

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 175
Hearing: Additional Estimates
Outcome: Corporate
Programme: Policy and Communications Division
Topic: Portfolio wide - Freedom of Information decisions
Hansard Page: N/A
Question Date: 7 March 2014
Question Type: Written

Senator Ludwig asked:

1. 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?
2. 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?

Answer:

Department of the Environment

1. Please refer to the Department's response to the Supplementary Budget Estimates Question 194 in November 2013. This response is unchanged.
2. Please refer to the Department's response to the Supplementary Budget Estimates Question 195 in November 2013. This response is unchanged.

Bureau of Meteorology

1. Yes. The Bureau of Meteorology informs the Parliamentary Secretary's Office (PSO) of the number of FOI requests being processed.
 - a) The Bureau informs the PSO of decisions once the decision has been finalised prior to release to applicant or publication via the FOI Disclosure Log.
 - b) Specific discussions on FOI matters occur once the decision has been taken by the delegate. These discussions are generally in response to media inquiries that may be generated by the information released under FOI.
2. The Bureau of Meteorology processes requests, including requirements for third party consultation, in accordance with the requirements of the *Freedom of Information Act 1982* and Guidelines issued by the Office of the Australian Information Commissioner (OAIC)
 - a) Only relevant agencies or departments.
 - b) Only where documents received from another agency have been identified as within scope of the FOI request, or where consultation is required under the FOI Act or Guidelines (for example, in relation to Cabinet documents).
 - c) The Bureau's FOI Coordinator liaises with his counterpart in the other agency.

Clean Energy Regulator

1. No.
2. No.

The Clean Energy Regulator does not consult or inform the Minister before it makes a decision on a Freedom of Information (FOI) request. Ordinarily, the Clean Energy Regulator provides a copy of an FOI decision to the Minister's Office after a decision has been made, depending on the nature of the request.

Climate Change Authority (the Authority)

1. To date, as a courtesy, the Authority has informed the Minister's Office of a Freedom of Information request.
 - a) The Minister's Office was informed after a decision had been taken and prior to the release of any documents.
 - b) The Minister's Office was informed by email from the Department of Industry Freedom of Information legal team.
2. To date, under a shared service agreement, the Department of Industry provided legal services to the Authority, including Freedom of Information advices. This consultation was via email and telephone.
 - a) The Department of Industry and the Office of the Australian Information Commissioner if required.
 - b) The Department of Industry legal services team was consulted as soon as a FOI request was received. The Office of the Australian Information commissioner receives reports on the total number of FOIs received.
 - c) The Department of Industry legal services team was emailed with a request to provide relevant advice.

Great Barrier Reef Marine Park Authority

1. No.
2. No.

National Water Commission (the Commission)

1. The Commission may inform the Minister's Office when it makes a decision where this is consistent with the procedures set out in response to Additional Estimates 2014 QON 173.
 - a) The Parliamentary Secretary office would be informed at the same time as responding to the applicant.
 - b) The Parliamentary Secretary's office would be informed by email.
2. The Commission would inform other departments and agencies where this was consistent with the procedures listed in response to Additional Estimates 2014 QON 173.
 - a) - c) any consultation, its timing and the method of consultation or provision of information would depend on the nature of the question.

Murray-Darling Basin Authority

1. Yes.
 - a) The Murray-Darling Basin Authority informs the Minister's and the Parliamentary Secretary's Offices after the applicant has been notified of the decision made on their Freedom of Information request.
 - b) The Minister's and the Parliamentary Secretary's Offices are informed by e-mail.
2. No.

Sydney Harbour Federation Trust

There has been no change to the answer provided to this question through Supplementary Budget Estimates 2013 QON 194 and 195.