

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Budget Estimates Hearings May 2014

Communications Portfolio

Australian Communications and Media Authority

Question No: 111

Program No. Australian Communications and Media Authority (ACMA)

Hansard Ref: In Writing

Topic: Freedom of Information

Senator Lundy asked:

The following questions relate to requests made pursuant to the Freedom of Information Act (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/Agency 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;
 - 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
 - f. Whether any briefings (including formal briefs, email briefings and verbal briefings) were provided to the Minister's office

Staffing resources

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

FOI Disclosure Log (The following questions relate to the period from 18 September 2013)

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)?

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- 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 [date]?
 - 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?

With respect to FOI requests (The following questions relate to the period from 18 September 2013)

How many documents were assessed (at internal review or - if internal review was not requested - by the original decision maker) as conditionally exempt?

Of those, how many were:

- a. Released in full
- b. Released in part
- c. Refused access on the grounds that release of the document would be contrary to the public interest
- d. Other (please specify)

Answer:

1. No, unless required under the Freedom of Information (FOI) Act, for example, for the purpose of third party consultation.

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2.

a.	b.	c.	d.	e.
Department of Communications	6 documents relating to wireless audio devices and the impact of the Digital Dividend on those devices.	Third party consultation with Department	3 rd party consultation extension received for non-government consultation (30 days)	No.

3. No, unless required under the FOI Act, for example for the purposes of third party consultation third party consultation.

4.

a.	b.	c.	d.	e.	f.
Request for docs re wireless audio transmitters 5/8/13-2/4/14	Office of the Minister, The Hon. Malcolm Turnbull	Third party consultation with Minister	3 rd party consultation extension received for non-government consultation (30 days)	No.	Email

Staffing Resources

Two ACMA officers attend to FOI work in conjunction with their other duties. FOI work occupies approximately 20 per cent of their time, giving a total of 0.4 FTE allocated to processing FOI requests.

FOI Disclosure Log

1. The ACMA maintains a webpage (the 'Disclosure Log') allowing direct download of documents. In the minority of cases where the documents released under FOI are too voluminous to be practically published on the Disclosure Log, the ACMA provides details describing the documents so that an individual may request access to the documents through another means.
2. Not applicable.
3. No.
4. Not applicable.

With respect to FOI requests

Of the 42 documents assessed as conditionally exempt,

- a. 1 was released in full;
- b. 36 were released in part; and
- c. 5 were refused access on the grounds that release of the document would be contrary to the public interest.