

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Budget Estimates 2012-2013, 30 & 31 May and 1 June 2012

Question: E12-109

OUTCOME 0: Whole of Portfolio

Topic: Freedom of Information

Type of Question: Written Question on Notice

Number of pages: 2

Senator: Senator McKenzie

Question:

- a) Has the Department/agency received any updated advice on how to respond to FOI requests?
- b) What is the total cost to the department to process FOI requests for this financial year to date?
- c) How many FOI requests has the Department received for this financial year to date? How many requests have been denied and how many have been granted?
- d) Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many and why? Do any of these requests remain outstanding? If so, how many and why?
- e) How many conclusive certificates have been issued in relation to FOI requests for this financial year to date?

Answer:

- a) The Office of the Australian Information Commission (OAIC) has issued guidelines for the purposes of the *Freedom of Information Act 1982* (FOI Act). The Department of Health and Ageing has regard to the OAIC Guidelines in the performance of its functions and exercise of powers under the FOI Act. The Department received updated advice from the OAIC on the Information Publication Scheme and processing timeframes for FOI requests.
- b) The non-staff costs directly attributable to FOI for the financial year 2011-2012 was \$595,321. The Department does not keep records of all staff time spent on FOI, so cannot provide a total figure for staff costs.
- c) The Department received 363 FOI requests in the 2011-2012 financial year. In the 2011-2012 financial year, 89 requests were denied and 152 requests were granted.
- d) During the 2011-2012 financial year, the Department failed to meet processing times on 20 occasions. There are two requests that remain outstanding. Failures to meet statutory timelines were generally attributable to factors such as failure of third parties

to respond on time to consultations about privacy or commercial business interests or insufficient resources in program areas to both perform their usual duties and complete the labour-intensive tasks involved in large requests. It is the Department's standard practice in such instances to contact FOI applicants in advance of the expiry of the statutory period to inform them when the decision may be late and to seek their agreement to an extension of time.

- e) Nil. The *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* which commenced on 7 October 2009 abolished conclusive certificates.