

Senate Standing Committee on Finance and Public Administration

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Budget Estimates Hearing 26 May - 27 May 2008



Question: PM70

Outcome 1, Output 5

Topic: Freedom of Information request

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Senator Abetz asked: -But you know what I am saying. This person [Godwin Grech] was the author, the personal author and personal recipient of documents. We are not talking about some knowledge of the documents, some contact with the documents. He was the author and recipient of documents and then deleted something in relation to those documents. That is a lot different and, I would have thought anybody would say on the face of it, a clear conflict of interest, but Prime Minister and Cabinet does not think so.

Ms Belcher-I will have a look at the case. I am not familiar with it personally.

Senator ABETZ-If you could, please, and get back in touch

Answer: The initial decision-maker for most FOI requests made to the Department of the Prime Minister and Cabinet is the Assistant Secretary of the area most concerned with the subject matter or principal subject matter of the request – which is usually the area in which the bulk of any relevant documents are held. This reflects a view that familiarity with the subject matter of documents and their context is highly desirable for assessment of public interests in relation to release or exemption of documents, and a view that the Assistant Secretary level is an appropriate level for FOI decision-making, and administrative efficiency.

Accordingly, it is not uncommon for the decision-maker on a request to the department to have been already familiar, to a greater or lesser extent, with documents within the scope of a request, before coming to make decisions on the request under the FOI Act. The department does not consider that this involves any conflict of interest; on the contrary, it supports effective decision-making.

The department notes that while Mr Grech was the author of certain documents within the scope of Senator Abetz's request, he was not the 'personal author' as he wrote the documents in his official rather than personal capacity. The department also notes that there is no basis to suggest that Mr Grech deleted any part of any document subject to Senator Abetz's request – rather, he decided to exempt certain material under the FOI Act, subject to possible review as provided under the Act.

The department also notes that, in a request of 23 April 2008 for internal review under the FOI Act of Mr Grech's decision, Senator Abetz raised the question of the

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Additional Estimates Hearings 2004-2005, 14 February 2005

appropriateness of Mr Grech being the decision-maker because of his involvement with the relevant documents. The internal review decision-maker, Dr Dickson (First Assistant Secretary, Industry, Infrastructure and Environment Division), conducted an internal review and made a fresh decision on the merits of the case.

In her internal review decision of 29 May 2008, Dr Dickson noted that, because of the relatively small size of the department, it is not unusual for a decision-maker to have had involvement with the subject-matter of the request, and that FOI access decisions are made in accordance with the relevant provisions of the FOI Act regardless of any involvement the decision-maker may have had with the subject-matter of the request. Dr Dickson also noted her satisfaction that Mr Grech had not been biased in his decision-making.