

CHAPTER 21

STATISTICS

21.1 The 1986 amendments reduced the statutory reporting requirements to what the Government considered to be the minimum necessary in order to monitor the general operation of the Act.¹ Agencies are now specifically required to report upon the following matters:

- . number of section 19 access requests
- . number of requests for which access was granted in whole, in part, or not at all
- . number of applications for internal review and for AAT review, with results in each category
- . details of charges and fees collected
- . number of requests to amend personal records, with results
- . identification of guidelines on FOI issued to agencies by the Attorney-General's Department
- . description of any other efforts by that Department to assist agencies to comply with their FOI obligations

21.2 These are minimum requirements. The Government intends to keep further information. Senator Gareth Evans, on behalf of the Government, informed the Senate that:

There is a desire, as there has been in the past, to keep the maximum amount of information about the way the system is working and the costs that are being incurred in relation to it and I give ... [the] assurance that that objective will continue. Implicit within the collection of such data is, obviously, continued close supervision by the Attorney-General's Department of the way in which the system is being administered by

1. Senate, Hansard, 23 September 1986, p. 805 (Senator Grimes).

the other agencies and that implies a degree of discipline over the way in which the system is being operated.²

21.3 Mr. Paul Chadwick suggested to the Committee that:

Easing the scrutiny of how agencies are applying the FOI Act would encourage those who obstruct it. Early warning of abuse or of legitimate problems in administering the act will cease ...³

21.4 In the Committee's view, this does not justify retaining the costly statistical reporting system which prevailed prior to the 1986 amendments. The FOI Act has been in operation for more than four years, and has now been the subject of two extensive reviews: one by this Committee, and one by the Inter-Departmental Committee which examined the costs of the operation of the freedom of information legislation on behalf of the Government. Consequently, the Committee considers that the cost of detailed reporting cannot be justified in the future.

21.5 Accordingly, the Committee endorses the 1986 reduction in the scope of compulsory reporting. In so doing, the Committee relies upon the undertaking given by Senator Evans on behalf of the Government that the Attorney-General's Department will continue to scrutinise and supervise the operation of the Act. In particular, the Committee notes that information about the costs of freedom of information will continue to be collected and made available to the Parliament.⁴ The Committee would oppose the abandonment of this reporting.

21.6 Mr Paul Chadwick also criticised the 1986 amendment which introduced and defined 'partial access' for statistical purposes. The effect of the definition (s.93(3A)) is that partial

2. Senate, Hansard, 15 October 1986, p. 1365.

3. Submission from Mr Paul Chadwick, p. 6.

4. Cf. FOI Annual Report 1986-87, p. 51.

access may be recorded as having been granted where only a very small proportion of the material requested has been released. This may tend to distort the statistics about the operation of the Act.⁵ Equally, partial access may be recorded where only insignificant (from the applicant's point of view) documents are withheld or deletions are made. The Committee acknowledges that this may occur.

21.7 While the total figures for the grant of access or denial of access may be taken to indicate the degree to which access-seekers have been satisfied, the figure for partial access is ambiguous. The Committee does not know of any economical way in which to render the reporting of partial access less ambiguous.

21.8 Any attempt to refine the category of partial access by reference to the quantity of material withheld as a proportion of that requested would ignore the fact that quality rather than quantity may be important to many access-seekers. Alternatively, the quality of the material released may be assessed only by reference to the applicant's motive.

21.9 Quite apart from the practical difficulty of determining motives, the Committee recommends that agencies not have regard to the motives of access-seekers for statistical or any other purposes.

21.10 Senator Stone endorses this recommendation only insofar as it precludes the consideration of motives for statistical purposes.

5. Submission from Mr Paul Chadwick, p. 6.

