlined functional structure with CEO and regulated area deputy branch heads**

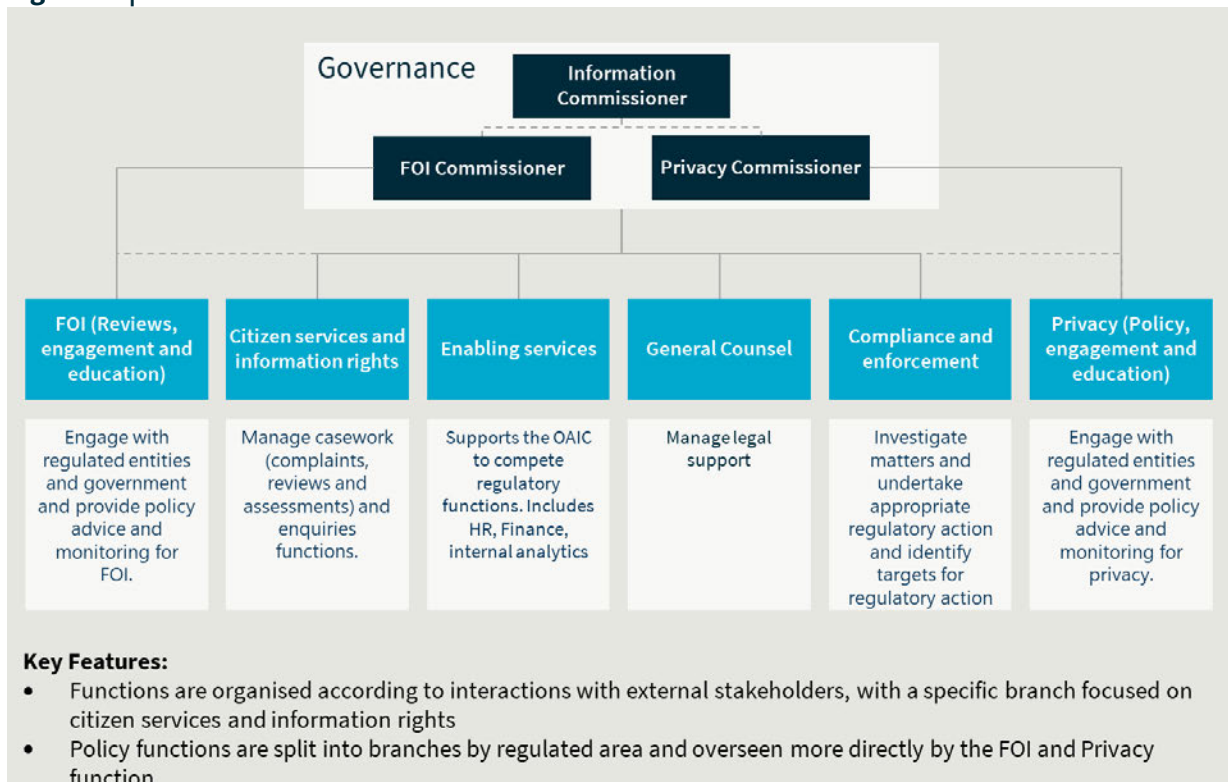




**Figure 31 | Model F: Streamlined functional structure with CEO and deputy branch heads**

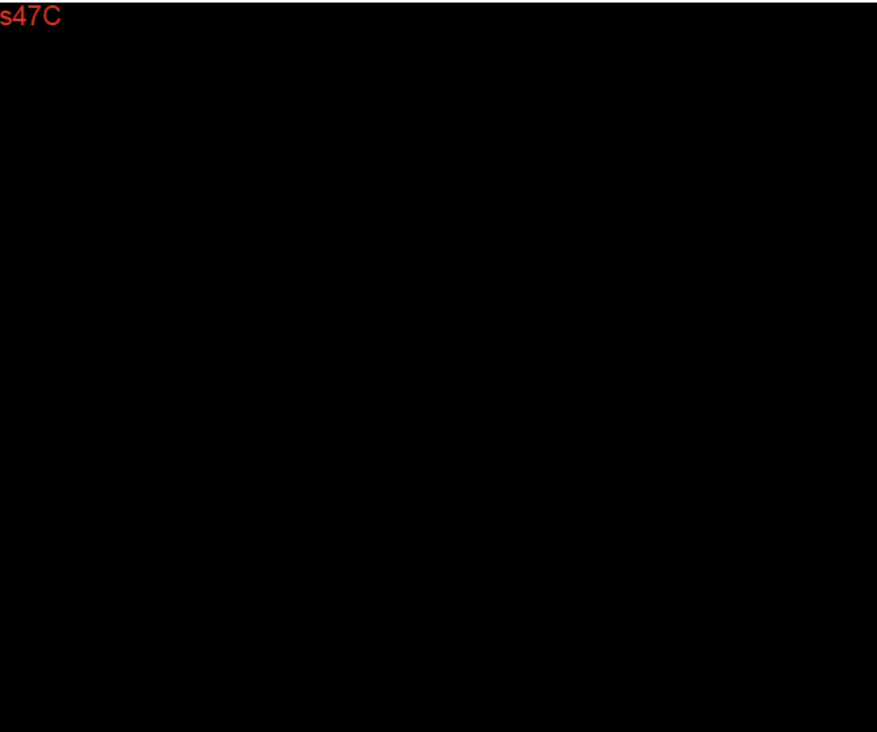


**Figure 32 | Model G: Streamlined functional model with customer focus**



## Appendix B | Key themes from staff feedback sessions

This table outlines the themes heard across engagements on the potential structure options.

Key themes heard on the structure from staff feedback sessions	Considerations for the proposed structure
<p>s47C</p> 	<p><b>Partially adopted</b></p> <p>The proposed model will maintain the overall process of completing cases and most functions will remain co-located. The bulk of substantive case management will occur in the proposed privacy case management branch. However, intake functions will be separated and combined with FOI to achieve efficiencies between these two functions and to emphasise in the structure the importance of providing quick outcomes to applicants and complainants by finalising matters at the earliest possible time where investigation, conciliation, or review is not warranted.</p> <hr/> <p><b>Substantively adopted</b></p> <p>Staff feedback highlighted that in some instances (particularly more complex cases), there is value in having a dedicated stream of staff focussed on each domain. The proposed structure addresses these concerns through dedicated Privacy and FOI branches in the information rights division, with intake for both regulated areas occurring in a single branch.</p>

s47C

However, for simple cases and intake we believe this can be managed in an integrated way with guidance material and clearly articulated processes and workflows.

In more complex cases, it is not envisioned that staff would be working across both Privacy and FOI. However, should staff wish to develop this capability, the structure may provide additional opportunities.

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#### **Addressed in other ways**

While some efficiencies have been gained from the current integrated model, including the each of information sharing between casework and guidance functions. Both functions were set up to build a specific expertise and capability that can be delivered on an ongoing basis if funding continues for these schemes.

The proposed structure will ensure that this capability is not siloed in once area of the Agency and integrated across the required functions.

Communities of practice may be implemented to support staff transition from dedicated branches to integrated provisions.

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#### **Fully adopted**

A centralised and independent legal team is necessary for the OAIC. The proposed structure will support the legal team to more effectively complete necessary work.

The management of corporate legal functions including questions of industrial relations matters, contracts reviews and responded to legal matters brought against the OAIC should be completed by a team in Enabling services with legal expertise. This structure is to ensure that legal work is focused on these core corporate responsibilities rather than regulatory work that should be completed by front line regulatory staff. Legal may be brought in where input is required, however matters of statutory interpretation, and compliance and enforcement should be delivered by those functions

However, OAIC's legal advice and general counsel function will be in a dedicated Legal services branch, the ownership of legal risk and legal decision making will be spread across the Agency. For example, a new enforcement branch will be responsible for bringing civil penalties and other action, with support from the Legal Services branch where independent legal expertise is requested. This narrowed focus of the Office of General Counsel will require resources to be rebalanced to provide a smaller and more focussed team of lawyers.

s47C

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**Fully adopted**

- Clearly articulated the name and functions of each branch in the proposed model.
- Assessments and CIIs have been combined in the same branch.
- The supporting transition plan outlined how activities will continue and be integrated across the Agency.

s47C

**Partially adopted**

- Ensure that the risk functions are well articulated including specific callouts for integrity and fraud,
- Secretariat and executive support services are separate from governance and risk.

