

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Supplementary Budget Estimates 18-21 October 2010

Question: PM123

Asked By: Senator Abetz

Topic: FOI requests

Type of Question: Written

Date set by the committee for the return of answer: 3 December 2010

Number of pages: 3

- a) **Has the Department/agency received any advice from the Government or any other source on how to respond to FOI requests?**
- b) **How many FOI requests has the Department received?**
- c) **How many have been granted or denied?**
- d) **How many conclusive certificates have been issued in relation to FOI requests?**
- e) **Has the Department/agency received any FOI requests for its Incoming Government Brief ('Red Book')? If yes, when and will it be released?**
- f) **Has the Department/agency received any FOI requests for its Incoming Government Brief ('Blue Book')? If yes, when and will it be released?**

Answer:

- (a) During the term of the current government, the department has received the following advice on how to respond to FOI requests.
 - On 30 April 2009, Senator the Hon John Faulkner, the then Cabinet Secretary, wrote to the Secretary of the Department (and to the heads of other agencies subject to the FOI Act), outlining the government's FOI reform objectives and asking that it be made clear to FOI decision makers that the starting point for considering FOI requests should be a presumption in favour of giving access to documents.

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- On 28 October 2010, the Hon Brendan O'Connor MP, Minister for Privacy and Freedom of Information, wrote to the Secretary of the Department and to the heads of other agencies subject to the FOI Act to update them on progress of the reforms to freedom of information laws and seek their assistance in implementing the reforms. Mr O'Connor indicated that he would be grateful if secretaries and agency heads take a lead role in ensuring the effective and workable implementation of the Government's pro-disclosure policy and associated reforms.
 - The Department also takes into account guidelines to all agencies on the operation of the FOI Act, issued by the Department prior to 1 November 2010 or issued subsequently by the Office of the Australian Information Commissioner.
 - The Department has also, from time to time, obtained legal advice in relation to individual FOI applications.
- (b) For the period from 3 December 2007 to 10 November 2010, the Department received 206 FOI requests.
- (c) Of the 206 requests referred to in (b) above, as at 11 November 2010, 31 had been granted in full, 22 had been granted in part, 25 were transferred to another agency in full, 64 were withdrawn by the applicant, 35 were refused and 29 remained on hand. Of the 35 applications refused, 30 were refused on the basis that the department had no relevant documents, under section 24A of the FOI Act.
- (d) During the term of the current government, neither any portfolio minister nor the Department has issued any conclusive certificates. The *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* commenced on 7 October 2009.

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- (e) The Department has received FOI requests for its Incoming Government Brief ('Red Book'), on 25 August, 21 September, 1 and 4 November 2010. The requests are under consideration in accordance with the FOI Act.
- (f) The Department has received an FOI request for its Incoming Government Brief ('Blue Book'), on 4 November 2010. The request is under consideration in accordance with the FOI Act.