

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry Portfolio
Budget Estimates Hearing 2014-15
2-3 June 2014

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY

TOPIC: Freedom of Information

REFERENCE: Written Questions – Senator Ludwig

QUESTION No.: BI-131

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 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

The following questions relate to the period from 18 September 2013:

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

FOI Disclosure Log

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)?
- 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?
 - i. 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:

1. How many documents were assessed (at internal review or - if internal review was not requested - by the original decision maker) as conditionally exempt?
2. 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

Details are provided for the period 28 February to 30 June 2014.

Consultations with other Departments, Agencies and the Minister

1. When it receives FOI requests the Department may consult or inform other departments or agencies as required on a case by case basis. For example, the Department will consult with the Department of Prime Minister and Cabinet in relation to cabinet related documents.
2. Other than for the purpose of discussing transfer under section 16 of the FOI Act, the Department was not required to consult or inform other departments or agencies about FOI requests received in the period 28 February 2014 to 30 June 2014.
3. The Department does not consult or inform the Minister's office when it receives an FOI request. The Department provides the Minister's office with a fortnightly status report on FOI applications received by the Department.
4. Not applicable.

Staffing resources from the period 18 September 2013

1.

APS Level	Assigned solely to process FOI requests	Assigned indirectly to process FOI requests
APS5	1 FTE x approximately 50 %	N/A
EL1	1 FTE x 100%: 1 P/T x 100%	N/A
EL2	1 FTE x approximately 50 %	N/A
SES Band 1	1 FTE x approximately 10%	N/A
All departmental SES	N/A	All departmental SES are authorised decision makers under the FOI Act.

FOI Disclosure Log

1.

- a. The Department does not maintain a webpage allowing direct download of documents from the Department's FOI disclosure log.
- b. The Department requires individuals to contact the Department's FOI team to request a copy of documents from the Department's FOI disclosure log.
- c. Not applicable.

2. The Department has not moved from a system of allowing direct download to a request for access system. The Department has consistently required individuals to request a copy of documents from the Department's FOI disclosure log.

3. In the period 28 February to 30 June 2014 the Department has not charged for access to documents under section 11C (4) of the FOI Act.

4. Not applicable.

With respect to FOI requests received for the period 28 February to date

1. In the period 28 February to 30 June 2014, the Department assessed 23 documents (at internal review or - if internal review was not requested - by the original decision maker) as conditionally exempt.

2. Of those 23 documents:

- a. None were released in full.
- b. 11 were released in part.
- c. 12 were refused access on the grounds that release of the document would be contrary to the public interest.
- d. Not applicable.