

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Resources, Energy and Tourism Portfolio

Supplementary Budget Estimates

18 October 2012

Question: SR36
Topic: Freedom of Information
Proof Hansard Page: Written

Senator Bushby asked:

1. Has the department/agency received any updated advice on how to respond to FOI requests?
2. What is the total cost to the department/agency to process FOI requests for 2011-12? How many FOI requests did the department/agency receive in 2011-12? How many requests were denied and how many were granted? Did the department fail to meet the processing times outlined in the FOI Act for any requests? If so, how many? Do any of these requests remain outstanding?
3. What is the total cost to the department to process FOI requests for this financial year to date?
4. How many FOI requests has the Department received for this financial year to date? How many requests have been denied and how many have been granted? Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many and why? Do any of these requests remain outstanding? If so, how many and why?

Answer:

The Department

1. Yes. The Department has received updated advice on responding to freedom of information (FOI) requests which has come from the Office of the Australian Information Commissioner and from independent law firms conducting current awareness seminars.
2. The Department does not record the full or actual cost of processing FOI requests. Excluding staff salaries and overheads, we estimate our processing costs for the 2012-2013 financial year is as follows:

Photocopying/Printing: \$1155
Purchase of materials: \$38
Postage: \$117.75
Telephone: \$15

The Department does not outsource any FOI matters to external legal providers.
3. Between 1 July 2012 and 30 October 2012 the Department received 6 new FOI requests:
 - 2 requests have been transferred to other agencies under section 16 of the *Freedom of Information Act 1982* (FOI Act);
 - in 2 requests there were no documents within the scope of the applicant's request; and
 - the Department is currently processing 2 requests.

The Department has been able to meet the processing times for all 6 FOI requests received in the 2012-2013 financial year.

4. No conclusive certificates have been issued this financial year to date. The *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* (the Act) commenced on 7 October 2009. The Act repealed the power of agencies to issue conclusive certificates under the *Freedom of Information Act 1982*.

Australian Renewable Energy Agency

The Australian Renewable Energy Agency (ARENA) has not had any FOI requests this financial year to date. Questions relating to the 2011-12 financial year are not applicable because ARENA was established on 1 July 2012.

Geoscience Australia

1. Geoscience Australia (GA) has received regular updated advice on how to respond to FOI requests. GA has received this advice by initiating contact with the Office of the Australian Information Commissioner (OAIC) as well as through the receipt of standardised agency communications from the OAIC.
2. The total cost to GA to process FOI requests in 2011-12 was \$250. GA has received one FOI request and was granted for the 2011-12 financial year. GA successfully met the processing times outlined in the FOI Act for the request received.
3. There has been no cost incurred for FOI requests this financial year to date.
4. GA has not received any FOI requests this financial year to date.

Tourism Australia

1. Tourism Australia has not received advice on how to respond to FOI requests.
2. Tourism Australia spent less than \$1000 on external legal advice relating to FOI matters for 2011-12. TA does not employ a dedicated FOI officer. Duties are absorbed into the duties of existing employees.

In 2011-12 Tourism Australia received 4 FOI requests. In respect of two of the requests, Tourism Australia did not hold any documents within the scope of the requests. In respect of the other two requests, the applicants elected to treat the applications as requests for information outside the formal operation of the FOI Act.

All FOI requests were dealt with in the timeframe outlined in the FOI Act

3. Nil.
4. Nil.

National Offshore Safety & Environmental Management Authority

1. Yes, the National Offshore Safety and Environmental Management Authority (NOPSEMA) has received updated advice on responding to FOI requests which has come from the Office of the Australian Information Commissioner.
2. NOPSEMA does not record the full or actual cost of processing FOI requests. Excluding staff salaries and overheads, the total estimated cost to NOPSEMA to process FOI requests as reported to the Office of the Australian Information Commissioner for 2011-12:

Photocopying/printing	\$80
Postage and data CD creation/post	\$80
Telephone	\$120
Total	\$280

In 2011-2012 a total of 8 FOI requests were received. Generally speaking, where exemptions applied to certain information in documents, such information is deleted (or redacted) rather than whole documents or whole requests being denied in full.

Of those requests:

- NOPSEMA granted partial access to documents on 6 requests and granted full access to documents on 1 requests.
- no requests for access were denied
- 1 request was withdrawn

NOPSEMA successfully met all statutory processing timeframes.

3. NOPSEMA does not record the full or actual cost of processing FOI requests. Excluding staff salaries and overheads, the total cost to NOPSEMA to process FOI requests as at 31 October 2012 (since 1 July 2012) is estimated:

Photocopying/printing	\$10
Postage and data CD creation/post	\$15
Telephone	\$20
Total	\$45

4. As at 31 October 2012, NOPSEMA has received 2 FOI requests since 1 July 2012. Of those requests, neither was denied or granted, but one request was withdrawn and the other is currently being processed.

NOPSEMA has successfully met all statutory processing times. The request that was withdrawn was withdrawn by the applicant prior to the statutory timeframe for processing expiring. In relation to the other request, the statutory timeframe for processing has not yet expired.

Australian Solar Institute

The Australian Solar Institute has not received any advice or FOI requests this financial year to date, or for the 2011-12 financial year.