

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
SUPPLEMENTARY BUDGET ESTIMATES 2013-2014

Finance Portfolio

Question reference number: F118

Senator: Ludwig

Topic: Freedom of Information

Question:

1. Can the department please outline the process it under goes to access Freedom of Information requests?
2. Does the department consult or inform the Minister when it receives Freedom of Information requests?
 - a) If so, when?
 - b) If so, how does this occur?
3. Does the department consult or inform other departments or agencies when it receives Freedom of Information requests?
 - a) If so, which departments or agencies?
 - b) If so, when?
 - c) If so, how does this occur?
4. Does the department consult or inform the Minister when or before it makes a decision on a Freedom of Information request?
 - a) If so, when?
 - b) If so, how does this occur?
5. Does the department consult or inform other departments or agencies when or before it makes a decision on a Freedom of Information request?
 - a) If so, which departments or agencies?
 - b) If so, when?
 - c) If so, how does this occur?
6. What resources does the department commit to its Freedom of Information team?
7. List the staffing resources by APS level assigned solely to Freedom of Information requests
8. List the staffing resources by APS level assigned indirectly to Freedom of Information requests
9. Does the department ever second addition resources to processing Freedom of Information requests?
 - d) If so, please detail those resources by APS level
10. How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the department?
 - a) How does this differ to the number of officers designated as at 6 September 2013?
11. How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the Minister's office?

- b) How does this differ to the number of officers designated as at 6 September 2013?
12. 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?
13. What training does the department provide to designated decision makers under the Freedom of Information Act who work within the department?
- a) Of the officers designated as decision makers within the department, how many have received formal training?
- b) Of the officers designated as decision makers within the department, how many have received informal training?
- c) How long after each officers appointment as a designated decision maker did they receive formal training?
- d) What did the training involve?
- e) How long was the training?
- f) By whom was the training conducted?
14. 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?
- a) Of the officers designated as decision makers, how many have received formal training?
- b) Of the officers designated as decision makers, how many have received informal training?
- c) How long after each officers appointment as a designated decision maker did they receive formal training?
- d) What did the training involve?
- e) How long was the training?
- f) By whom was the training conducted?

Answer:

Department / Agency	Response
Finance	<ol style="list-style-type: none"> 1. Refer to the Freedom of Information homepage on the Department of Finance website at http://www.finance.gov.au/foi/foi.html . 2. The Minister's office receives by email a weekly FOI requests report for the department, and is informed when an FOI access decision has been signed by the authorised decision maker. The department consults with the Minister's office as required or permitted by the <i>Freedom of Information Act 1982</i> [FOI Act]. 3. Prior to the FOI access decision being made, the department may inform and/or consult with another department or agency, including the Department of the Prime Minister and Cabinet, by email: <ol style="list-style-type: none"> a) as required by the FOI Act; and b) if the other department or agency may be affected by the decision. 4. Refer to answer to question 2 5. Refer to answer to question 3 6. The department provides its FOI team with similar resources to other officers in the department. 7. 2x EL1 and 1x APS4. 8. Other staff include EL1s, EL2s and SES officers, principally engaged as

	<p>decision makers or peer advisers.</p> <ol style="list-style-type: none"> 9. No. 10. As at 6 September 2013, the department had approximately 362 authorised FOI access decision makers. Currently, the number is 348. 11. None. 12. Not applicable. 13. The Department provides a range of formal and informal training for its authorised FOI access decision makers. Formal training comprises attendance at seminars and presentations by legally qualified practitioners with experience and expertise in the FOI Act. Informal training comprises electronically available reference materials, support and assistance from the FOI team and peer adviser network, and access to legal advice as required. Given the number of authorised FOI access decision makers, the level of detail otherwise sought would involve an unreasonable diversion of departmental resources. 14. Not applicable.
AEC	<ol style="list-style-type: none"> 1. The AEC processes FOI requests in accordance with the requirements of the FOI Act. Where the AEC gives access to documents under a FOI request then, subject to the exceptions provided in section 11C of the FOI Act the AEC publishes documents accessed under a FOI request in its FOI Disclosure Log that is published on the AEC website at http://www.aec.gov.au/About_AEC/foi/foi.htm. 2. No. 3. No, unless a consultation is required under the FOI Act. <ol style="list-style-type: none"> a) This depends on the circumstances of each request. The Attorney-General's Department requires consultation about any request relating to a cyber incident. b) Within the 30 day period required by paragraph 15(5)(b) of the FOI Act. c) By email addressed to the relevant FOI Officer of the department or agency consulted. 4. In the ordinary course, no. However the Minister may be briefed about a request that raises matters of significance, which would usually occur in an FOI request from the media. <ol style="list-style-type: none"> a) This notification would occur shortly after the FOI request has been received and after a decision on access has been made. b) An appropriate briefing is prepared. 5. No, unless the other department or agency was consulted about the request. <ol style="list-style-type: none"> a) The relevant department or agency is informed of the terms of the decision on the request. b) At the time the decision is notified to the applicant. c) By email. 6. A senior executive decision maker and an Execute Level 1 employee with additional support as required. 7. Nil. 8. A senior executive decision maker and an Execute Level 1 employee with

