

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 requests

Senator: Senator Dean Smith

Question reference number: 51

Type of Question: Hansard

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

Number of pages: 1

Question:

Senator SMITH: Chair, in relation to FOI issues. I am happy for you to take this on notice. I am curious to know how many times the former Prime Minister sought to have FOI requests not released and how many times she may have been overruled?

Ms Kelly: Are they decisions by the Prime Minister's office?

Senator SMITH: Yes.

Ms Kelly: I am not quite sure that I understand the question. The decisions overruled on review by the Information Commissioner?

Senator SMITH: That is right, yes.

Ms Kelly: We can certainly take that on notice.

Senator SMITH: Thank you, Ms Kelly.

Answer:

Merits review decisions made by the Information Commissioner (IC) are published on the OAIC's website at <http://www.oaic.gov.au/freedom-of-information/applying-the-foi-act/ic-review-decisions/>. There are three IC review decisions that affirmed decisions of the former Prime Minister: *Parnell and Prime Minister of Australia* [2011] AICmr 10 (21 December 2011), *Parnell and Prime Minister of Australia (No 2)* [2011] AICmr 12 (23 December 2011); and *Davies and Department of the Prime Minister and Cabinet* [2013] AICmr 10 (22 February 2013). There is one IC review decision that set aside a decision of the former Prime Minister: *Fletcher and Prime Minister of Australia* [2013] AICmr 11 (22 February 2013).