

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 191

Hearing: Supplementary Budget Estimates

Outcome: Corporate

Programme: Policy and Communications Division

Topic: Portfolio wide – Freedom of Information

Hansard Page: N/A

Question Date: 27 November 2013

Question Type: Written

Senator Ludwig asked:

Can the Department please outline the process it under goes to access Freedom of Information requests?

Answer:

The following response is provided assuming the intent of the questions is to *outline the process the Department undergoes to **assess** Freedom of Information (FOI) requests* rather than the *process it under goes to **access** Freedom of Information requests*.

The Department of the Environment's processes are in accordance with the *Freedom of Information Act 1982* (the FOI Act) and the Guidelines issued by the Australian Information Commissioner. The following steps are a summary of the process followed when processing an FOI request.

Step 1 – On receipt of a FOI request, the FOI Coordination Team will:

- send the applicant an acknowledgement letter advising of the statutory timeframe for processing the FOI request;
- notify the Secretary, the relevant Deputy Secretary and the First Assistant Secretary (FAS) responsible for the subject matter of the FOI request and ask the FAS to nominate as SES delegate and an appropriate SES officer experienced in FOI as an FOI mentor for the delegate.

Step 2 – Provide detailed guidance material and templates to the delegate and seek their initial view on the scope of the request to determine any requirements to negotiate narrowing of the scope, third party consultations and/or charges, if any.

Step 3 – Issue charges and/or consultation notifications if required. Conduct formal consultations with third parties (non government) and informal consultations with government agencies (for FOI purposes the Minister is consulted in the same manner as a government agency).

Note: The FOI Act does not require formal consultations be undertaken with other government agencies. However, the Information Commissioner Guidelines seek agencies informally consult other agencies (including a Minister) as good business practice.

Step 4 – Delegate makes a decision and provides written notification to the applicant that includes a statement of reasons, document schedule and information relating to the applicants review rights in accordance with the FOI Act.

If the question does relate to access, the Department does not access Freedom of Information requests.

Bureau of Meteorology

The Bureau of Meteorology receives and processes requests in accordance with the requirements of the FOI Act and Guidelines issued by the Office of the Australian Information Commissioner.

Clean Energy Regulator

Details for how to make a FOI request are set out on the Clean Energy Regulator's website at

<http://www.cleanenergyregulator.gov.au/About-us/Freedom-of-information-FOI/Pages/default.aspx>

- Rights of access under the FOI Act
- How to make an FOI application
- Charges
- What happens after an application is submitted?
- Review rights (internal and external)
- Complaints
- How to seek more information

Requests can be made via email to a generic FOI email address (as provided on the website) or via pre-paid post.

Climate Change Authority

The Climate Change Authority assesses Freedom of Information requests on a case by case basis and in accordance with the requirements outlined in the FOI Act.

Director of National Parks

The process for members of the public to access documents from the Director of National Parks is outlined on our website at

<http://www.environment.gov.au/topics/national-parks/parks-australia/freedom-information>

The Director of National Parks processes FOI requests in accordance with the requirements set out in the *Freedom of Information Act 1982* and the *Freedom of Information Guidelines* published by the Office of the Information Commissioner.

Great Barrier Reef Marine Park Authority

The process for members of the public to access documents from the Great Barrier Reef Marine Park Authority is outlined on the Authority's website at

<http://www.gbrmpa.gov.au/home/freedom-of-information-requests>.

The Great Barrier Reef Marine Park Authority processes FOI requests in accordance with the requirements set out in the *Freedom of Information Act 1982* and the *Freedom of Information Guidelines* published by the Office of the Information Commissioner.

Murray-Darling Basin Authority

The process undertaken by the Murray-Darling Basin Authority to access FOI requests is in accordance with the FOI Act and the Office of the Australian Information Commissioner's guidelines. The FOI Officer usually accesses requests through a dedicated FOI email address – foi.mdba.gov.au. Requests may also be sent by post or facsimile.

National Water Commission

The process for members of the public to access documents from the National Water Commission under the FOI Act is outlined on the Commission's website at:

<http://www.nwc.gov.au/organisation/foi>

In handling FOI Act requests, the Commission follows the advice and protocols provided by the Office of the Australian Information Commissioner in line with the FOI Act, the FOI guidance material and the Better Practice Guide/Freedom of Information Act 1982 by the Attorney-General's Department.

Sydney Harbour Federation Trust

The Sydney Harbour Federation Trust processes are in accordance with the FOI Act and the Guidelines issued by the Australian Information Commissioner. The following steps are a summary of the process followed when processing an FOI request.

Step 1 – On receipt of a FOI request, the FOI Officer will:

- send the applicant an acknowledgement letter advising of the statutory timeframe for processing the FOI request;
- notify the Executive Director, the Deputy Executive Director and the Director responsible for the subject matter of the FOI request. The Coordinator for the FOI request will be determined.

Step 2 – Seek initial view on the scope of the request to determine any requirements to negotiate narrowing of the scope, third party consultations and/or charges, if any.

Step 3 – Issue charges and/or consultation notifications if required. Conduct formal consultations with third parties (non government) and informal consultations with government agencies (for FOI purposes the Minister is consulted in the same manner as a government agency).

Note: The FOI Act does not require formal consultations be undertaken with other government agencies. However, the Information Commissioner Guidelines seek agencies informally consult other agencies (including a Minister) as good business practice.

Step 4 – Delegate makes a decision and provides written notification to the applicant that includes a statement of reasons, document schedule and information relating to the applicants review rights in accordance with the FOI Act.

If the question does relate to access, the Trust does not access Freedom of Information requests.