**Partially adopted**

While some non-statutory functions are outlined in the model, they are intended as future functions to be included in those branches and indicate where the commissioner intend to shift the OAIC towards.

**Fully adopted**

The transition plan outlines how the OAIC will continue to facilitate BAU while transitioning to a new organisational structure.

**Partially adopted**

While the Communications team would move to the Regulatory Intelligence and Strategy branch, they will still direct a majority of internal communications. People and culture may take on some of the internal communications related to their work.

s47C

**Fully adopted****Fully adopted**

The proposed structure outlines a Transformation Office/Office of the Commissioner including its core responsibilities and staffing numbers as well as the expected length of time it would exist in the branch for. The proposed structure joins these two offices together to ensure efficiencies in communication and coordination of projects and ensure that the Commissioner have appropriate oversight over the implementation of the organisational structure.

**Partially adopted**

NDB functions have been split between Intake and Eligibility, Regulatory Action and Regulatory Intelligence and strategy based on the functions currently completed by the team].

**Partially adopted**

- Some outlined functions have been included in the proposed model. some have been left out as they reflect a lower level of activity than the functions outlined.
- My health record functions have been more directly called out as they were considered part of the work of complaints and policy/guidance functions.

s47C



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**Partially adopted**

- Some suggestions have been implemented in the proposed model this includes FOI complaints and IC reviews have been included in the same branch.
- Some suggestions have not been implemented due to the lower level of function they represent.



s47C



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**Fully adopted**

Further detail is provided in the proposed structure option. The models presented in the engagement stage were intended to spark staff ideas for a future model and guide feedback on the combination of functions across the Agency.

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# DRAFT Designing the future OAIC transition plan

Developed by Nous Group



Office of the Australian information Commissioner

24 August 2024

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# This document is intended to support the OAIC to transition to its new structure

## Purpose of this document

The Office of the Australian Information Commissioner (OAIC or the Agency) is updating its organisational structure. The purpose of this document is to outline how the OAIC will implement the new structure. This transition plan describes the proposed timing, planning and implementation considerations for the transition. It aims to ensure that the OAIC can move to the new structure in an organised and transparent manner.

This document is intended to be used by OAIC leaders as a practical guide to leading their staff through the transition.

## Transition overview

Two streams of activities are proposed to deliver the transition to the new structure:

- critical activities to implement the new structure, and
- supporting activities to equip the OAIC to manage change and work effectively in the new structure.

The activities proposed in this plan prioritise a transition to the new structure which poses as little disruption to staff and operations as possible. It does this by recommending early appointment of executives to lead the transition, direct appointment of staff wherever possible and preparation of a continuity plan to clarify how work will be prioritised during the transition.

Clear governance and accountability are critical success factors for the transition to the new structure. The Commissioners will oversee the transition and make relevant budget and spending decisions as required. The Transformation Office should be set up as a priority to implement the critical and supporting steps of the transition.

The transition will be delivered across 5 months with the majority of critical steps and appointment decisions completed by the end of 2024.

## Transition next steps

This plan is a starting point and may change as new information, opportunities and obstacles arise. In practice, implementation will need to be iterative and flexible rather than perfectly linear.

# Our operating environment is evolving

## The OAIC has undergone significant change

The OAIC's operating environment is changing as advancements in technology, artificial intelligence and the growth of the digital economy affect personal privacy. Rapid growth in these areas creates an increasingly complex and faster-evolving operating environment for the Agency to regulate. Responding to these changes requires the right skillsets to support effective regulation.

In recent years the Agency has undergone significant changes. These include:

- The implementation of a three-Commissioner model for the first time in many years
- A shift in regulatory posture
- The introduction of structural changes
- A transition to a hybrid workforce.

Collectively, these changes have necessitated a refreshed approach to how the OAIC regulates.

## The OAIC underwent a Strategic Review which recommended that the structure be updated

The Attorney-General's Department (AGD) commissioned Nous to conduct a Strategic Review of the Agency (the Review) to ensure that it remains well positioned to deliver its functions into the future.

The Review concluded that despite recent reforms, the Agency's regulatory posture and operating model do not support the OAIC to meet its future challenges as a regulator.

The Review recommended that the OAIC update its organisational structure to achieve its purpose and future functionality. It recommended that further consideration on structure be deferred until after the new Commissioners commenced in their roles to bring life to their identified strategic imperatives.

## The Commissioners have set a new vision and set of strategic priorities to guide the development of the proposed structure

The Commissioners are seeking to engender a fundamental change in how the OAIC works. This change is aimed at driving a transition to a more effective, harm-focussed regulator.

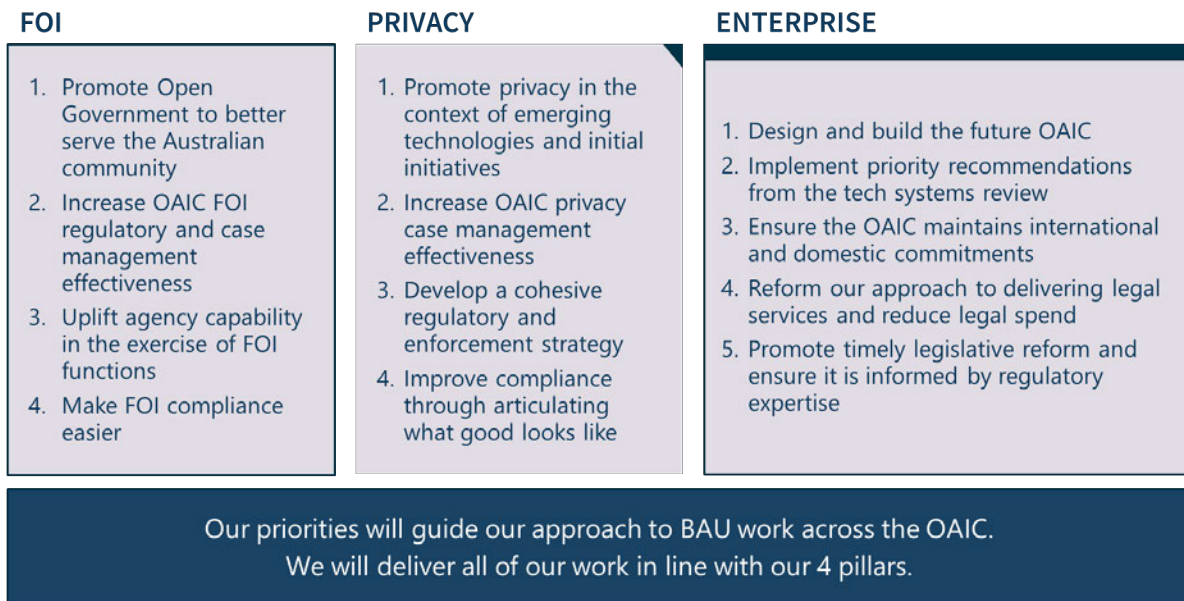
There are several strategic aspirations underpinning this transformation, which include:

- Changing the Agency's risk posture
- Ensuring transparent information sharing across the Agency
- Fostering greater collaboration
- Responding to a changed authorising environment.

The OAIC has set out a clear set of strategic priorities for Financial Year 2025 (FY25). These priorities outline the activities that best support the OAIC to meet government requirements and effectively regulate privacy and information access including business as usual activity (BAU).

The priorities, outlined in Figure 1 below, reflect both the unique priorities of Freedom of Information (FOI) and Privacy functions alongside the priorities that will have an impact on the OAIC as a whole.

**Figure 1 | Commissioners' strategic priorities FY25**



# The new structure is a critical element of our reform ambition

## Development of the proposed structure

The OAIC engaged Nous Group (Nous) to support the development of an organisational structure. The following process was taken to develop the proposed organisational structure:

- A set of design principles was developed with the Commissioners and staff to assess potential models and ensure the proposed structure is fit-for-purpose
- Several models were developed and considered with the Commissioners and a shortlist of models was assessed and refined
- Two model options were selected for engagement with staff
- Staff provided input through branch feedback sessions and this feedback was considered in the further design of the two model options.

