

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Supplementary Budget Estimates Hearings November 2014

Communications Portfolio

NBN Co Limited

Question No: 139

Program No. NBN Co

Hansard Ref: In Writing

Topic: Freedom of Information

Senator Ludwig asked:

The following questions relate to requests made pursuant to the Freedom of Information Act (the Act):

Consultations with other Departments, Agencies and the Minister

1. Other than for the purpose of discussing a transfer under section 16 of the Act, does the Department consult or inform other Departments or Agencies when it receives Freedom of Information requests?
2. If so, for each instance provide a table setting out the following information:
 - a. The Department or Agency which was consulted;
 - b. The document;
 - c. The purpose of the consultation;
 - d. Whether an extension of time was sought from the applicant to allow time for the consultation, including whether it was granted and the length of the extension;
 - e. Whether an extension of time was sought from the Information Commissioner to allow time for the consultation, including whether it was granted and the length of the extension
3. Other than for the purposes of discussing a transfer under section 16 of the Act, has the Department consulted or informed the Minister's office about Freedom of Information requests it has received?
4. If yes, provide a table setting out the following information:
 - a. The requests with respect to which the Minister or Ministerial office was consulted;
 - b. The Minister or Ministerial office which was consulted;
 - c. The purpose of the consultation;
 - d. Whether an extension of time was sought from the applicant to allow time for the consultation, including whether it was granted and the length of the extension;
 - e. Whether an extension of time was sought from the Information Commissioner to allow time for the consultation, including whether it was granted and the length of the extension
 - f. Whether any briefings (including formal briefs, email briefings and verbal briefings) were provided to the Minister's office

Staffing resources

The following questions relate to the period from 18 September 2013:

1. For the period of time from 18 September 2013, what was the average FTE allocated to processing FOI requests?

FOI Disclosure Log

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1. For the purposes of meeting its obligations under 11C of the Act, does the Department or Agency:
 - a. Maintain a webpage allowing download of documents released under section 11A (direct download)?
 - b. Require individuals to contact the Department or Agency to ask for the provision of those documents (request for provision)?
 - c. Facilitate to those documents in a different manner (if so, specify).
2. If the Department or Agency has moved from a system of meetings its 11C obligations by direct download, to a system of meeting those obligations by request for provision, provide the following information:
 - a. The dates for which documents were made available for direct download, and the dates for which documents were made available through request for provision;
 - b. The total number of direct downloads of documents released under 11A the Departmental or Agency website;
 - c. The total number of requests for provision to documents that had been directly received, and how many had been processed by [date]?
 - d. What was the average FTE allocated to monitoring incoming email, collating and forwarding documents providing under a request for provision?
 - i. What was the approximate cost for salaries for the FTE staff allocated to this task?
3. Has the Department or Agency charged for access to a document under section 11C(4)?
4. If so, please provide the following information in a table:
 - a. On how many occasions charges have been imposed;
 - b. The amount charged for each document
 - c. The total amount charged;
 - d. What is the highest charge that has been imposed.

With respect to FOI requests:

1. How many documents were assessed (at internal review or - if internal review was not requested - by the original decision maker) as conditionally exempt?
2. Of those, how many were:
 - a. Released in full
 - b. Released in part
 - c. Refused access on the grounds that release of the document would be contrary to the public interest
 - d. Other (please specify)

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Answer:

Consultations with other Departments, Agencies and the Minister

1. NBN Co will only formally consult with other departments or agencies where formal third party consultations are required under the FOI Act. NBN Co may inform its Shareholder Departments – the Department of Communications and the Department of Finance if the FOI application is likely to be of significant public interest. However, NBN Co's FOI Officer makes their decision independently, based on their interpretation of the FOI Act and its Regulations, relevant case law, the Information Commissioner's Guidelines and other relevant sources, including the facts related to the relevant documents.
2. Between 1 June 2014 and 31 December 2014, NBN Co initiated one formal third party consultation with the Attorney-General's Department (AGD) pursuant to section 27 of the FOI Act. As part of the third party consultation, NBN Co sought comments and relevant objections from the AGD in relation to the release of an NBN Co related document which referred to that Department. No extensions of time were sought from the applicant or the Information Commissioner for the consultation.
3. Between 1 June 2014 and 31 December 2014, NBN Co did not initiate a consultation or otherwise inform the Minister or the Minister's Office of any FOI requests.
4. Not applicable.

Staffing resources

1. FOI resourcing details may be found on the Information Commissioner's website at the following link and they have not changed materially since those statistics were published.
<http://www.oaic.gov.au/images/documents/freedom-of-information/foi-resources/foi-reports/foistats-2012-13/annual-report-2012-13-foi-agency-stats.xls>

FOI Disclosure Log

- 1-4. Please refer to the answer to QoN 298, Estimates Hearings, May 2014 – **FOI Disclosure Log**. There has been no material change in NBN Co practices relevant to these questions in the intervening period.

With respect to FOI requests:

- 1-2. Conditional exemptions were not relied upon between 1 June 2014 and 31 December 2014.