

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates 11-14 February 2013

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1.3 Support Services for Government Operations

Topic: FOI - AWU case, PMO FOI Decision

Senator: Senator the Hon Abetz

Question reference number: 3

Type of Question: FPA, P62

Date set by the committee for the return of answer: 2 April 2013

Number of pages: 2

Question:

Senator ABETZ: Can you confirm that there are documents in existence generated by key staff and other taxpayer funded officials in the Prime Minister's office relating to the Australian Workers Union fraud scandal?

Senator Conroy: I am afraid that I think your question seeks to put words in my mouth. I am happy to take on notice the question. I thought I read out that the decision-maker found the documents sought by the applicant would not be official documents because they did not relate to the affairs of an agency or department.

Senator ABETZ: So there are documents in existence-

Senator Conroy: I am happy to take on notice to make sure we get you an exact answer to your question.

Senator ABETZ: Were those documents itemised that were denied to the *Australian*? As I understand it, with FOI documents one has to identify them with a date and subject matter even if you are not going to release them. I understand that that has not even occurred.

Senator Conroy: I am not in a position to agree or disagree with you.

Senator ABETZ: If you could take that on notice-

Senator Conroy: I am happy to take that on notice.

Senator ABETZ: and if that assertion is correct, could you explain why that process was not followed to tell us how many documents at least are in existence by taxpayer funded key staff working on this AWU fraud scandal in the Prime Minister's office.

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates 11-14 February 2013

Prime Minister and Cabinet Portfolio

Answer:

The *Freedom of Information Act 1982* (FOI Act) provides a right of access to an official document of a Minister. The decision-maker for the FOI request advised the applicant that the nature of the documents to which access was sought was such that any such documents would not be official documents of a Minister. The decision-maker further advised the applicant that it was considered unnecessary to undertake any searches for documents fitting the terms of the FOI request as any such documents, if they existed, would not be official documents of a Minister and would therefore not be documents to which an FOI applicant would have a right of access under the FOI Act. As a result, there was no requirement to itemise documents or to advise how many documents, if any, might be in existence.