## Overview of the proposed structure

The proposed organisational structure has been designed to support the OAIC to achieve its regulatory objectives. This structure seeks to combine elements of privacy and FOI where practicable while retaining and highlighted regulated area expertise. This structure also seeks to rebalance the OAIC towards core regulatory work through the inclusion of deputy commissioners for both FOI and privacy.

The proposed structure (see overleaf) outlines the proposed branches for the OAIC and the sections to be included in each branch. These sections represent a grouping of functions to be completed by a group of OAIC staff. In some sections there may be more than one team. Some branches, for example Regulation and Strategy, may employ a matrix structure for some of their teams, as work completed across the branch is similar, however extensive and deep expertise in regulated areas may be required to develop guidance and policy effectively.

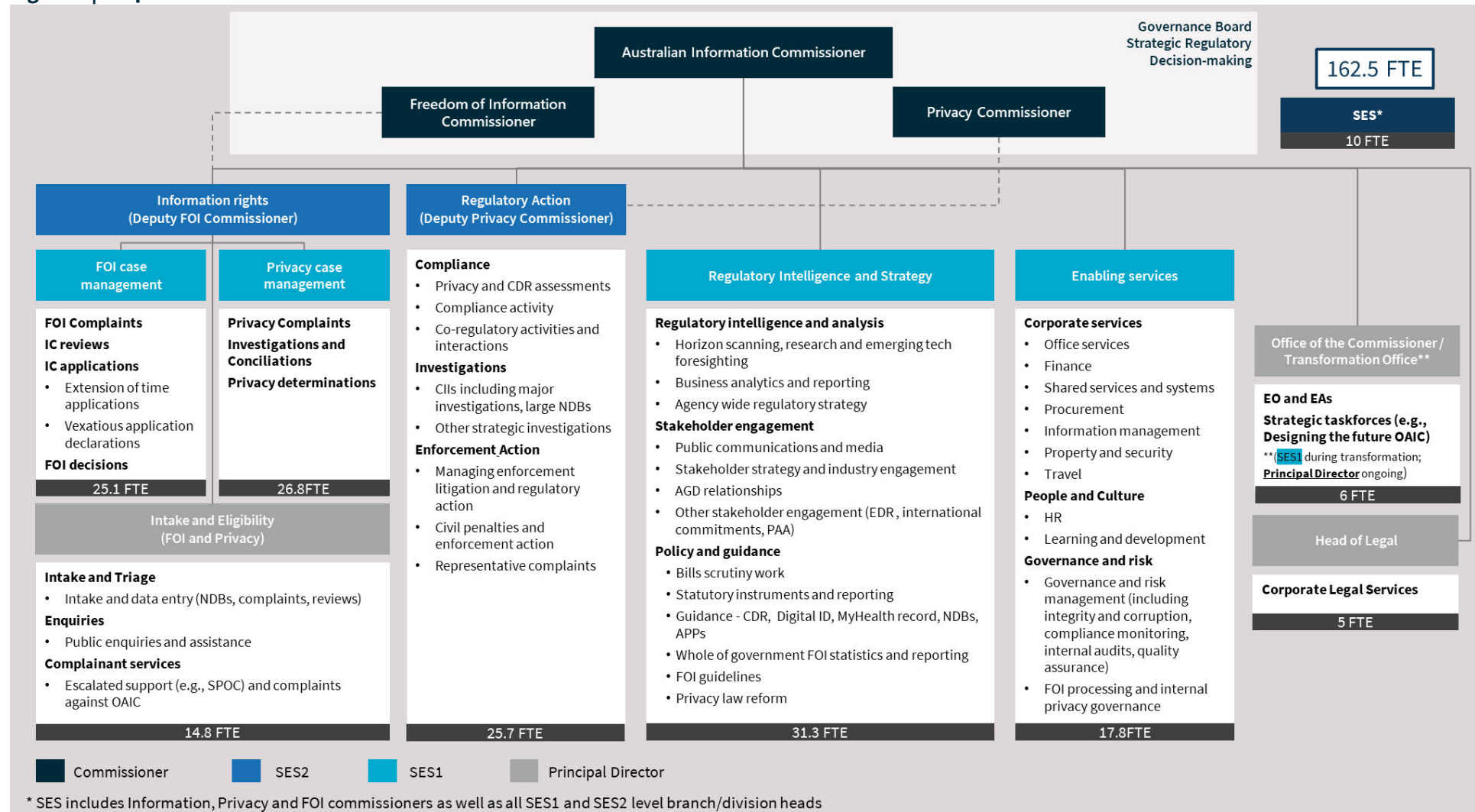
There is also a variance in the level of leadership across branches. This is intended to reflect the level of risk and workload associated with different branches. The proposed structure, outlined in Figure 2, displays the intended level of leadership for each branch, and in the case of the Information Rights division, grouping of branches. This structure includes 2 Senior Executive Service 2 (SES2), each acting as both the head of their branch or division and the Deputy FOI or Privacy Commissioner. The structure also proposes the implementation of principal directors to lead smaller branches, where appropriate.

The communities of practice (CoPs) are intended as a support to cross-branch information and process sharing across the Agency. These may include CoPs to support:

- Operational Intelligence and Analytics
- Consumer Data Right (CDR)
- Digital ID

The CDR and Digital ID CoPs if implemented would be intended as transitional supports for the teams completing this work to support its integration into BAU activity across the OAIC.

Figure 2 | Proposed OAIC future structure





# The transition will be delivered through two streams of activities

The activities required to move to the new structure can be divided into two streams of work: critical activities to implement the new structure and supporting activities to equip the OAIC to manage change and work effectively in the new structure. These streams of work can be conducted alongside each other as shown in Figure 3.

**Figure 3 | Transition streams of work**

<b>Stream 1: Critical activities</b>	<b>Stream 2: Supporting activities</b>
<ol style="list-style-type: none"><li>1. Stand up transformation team</li><li>2. Consult on proposed changes and decide new structure</li><li>3. Draft continuity plan</li><li>4. Draft role descriptions</li><li>5. Map roles to new structure</li><li>6. Appoint executives and staff and manage excess</li><li>7. Transition to new structure</li></ol>	<ol style="list-style-type: none"><li>1. Setting individuals up for success</li><li>2. Setting teams up for success</li><li>3. Setting the agency up for success</li></ol>

## Stream 1: Critical activities

### Stand up Transformation Office to lead the transition

The first step is to put a team in place to lead delivery of the transition (the Transformation Office). The Transformation Office will be responsible for delivery of critical and supporting activities to implement the transition. It will also be responsible for continued implementation of the Strategic Review recommendations. It will drive change across the OAIC and will be supported by the executive cohort who will provide branch specific support and leadership.

The Transformation Office will need a range of capabilities to support it to conduct the varied critical and supporting activities such as change management activities and drafting role descriptions. Required capabilities include communications, human resources, project management expertise as well as knowledge across privacy and FOI areas.

Transformation Office staff should be given the opportunity to be appointed to substantive roles and seconded to the Transformation Office for up to 12 months so that their roles remain in place throughout the appointment of staff to the new structure.

## Consult on proposed changes and decide new structure

At the beginning of this step, the OAIC will need to have a proposed structure for consultation and a clear plan for consultation and communications with staff that aligns with the OAIC Enterprise Agreement 2024-2027 (Enterprise Agreement) requirements.

The Enterprise Agreement requires the OAIC to consult on certain changes including a major change that is likely to have a significant effect on employees. The proposed change to structure requires the OAIC to consult with staff and relevant unions prior to a decision being made.

The consultation process should be supported by clear and detailed consultation materials. These should include a well-defined outline of the process, resources available to support staff during the transition and essential talking points.

Consultation with staff should clearly define the way forward in a way that engages staff. This means articulating the case for change and the benefits that staff can expect as a result of the change. The change can be framed as positioning the OAIC to be a best-practice regulator to deliver better outcomes for the community and regulated entities. Crucially, consultation with staff should be about a clear explanation of the proposed structure, impact on individual staff members' roles and an invitation to provide feedback on the structure, including any alternatives.

