

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
SUPPLEMENTARY BUDGET ESTIMATES 2011-2012

Finance and Deregulation Portfolio

Department/Agency: Department of Finance and Deregulation

Outcome/Program: General

Topic: Freedom of Information

Senator: Ryan

Question reference number: F91

Type of question: Written

Date set by the committee for the return of answer: Friday, 30 March 2012

Number of pages: 2

Question:

- a) Has the Department/agency received any advice on how to respond to FOI requests?
- b) What was the total cost to the department to process FOI requests for 2009-10 and 2010-11?
- c) What is the total cost to the department to process FOI requests for this financial year to date?
- d) How many FOI requests did the Department receive for the financial year 2009-10 and 2010-11? For each financial year, how many requests were denied and how many were granted? Did the department fail to meet the processing times outlined in the FOI Act for any requests? If so, how many? Do any of these requests remain outstanding?
- e) How many FOI requests has the Department received for this financial year to date? How many requests have been denied and how many have been granted? Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many? Do any of these requests remain outstanding?
- f) How many conclusive certificates have been issued in relation to FOI requests for this financial year to date?

Answer:

- a) Yes:
 - On 30 April 2009, the Cabinet Secretary, Senator the Hon John Faulkner, wrote to the Secretaries of all departments outlining the Government's FOI reform objectives.
 - On 28 October 2010, the Minister for Privacy and Freedom of Information, the Honourable Brendan O'Connor MP, wrote to the Secretaries of all departments to update on progress of the reforms to freedom of information laws and seek assistance in implementing the reforms.

- Prior to 1 November 2010, PM&C issued guidelines to all agencies on the operation of the FOI Act. The guidelines are available on the PM&C website.
 - Since 1 November 2010 the Office of the Australian Information Commissioner (OAIC) has issued guidelines under s 93A of the *Freedom of Information Act 1982*.
 - The Department of the Prime Minister and Cabinet (PM&C) issued the 'FOI Guidance Notes – July 2011' to all departments. The guidance is available on the PM&C website.
- b) This information is reported in the Freedom of Information Act 1982 Annual Reports for 2009-10 and 2010-11. The Annual Reports are available on the OAIC website for 2010-11, and the PM&C website for 2009-10.
- c) The information for this financial year has not been collated. The department is required to report to the OAIC on costs to process FOI requests on an annual basis, with information collected in July each year for the previous financial year. Total costs for 2011-12 will be made available in the Freedom of Information Act 1982 Annual Report for 2011-12.
- d) This information is reported in the Freedom of Information Act 1982 Annual Reports for 2009-10 and 2010-11. The Annual Reports are available on the OAIC, for 2010-11, and the PM&C website, for 2009-10.
- e) For the period 1 July to 31 December 2011, the Department received 65 FOI requests. 13 were released in full, 9 were released in part and 7 were refused. During this period the Department failed to meet the processing times outlined in the FOI Act on one request.
- f) Nil. As advised in answer to F68 on 2 December 2011.

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
ADDITIONAL BUDGET ESTIMATES 2011-2012

Finance and Deregulation Portfolio

Department/Agency: Australian Electoral Commission

Outcome/Program: General

Topic: Freedom of Information

Senator: Ryan

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- f) How many conclusive certificates have been issued in relation to FOI requests for this financial year to date?

Answer:

- a) The only advice received by the AEC on FOI matters has been general advice from the Office of the Australian Information Commissioner on dealing with FOI requests.
- b) The AEC has no systems in place for recording the actual costs of processing FOI requests.

- c) The AEC has no systems in place for recording the actual costs of processing FOI requests.
- d) This information appears at table 47 on page 205 of the AEC's Annual Report for 2010-11. All requests received were responded to within the processing times outlined in the FOI Act.
- e) As at 31 January 2012, the AEC had received 3 new FOI requests in the 2011-12 financial year. Of the 3 new FOI requests, 2 requests were refused in full and 1 request was granted in part.
- f) Nil.

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
ADDITIONAL BUDGET ESTIMATES 2011-2012

Finance and Deregulation Portfolio

Department/Agency: ComSuper

Outcome/Program:

Topic: Freedom of Information

Senator: Ryan

Question reference number: F91

Type of question: Written

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Answer:

- a) Please refer to the response to Question on Notice F68 from the Supplementary Budget Estimates Hearings, October 2011.
- b) 2009-10 – \$113,000 (estimated)
2010-11 – \$104,000 (estimated)
- c) 2011-12 to 31 January 2012 – \$62,000 (estimated)
- d) As outlined in the Commissioner for Superannuation 2009-10 Annual Report, ComSuper received 203 FOI requests for that year. Of these, 182 requests were granted in full, five partially granted, six were denied, nine requests were withdrawn by the applicant and one request was still under consideration as at 30 June 2010. As outlined in the Commissioner for Superannuation 2010-11 Annual Report, ComSuper

received 198 FOI requests for that year. Of these, 181 requests were granted in full, six partially granted, eight were denied and three requests were withdrawn by the applicant. In 2009-10, all requests were processed within the prescribed time limits. In 2010-11 resolution of one request (since completed) took longer than the prescribed time.

- e) ComSuper received 79 FOI between 1 July 2011 and 31 January 2012. Of these, 70 requests were granted in full, four partially granted, three were denied, one request was withdrawn and one request was outstanding at that date. All requests were processed within the prescribed time limits.
- f) Nil. Conclusive certificates were abolished on 7 October 2009.

Senate Finance and Public Administration Legislation Committee
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ADDITIONAL BUDGET ESTIMATES 2011-2012

Finance and Deregulation Portfolio

Department/Agency: Commonwealth Superannuation Corporation

Outcome/Program:

Topic: Freedom of Information

Senator: Ryan

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Answer:

- a) Yes.
- b) 2009-10: \$11,449.90; 2010-11: \$29,134.60.
- c) Nil.
- d) For 2009-2010 refer to ARIA's Annual Report to Parliament 2009-2010, p. 231. For 2010-2011 refer to ARIA's Annual Report to Parliament 2010-2011, p. 235.
- e) Nil.
- f) Nil.

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
ADDITIONAL BUDGET ESTIMATES 2011-2012

Finance and Deregulation Portfolio

Department/Agency: Future Fund Management Agency

Outcome/Program: General

Topic: Freedom of Information

Senator: Ryan

Question reference number: F91

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Answer:

- a) The Agency receives guidance from the Office of the Australian Information Commissioner and advice from external legal providers as required.
- b) 2009-10: \$6,602; 2010-11: \$9,109.
- c) \$56,206.
- d) 2009-10: Three. Three granted.
2010-11: Eight. Seven granted. One withdrawn.
All requests met FOI Act processing times.
- e) Five. Four granted. One pending. All (four) of the requests met the processing time requirements of the FOI Act however the decision with regard to one request was superseded by a subsequent decision issued following expiry of the processing time.
- f) None.