

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/253) PROGRAMME – Internal Product

Senator Ludwig (Written) 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

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?

a. If so, for each instance provide a table setting out the following information:

i. The Department or Agency which was consulted;

ii. The document;

iii. The purpose of the consultation;

iv. 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;

v. 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

b. 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?

c. If yes, provide a table setting out the following information:

i.. The requests with respect to which the Minister or Ministerial office was consulted;

ii. The Minister or Ministerial office which was consulted;

iii. The purpose of the consultation;

iv. 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;

v. 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

vi. Whether any briefings (including formal briefs, email briefings and verbal briefings) were provided to the Minister's office

Answer:

When the material that falls within the scope of the request relates to the functions of another agency the portfolio will consult with any relevant department or agency in the Commonwealth or the States and Territories. This is consistent with the requirements of the FOI Act and the Guidelines published by the Office of the Australian Information Commissioner. In addition, the Department of Prime Minister

and Cabinet must be consulted about any request that includes the consideration of Cabinet-related material.

The portfolio processes close to 15,000 FOI requests a year. A proportion of these would require informal consultation with other departments or agencies although this is not possible to quantify. In some instances it may have been necessary to seek an extension of time from the applicant to process the requests, especially if the consultation was informal. An extension of time of 30 days is allowed in the FOI Act for formal consultation with State and territory departments or agencies.

In some cases it would have been necessary to seek an extension of time from the OAIC. Most requests under s15AB or s15AC of the FOI Act have been granted by the OAIC.