The consultation will be carried out over 3 weeks. During this process, the Transformation Office will actively consider matters raised by staff and relevant unions in accordance with the Enterprise Agreement.

Post consultation, the OAIC will give prompt and genuine consideration to matters raised by staff and unions including by assessing the insights and considering any suggested adjustments to the proposed structure.

The Commissioners will then decide the final structure with any changes arising from the consultation process.

At the conclusion of the consultation, the OAIC will have decided a new structure and be in a position to communicate this to staff and proceed to implementing the new structure.

## Draft continuity plan

A clear plan that outlines how the transition will impact OAIC operations should be prepared early in the transition process. At the beginning of this step, the OAIC should have direction from the Commissioners about what work should be prioritised during the transition.

The process of moving to a new structure is disruptive to day-to-day operations. For teams affected by structure changes this means that operations may not continue at the same pace until the transition to the new structure is complete. Recognition of this in the form of a continuity plan can provide clarity to staff on what to prioritise throughout the transition.

A continuity plan sets out how work is prioritised during the transition for the teams/functions affected by the new structure. It is important to have this in place early to clarify expectations of staff

of what work will continue as a priority and provide comfort and understanding that adjustments will be made to account for the changes staff are undergoing.

The continuity plan should outline which of the OAIC's work should continue during the transition as well as changes to ways of working throughout the transition (e.g. fewer/no branch wide meetings).

The OAIC has some discretion about how it performs its legislated functions. It must perform certain functions, such as managing privacy complaints and Information Commissioner reviews (IC Reviews), broadly in line with demand for these functions. Other functions, including investigations and assessments, are discretionary and can be undertaken in a more targeted and strategic manner. The OAIC's core work falls within three categories:

1. Critical – mandatory functions required by legislation that are critical responsibilities for meeting privacy and FOI obligations
2. Scalable – other activities related to privacy and FOI that the OAIC is empowered by legislation – but not mandated – to exercise. These activities could be scaled down during the transition process
3. Optional - all other enabling or supporting functions that the OAIC may choose, but is not required, to pursue.

The functions in each category across the OAIC's remit are shown in Table 1 below. How each function has been allocated across the table is a starting point for the OAIC to consider its priorities and where it will focus its attention during the transition process.

During the transition, the OAIC can consider:

- prioritising critical work and using its discretion as to how it will complete that work
- using its discretion to scale back on work that it is not legislatively required to complete
- de-prioritising optional work where possible.

**Table 1 | Categories of OAIC work**

	Critical	Scalable	Optional
<b>Privacy</b>	<ul style="list-style-type: none"> <li>• Assess privacy complaints</li> <li>• Administer the Notifiable Data Breaches scheme</li> <li>• Approve code development</li> <li>• Develop and approve legislative instruments</li> <li>• Develop legislative instruments</li> </ul>	<ul style="list-style-type: none"> <li>• Initiate privacy investigations</li> <li>• Conduct privacy assessments</li> <li>• Produce regulatory guidance for privacy legislation</li> <li>• Develop research and educate the public on privacy (for example, the Australian Community Attitudes to Privacy Survey)</li> <li>• Provide advice in relation to the operation of privacy functions</li> <li>• Conduct monitoring for privacy functions</li> </ul>	
<b>FOI</b>	<ul style="list-style-type: none"> <li>• Assess IC reviews</li> <li>• Assess and investigate FOI complaints</li> <li>• Assess extension of time applications</li> <li>• Assess vexatious applicant declaration applications</li> <li>• Administer the Information Publication Scheme (IPS)</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct FOI investigations</li> <li>• Conduct FOI monitoring</li> <li>• Prepare FOI guidelines</li> <li>• Provide advice and training on matters relevant to the operation of the FOI Act</li> </ul>	

<b>CDR</b>	<ul style="list-style-type: none"> <li>• Monitor and manage the privacy and confidentiality functions of CDR</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct CDR assessments</li> <li>• Develop CDR regulatory guidance</li> <li>• CDR monitoring for small businesses and individuals</li> <li>• Develop CDR guidelines and provide advice</li> </ul>	
<b>Enabling</b>	<ul style="list-style-type: none"> <li>• Adhere to public service employment standards</li> <li>• Ensure proper financial management and reporting</li> <li>• Ensure workplace health and safety compliance</li> <li>• Abide by <i>Public Governance, Performance and Accountability Act 2013</i> (PGPA Act) requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct people management and development</li> <li>• Provide expert advice on privacy to government agencies and other entities involved in Digital ID development</li> <li>• Provide guidance to healthcare providers on best practices for managing personal information within the My Health Record system</li> <li>• Manage technology systems</li> </ul>	<ul style="list-style-type: none"> <li>• Engage in data management and analytics</li> <li>• Provide administrative and support services</li> <li>• Conduct communication and engagement</li> <li>• Create content and manage publications (excluding Annual Report and Corporate Plan)</li> <li>• Conduct procurement and resource management</li> </ul>

At the conclusion of this step, the OAIC will have a plan to communicate to staff about how work will be prioritised and what the expectations are for OAIC operations during the transition period.

## **Draft role descriptions**

Transitioning to the new structure begins with designing role descriptions for all new or changed roles in the new structure.

### **Executive role descriptions should be prepared first**

New or updated executive role descriptions should be prepared first so that the executive can be appointed early in the process and in place to lead the transition.

### **Staffing and recruitment imperatives will inform the next tranche of role descriptions**

Role descriptions may need to change for a significant number of positions but should be prioritised based on staffing and recruitment imperatives.

### **Degree of change of roles can guide preparation and order of role descriptions**

Once priority role descriptions have been identified and drafted, the OAIC may choose to prepare role descriptions for roles which will undergo the least change. This can provide quick wins and an early understanding of the number of roles that can be directly appointed. It will also facilitate a faster mapping process in the next step of the transition process.

The degree of change for each team will inform how the role descriptions for a team will need to change:

- If the overall degree of change for a team is high, and in particular if the degree of change to the function is high, then it is likely that a significant number of role descriptions in that team will need to be rewritten.
- If the overall degree of change for a team is low, and the degree of change to the function is low then the role descriptions for that team will likely only require minor changes.

In assessing the degree of change for each team we have assessed:

<p>The degree to which a teams <b>functions have changed</b></p>	<p><b>No change</b></p>	<p><b>Low</b> – the team will be required to perform substantively the same function but working in a different way.</p>	<p><b>Medium</b> – the team may be required to begin performing some additional functions, or stop performing some which they had traditionally performed.</p>	<p><b>High</b> – The team is likely to be required to perform its functions in a substantially different way.</p>
<p>The degree to which the <b>composition of a team has changed</b></p>	<p><b>No change</b></p>	<p><b>Low</b> – the team is staying together but might be joining a larger team in the same branch.</p>	<p><b>Medium</b> – the team might be changing branches, or the team splitting into different teams in the same branch.</p>	<p><b>High</b> – the team is splitting across multiple teams in different branches.</p>
<p>Whether there has been a <b>reporting line change</b></p>	<p><b>No Change</b></p>		<p><b>Change</b></p>	
<p>Whether the <b>staffing level may change</b> to respond to OAIC’s reduced overall budget</p>	<p><b>No Change</b></p>	<p><b>May change</b> – this team may require further resources to complete its assigned workload under the proposed structure.</p>	<p><b>May reduce</b> – the proposed scaling back of activities required by the cessation of terminating measures may affect the staffing level of this function in a future structure.</p>	

The combination of these factors determines the overall degree of change likely to be experienced by a team. Table 2 overleaf outlines the degree of change for each team.

