

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Group: 2**

**Program: General**

**Question: BE14/081**

**Senator Singh asked the following question at the hearing on 26-29 May 2014:**

1. Do your FOI guidelines note that public interest test for conditionally exempt documents is weighted towards disclosure?
2. Is the principle of the FOI Act that government agencies should act impartially, promptly and with a view to facilitating public access, within a pro-disclosure culture?
3. "I now refer you to comments made by the Secretary of the Attorney-General, Roger Wilkins AO, at the November Estimates, when questioned by my colleague Senator Singh about the refusal to release the Incoming Government Briefs under FOI:
  - a. The last two times we played softball and now we are playing hardball. Seriously.
4. If an agency were to take a hardball approach to freedom of information, is this consistent with a pro-disclosure culture?
5. In answer to questions on notice (Question 72 arising out of the last Estimates) the OAIC advised that there had been no change of policy on FOI by the Government. How can this be reconciled with Mr Wilkins' comment?
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**The answer to the honourable senator's question is as follows:**

1. The Office of the Australian Information Commissioner is responsible for FOI guidelines.
2. The objects of the *Freedom of Information Act 1982* are set out in sections 3 and 3A.
3. This is not a question.
4. An agency must process requests in accordance with the FOI Act.
5. Please refer to question 4.
6. Please refer to question 4.