

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Portfolio

Question No. 145

Senator Humphries asked the following question at the hearing on 23 May 2012:

Freedom of Information

- 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?
- d) How many requests have been denied and how many have been granted?
- e) Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many and why?
- f) Do any of these requests remain outstanding? If so, how many and why?
- g) How many conclusive certificates have been issued in relation to FOI requests for this financial year to date?

The answer to the honourable senator's question is as follows:

- a) Yes. The Office of the Australian Information Commissioner (OAIC) provides general advice to all agencies under the *Freedom of Information Act 1982* and this has been updated in recent months. The updated advice is available at: http://www.oaic.gov.au/publications/guidelines.html#foi_guidelines. The OAIC has also published a series of resources for agencies relating to responding to FOI requests: http://www.oaic.gov.au/publications/agency_resources.html#FOI
- b) Each year, those agencies subject to the FOI Act provide data to the OAIC concerning processing of FOI requests. Up until this year, this information was compiled and published in the *Freedom of Information Act 1982 Annual Report*. This year, this information will be published in the *OAIC Annual Report 2011–12* and accompanying data will be made available on the OAIC website.

The tables below draw from information provided by relevant portfolio agencies to the OAIC covering the period 1 July 2011 to 30 June 2012. In relation to costs to agencies, the agency input relates to estimated total staff time spent and non-labour costs. These are set out for each agency in the table below.

- c) See table below.
- d) See table below.
- e) Yes. See table below in relation to those requests which were determined during the period 1 July 2011 to 30 June 2012. A range of extensions of time are permitted under the FOI Act, and response times over 30 days do not necessarily mean the response is overdue after statutory extensions are allowed for.

Where delays occur, these are usually associated with large or complex requests requiring extensive analysis and external consultation. All agencies have obligations under the FOI Act

to ensure they make sound decisions. The number and volume of complex FOI requests has increased considerably since the reforms to the FOI Act in November 2010.

- f) As at 30 June 2012, the Attorney-General's Department had 11 requests outstanding for which processing time had expired. Given the way in which portfolio agency data is compiled on FOI processing (see (b), above), the Department was not able to readily obtain a snapshot figure on such requests from all relevant portfolio agencies. On the question of why delays in processing have occurred, see (e), above".
- g) None. The power to issue conclusive certificates was removed on 7 October 2009 under the *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009*.

c) –c) Agency	Requests received	Staff years	Non-labour costs (\$)
Administrative Appeals Tribunal	5	0.01	0
Administrative Review Council	0	0.00	0
Admiralty Rules Committee	0	0.00	0
Attorney-General	5	0.02	0
Attorney-General's Department	314	5.34	16,500
Australian Commission for Law Enforcement Integrity	7	0.01	7,000
Australian Crime Commission	34	0.65	2,199
Australian Customs and Border Protection Service	116	2.40	827
Australian Federal Police	381	8.77	59,043
Australian Human Rights Commission	35	0.19	2,415
Australian Institute of Criminology	5	0.00	25
Australian Law Reform Commission	2	0.02	0
Australian Transaction Reports and Analysis Centre (AUSTRAC)	75	2.07	0
Classification Board	0	0.00	0
Classification Review Board	0	0.00	0
Copyright Tribunal of Australia	0	0.00	0
Criminology Research Council	0	0.00	0
CrimTrac	14	0.88	685
Defence Force Discipline Appeal Tribunal	0	0.00	0
Family Court of Australia	2	0.01	0
Family Law Council	0	0.00	0
Federal Court of Australia	6	0.00	8
Federal Magistrates Court	0	0.00	0
High Court of Australia	6	0.02	944
Insolvency and Trustee Service Australia	44	0.25	1,700
Minister Assisting on Queensland Floods Recovery	0	0.00	0
Minister for Emergency Management	0	0.00	0
Minister for Home Affairs	6	0.02	0
Minister for Justice	0	0.00	0
Minister for Privacy and Freedom of Information	0	0.00	0
National Native Title Tribunal	0	0.00	0
Office of Parliamentary Counsel	1	0.01	0
Office of the Australian Information Commissioner	29	0.10	0
Office of the Commonwealth Director of Public Prosecutions	25	0.17	16,276
Solicitor-General	0	0.00	0
Total	1,112	20.89	106,678