Table 2 | Degree of change for teams to transition to proposed structure

Branch	Current team	Change to function	Change to Composition	Change to reporting	Change in staffing level	Overall Degree of change
Corporate	Business analytics, Data and Reporting (BARD)	Medium	Medium	Change	May reduce	High
	Corporate Services	Low	Low	Change	No change	Low
	Finance	No change	Medium	Change	No change	Medium
	Governance and Risk	No change	No change	Change	May change	Medium
	Legal - FOI processing	Medium	Low	Change	No change	Medium
	Legal - Litigation and Representative complaints	Medium	Low	Change	May reduce	High
	Legal - Major Investigations (Legal)	High	High	Change	May reduce	High
	Legal advice, policy, privacy governance	Medium	Low	Change	May reduce	High
	People and culture	No change	No change	No change	May reduce	Low



Branch	Current team	Change to function	Change to Composition	Change to reporting	Change in staffing level	Overall Degree of change
	Strategic communications	Medium	Medium	Change	No change	Medium
	Systems review team	Low	Low	No change	May reduce	Medium
Digital ID	Digital ID	Medium	Medium	Change	May reduce	High
	CII	No change	No change	Change	May reduce	Medium
	Conciliations	No change	Low	No change	May reduce	Medium
	Determinations	No change	No change	No change	No change	Low
Dispute Resolution	Enquiries and Early Resolution	Low	High	Change	No change	Medium
	Notifiable Data Breaches	Medium	High	Change	May reduce	High
	Privacy Case Management	No change	No change	No change	No change	Low

Branch	Current team	Change to function	Change to Composition	Change to reporting	Change in staffing level	Overall Degree of change
FOI	Intake and Early Resolution	Low	Medium	Change	No change	Low
	Monitoring, Guidance and Engagement	Low	Medium	Change	No change	Medium
	Reviews and Investigations 1	No change	Low	No change	No change	Low
	Reviews and Investigations 2	No change	Low	No change	No change	Low
	Reviews and Investigations 2	No change	Low	No change	No change	Low
	Significant Decisions	Low	Low	No change	No change	Low
Major Investigations	Major Investigations 1	Medium	Medium	Change	May reduce	High
	Major Investigations 2	Medium	Medium	Change	May reduce	High
	Major Investigations 3	Medium	Medium	Change	May reduce	High

Branch	Current team	Change to function	Change to Composition	Change to reporting	Change in staffing level	Overall Degree of change
Regulation & Strategy	Health and Government	Low	Low	No change	May reduce	Medium
	Law Reform and Digital Platforms	Low	Low	No change	May reduce	Medium
	Systems and Security	Low	Low	No change	May reduce	Medium
Regulation & Strategy (CDR)	Assessments and Inspections	Low	Low	Change	May reduce	Medium
	CDR Assessments	Medium	High	Change	May reduce	High
	CDR Operations	Medium	High	Change	May reduce	High
	CDR Policy guidance	Medium	High	Change	May reduce	High

The updated role descriptions should outline the new or changed roles and functions, set clear responsibilities, required qualifications and experience, and expected outcomes for the roles that align with the OAIC's strategic objectives.

Once the role descriptions are defined, the Transformation Office will have the required information to begin the process of mapping individual roles to the new structure.

## Map roles to new structure

At the beginning of this step, the OAIC will know the number and types of roles as outlined in new role descriptions. This will prepare the OAIC to map existing roles to the new structure.

Mapping will involve consideration of whether there is an equivalent role in the new structure. This is done by comparing new role descriptions for all roles within teams in the new structure against current role descriptions and considering whether there is alignment by asking:

1. Have the functions to be performed changed?
2. Have the capabilities and experience required for the role changed?

If the functions of the role remain the same, there will be high alignment of a current and new role.

If the functions have changed, then consider whether the capabilities or experience required to perform those different functions is the same. This will assist in identifying if the role may be suitable for consideration when redeploying staff. The OAIC will also be able to draw on the mobility register capturing staff interest in pursuing different roles, career aspirations and interests in conjunction with an assessment of role alignment.

The assessment criteria in Table 3 can guide consideration of this process.

**Table 3 | Assessment of alignment between current and new roles**

Degree of alignment	Criteria
High	Functions the same
Moderate	Functions changed, but skills and capabilities the same
Nil/minimal	Neither functions nor skills are aligned

The outcome of the assessment of alignment can be recorded in the mapping spreadsheet (**Attachment A**). Recording this mapping in the spreadsheet will highlight where there are potentially excess employees and where the OAIC might need to redeploy or recruit.

At the conclusion of this step the OAIC will know:

- Where there are positions within a class of roles that are potentially excess
- Where there are positions in the new structure that did not have an equivalent position in the current structure and require:

- Redeployment of existing staff, or
- External recruitment.

## Appoint executives and staff then manage excess

At the start of this step in the process the OAIC should know:

- The number of roles in the new structure
- How roles in the current structure map to new roles
- The classes of roles where there are potentially excess employees, and
- The classes of roles where the OAIC may need to redeploy/recruit.

With this information, the OAIC can then begin the appointment step.

## A set of principles guide appointment to positions in the new structure

These rules articulate the method of appointment for a range of scenarios. They align with the relevant provisions in the Enterprise Agreement and Industrial Relations legislation. Where possible, these principles prioritise the direct appointment of existing OAIC staff. This recognises the knowledge, skill and capability that they bring and supports a transition with minimal disruption. The principles are outlined in Table 4.

**Table 4 | Appointment Principles**

Appointment method	Rule
Direct appointment	Where there is a new role (or roles) that aligns with a current role and the number of roles is equal to that in the current structure.
Internal placement in another suitable, comparable role based on Expression of Interest (EOI) and documented assessment of capability and need	Where there is a new role (or roles) that aligns with a current role, but there are fewer roles in the new structure compared with the old. Unsuccessful candidates may be excess – redeployment/voluntary redundancy/involuntary termination.
Internal placement in another suitable, comparable role based on EOI and documented assessment of capability and need	Where there is a new role (or roles) created in the structure that does not directly align with a current role, but there are suitably qualified candidates in the OAIC. Unsuccessful candidates may be excess – redeployment/voluntary redundancy/involuntary termination.

Appointment method	Rule
External recruitment	Where there is a new role (or roles) created in the structure that does not directly align with a current role, but that role cannot be filled internally. The OAIC will need to prioritise recruitment of roles that are critical to OAIC operations.
External recruitment	Where there is a new role (or roles), and no suitably qualified candidate in the OAIC. The OAIC will need to prioritise recruitment of roles that are critical to OAIC operations.

### Executives will be appointed first so that they can lead the transition

Executives will be appointed first so that they can lead the transition and make decisions in relation to the appointment of staff in their branches. It is important that these positions are filled as quickly as possible. This ensures that change can be led across the OAIC.

These positions can be filled on a temporary basis as an interim measure during the transition. Formal recruitment to fill these positions in an ongoing way can be conducted at the conclusion of the transition. It may be useful to fill these positions for an initial 6-month term.

The process for filling the temporary positions is similar to the rules describe in Table 4 above. However, given the potential nature of change for the organisation, there may not be equivalent executive positions within the current structure, and as such direct appointment is unlikely to apply.

In these circumstances it may be beneficial to conduct an EOI internal recruitment to fill executive roles on an acting basis while external advertising and recruitment is carried out to fill them on a permanent basis.

This EOI should be opened to all existing SES. The OAIC may consider if it is valuable to open the EOI to OAIC staff at the Executive Level 2 (EL2) level to demonstrate that there are strong career development opportunities through the transition.

