

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Supplementary Budget Estimates 18-22 November 2013

Prime Minister and Cabinet Portfolio

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** 1.1 Prime Minister and Cabinet

**Topic:** FOI – Incoming Government Brief – communications with the Office of the Prime Minister

**Senator:** Senator the Hon Penny Wong

**Question reference number:** 110

**Type of Question:** Written

**Date set by the committee for the return of answer:** 17 January 2014

**Number of pages:** 3

**Question:**

With reference to evidence by Ms Elizabeth Kelly, Deputy Secretary, to the Supplementary Estimates hearing on 18 November 2013 that there has been no discussion with the Office of the Prime Minister about FOI requests seeking Incoming Government Briefs:

Can all communications with the Office of the Prime Minister since 18 September 2013, verbal and written, that reference FOI requests seeking Incoming Government Briefs be outlined, including, for each communication (a) date (b) purpose of communication and (c) parties to the communication? Can copies of written communications be provided?

Can all communications with the office of the Hon Tony Abbott MP between 7 September and 18 September 2013, verbal and written, that reference FOI requests seeking Incoming Government Briefs be outlined, including, for each communication (a) date (b) purpose of communication and (c) parties to the communication?

Can copies of written communications be provided?

**Answer:**

The evidence by Ms Kelly to the Supplementary Estimates hearing on 18 November 2013 was in the context of the decision made by Ms Myra Croke on an FOI request lodged by the Hon Chris Bowen MP seeking the incoming government briefs. The evidence was that the Office of the Prime Minister was informed of that decision but that there had been no discussion with the Office about the decision.

This accords with the Department's standard practice in the handling of FOI requests made to the Department.

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Since 2 September 2013, the Department has received 21 requests for incoming government briefs, including the request from Mr Bowen.

The Department's FOI Business Rules require that relevant officers in the Department and the Prime Minister's Office are informed when an FOI request is received. In addition, they are also informed when a decision is imminent. The Business Rules are available

at: [http://www.dpmc.gov.au/foi/ips/docs/foi\\_business\\_rules\\_processing\\_requests.pdf](http://www.dpmc.gov.au/foi/ips/docs/foi_business_rules_processing_requests.pdf)

In relation to communications with the Office of the Prime Minister since 18 September; it would be difficult to provide this level of detail in full. We note, however, that consistent with the Business Rules, for each request received, the Office would have been informed shortly after receipt of each request and shortly before each decision was finalised. The Office is also provided with a global information update weekly on all FOI matters on hand, which would include any extant requests made to the Department for the incoming government briefs.

There were no communications with the office of the Hon Tony Abbott MP between 7 September and 18 September 2013 that referenced specific FOI requests made to the Department seeking Incoming Government Briefs. One communication to Mr Abbott informed him that a number of Departments had received FOI requests for the incoming government briefs.

The provision of copies of written communications would involve divulging personal information. We can advise, however, that the standard content of the email notifying a new FOI request has been received, copied to the Office of the Prime Minister, is as follows:

Dear [relevant Deputy Secretary]

We have received a new FOI request for [subject matter]. A copy of the request is attached.

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I recommend that [position, name] be the decision maker for the request. Please advise by return email today if you prefer that an alternative decision maker should be nominated.

A decision on access to the documents sought is due to be finalised by [date].

In accordance with the Department's FOI business rules, I have copied this email to the Secretary, the Prime Minister's office, the recommended decision-maker and their manager.

Please advise if you consider anyone else should be alerted to the request at this stage.

<signature block>