	<p>additional support as required.</p> <p>9. No.</p> <p>10. 16.</p> <p>a) No change.</p> <p>11. The AEC has no knowledge of FOI decision makers in the Ministers Office.</p> <p>12. The AEC has no knowledge of FOI decision makers in the Ministers Office</p> <p>13. The AEC uses training courses provided by the Office of the Australian Information Commissioner.</p> <p>a) 1.</p> <p>b) 16.</p> <p>c) Varies. The designation attaches to defined positions and the appointment is not linked to training opportunities.</p> <p>d) An outline of the objects and provisions of the FOI Act and workshopping various requests that may be received.</p> <p>e) 1 day.</p> <p>f) Office of the Australian Information Commissioner.</p> <p>14. Not applicable.</p>
ComSuper	<p>1. ComSuper's FOI process is set out in the procedure document 'How to Process a Freedom of Information (FOI) request'. In summary, ComSuper receives FOI requests by letter or email to ComSuper's FOI proxy email address.</p> <p>2. No.</p> <p>a) - b) N/A.</p> <p>3. No.</p> <p>a) - c) N/A.</p> <p>4. No.</p> <p>a) - b) N/A.</p> <p>5. ComSuper can consult or inform other departments or agencies in relation to an FOI request.</p> <p>a) Any department/agency where the requested documents relate to the functions of that department/agency.</p> <p>b) Consultation will occur on a case by case basis, depending on the request itself.</p> <p>c) If the department/agency verbally accepts the request, ComSuper will formally transfer the request in writing.</p> <p>6. Refer to the response for questions 1, 7 and 8.</p> <p>7. ComSuper has one full time APS level 5 officer assigned principally to FOI requests.</p> <p>8. ComSuper has two Executive Level 2 officers and one Senior Executive Band 1 officer who are assigned indirectly to FOI requests.</p> <p>9. No.</p> <p>a) N/A.</p> <p>10. As at 31 October 2013, ComSuper had 11 officers who were designated decision makers under the Freedom of Information Act 1982.</p>

	<p>a) As at 6 September 2013, there were nine designated decision makers.</p> <p>11. As an agency, ComSuper does not have any designated decision makers within the Minister's office.</p> <p>a) N/A.</p> <p>12. Refer to the response for question 11.</p> <p>13. As a small agency, ComSuper does not internally provide formal FOI training.</p> <p>a) Of the officers designated as decision makers within ComSuper, three officers have received formal training in the form of attending a specific FOI course.</p> <p>b) Of the officers designated as decision makers within ComSuper, four officers have received informal training by way of law degrees and general decision making courses.</p> <p>c) The designated FOI officer received training immediately.</p> <p>d) The training the designated FOI officer received involved attending two courses provided by the Australian Government Solicitor's (AGS) office.</p> <p>e) The training the designated FOI officer received was one day in length for the introductory course and one day in length for the advanced course.</p> <p>f) The Australian Government Solicitor's (AGS) office.</p> <p>14. Refer to the response for question 11.</p>
Commonwealth Superannuation Corporation	<p>1. If CSC receives a Freedom of Information request it proceeds to process it in accordance with its legal obligations.</p> <p>2. No.</p> <p>3. Only if it is relevant to dealing with the request – eg if the request should be transferred to another agency.</p> <p>4. No.</p> <p>5. Only if it is relevant to dealing with the request.</p> <p>6. CSC does not have a Freedom of Information team. FOI requests are handled by the General Counsel group.</p> <p>7. Nil.</p> <p>8. N/A.</p> <p>9. No.</p> <p>10. 1; no difference.</p> <p>11. CSC has no knowledge of this.</p> <p>12. N/A.</p> <p>13. Nil.</p> <p>14. N/A.</p>
Future Fund Management Agency	<p>1. Requests are received by the FOI Coordinator and processed in accordance with the Agency's policy and procedure which reflect the requirements of the FOI Act.</p> <p>a) No.</p> <p>b) No.</p> <p>3. a) to c) Consultation is only undertaken where it is required under the Agency's policy and procedure consistent with the guidelines from the FoI Commissioner.</p> <p>4.</p> <p>a) No.</p>

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| | <p>b) No.</p> <p>5. a) to c) Consultation is only undertaken where it is required under the Agency's policy and procedure consistent with the guidelines from the FOI Commissioner.</p> <p>6. The FOI Decision maker and FOI Coordinator incorporate their responsibilities within their broader roles. Legal advice is available as necessary.</p> <p>7. None. Staff who deal with FOI request do so as part of their broader roles.</p> <p>8. FFMA7 and FFMA 5.</p> <p>9. No.</p> <p>10. One.</p> <p>a) No difference.</p> <p>11. Not applicable.</p> <p>b) Not applicable.</p> <p>12. Not applicable.</p> <p>13.</p> <p>a) None.</p> <p>b) One.</p> <p>c) Immediately.</p> <p>d) Briefing with the legal team and provision of relevant guidelines, policies and procedures.</p> <p>e) Training comprised discussion and review of documents and as such duration cannot be accurately determined.</p> <p>f) Internal resources.</p> <p>14.</p> <p>a) to f) Not applicable.</p> |
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