### Appointment of all other staff

The recommended process for appointing staff involves applying the appointment rules as set out in Table 4 above and the decision tree at Figure 4 below. This approach minimises disruption and uncertainty by prioritising appointment of staff in the following order:

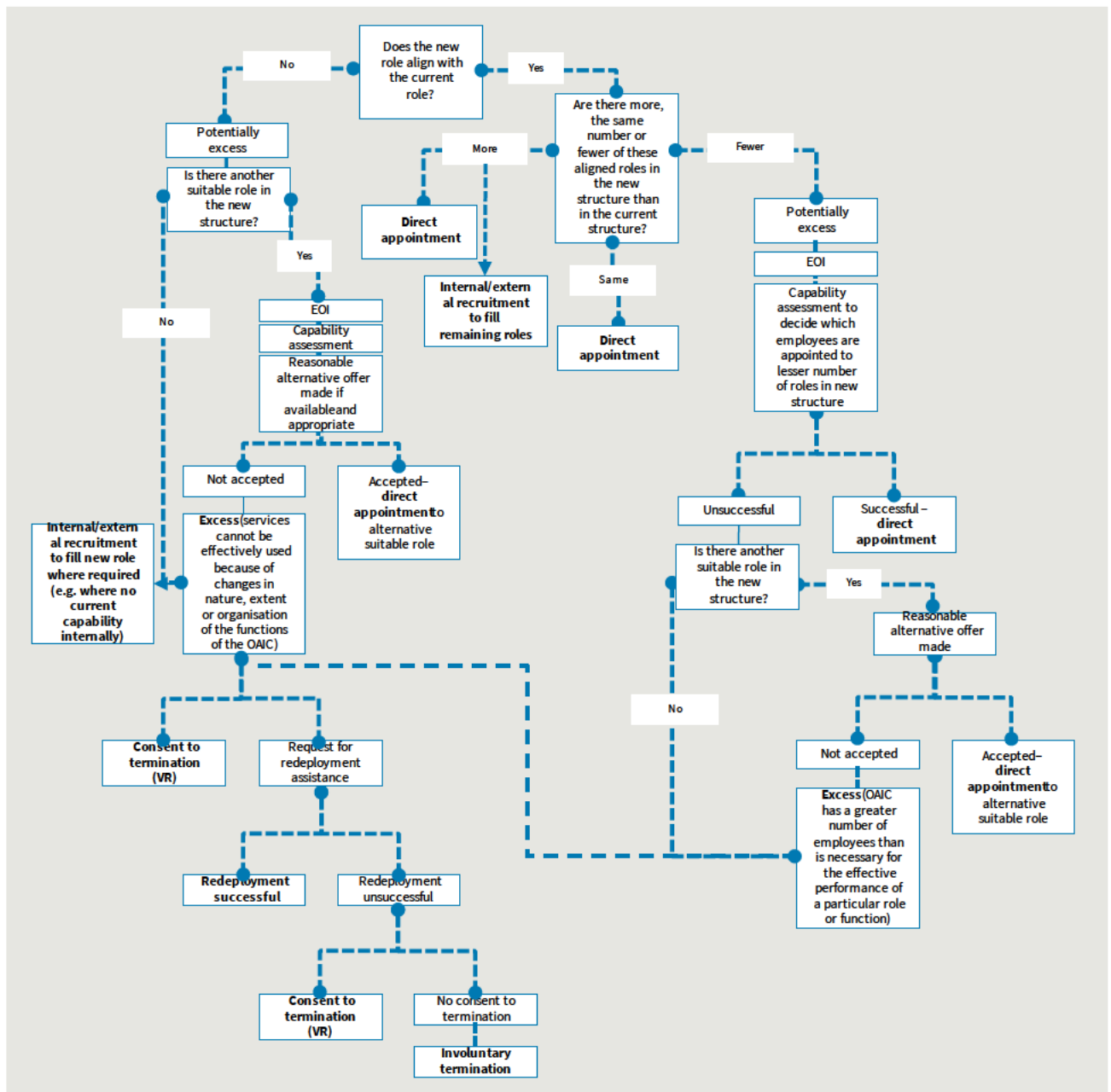
1. Direct appointment wherever possible
2. Internal placement where current roles do not align with new roles or where there a fewer roles in the new structure
3. External recruitment only where roles are unable to be filled through direct appointment or internal placement.

The Enterprise Agreement sets out the procedures for handling excess employees. The rules and decision tree below are subject to notification, consultation and timing clauses in the Enterprise Agreement.

The OAIC employs ongoing and non-ongoing staff. The appointment rules and decision tree do not recommend favouring retention of ongoing or non-ongoing staff as a means to reduce Average Staffing Level (ASL) however in some circumstances the most efficient approach may be to use that distinction to inform decisions. For example, consider a scenario where there are 7 people with a high degree of alignment for a role with only 5 positions in the new structure. In this instance, if there are non-ongoing staff in that group of 7, it may make sense to consider favouring the retention of ongoing staff.

Applying these rules, decisions to appoint staff can be made following the decision tree in Figure 4 below. At the conclusion of this step, the OAIC will have made appointment decisions for all roles in the new structure and have finalised decisions on excess staff.

**Figure 4 | Decision tree for appointment of staff**



## Transition to new structure

Once new roles have been appointed and the stream 2 supporting activities have been completed, the appointments can take effect and the OAIC will transition to the new structure.

## Stream 2: Supporting activities to have in place before transition

Before the OAIC starts operating under the new structure, putting in place the following supporting activities will equip the OAIC to manage change and work effectively in the new structure.

### Setting individuals up for success

#### Equip leaders for change

One of the hallmarks of successful change management is leaders leading and modelling the change for staff. It will be important for OAIC leaders to feel confident to model behaviours that will support the change management process including by:

- Articulating the case for change and linking the structure change to strategic priorities
- Clear and strategic communication on key messages, timing and consultation activities.

After appointment of the executive, leaders will need to be set up to offer support to staff affected by the structure changes, including through the Employee Assistance Program (EAP) and offering for support people to be present during sensitive conversations. Resources including clear messaging and processes will assist leaders to carefully manage tough decisions and conversations.

#### Clear accountabilities

It will be important for the Commissioners to reinforce the requirements and accountabilities of the executive and staff in first 6 months of transition. This includes expectations of the executive during the transition when working under the continuity plan and how branches will scale up once the transition has occurred.

#### Clear decision rights

Before staff are in the new structure, it will be important to ensure that governance arrangements, including appropriate delegations, are in place to support decision making under the new structure. This will ensure that critical functions can continue with as little disruption as possible following the transition.

#### Clear Key Performance Indicators (KPIs)

The OAIC will be operating with staff in new roles, teams and branches. In addition, staff may experience changes to functions and responsibilities. Performance measures should be reviewed and amended where necessary so that they correspond to new role descriptions. This will ensure that staff understand the expectations of their role from when they start performing new roles.



## Identification of training

Some staff will be moving to roles which, while comparable, will require an uplift of capability. Early identification of learning and development requirements for these staff will assist in making sure that training can take place soon after the transition and ensure that staff are capable and confident to perform their roles in the new structure.

## Setting teams up for success

### Agree team purpose

Ensuring teams understand their purpose helps to direct efforts towards common goals, streamline workflows and reduce overlap. A clear sense of purpose for new teams will also promote accountability and make tracking progress against that purpose simpler. By setting these expectations early, teams can adapt more effectively to change.

### Agree set of behavioural expectations

Communicating clear behavioural expectations for teams will foster a constructive work environment within the new structure. Emphasising values such as collaboration, accountability, adaptability and observing and acknowledging this in staff will reinforce these behaviours and help to create a supportive culture to underpin the new structure.

### Agree ways of working

Establishing agreed-upon work practices, such as consistent meeting rhythms, is important for developing team cohesion and efficiency. Regular and structured meetings provide a forum for communication, progress updates and collaborative decision-making. This ensures that when the new structure is implemented, team members can understand their responsibilities and are aware of their colleagues' work. Preparing these practices in advance can help mitigate uncertainty and maintain continuity of operations during the transition.

## Setting the Agency up for success

### New ways of working

New ways of working will support the OAIC's transition to the new structure. The OAIC is currently making large scale changes to how it operates including changes to its regulatory approach, processes and culture. The transition to the new structure should build on these changes. The move to a new structure is also an opportunity to assess current processes and identify which can support the transition or require adjustment so that they are in sync with the revised structure.

### Increased levels of collaboration, transparency and risk appetite management

Establishing a shared understanding of the OAIC's direction as set out in the Commissioners' strategic priorities and how the new structure supports these priorities and the Commissioners' vision will be critical to the successful implementation of the new structure. There are several changes to ways of working that can put the Commissioners' strategic aspirations into practice and facilitate the transition to the new structure. Changes to ways of working are outlined in Figure 5.

