

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Treasury Portfolio
Supplementary Budget Estimates
2014 - 2015

Department/Agency: ACNC
Question: SBT4093-4103
Topic: Freedom of Information
Reference: Written - 30 October 2014
Senator: Ludwig, Joe

Question:

The following questions relate to requests made pursuant to the Freedom of Information Act (the Act):

Consultations with other Departments, Agencies and the Minister

4093. 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?
4094. 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
4095. 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?
4096. 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:

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4097. For the period of time from 18 September 2013, what was the average FTE is allocated to processing FOI requests?

FOI Disclosure Log

4098. 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).
4099. 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?
4100. Has the Department or Agency charged any for access to a document under section 11C (4)?
4101. 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:

4102. How many documents were assessed (at internal review or - if internal review was not requested - by the original decision maker) as conditionally exempt?
4103. 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)

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Answer:

4093. Yes.

4094.

Department or Agency consulted	Document	Purpose of consultation	Whether extension of time sought from the applicant	Whether extension of time sought from the Information Commissioner
Australian Taxation Office (ATO)	Email from the ATO to the ACNC attaching information in relation to an ACNC investigation	To allow the ATO an opportunity to request that some or all of the document not be released on the basis that it is exempt under the FOI Act.	No	No

4095. No.

4096. N/A

4097. The FOI function sits within the ACNC's Legal directorate. Based on the FOI requests to date, each request requires on average 14-21 hours to process.

4098.

a) Yes.

b) Currently all documents in the disclosure log can be downloaded or accessed via the website.

c) The disclosure log states 'If you are unable to read the format provided please contact the FOI Contact Officer. We will try to meet all reasonable requests for an alternative format of the document in a timely manner and at the lowest reasonable cost to you.' To date the ACNC has not received any request for a document in an alternate form.

4099. N/A

4100. No.

4101. No.

4102. Two.

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4103.

a) None.

b) None.

c) One.

d) The existence of one requested document was neither confirmed nor denied and access was refused. If it did not exist, it would not have been provided because it did not exist. If it did exist, it would have been conditionally exempt and not released on the grounds that it would be contrary to the public interest to do so.