

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Resources, Energy and Tourism Portfolio

Budget Estimates

28 May 2012

Question: BR39
Topic: Freedom of Information
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Senator Bushby asked:

1. Has the Department/agency received any updated advice on how to respond to FOI requests?
2. What is the total cost to the department to process FOI requests for this financial year to date?
3. 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 and why? Do any of these requests remain outstanding? If so, how many and why?
4. How many conclusive certificates have been issued in relation to FOI requests for this financial year to date?

Answer:

1. **Department:** Yes. The Department has received updated advice on responding to Freedom of Information (FOI) requests, from both the Office of the Australian Information Commissioner and from independent law firms conducting current awareness seminars.

Tourism Australia: Yes. Tourism Australia has received advice on responding to FOI requests from Ashurst Lawyers.

Geoscience Australia: Yes. Geoscience Australia has received regular updated advice on how to respond to FOI requests. Geoscience Australia has received this advice by directly initiating contact with the Office of the Australian Information Commissioner (OAIC), as well as through the receipt of standardised agency communications from the OAIC. This advice has included information on FOI governance and management within the department, as well as information on implementing relevant procedures and processes for responding to FOI requests. The responsible area within the department has also attended the FOI training program offered by the Australian Government Solicitor.

2. **Department:** The Department does not record the full or actual cost of processing FOI requests. Excluding staff salaries and overheads, the total cost to the Department to process FOI requests for the 2011-12 financial year is estimated as follows:
 - Photocopying: \$2,110;
 - Printing: \$200;
 - Purchase of materials: \$75;
 - Redaction software: \$1,900;
 - Postage: \$235.50; and
 - Telephone: \$30.

Tourism Australia: Less than \$1000 has been spent on external legal advice relating to FOI matters for the 2011-12 financial year. TA does not employ a dedicated FOI Officer. FOI duties are absorbed into the duties of existing employees in the Corporate Services Division.

Geoscience Australia: The total cost to Geoscience Australia to process one FOI request during the 2011-12 financial year was \$250.

3. **Department:** A total of 49 FOI requests were received for the 2011-12 financial year. As at 19 June 2012:

- access to documents has been granted in 23 requests;
- 12 requests have been withdrawn due to the non-payment of charges, the applicant's failure to consult under section 24 of the FOI Act or have been withdrawn expressly by the applicant;
- 4 requests have been transferred to other agencies under section 16 of the FOI Act;
- in 4 requests, there were no documents within the scope of the applicant's request;
- access to documents has been denied in one instance; and
- the Department is currently processing 4 FOI requests.

On eight occasions, the Department has been unable to meet the statutory processing times due to the complex and voluminous nature of the requests and delays in receiving submissions from consulted third parties. The documents were provided to the applicant within several days of the decision being due. Only one FOI request remains outstanding. This application is particularly complicated and relates to issues currently being reviewed by the Information Commissioner.

Tourism Australia: Four FOI requests were received in the 2011-12 financial year. With respect to two of these FOI requests, TA did not hold any documents within the scope of the requests. The other two requests, the applicants elected to treat the applications as requests for information outside the formal operation of the FOI Act.

Geoscience Australia: One FOI request was received by Geoscience Australia and was granted for the 2011-12 financial year. Geoscience Australia has successfully met the processing times outlined in the FOI Act for all FOI requests received.

4. No conclusive certificates have been issued this financial year to date. The *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* commenced on 7 October 2009. The Act repealed the power of agencies to issue conclusive certificates under the *Freedom of Information Act 1982*.