

Senate Standing Committee on Environment and Communications

Legislation Committee

Answers to questions on notice

Environment portfolio

Question No: 195

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:

Does the Department consult or inform other Departments or agencies when or before it makes a decision on a Freedom of Information request?

- a) If so, which Departments or agencies?
- b) If so, when?
- c) If so, how does this occur?

Answer:

The Department processes requests, including requirements for third party consultation, in accordance with the requirements of the *Freedom of Information Act 1982* (FOI Act) and Guidelines issued by the Office of the Australian Information Commissioner.

- a) Only relevant agencies or departments.
- b) Only where documents received from another agency have been identified as within scope of the Freedom of Information request, or where consultation is required under the FOI Act or Guidelines (e.g. in relation to Cabinet documents).
- c) The Department's Freedom of Information (FOI) Coordination Team liaises with their counterparts in other agencies.

Clean Energy Regulator

The Clean Energy Regulator does not routinely consult or inform other departments or agencies when or before it makes a decision on a Freedom of Information request.

Where a Freedom of Information request seeks a document that refers to, or relates to information in the possession or control of, another department or agency, the Clean Energy Regulator consults with the relevant agency or department according to the processes set out in the *Freedom of Information Act 1982* and associated Guidelines. Ordinarily, consultation occurs by telephone and/or email.

To 31 October 2013, the Clean Energy Regulator has consulted the Office of the Australian Information Commissioner, the Department of the Environment (including its predecessors)

and the Department of the Prime Minister and Cabinet. On occasion, the Clean Energy Regulator has also consulted with state agencies and departments.

Climate Change Authority

Under a shared services agreement, the Department of Industry provides legal services to the Authority, including Freedom of Information advice.

- a) The Department of Industry and the Office of the Australian Information Commissioner if required.
- b) The Department of Industry legal services team is consulted as soon as a Freedom of Information request is received. The Office of the Australian Information Commissioner receives reports on the total number of FOIs received.
- c) The Department of Industry legal services team is emailed with a request to provide relevant advice.

Bureau of Meteorology

The Bureau of Meteorology processes requests, including requirements for third party consultation, in accordance with the requirements of the *Freedom of Information Act 1982* (FOI Act) and Guidelines issued by the Office of the Australian Information Commissioner (OAIC).

- a) Only relevant agencies or departments.
- b) Only where documents received from another agency have been identified as within scope of the Freedom of Information request, or where consultation is required under the FOI Act or Guidelines (e.g. in relation to Cabinet documents).
- c) The Bureau's FOI Coordinator liaises with his counterpart in the other agency.

National Water Commission

- a) Not applicable
- b) Not applicable
- c) Not applicable

Great Barrier Reef Marine Park Authority

No

Sydney Harbour Federation Trust

The Trust processes requests, including requirements for third party consultation, in accordance with the requirements of the *Freedom of Information Act 1982* (FOI Act) and Guidelines issued by the Office of the Australian Information Commissioner.

- a) Only relevant agencies or departments.
- b) Only where documents received from another agency have been identified as within scope of the Freedom of Information request, or where consultation is required under the FOI Act or Guidelines (e.g. in relation to Cabinet documents).
- c) The Trust's FOI Officer liaises with their counterparts in other agencies.