

**Senate Standing Committee on Finance and Public Administration**

**ANSWERS TO QUESTIONS ON NOTICE**

**Department of the Senate**

**Budget Estimates**

**26-30 May 2014**

**Question: 50**

**Topic: Freedom of Information**

**Written: 12 June 2014**

**Senator LUDWIG asked:**

The following questions relate to requests made pursuant to the *Freedom of Information Act 1982* (the Act).

*Consultations with other departments, agencies and the Minister*

1. Other than for the purpose of discussing a transfer under section 16 of the Act, does the department consult or inform other departments or agencies when it receives Freedom of Information requests?
2. If so, for each instance provide a table setting out the following information:
  - a) The department or agency which was consulted;
  - b) The document;
  - c) The purpose of the consultation;
  - d) Whether an extension of time was sought from the applicant to allow time for the consultation, including whether it was granted and the length of the extension; and
  - e) Whether an extension of time was sought from the Information Commissioner to allow time for the consultation, including whether it was granted and the length of the extension.
3. Other than for the purposes of discussing a transfer under section 16 of the Act, has the Department consulted or informed the Minister's office about Freedom of Information requests it has received?
4. If yes, provide a table setting out the following information:
  - a) The requests with respect to which the Minister or Ministerial office was consulted;
  - b) The Minister or Ministerial office which was consulted;
  - c) The purpose of the consultation;
  - d) Whether an extension of time was sought from the applicant to allow time for the consultation, including whether it was granted and the length of the extension;
  - e) Whether an extension of time was sought from the Information Commissioner to allow time for the consultation, including whether it was granted and the length of the extension; and
  - f) Whether any briefings (including formal briefs, email briefings and verbal briefings) were provided to the Minister's office.

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*Staffing resources*

The following questions relate to the period from 18 September 2013.

For the period of time from 18 September 2013, what was the average FTE is allocated to processing FOI requests?

*FOI Disclosure Log*

1. For the purposes of meeting its obligations under 11C of the Act, does the department or agency:
  - a) Maintain a webpage allowing download of documents released under section 11A (direct download)?
  - b) Require individuals to contact the Department or Agency to ask for the provision of those documents (request for provision)?
  - c) Facilitate to those documents in a different manner (if so, specify).
2. If the department or agency has moved from a system of meetings its 11C obligations by direct download, to a system of meeting those obligations by request for provision, provide the following information:
  - a) The dates for which documents were made available for direct download, and the dates for which documents were made available through request for provision;
  - b) The total number of direct downloads of documents released under 11A the departmental or agency website;
  - c) The total number of requests for provision to documents that had been directly received, and how many had been processed by Friday 6 June 2014?
  - d) What was the average FTE allocated to monitoring incoming email, collating and forwarding documents providing under a request for provision?
  - e) What was the approximate cost for salaries for the FTE staff allocated to this task?
3. Has the department or agency charged any for access to a document under section 11C(4)?
4. If so, please provide the following information in a table:
  - a) On how many occasions charges have been imposed;
  - b) The amount charged for each document
  - c) The total amount charged;
  - d) What is the highest charge that has been imposed.

**Answer:**

The department is not subject to the *Freedom of Information Act 1982* as a consequence of the *Parliamentary Service Amendment (Freedom of Information) Act 2013* which received Royal Assent on 28 June 2013.

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That Act corrected a recently discovered but unintended consequence of the enactment of the *Parliamentary Service Act 1999*, which inadvertently applied the *Freedom of Information Act 1982* to the department. This Act restored that exclusion from the FOI Act for parliamentary departments and office holders under the *Parliamentary Service Act 1999*.

Nonetheless, the department confirmed in its 2012-13 Annual Report that it will continue to comply with the spirit of the *Freedom of Information Act 1982* for requests for information on administrative matters.