

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 174
Hearing: Additional Estimates
Outcome: Corporate
Programme: Policy and Communications Division
Topic: Portfolio wide - Freedom of Information requests
Hansard Page: N/A
Question Date: 7 March 2014
Question Type: Written

Senator Ludwig asked:

1. 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?
2. 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?

Answer:

Department of the Environment

1. In accordance with the requirements of the *Freedom of Information Act 1982* and Guidelines issued by the Office of the Australian Information Commissioner:
 - a) The Department informs the Minister of an FOI request when it is determined the request may include shared resources or may require transfer of the request to the Minister.
 - b) The FOI Coordination Team branch head informs the Minister's Chief of Staff (by email) of a request that may relate to information held by the Minister, as it may be necessary to transfer the request to the Minister in part or in full and/or consult the Minister on release of information that relates to official documents of the Minister.
2. Please refer to the Department's response to the Supplementary Budget Estimates question 193 in November 2013. This response is unchanged.

Bureau of Meteorology

1. No.
2. Yes.
 - a) Only relevant departments or agencies.
 - b) Where it is proposed to transfer the request to the other agency because the subject matter of the request is more relevant to the other agency than the Bureau. Other specific instances are:
 - The Cabinet Secretariat where the request relates to Cabinet documents.
 - Exempt security agencies where the request relates to documents supplied by these agencies.
 - The Department of the Environment's FOI Team if the Bureau's FOI Coordinator requires advice on particular aspects of FOI.

Clean Energy Regulator

1. No.
2. The agency does not routinely consult or inform other departments or agencies when it receives an FOI request.

Where an FOI request seeks a document that refers to, or relates to, information in the possession or control of another department or agency, the Clean Energy Regulator consults with the relevant department or agency according to the processes set out in the *Freedom of Information Act 1982* and associated Guidelines. Ordinarily, consultation occurs by telephone and/or email.

To date, the Clean Energy Regulator has consulted the Office of the Australian Information Commissioner, the Department of the Environment (including its predecessors) and the Department of the Prime Minister and Cabinet. On occasions, the Clean Energy Regulator has also consulted with state agencies and departments.

Climate Change Authority

1. No.
2. To date, under a shared service agreement, the Department of Industry provided legal services to the Authority, including Freedom of Information advices. This consultation was via email and telephone.
 - a) The Department of Industry and the Office of the Australian Information Commissioner if required.
 - b) The Department of Industry legal services team was consulted as soon as a FOI request was received. The Office of the Australian Information commissioner receives reports on the total number of FOIs received.
 - c) The Department of Industry legal services team was emailed with a request to provide relevant advice.

Great Barrier Reef Marine Park Authority

1. Yes.
 - a) The Great Barrier Reef Marine Park Authority would consult or inform the Minister if there are documents identified that involved the Minister or his office.
 - b) Through the Department of the Environment, who liaise with the Minister's Office on the Great Barrier Reef Marine Park Authority's behalf.
2. Yes.
 - a) Depends on the nature of the Freedom of Information request and the individual documents. Queensland departments and agencies are consulted in accordance with the *Freedom of Information Act 1982*.
 - b) Commonwealth departments and agencies are consulted where documents relate to their functions as per Freedom of Information Guidelines. Where the *Freedom of Information Act 1982* requires consultation then this occurs. Commonwealth departments and agencies are also consulted for the purpose of transferring requests.
 - c) Consultation between the Great Barrier Reef Marine Park Authority and departments or agencies occurs through the officers of the relevant departments or agencies who are involved in processing the relevant Freedom of Information request.

Murray-Darling Basin Authority

1. The Murray-Darling Basin Authority informs but does not consult the Minister's and Parliamentary Secretary's Offices when a Freedom of Information request is received.
 - a) The Minister's and the Parliamentary Secretary's Offices are informed after the acknowledgement to the applicant of receipt of the request.
 - b) The Minister's and the Parliamentary Secretary's Offices are informed by e-mail.
2. No.

National Water Commission (the Commission)

1. The Commission may inform the Minister's Office where this is consistent with the procedures set out in response to Additional Estimates 2014 QON 173.
 - a) the Parliamentary Secretary's Office would be informed after acknowledgement to the applicant of receipt of the request.
 - b) the Parliamentary Secretary's office would be informed by email.
2. The Commission would inform other departments and agencies where this was consistent with the procedures listed in response to Additional Estimates 2014 QON 173.
 - a) - c) any consultation, its timing and the method of consultation or provision of information would depend on the nature of the question.

Sydney Harbour Federation Trust

There has been no change to the answer provided to this question through Supplementary Budget Estimates 2013 QON 192 and 193.