

MC24-005915



Senator the Hon. Katy Gallagher

Minister for Finance
Minister for Women
Minister for the Public Service
Manager of Government Business in the Senate
Senator for the Australian Capital Territory

The Hon Anika Wells MP
Minister for Aged Care
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister *Anika*

I write to you to make representations on behalf of the Directors of Future Fit Collective, a coalition of meals-on-wheels services committed to providing open-source software to assist community-based organisations in their day-to-day operation.

Future Fit Collective have expressed concerns regarding a sub-contractor claiming rights to their software, jeopardising their ability to continue providing this service.

I understand that Future Fit Collective feels that the actions of this sub-contractor are contrary to the support needed for community services.

Future Fit Collective request a meeting to discuss the challenges they are facing, as well as future opportunities.

In bringing this issue to your attention, I have enclosed a copy of Future Fit Collective's original correspondence and ask the you respond directly to:

Future Fit Collective
Email: enquiries@futurefitcollective.net.au
Phone: 1300 294 644

Thank you in advance for your favourable consideration of this matter.

Yours sincerely

Katy Gallagher

Katy Gallagher
Senator for the ACT

15 April 2024

Minister for Aged Care Minister for Sport	
15 APR 2024	
<input checked="" type="checkbox"/> Minister <input type="checkbox"/> Chief of staff <input type="checkbox"/> Adviser	<input checked="" type="checkbox"/> Response <input type="checkbox"/> Phone call <input type="checkbox"/> Information
<input type="checkbox"/> Department <input type="checkbox"/> Campaign <input type="checkbox"/> Constituent <input type="checkbox"/> Background <input type="checkbox"/> Information <input type="checkbox"/> Required	<input type="checkbox"/> Urgent by <input checked="" type="checkbox"/> URG <input type="checkbox"/> Refer to
Comments:	

s47F

From: s47F Sen K. Gallagher) s47F @aph.gov.au>
Sent: Monday, 15 April 2024 2:35 PM
To: s47F (A. Wells, MP)
Subject: Future Fit Collective Original Correspondence

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Hi s47F

Sorry for the mix-up on the Future Fit Collective representation!

Here is the original piece of correspondence:

.....

From: s47G(1)(a) @futurefitcollective.net.au s47G(1)(a) @futurefitcollective.net.au>
Sent: Thursday, April 4, 2024 1:57 PM
To: Pocock, David (Senator Office) <Senator.David.Pocock@aph.gov.au>; Gallagher, Katy (Senator) <Senator.Katy.Gallagher@aph.gov.au>
Cc: s47F
Subject: OPEN CARE TECH

Commercial in Confidence | Without Prejudice

Dear Minister Gallagher and Mr Pocock

Future Fit Collective represents a coalition of Meals on Wheels Services who were previously involved in a government funded reform program "Future Fit".

Future Fit's aim was to provide Government with a consistent service model and basic backbone infrastructure with the objective that Government can adequately map, fund and develop meal services across Australia. The Future Fit program was funded by Australian taxpayers for the benefit of older Australians.

Future Fit was unlike any other, in that grass roots meal services were engaged to provide their knowledge, experience and time, outside of management of their individual services and commitment to their respective local communities. In the past Peak Bodies, with no real day to day exposure to service delivery, have been engaged by Government for information.

The resultant technology from the Future Fit program could not have been built without this knowledge, experience and input. Since the decision to halt the Future Fit program, the connections made through the experience has seen the birth of Future Fit Collective to continue to build and grow shared resources across the network, hence Open Care Tech.

Our aim is for Open Care Tech to be open-source software. Our decision to make the software we helped to develop freely available will not only benefit the wider community but also maximise the impact of the Government's investment in Future Fit. We believe that this approach aligns with the objectives of the government, and the procurement working group you both participate in, to promote accessibility and advance technology, as well as setting a precedent for further investments to also be shared across the sector.

We believe that this collaborative approach will foster innovation, reinforce a strengthened sense of community, drive improvements, and ultimately support our common goal, which is to enhance the quality of in-home care.

s47G(1)(a)

As not for profit entities, funded by Government, our funding is for our local communities and the older Australians living in those various communities. s47G(1)(a)

s47G(1)(a)

Our aim is only to provide an open-source software to meal provides with the benefit to those we serve, our customer base.

We see our mission of demonstrating the value of open-source tech to be aligned with your collective wish to get better outcomes from government procurement, especially for information technology. However, we are concerned that the very companies you are working with - the ones that are using your discussions for self-promotion - are showing themselves to be bad actors against the very community services that you want to see thrive.

We would welcome a more fulsome discussion about the challenges we have faced and the opportunities we are creating, on our own accord.

