

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

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet
Outcome/Program: 1.1 – Prime Minister and Cabinet
Topic: Freedom of Information

Senator: Fifield

Question reference number: 134

Type of question: Written

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Number of pages: 2

Question:

- 1. Has the Department/agency received any advice on how to respond to FOI requests?**
- 2. How many FOI requests has the Department received?**
- 3. How many have been granted or denied?**
- 4. How many conclusive certificates have been issued in relation to FOI requests?**

Answer:

1. During the period from 3 December 2007 to 22 June 2011, the Department of the Prime Minister and Cabinet (PM&C) received the following advice on how to respond to FOI requests.
 - On 30 April 2009, Senator the Hon John Faulkner, the then Cabinet Secretary, wrote to the Secretary of PM&C (and to the heads of other agencies subject to the FOI Act) outlining the government's FOI reform objectives and asking that it be made clear to FOI decision makers that the starting point for considering FOI requests should be a presumption in favour of giving access to documents.
 - On 28 October 2010, the Hon Brendan O'Connor MP, Minister for Privacy and Freedom of Information, wrote to the Secretary of PM&C (and to the heads of other agencies subject to the FOI Act) to update them on progress of the reforms to freedom of information laws and seek their assistance in implementing the reforms. Mr O'Connor indicated that he would be grateful if secretaries and agency heads take a lead role in ensuring the effective and workable implementation of the Government's pro-disclosure policy and associated reforms.
 - The guidelines to all agencies on the operation of the FOI Act, issued by the department prior to 1 November 2010 or issued subsequently by the Office of the Australian Information Commissioner.
 - legal advice obtained from time to time in relation to individual FOI applications.

2. For the period from 3 December 2007 to 22 June 2011, PM&C received 319 FOI requests.
3. Of the 319 requests referred to in 2 above, as at 22 June 2011, 43 had been granted in full, 33 had been granted in part, 30 were transferred to another agency in full, 96 were withdrawn by the applicant, 77 were refused and 40 remained on hand. Of the 77 applications refused, 58 were refused on the basis that the department had no relevant documents, under section 24A of the FOI Act.
4. During the term of the current government, neither any portfolio minister nor the department has issued any conclusive certificates. The *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* commenced on 7 October 2009.