

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION  
LEGISLATION COMMITTEE**

**2005-2006 SUPPLEMENTARY BUDGET SENATE ESTIMATES HEARING  
2 and 3 NOVEMBER 2005**

**EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

**QUESTIONS ON NOTICE**

**Corporate**

**Question Number: W528-06**

**Question:**

Senator Murray asked in writing

ANAO audits for the last three years have revealed a consistently low level of compliance across most agencies with DOFA confidentiality criteria (February 2003) for determining whether commercial information should be protected as confidential. The ANAO's latest report on the Order (No.11 2005-2006, September 2005) states that departments and agencies need to give higher priority with this important requirement of the Senate Order:

- (a) What specific measures have been or will be taken to address this problem, give it higher priority and raise compliance levels?
- (b) What guidance and training are provided to staff about the confidentiality criteria and the four tests employed to determine whether information should be protected?
- (c) What internal auditing or checking is performed to test compliance in this area? If none is performed, why not and is the agency considering the adoption of internal controls and checks

**Answer:**

- (a) The department uses an on-line Contracts and Indemnities register (CIR) to assist in compiling information for the Senate Order. The CIR was enhanced in May 2003 to incorporate the DOFA confidentiality criteria (February 2003) and include guidance material about the confidentiality criteria.
- (b) Refer to response W525-06(a). Staff can also seek advice from the Department's Legal Branch in relation to confidentiality provisions.
- (c) From time to time, the department conducts reviews of its systems and processes to test compliance. For example, currently, as noted in the department's Annual Report 2005-05, at page 228, a major review of the department's CIR registry is underway.