

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2013-2014**

Cross Portfolio

Department of Employment Question No. EM0063_14

Senator Ludwig provided in writing.

Freedom of Information

Question

1) Can the department please outline the process it under goes to access Freedom of Information requests? 2) Does the department consult or inform the Minister when it receives Freedom of Information requests? a. If so, when? b. If so, how does this occur? 3) Does the department consult or inform other departments or agencies when it receives Freedom of Information requests? a. If so, which departments or agencies? b. If so, when? c. If so, how does this occur? 4) Does the department consult or inform the Minister when or before it makes a decision on a Freedom of Information request? a. If so, when? b. If so, how does this occur? 5) Does the department consult or inform other departments or agencies when or before it makes a decision on a Freedom of Information request? a. If so, which departments or agencies? b. If so, when? c. If so, how does this occur? 6) What resources does the department commit to its Freedom of Information team? 7) List the staffing resources by APS level assigned solely to Freedom of Information requests 8) List the staffing resources by APS level assigned indirectly to Freedom of Information requests 9) Does the department ever second additional resources to processing Freedom of Information requests? a. If so, please detail those resources by APS level 10) How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the department? a. How does this differ to the number of officers designated as at 6 September 2013? 11) How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the Minister's office? a. How does this differ to the number of officers designated as at 6 September 2013? 12) Of the officers that are designated decision makers under the Freedom of Information Act 1982 within the Ministers office, how many are seconded officers from the department? 13) What training does the department provide to designated decision makers under the Freedom of Information Act who work within the department? a. Of the officers designated as decision makers within the department, how many have received formal training? b. Of the officers designated as decision makers within the department, how many have received informal training? c. How long after each officers appointment as a designated decision maker did they receive formal training? d. What did the training involve? e. How long was the training? f. By whom was the training conducted? 14) What training does the department provide to designated decision makers under the Freedom of Information Act who work within the Minister's office, excluding those officers on secondment from the department? a. Of the officers designated as decision makers, how many have received formal training? b. Of the officers designated as decision makers, how many have received informal training? c. How long after each officers appointment as a designated decision maker did they

receive formal training? d. What did the training involve? e. How long was the training? f. By whom was the training conducted?

Answer

Pending finalisation of Machinery of Government (MoG) changes, the new Department of Employment ('the department') draws upon the FOI team from the former Department of Education, Employment and Workplace Relations' corporate cluster for assistance in processing FOI requests directed to department. All FOI requests made of the department are processed in accordance with the requirements of the *Freedom of Information Act 1982* ('the FOI Act') and all relevant decisions are made by an authorised decision maker within the department.

Consultation

The department provides regular reports to the Minister on FOI requests that relate to the Minister's portfolio.

In circumstances where certain documents falling within the scope of an FOI request have originated from another government agency or the subject matter of the documents relate to the functions or activities of that agency, the department will typically consult with the agency on those documents before any decision on access is made.

Resources

Currently the practice is for the Chief Counsel in the department to make all decisions under the FOI Act. However, all SES officers in the department are authorised to make decisions under the FOI Act and are available to make such decisions where appropriate.

Training

As indicated above, the department currently draws upon the expertise of trained officers in the FOI team from the former Department of Education, Employment and Workplace Relations' corporate cluster. The relevant officers have received appropriate formal and informal FOI training. This training varies in length and content and is provided to officers on an as needs basis. These officers are able to provide FOI advice to the Minister's office as required.