

Senate Community Affairs Legislation Committee

SUPPLEMENTARY ESTIMATES - 21 NOVEMBER 2013 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: Freedom of Information

Question reference number: HS 42

Senator: Ludwig

Type of question: Written

Date set by the committee for the return of answer: 24 January 2014

Number of pages: 4

Question:

- a) Can the department please outline the process it under goes to assess Freedom of Information requests?
- b) Does the department consult or inform the Minister when it receives Freedom of Information requests?
 - i) If so, when?
 - ii) If so, how does this occur?
- c) Does the department consult or inform other departments or agencies when it receives Freedom of Information requests?
 - i) If so, which departments or agencies?
 - ii) If so, when?
 - iii) If so, how does this occur?
- d) Does the department consult or inform the Minister when or before it makes a decision on a Freedom of Information request?
 - i) If so, when?
 - ii) If so, how does this occur?
- e) Does the department consult or inform other departments or agencies when or before it makes a decision on a Freedom of Information request?
 - i) If so, which departments or agencies?
 - ii) If so, when?
 - iii) If so, how does this occur?
- f) What resources does the department commit to its Freedom of Information team?
- g) List the staffing resources by APS level assigned solely to Freedom of Information requests.
- h) List the staffing resources by APS level assigned indirectly to Freedom of Information requests.

- i) Does the department ever second additional resources to processing Freedom of Information requests?
 - i) If so, please detail those resources by APS level.
- j) How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the department?
 - i) How does this differ to the number of officers designated as at 6 September 2013?
- k) How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the Minister's office?
 - i) How does this differ to the number of officers designated as at 6 September 2013?
- l) Of the officers that are designated decision makers under the Freedom of Information Act 1982 within the Ministers office, how many are seconded officers from the department?
- m) What training does the department provide to designated decision makers under the Freedom of Information Act who work within the department?
 - i) Of the officers designated as decision makers within the department, how many have received formal training?
 - ii) Of the officers designated as decision makers within the department, how many have received informal training?
 - iii) How long after each officers appointment as a designated decision maker did they receive formal training?
 - iv) What did the training involve?
 - v) How long was the training?
 - vi) By whom was the training conducted?
- n) What training does the department provide to designated decision makers under the Freedom of Information Act who work within the Minister's office, excluding those officers on secondment from the department?
 - i) Of the officers designated as decision makers, how many have received formal training?
 - ii) Of the officers designated as decision makers, how many have received informal training?
 - iii) How long after each officers appointment as a designated decision maker did they receive formal training?
 - iv) What did the training involve?
 - v) How long was the training?
 - vi) By whom was the training conducted?

Answer:

- a) The department assesses Freedom of Information requests consistently with the *Freedom of Information Act 1982* (the FOI Act). Requests are processed in a centralised FOI Team in the department. Decisions are made by staff authorised by the Secretary under subsection 23(1) of the FOI Act.
- b) Yes.
 - i) An FOI Report is sent to the Minister's Office every week. The department may also inform the Minister when it receives a significant FOI request. The

department may consult with the Minister where it is considering the transfer of a request from or to the Minister under Section 16 of the FOI Act.

- ii) Via the FOI Report [see b)(i) above].
- c) Yes.
 - i) Departments or agencies whose functions are related to the subject matter of the documents within the scope of the FOI request.
 - ii) Prior to making a decision regarding release of the documents.
 - iii) By telephone or email or letter.
- d) Yes, the department informs the Minister [see answer to (b) above].
- e) Yes.
 - i) Departments or agencies whose functions are related to the subject matter of the documents within the scope of the FOI request.
 - ii) Prior to making a decision regarding release of the documents.
 - iii) By email, letter or telephone .
- f) The department has a centralised FOI Team within the Freedom of Information and Information Release Legal Branch. As at 30 November 2013 there were 31 staff in the FOI Team, with 30 assigned solely to processing Freedom of Information requests [see (g) below].
- g) As at 30 November 2013:

EL2	2
EL1	4
APS6	5
APS5	14
APS4	5
Total	30

- h) All staff in the department have responsibilities with regard to FOI requests; for example, responsibilities for searching for and retrieving documents, to enable the dedicated FOI Team to process freedom of information requests made to the department.
- i) Yes.
 - i) Staff may be available from other areas of the Legal Services Division to process FOI requests from time to time. Staff range between SES2 and APS4.
- j) As at 30 November 2013 31 officers were designated decision makers under the Freedom of Information Act 1982 within the department.
 - i) This is five less than the number of officers who were designated decision makers under the Freedom of Information Act 1982 as at 6 September 2013.
- k) The Minister has authorised her Chief of Staff and any member of her staff performing this role from time to time to make a decision on the Minister's behalf under the *Freedom of Information Act 1982* that the Minister is required or authorised to make.
 - i) The former Minister had authorised her Chief of Staff and any member of her staff performing this role from time to time to make a decision on the Minister's behalf under the *Freedom of Information Act 1982* that the Minister was required or authorised to make.
- l) None.
- m) Internal and external training.

- i) All.
 - ii) All.
 - iii) Since 1 July 2012 all of the department's designated decision makers have received formal training as soon as practicable after their appointment as decision makers.
 - iv) The training content varies but generally deals with the operation of the *Freedom of Information Act 1982* and FOI Guidelines and procedural and practical aspects of handling FOI requests.
 - v) The training duration varies.
 - vi) By lawyers and FOI practitioners within the Legal Services Division and by the department's external legal services providers.
- n) An introductory training course is provided by the department.
- i) Training is currently being organised for the Chief of Staff.
 - ii) See (n) (i) above.
 - iii) Not applicable.
 - iv) Not applicable.
 - v) Not applicable.
 - vi) Not applicable.