

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
SOCIAL SERVICES PORTFOLIO
2015-16 Budget Estimates Hearings

Outcome Number: Cross Outcomes/Corporate Matters Question No: SQ15-000701

Topic: FOI Requests

Hansard page: CA123, 3 June 2015

Senator Brown, Carol asked:

Of the 132 FOI requests received:

- 8 were subject to an exemption [in full], on what basis, conditional or unconditional?
- 35 were withdrawn, why?
- 34 were provided with information, can you give an indication of what proportion were provided in part
- how many came from a Member of Parliament or a media outlet
- can this number be broken down into areas eg aged care.
- broken down by originating state

Answer:

The Department has reviewed the Freedom of Information (FOI) statistics prepared for the Budget Estimates hearings and has revised the number of FOI requests received in the 2014-2015 Financial Year as at 31 March 2015, to 145 requests. This has had a consequential effect on the numbers of requests previously advised in respect of exemptions in full, withdrawals, and releases in full and in part. The Department wishes to take this opportunity to correct the record.

Exempt in full

Documents in respect of 11 requests were determined to be exempt from release in full as follows:

- 3 were exempt on the basis of one or more conditional exemptions only:
 - for 2 requests the deliberative process exemption was applicable;
 - for 3 requests the business information exemption was applicable;
 - for 1 request the operational information exemption was applicable; and
 - for 1 request the personal privacy exemption was applicable;
- 6 were exempt on the basis of unconditional exemptions only:
 - for 3 requests the secrecy exemption (for protected information under the Aged Care Act) was applicable,
 - for 1 request the legal professional privilege exemption was applicable; and
 - for 1 request the national security exemption was applicable;
- 2 were exempt on the basis of both conditional and unconditional exemptions – for both of these requests the Cabinet exemption and the deliberative process exemption were applicable.

Note: Conditional exemptions are applied where the Department makes a determination that release would not be in the public interest.

Withdrawals

36 requests were withdrawn in the following circumstances:

- 3 were withdrawn following notification from the Department that third party consultation would be required with the person to whom the documents related, because the applicant had not supplied valid authorisation to receive documents on that person's behalf;
- 11 were withdrawn following notification by the Department that preliminary searches indicated no relevant documents were held or existed;
- 5 were deemed withdrawn as the applicant did not respond within the required 14-day timeframe for a 'request consultation process' under section 24AB (initiated where the scope of the request was unclear, or would amount to a substantial and unreasonable diversion of the Department's resources);
- 1 was withdrawn on the basis that it was submitted as a prank;
- 2 were withdrawn with no reason specified by the applicant;
- 1 was withdrawn on the dissolution of the organisation through which the request had been made;
- 3 were deemed withdrawn as the issued charge was not paid within the 30-day timeframe;
- 2 were withdrawn as the applicant was advised the requested documents were publicly available;
- 1 was deemed withdrawn following an incorrect acceptance of transfer from another agency;
- 1 was withdrawn following settlement of a dispute in another forum;
- 6 were deemed withdrawn following the consolidation of 8 requests from one applicant into 2 requests for processing on the basis of substantially similar subject matter under section 24(2).

Requests where documents were released in part

Of the 145 requests, documents were released in full or in part in relation to 58 requests. Of these, the Department released documents with material partially redacted in accordance with relevant exemptions in respect of 23 requests.

Requests from parliamentarians or media outlets

- 15 requests were received from members of parliament
- 9 requests were received from media outlets or other journalists

Requests by Departmental Outcome

- Outcome 1 (Social Security) - 7
- Outcome 2 (Families and Communities) - 14
- Outcome 3 (Ageing and Aged Care) – 31
- Outcome 4 (Housing) – 1
- Outcome 5 (Disabilities and Carers) – 63
- Cross Outcomes/Corporate Matters – 14
- 15 requests were for documents the Department did not hold, or were in respect of functions or activities for which it is not responsible.

Requests by State

- Queensland – 31
- New South Wales – 23
- Victoria – 21
- Western Australia – 19
- Australian Capital Territory – 5
- South Australia – 5
- Tasmania – 2
- Unknown – 39