

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Additional Estimates 2011-2012**

**Cross Portfolio**

**DEEWR Question No.** EW0911\_12

**Senator Back provided in writing.**

**Question**

**Freedom of Information**

"Has the Department/agency received any advice on how to respond to FOI requests? What was the total cost to the department to process FOI requests for 2009-10 and 2010-11? What is the total cost to the department to process FOI requests for this financial year to date? How many FOI requests did the Department receive for the financial year 2009-10 and 2010-11? For each financial year, how many requests were denied and how many were granted? Did the department fail to meet the processing times outlined in the FOI Act for any requests? If so, how many? Do any of these requests remain outstanding? 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? Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many? Do any of these requests remain outstanding? How many conclusive certificates have been issued in relation to FOI requests for this financial year to date?"

**Answer**

The department has received advice from the then Cabinet Secretary Senator the Hon John Faulkner in April 2009 and from the then Minister for Privacy and Freedom of Information the Hon Brendan O'Connor MP in October 2010, as well as guidelines issued by the Department of Prime Minister and Cabinet and the Office of the Australian Information Commissioner.

The Department has also, from time to time, obtained legal advice in relation to individual FOI applications.

<b>1 July 2009 – 30 June 2010</b>	
Requests on hand as at 1 July 2009 <sup>1</sup>	42
Total requests received	290
<b>Decisions on Access Made</b>	
Full release	156
Partial release	47
Refused	14
<b>Alternative Outcomes</b>	
Withdrawn	68
Transferred	4
Requests on hand as at 30 June 2010	43

<b>Processing Time</b>	
Requests processed within statutory timeframes	217
Requests in which department failed to meet statutory timeframes	0
<b>Financials</b>	
Cost to DEEWR (Non staff costs directly attributable to FOI – i.e. paper, postage, travel, external solicitors fees).	\$42,873.00
Cost recouped by DEEWR in application fees	\$4,700.00
Cost recouped by DEEWR in charges	\$9,789.00

<b>1 July 2010 – 30 June 2011</b>	
Requests on hand as at 1 July 2010	43
Total requests received	370
<b>Decisions on Access Made</b>	
Full release	157
Partial release	72
Refused	32
<b>Alternative Outcomes</b>	
Withdrawn	95
Transferred	8
Requests on hand as at 30 June 2011	49
<b>Processing Time</b>	
Requests processed within statutory timeframes	261
Requests in which department failed to meet statutory timeframes	0
<b>Financials</b>	
Cost to DEEWR (Non staff costs directly attributable to FOI – i.e. paper, postage, travel, external solicitors fees).	\$76,793.00
Cost recouped by DEEWR in application fees	\$1,244.00
Cost recouped by DEEWR in charges	\$15,861.00

<b>1 July 2011 - 31 December 2011</b>	
Requests on hand as at 30 June 2011	49
Total requests received	177
<b>Decisions on Access Made</b>	
Full release	98
Partial release	29
Refused	16
<b>Alternative Outcomes</b>	
Withdrawn	51
Transferred	3
Requests on hand as at 31 December 2011 <sup>ii</sup>	29
<b>Processing Time</b>	
Requests processed within statutory timeframes	143
Requests in which department failed to meet statutory timeframes	0
<b>Conclusive Certificates</b>	
Total conclusive certificates issued <sup>iii</sup>	0
<b>Financials</b>	
Cost to DEEWR (Non staff costs directly attributable to FOI – i.e. paper, postage, travel, external solicitors fees).	\$21,144.59
Cost recouped by DEEWR in application fees <sup>iv</sup>	0
Cost recouped by DEEWR in charges	\$8014.00

---

<sup>i</sup> The requests on hand figure is the number of valid primary FOI requests which were received in the previous financial year but no primary access decision had been made as at the start of the financial year.

<sup>ii</sup> Of the 29 requests on hand as at 31 December 2011, 6 relate to the functions transferred to the Department of Industry, Innovation, Science, Research and Tertiary Education due to the impact of Machinery of Government Changes which took effect on 15 December 2011.

<sup>iii</sup> Under the *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009*, the power to issue conclusive certificates under the FOI Act and the *Archives Act 1983* was abolished. This came into effect on 7 October 2009.

<sup>iv</sup> Under the *Freedom of Information Amendment (Reform) Act 2010*, the prescribed application fee for requests made under the FOI Act was abolished. This came into effect on 1 November 2010.