**Figure 5 | Changes to OAIC ways of working**

<b>Change to ways of working</b>	<b>Practical examples</b>
Changing the Agency's risk posture can include:	<ul style="list-style-type: none"> <li>• Entrusting FOI, privacy regulatory and operational expertise of OAIC to make sound decisions and progress their work with use of legal advice matched to level of risk (both internal and external advice)</li> <li>• Taking regulatory action in ways that are new, novel, or may be unsuccessful, where the possible benefits justify the risk</li> <li>• Being confident to not spend time and resources on particular issues where the benefit to the community does not justify this, even in the face of pressure from external stakeholders, the public, or strongly invested individuals</li> <li>• Applying resources to OAIC's corporate compliance obligations (e.g., security, risk management, procurement) proportionally to the potential consequences of non-compliance.</li> </ul>
Ensuring transparent information sharing across the Agency can include:	<ul style="list-style-type: none"> <li>• Ensuring that as many staff as possible can access and benefit from professional advice received by the OAIC</li> <li>• Informal and formal mechanisms for staff to exchange knowledge</li> <li>• Building our information systems to support information and data being as accessible as possible to as many relevant OAIC staff as possible</li> </ul>
Fostering greater collaboration can include:	<ul style="list-style-type: none"> <li>• Building formal and informal opportunities for OAIC staff to work together and get to know each other socially, especially across team lines</li> <li>• Organisational structures that support cross-functional teams and working, and mobility of staff between different roles</li> </ul>

Regular communication about the vision and its relevance to daily operations will reinforce the purpose behind the structural changes. This alignment will help to ensure that team efforts are cohesive and contribute to achieving strategic aims.

# The transition to the new structure will occur over 5 months

A high-level schedule to deliver the overall transition is at Table 5.

**Table 5 | High level transition plan**

Key activity	Responsibility	2/9	9/9	16/9	23/9	30/9	7/10	14/10	21/10	28/10	4/11	11/11	18/11	25/11	2/12	9/12	16/12	-/12	13/1	20/1	27/1	3/2	10/2
<b>Stream 1</b>																							
<b>Consultation</b>																							
Commissioners to brief staff on proposed structure and next steps for further consultation	Transformation Office	[Gantt bar: 2/9 to 9/9]																					
Commissioners to lead consultation on the proposed structure	Commissioners	[Gantt bar: 9/9 to 16/9]																					
Incorporate feedback from consultation and make any adjustments	Transformation Office	[Gantt bar: 16/9 to 23/9]																					
Confirm new OAIC structure	Commissioners	[Gantt bar: 23/9 to 30/9]																					
<b>Continuity Plan</b>																							
Draft continuity plan	Transformation Office	[Gantt bar: 30/9 to 7/10]																					
Commissioners to agree plan	Commissioners	[Gantt bar: 7/10 to 14/10]																					
Communicate continuity plan to staff	Commissioners	[Gantt bar: 14/10 to 21/10]																					

Key activity	Responsibility	2/9	9/9	16/9	23/9	30/9	7/10	14/10	21/10	28/10	4/11	11/11	18/11	25/11	2/12	9/12	16/12	-6/1	13/1	20/1	27/1	3/2	10/2	
<b>Draft role descriptions</b>																								
Draft and finalise executive role descriptions	Transformation Office																							
Draft new/changed role descriptions for impacted teams/staff	Transformation Office																							
<b>Map new roles to structure</b>																								
Compare existing and new role descriptions and map existing roles to new structure	Transformation Office																							
Identify classes of potentially excess employees and where the OAIC may need to externally recruit	Transformation Office																							
Communicate new/changed role descriptions to impacted teams/staff	Transformation Office																							
<b>Appoint executives and staff and manage excess</b>																								
Internal EOI for temporary (6 months) appointment of executives	Commissioners																							
Appoint executives on a temporary basis	Commissioners																							
Externally advertise executive positions (recruitment for permanent roles to occur in February and March 2025)	Commissioners																							

Key activity	Responsibility	2/9	9/9	16/9	23/9	30/9	7/10	14/10	21/10	28/10	4/11	11/11	18/11	25/11	2/12	9/12	16/12	-6/1	13/1	20/1	27/1	3/2	10/2	
Direct appointment of impacted staff to new structure where existing and current roles align	Transformation Office																							
Identify potentially excess staff and notify them	Transformation Office																							
Hold conversations with potentially excess staff	Executive																							
Seek EOIs for potentially excess staff in relation to appointment to reasonable alternative roles (EOIs open for a week. EOIs will be prepared following direct appointment of staff and released on a rolling basis as appointments are made)	Transformation Office																							
Conduct capability assessments of potentially excess staff who express interest in reasonable alternative roles	Executive																							
Make reasonable alternative offers to potentially excess staff who were successful in capability assessment	Executive																							
Declare potentially excess staff as excess where they have been unsuccessful in capability assessment and where there are no other alternative roles available to them	Transformation Office																							
Offer redeployment assistance to excess employees	Transformation Office																							

Key activity	Responsibility	2/9	9/9	16/9	23/9	30/9	7/10	14/10	21/10	28/10	4/11	11/11	18/11	25/11	2/12	9/12	16/12	-6/1	13/1	20/1	27/1	3/2	10/2	
Proceed to involuntary redundancies where excess staff do not consent to termination or where redeployment is unsuccessful	Executive/Transformation Office																							
<b>Transition to new structure</b>																								
Staff and teams begin operating in new structure	Commissioners																							
<b>Stream 2</b>																								
Set up executive to support impacted staff	Commissioners																							
Clarify expectations of executive during and immediately after transition	Commissioners																							
Communications to staff on changes to ways of working	Commissioners and Executive																							
<b>Ongoing engagement and consultation</b>																								
Union engagement facilitated by the Commissioners	Commissioners																							
Consultative Committee engagement facilitated by the Commissioners	Commissioners																							
Commissioners provide written weekly updates and fortnightly verbal updates with all staff	Commissioners																							

## Our transition is underpinned by a set of change management principles

The OAIC has undergone significant change this year with new Commissioners commencing and implementation of the Strategic Review recommendations. These changes are likely to have left staff with considerable change fatigue. Although some staff will be excited about the opportunities presented by the new structure, the change process will need to be carefully managed to ensure that staff are on board with the changes.

Successful change management requires focused management attention on three core principles as shown in Figure 6. Given the significant changes that the OAIC will need to manage going forward, it will be vital to proactively manage the transition process and consider what is required of the executive and the OAIC as a whole.

One of the keys to successful change management outcomes is leaders modelling the change for staff. It will be important for OAIC leaders to feel confident to model behaviours that will support the change management process.

**Figure 6 | Core principles of change management**



The Commissioners have developed change management principles which have been expanded below to demonstrate how the OAIC will live out the above core principles of change management through the transition:

**The new structure is reflective of the OAIC’s authorising environment and the outcomes that it seeks to achieve.** These include the OAIC priorities and implementing the Strategic Review recommendations to enable the OAIC to be a more effective regulator.

**The transition will be owned by leaders, and leaders will be accountable for fair and equitable decision making when appointing staff under the new structure.** The transition will be conducted with the aim of creating as much stability as possible through direct appointments and internal mobility.

**The transition will be respectful, sustainable and supported by clear engagement.** The transition will be staged in a way that balances the need to move to the new structure as soon as possible to avoid prolonged disruption for staff and the need to conduct fair and transparent appointment processes. The OAIC will support retraining and redeployment opportunities in the transition to the new structure.

Deliberate change management is required to inform and engage staff throughout the change process and empower them to understand and transition to the new structure. Table 6 captures an initial summary of change management actions that the OAIC could consider to ensure that staff are appropriately informed and empowered to support the implementation of the new structure.