You can read more about our open-source initiative here: [Future Fit Collective - delivering Open Care Tech to the care community](#)

Kind regards
The Directors



Future Fit Collective

1300 294 643
enquiries@futurefitcollective.net.au

Kind regards

s47F

Office of Senator the Hon. Katy Gallagher
Minister for Finance | Minister for Women | Minister for the Public Service
Senator for the Australian Capital Territory
P. 6230 0411 | E. s47F@aph.gov.au

s47C, s47F

From: News <news@health.gov.au>
Date: 16 May 2024 at 1:57:19 PM AEST
Subject: RE: Media Inquiry follow-up - Rick Morton (The Saturday Paper) [SEC=OFFICIAL]
To: s47F <s47F@Health.gov.au>
Cc: s47F <s47F@Health.gov.au>, News <news@health.gov.au>

Hi s47F

For approval response to follow-up questions.

Further to this: Lakshman Gutaratnam is now claiming the Department gave MMA the IP for the CRM / technology build and that he "gifted" it to an entity he established that is now run by some local NSW Meals on Wheels outfits called Future Fit Collective Limited.

1. If this is true, why did the department give IP for which it paid money to a private consulting firm?
2. If the IP is even usable, is it satisfied that the Future Fit Collective is the appropriate entity to own this IP?

3. Is the Department aware that Agile Digital claims it has had its intellectual property infringed by MMA?

Response:

In line with the terms and conditions of the MMA contracts, the department is of the view that the Commonwealth owns the intellectual property in the contract material created under them.

Thanks,

s22

Media Unit, Communication Branch

Australian Government, Department of Health and Aged Care

T: 02 6289 7400 | M s22 | E news@health.gov.au

The Department of Health and Aged Care acknowledges First Nations peoples as the Traditional Owners of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to all Elders both past and present.

s47C, s47F

1. Why did the Department state otherwise publicly?
2. I understand part of the \$1.6m contract extension, to effectively tie up loose ends between MMA and MoW Newcastle, includes substantial funding to pay MMA for the Customer Resource Management (CRM) intellectual property to be transferred and/or licensed from MMA. Why wasn't this stipulated in any earlier contracts, worth almost \$10 million, as a value for money test?
3. The original official order of work states quite specifically that the contractor through his initiative will deliver "A replacement of the MOW network's primary CRM". Has MMA delivered on that original order? Why, why not?
4. Is the Department concerned by the fact that a host of websites apparently developed for the Future Fit program are now either taken down entirely or locked behind a password and inaccessible? Is this what taxpayers paid for?

5. Why did MMA send the Department a legal letter in February this year asking it to be more "circumspect" in the way it deals with MMA regarding Freedom of Information requests? Is this ordinary behaviour for a contractor with the Department?
6. Has MMA delivered a final report on the Future Fit program as stipulated in the official order? Why, why not?
7. Has MMA paid all subcontractors it engaged as part of any of the Future Fit contracts and have disputes been settled?
8. Are any Miles Morgan employees or representatives still members of the [Digital Transformation Sector Partners](#) group? If so, is this appropriate given the apparent ongoing conduct of the organisation with respect to the Future Fit program?
9. Did the change in ownership of MMA in December 2022 lead to these concerns / issues currently being experienced by the Department?
10. Is it correct to say that the \$1.6 million contract to MMA from earlier this year (the 'extension') is effectively an ad-hoc payment to the firm to prompt it to 'play nice' and resolve what has been a messy and 'shambolic' contract management process?

The Future Fit program was designed to support Meals on Wheels (MoW) organisations by codesigning an accurate funding model and policy parameters, a new definition of a meal, and quantifying the social capital elements of service delivery. Overall, the primary objective was to maintain the viability of services that offer social supports alongside meals delivery through a volunteer workforce, and, most importantly, support older Australians to access nutritious meals. In line with the Commonwealth Procurement Rules, the Department of Health and Aged Care approached Miles Morgan Australia Pty. Ltd. (MMA) through a panel arrangement which was established through an open tender process. At the time, MMA had already been working closely with Meals on Wheels Australia (MoWA) and had a thorough understanding of some of the challenges being faced by the MoW service delivery model.

As part of the original contract, MMA designed and tested customer resource management software which was codesigned with frontline MoW organisations across Queensland, New South Wales and Tasmania. In addition, Future Fit delivered:

- A consistent definition of a meal.
- A strengthened network of MoW providers who can learn from each other's operations and share valuable resources in order to meet growing demand from older people.
- A six-month pilot of an alternative service-level delivery model. The pilot focused on improving client choice while maintaining the social connection with clients.

In line with the terms and conditions of the MMA contracts, the department is of the view that the Commonwealth owns the intellectual property in the contract material created under them. However, the department is currently investigating conflicting claims for intellectual property ownership.

s47C

The department aims to continuing working with the meals sector, including MOW Australia and non-MOW meals service providers, to finalise the underlying policy parameters for meals services such as further testing the new definition of a meal and quantifying the social capital elements of service delivery.

The Future Fit website was decommissioned with the finalisation of the project. The department is committed to being open and transparent in relation to the Future Fit project and is considering publishing Future Fit program artefacts such as discussion papers and reports in the near future. Other websites referenced are not a result of any contractual arrangements between the department and MMA and not the responsibility of the Commonwealth.