d) Agency	Granted in Full	Granted in Part	Access refused	Withdrawn	Total determined
Administrative Appeals Tribunal	1	0	3	0	4
Administrative Review Council	0	0	0	0	0
Admiralty Rules Committee	0	0	0	0	0
Attorney-General	0	0	0	0	0
Attorney-General's Department	33	44	127	8	204
Australian Commission for Law Enforcement Integrity	0	6	0	2	6
Australian Crime Commission	1	11	32	0	44
Australian Customs and Border Protection Service	33	37	25	15	95
Australian Federal Police	30	189	84	41	303
Australian Human Rights Commission	10	8	11	2	29
Australian Institute of Criminology	2	1	0	1	3
Australian Law Reform Commission	1	1	0	0	2
Australian Transaction Reports and Analysis Centre (AUSTRAC)	39	16	18	0	73
Classification Board	0	0	0	0	0
Classification Review Board	0	0	0	0	0
Copyright Tribunal of Australia	0	0	0	0	0
Criminology Research Council	0	0	0	0	0
CrimTrac	14	3	1	1	18
Defence Force Discipline Appeal Tribunal	0	0	0	0	0
Family Court of Australia	0	1	2	0	3
Family Law Council	0	0	0	0	0
Federal Court of Australia	0	0	4	1	4
Federal Magistrates Court	0	0	0	0	0
High Court of Australia	1	1	1	0	3
Insolvency and Trustee Service Australia	27	12	6	0	45
Minister Assisting on Queensland Floods Recovery	0	0	0	0	0
Minister for Emergency Management	0	0	0	0	0
Minister for Home Affairs	0	0	0	0	0
Minister for Justice	0	0	0	0	0
Minister for Privacy and Freedom of Information	0	0	0	0	0
National Native Title Tribunal	0	0	0	0	0
Office of Parliamentary Counsel	0	0	1	0	1
Office of the Australian Information Commissioner	16	5	3	2	24
Office of the Commonwealth Director of Public Prosecutions	4	13	17	1	34
Solicitor-General	0	0	0	0	0
Total	212	348	335	74	895

e) Agency	Response time within statutory time period	Response time up to 30 days after statutory period	Response time 31 - 60 days after statutory period	Response time 61 - 90 days after statutory period	Response time over 90 days after statutory period
Administrative Appeals Tribunal	4	0	0	0	0
Administrative Review Council	0	0	0	0	0
Admiralty Rules Committee	0	0	0	0	0
Attorney-General	0	0	0	0	0
Attorney-General's Department	154	35	15	0	0
Australian Commission for Law Enforcement Integrity	5	1	0	0	0
Australian Crime Commission	36	8	0	0	0
Australian Customs and Border Protection Service	56	25	10	3	1
Australian Federal Police	119	55	44	55	30
Australian Human Rights Commission	29	0	0	0	0
Australian Institute of Criminology	1	1	0	1	0
Australian Law Reform Commission	2	0	0	0	0
Australian Transaction Reports and Analysis Centre (AUSTRAC)	67	4	0	2	0
Classification Board	0	0	0	0	0
Classification Review Board	0	0	0	0	0
Copyright Tribunal of Australia	0	0	0	0	0
Criminology Research Council	0	0	0	0	0
CrimTrac	18	0	0	0	0
Defence Force Discipline Appeal Tribunal	0	0	0	0	0
Family Court of Australia	3	0	0	0	0
Family Law Council	0	0	0	0	0
Federal Court of Australia	4	0	0	0	0
Federal Magistrates Court	0	0	0	0	0
High Court of Australia	3	0	0	0	0
Insolvency and Trustee Service Australia	44	1	0	0	0
Minister Assisting on Queensland Floods Recovery	0	0	0	0	0
Minister for Emergency Management	0	0	0	0	0
Minister for Home Affairs	0	0	0	0	0
Minister for Justice	0	0	0	0	0
Minister for Privacy and Freedom of Information	0	0	0	0	0
National Native Title Tribunal	0	0	0	0	0
Office of Parliamentary Counsel	1	0	0	0	0
Office of the Australian Information Commissioner	23	1	0	0	0
Office of the Commonwealth Director of Public Prosecutions	33	1	0	0	0
Solicitor-General	0	0	0	0	0
Total	602	132	69	61	31