

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 71

Senator: Cameron

Type of question: Written

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

Number of pages: 2

Question:

- a) Please confirm who is responsible for making decisions about FOI applications?
- b) Are any other people within the department are involved in the FOI decision? If so, who?
- c) Are staff in the Minister's office involved in decisions about whether or not to release material under freedom of information?
- d) Please indicate whether the Minister herself is involved in decisions about whether or not to release information under freedom of information?
- e) I refer specifically to correspondence from the office of Shadow Minister McLucas dated 25 October 2013, requesting access, under the Freedom of Information Act, to the incoming government briefs. The intention to refuse was notified to by letter on 31 October 2013.
 - i) Can you please indicate which people within the department were involved in this decision to reject the application?
 - ii) Can you please advise whether any staff from the Minister's office were involved in the decision to reject the request?
 - iii) Can you please advise whether the Minister was involved in the decision to reject the request?
 - iv) Will you now release the incoming government briefs for the DHS portfolio?

Answer:

- a) Decisions are made by staff authorised by the Secretary under subsection 23(1) of the *Freedom of Information Act 1982*.
- b) No.
- c) No.
- d) The Minister is not involved in FOI decisions made by the department.

- e) (i) A decision to refuse the request on the basis of section 24(1) of the *Freedom of Information Act 1982* was made and notified to the applicant on 2 December 2013 by Annette Musolino, General Counsel, FOI and Information Release Branch, Legal Services Division.
- ii) No staff from the Minister's office were involved.
- iii) The Minister was not involved.
- iv) There is no intention to release these documents at this time. The decision on 2 December 2013 to refuse the request from the Office of Shadow Minister McLucas on the basis of section 24(1) of the *Freedom of Information Act 1982* is currently the subject of an internal review by an independent departmental decision-maker.