The current contract with MMA provides funding to wind-up Future Fit activities including funding for the transfer of IT systems and the Future Fit operating model, tested in Whitehorse between July

2023 and February 2024, to Newcastle MoW (NMoW) as the grant recipient of Whitehorse MoW. The end date of this contract is 31 May 2024, with final arrangements in relation to the final report to be completed. The final report will include a summary of the project and an analysis of the outcomes.

In relation to the payment of subcontractors, the department has not been contacted by any subcontractors regarding outstanding payments. This issue has been raised by other parties and the department is seeking confirmation from MMA that its subcontractors are not out-of-pocket for work completed for the Future Fit program.

The Digital Transformation Sector Partners group is open to volunteer representatives from aged care service providers, ICT vendors, peak bodies and more. There are two Miles Morgan Australia representatives listed on the department's website as Sector Partner members. As part of standard Sector Partner induction, members are briefed on the probity considerations that govern the operations of the group, as well as their conduct within the group, and extending to all related activities and interactions with the department (including acceptance that members names and high-level content shared with the group will also be publicly available). As members, Sector Partners only provide advice on the design and delivery of the aged care digital transformation agenda. Members do not make decisions for, or on behalf, of the department.

s47F

Deputy Chief of Staff
Office of The Hon Anika Wells MP
Minister for Aged Care and Minister for Sport
Member for Lilley

M: s47F | E: s47F [@health.gov.au](mailto:s47F@health.gov.au)

From: News <news@health.gov.au>

Sent: Thursday, May 16, 2024 1:00 PM

To: s47F [@Health.gov.au](mailto:s47F@Health.gov.au)

Cc: s47F [@Health.gov.au](mailto:s47F@Health.gov.au); News <news@health.gov.au>

Subject: RE: Media Inquiry follow-up - Rick Morton (The Saturday Paper) [SEC=OFFICIAL]

Hi s47F

FYI Rick has also come back with the following questions below. Let me know once initial response is approved if you want to wait and send back as one response or in two parts given his initial deadline was yesterday COB as he said his deadline for the story was 12pm, today (Thursday).

Further to this: Lakshman Gutaratnam is now claiming the Department gave MMA the IP for the CRM / technology build and that he "gifted" it to an entity he established that is now run by some local NSW Meals on Wheels outfits called Future Fit Collective Limited.

1. If this is true, why did the department give IP for which it paid money to a private consulting firm?
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Thanks,

s22

Media Unit, Communication Branch

Australian Government, Department of Health and Aged Care

T: 02 6289 7400 | M s22 | E news@health.gov.au

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From: News <news@health.gov.au>

Sent: Thursday, May 16, 2024 12:48 PM

To: News <news@health.gov.au>; s47F @Health.gov.au>

Cc: s47F @Health.gov.au>; News <news@health.gov.au>

Subject: RE: Media Inquiry [SEC=OFFICIAL]

Just chasing this one please

Thanks, s22

Unless stated otherwise, this information is provided on a background basis and should not be attributed.

From: News <news@health.gov.au>

Sent: Wednesday, May 15, 2024 5:05 PM

To: s47F @Health.gov.au>

Cc: s47F @Health.gov.au>; News <news@health.gov.au>

Subject: FW: Media Inquiry [SEC=OFFICIAL]

Hi s47F

For approval. Deadline is COB today.

1. Why did the Department state otherwise publicly?
2. I understand part of the \$1.6m contract extension, to effectively tie up loose ends between MMA and MoW Newcastle, includes substantial funding to pay MMA for the Customer Resource Management (CRM) intellectual property to be transferred and/or licensed from MMA. Why wasn't this stipulated in any earlier contracts, worth almost \$10 million, as a value for money test?
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s47C

s47C

Thanks,

s22

Media Unit, Communication Branch

Australian Government, Department of Health and Aged Care

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From: Rick Morton <s47F@thesaturdaypaper.com.au>

Sent: Wednesday, May 15, 2024 9:03 AM

To: News <news@health.gov.au>

Subject: Media Inquiry

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Hi all,

I am writing a feature for this weekend's *The Saturday Paper* about aged care transformation broadly but specifically about the series of contracts that went to Miles Morgan Australia as part of the Future Fit program to work with Meals on Wheels and the recent contract 'extension' of \$1.6 million to transition Meals on Wheels Newcastle / the Whitehorse site "away from the intensive assistance that was being delivered through the Miles Morgan arrangement".

As I'm sure you would appreciate, there are a number of questions. I am mostly interested in the contracting arrangements and work performed or supposed to have been performed by Miles Morgan Australia.

AusTender lists the procurement method for CN3839409 as an "open tender" but documents released under FoI, including the ministerial submission signed by then aged care minister Richard Colbeck, repeatedly state that Miles Morgan Australia were approached directly by the Department of Health due to their previous engagement advising Meals on Wheels Australia. Why did the Department state otherwise publicly?

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Thanks, my deadline for this is COB.

Rick

s47F

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—
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[Rick Morton](#)

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