**Table 6 | Initial change management actions**

Audience	Audience Needs	Purpose	Channel	Responsible
Branch	<ul style="list-style-type: none"> <li>Understand implementation progress.</li> <li>Understand how their roles might be affected.</li> <li>Clarity around next steps, timeline, process and procedures.</li> </ul>	<ul style="list-style-type: none"> <li>Re-emphasise the importance and impact of this change.</li> <li>Communicate the finalised structure.</li> <li>Inform staff of the upcoming consultation period and next steps which include working with branch heads to finalise team structures before moving into individual role appointments/ consultation and going live (share go-live date).</li> <li>Reassure staff of procedural fairness by sharing the process and appointment rules at the high level.</li> <li>Highlight support services available to staff and where to go with feedback and questions.</li> </ul>	All hands meeting OR Email	Relevant executive



<b>Audience</b>	<b>Audience Needs</b>	<b>Purpose</b>	<b>Channel</b>	<b>Responsible</b>
Executive team	<ul style="list-style-type: none"> <li>Understand implementation progress and timeline.</li> <li>Assurance that activities are on track.</li> <li>Clarity around risks and mitigation strategies.</li> </ul>	<ul style="list-style-type: none"> <li>Share the finalised branch structure and branch head appointments.</li> <li>Share what the next steps and timeframes are.</li> <li>Highlight existing or potential risks and what has been done to mitigate them.</li> </ul>	Executive team meeting	Relevant executive
Branch	<ul style="list-style-type: none"> <li>Understand implementation progress.</li> <li>Clarity around how the new structure will impact their work.</li> </ul>	<ul style="list-style-type: none"> <li>Communicate finalised team structures and responsibilities with all staff.</li> <li>Communicate continuity plan with all staff.</li> <li>Update them on consultation and appointment process.</li> <li>Share that executive has met to discuss direction.</li> <li>Re-emphasise upcoming go-live date, what happens on that day and that head of team will reach out to each team.</li> <li>Manage expectations that everything will not be smooth sailing from the offset, and what to expect in the first two weeks from 'go live'.</li> </ul>	All hands meeting OR Email	Relevant executive
Agency	<ul style="list-style-type: none"> <li>Understand what is happening and when.</li> <li>Understand what impact the changes will have on</li> </ul>	<ul style="list-style-type: none"> <li>Re-emphasise the importance and impact of this change, and the direction of the branch going forward.</li> <li>Communicate branch leadership appointments, team purposes and</li> </ul>	All hands meeting OR Email	Relevant executive

Audience	Audience Needs	Purpose	Channel	Responsible
	how they collaborate with that branch.	responsibilities across the organisation. <ul style="list-style-type: none"> <li>Share when 'go-live' date is and what that means for the rest of the Agency.</li> </ul>		
Branch	<ul style="list-style-type: none"> <li>Assurance that everything is on track and they can work effectively from day one.</li> <li>Know more about their team and role.</li> </ul>	<ul style="list-style-type: none"> <li>Officially announce that the Agency is operating under the new structure as of today.</li> <li>Clarify what to expect in the next two weeks and who to reach out to support/questions if needed.</li> </ul>	Email	Relevant executive
External stakeholders	<ul style="list-style-type: none"> <li>Understand what impact the changes will have on how external stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>Communicate finalised structure and high-level team purpose and responsibilities to relevant stakeholders.</li> <li>Clarify what that means for how they work with that branch (e.g. who their new key point of contact is and for what purpose).</li> <li>Share what happens next and when they can expect to hear more.</li> </ul>	Email	Relevant executive
Branch	<ul style="list-style-type: none"> <li>Understand how the Agency is progressing and what still needs to be done.</li> </ul>	<ul style="list-style-type: none"> <li>Communicate what has been achieved in the last months, celebrate quick wins and re-emphasise the Agency's vision.</li> <li>Share what's coming next and what the focus for the upcoming months is.</li> </ul>	Email (or branch staff townhall)	Relevant executive

## Our approach to risk management

Risks will be carefully managed throughout the transition. Important project-wide risks and proposed mitigations are identified in Table 7. The Transformation Office will maintain a risk register during the transition process to ensure risks are effectively managed.

**Table 7 | Initial transition risk register**

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation strategy</b>
The implementation process lacks buy-in from OAIC staff	Medium	High	Change management actions outlined above will ensure staff are actively engaged throughout the implementation process, are given the opportunity for genuine consultation on the proposed structure and are informed of the next steps along the way.
Valuable employees may leave if they perceive the changes as negative or if their roles are significantly altered	Medium	High	The appointment of staff prioritises direct appointment wherever possible in order to minimise attrition during the transition. Effective change management and communication of the case for change and benefits of the new structure will help to mitigate this risk.
Loss of productivity	Medium	Medium	The uncertainty associated with structural change can lead to a temporary drop in productivity. Mitigation requires setting clear expectations, providing detailed continuity plans for during the transition, and monitoring performance.
Legal and compliance issues	Low	High	Ensuring the restructure complies with relevant laws and regulations is critical. Risk mitigation includes early legal consultation, thorough reviews of compliance requirements and continuous monitoring during implementation.

## HOT TOPIC BRIEF

**OAIC-05**

# Staffing Reduction and Strategic Review of the OAIC

## PA-Office of the Australian Information Commissioner

The May 24 Budget resulted in a reduction of the OAIC's budget by 23% (\$11.1m) due to the cessation of terminating funding measures. From July 2024, OAIC's incoming commissioners and leadership have acted swiftly to reduce OAIC's expenditure and staffing levels to fit within this budget, and OAIC is now on track to post a manageable deficit. To allow it to operate effectively on a smaller scale, OAIC is undergoing a restructure and change program informed by recommendations of a Strategic Review conducted in late 2023. While OAIC is seeking to minimise job losses and impacts on services from the budget reduction, it is likely there will be some redundancies and performance degradation, especially in the first half of the 2025 calendar year. OAIC is prioritising its mandatory casework (FOI reviews and privacy complaints) to avoid growing backlogs.

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- The May 2024 Budget resulted in a reduction of the OAIC's total operating budget by 23% (\$11.1m) and its staffing cap by 13% (26.3 ASL).
- OAIC did not immediately reduce its staffing on the belief that additional funded activities would be conferred in MYEFO 2025 which it would need current staff to deliver.
- However, it became apparent in July 2024 that additional funding would not be available. This necessitated rapid reductions as OAIC's rate of expenditure at the start of 2024/25 put it on track for a deficit of approximately \$14m.
- OAIC's incoming commissioners and leadership team have acted quickly to reduce expenditure, including cutting supplier costs, closing OAIC's Canberra office, and returning seconded staff to home agencies. Applying these measures, OAIC is on track to post a manageable deficit for 2024/25 that can be covered by OAIC's cash reserves.
- OAIC has also refocused an ongoing organisational change project towards supporting OAIC to operate sustainably and with maximum effectiveness at a smaller scale.
- The change project arose from a Strategic Review of the OAIC conducted by an external consultancy, Nous Group, in late 2023, and overseen by a Steering Group including the Attorney-Generals' Department and the Department of Finance.
- The Strategic Review report was delivered to the Australian Information Commissioner and the Secretary of the Attorney-Generals' Department on **19 February 2024**. It has been released in part under the FOI Act.

- The report made 11 recommendations. This included a recommendation to redesign the OAIC’s structure to better reflect the 3-Commissioner model. To achieve this recommendation and deliver more efficient and effective regulatory functions OAIC has been conducting a restructure project, Designing the Future OAIC, since June 2024.
- After OAIC became aware of the need to reduce its staffing level, the change project was refocused towards an objective of reducing OAIC’s staffing level, from approximately 200 to approximately 165 FTE, to operate within in the 2024/25 budgetary parameters.
- Consultations under OAIC’s Enterprise Agreement were conducted on a proposed structure between 3 and 20 September 2024.
- OAIC’s future structure and staffing levels will be announced to staff on 9 October 2024, and ‘excess employee’ consultation processes with individual staff will begin on 16 October 2024 and run through to early 2025.
- OAIC is redeploying staff to other roles within and outside the OAIC where possible to minimise job losses. However, some voluntary and involuntary redundancies are likely to affect approximately 5-10% of the OAIC’s workforce between October 2024 and February 2025. Management and senior executive roles will be most affected.
- The scale of these staffing reductions and disruption from the change will reduce OAIC’s activity levels and performance this financial year. This will be most pronounced in the first half of the 2025 calendar year, during which OAIC will be operating below its ideal staffing level.
- The OAIC’s leadership plan is designed to ensure that performance will stabilise and improve from the second half of 2025, when the benefits of the change project underway will be realised.
- OAIC is seeking to minimise disruption to services, especially mandatory casework services (FOI reviews and privacy complaints). By prioritising this work, OAIC seeks to avoid growth in case backlogs and minimise direct impacts on the community.

Version: 1	Cleared by: Elizabeth Tydd	Action officer: Annan Boag
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