

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**SUPPLEMENTARY BUDGET ESTIMATES 2011-2012**

Prime Minister and Cabinet Portfolio

**Department/Agency:** Australian Public Service Commission  
**Outcome/Program:** Cross Portfolio  
**Topic:** Freedom of Information

**Senator:** Ryan

**Question reference number:** 134

**Type of question:** Written

**Date set by the committee for the return of answer:** 2 December 2011

**Number of pages:** 3

**Question:**

- 1. Has the Department/agency received any advice on how to respond to FOI requests?**
- 2. How many FOI requests has the Department received for the year 2010-11? How many have been granted or denied?**
- 3. How many conclusive certificates have been issued in relation to FOI requests for the year 2010-11?**
- 4. How many FOI requests has the Department received for this FYTD? How many have been granted or denied?**
- 5. How many conclusive certificates have been issued in relation to FOI requests for this FYTD?**

**Answer:**

1. Yes.

The Australian Public Service Commission (the Commission) subscribes to a number of electronic mailing lists that provide information on Freedom of Information (FOI). For example, the Office of the Australian Information Commissioner (OAIC) regularly provides information through its OAICnet Email service. This information frequently includes advice on FOI matters, including general advice on how to respond to FOI requests. In addition to its OAICnet Email service, the OAIC also provides information to Commonwealth agencies through its Govdex site.

The Australian Information Commissioner has issued guidelines under the *Freedom of Information Act 1982* that FOI decision-makers are required to have regard to when making a decision on a request. In July 2011, the Department of the Prime Minister and Cabinet provided FOI Guidance Notes to all departments – [http://www.dpmc.gov.au/foi/guidance\\_notes.cfm](http://www.dpmc.gov.au/foi/guidance_notes.cfm). Where relevant, these guidelines are also taken into account by authorised decision makers within the Commission.

The Commission subscribes to electronic mailing lists provided by a number of law firms as well as the Australian Government Solicitor. These mailing lists occasionally include information about FOI.

In accordance with the provisions of the *Freedom of Information Act 1982*, the Commission consults with third parties, where necessary, about the release of business documents or documents affecting personal privacy. In these circumstances, the Commission often receives submissions from those third parties.

Where necessary, the Commission also consults with other Government agencies about FOI requests. In these circumstances, the Commission often receives advice and submissions from those agencies.

The Commission has requested and received advice directly from the OAIC about matters concerning the processing of FOI requests. The Commission has requested and received external legal advice in relation to individual FOI requests when considered necessary.

2. During the period 1 July 2010 to 30 June 2011 the Public Service Commissioner received four FOI requests and the Merit Protection Commissioner received 12 FOI requests. The Remuneration Tribunal received 6 requests.

Of the four FOI requests received by the Public Service Commissioner, two were granted in full, one was withdrawn and one was refused. With respect to the request that was withdrawn, documents were provided outside the provisions of the FOI Act. The fourth request was refused because the Public Service Commissioner did not possess any documents falling within the scope of the request.

Of the 12 FOI requests received by the Merit Protection Commissioner, three were granted in full, two were partially refused and seven were withdrawn. With respect to the requests that were withdrawn, documents were provided outside the provisions of the FOI Act in respect of six of the requests.

Of the 6 requests received by the Remuneration Tribunal, 5 were granted in full and 1 was refused.

3. No conclusive certificates were issued in relation to FOI requests for the year 2010-11.

The power to issue conclusive certificates was repealed from the *Freedom of Information Act 1982* on commencement of the *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* on 7 October 2009.

4. During the period 1 July 2011 to 10 November 2011 the Public Service Commissioner received 16 FOI requests and the Merit Protection Commissioner received four FOI requests. The Remuneration Tribunal received 1 request.

Of the 16 FOI requests received by the Public Service Commissioner, four were granted in full, one was partially refused, two were refused in full, two were withdrawn and seven were awaiting responses. With respect to the requests that were

refused in full, these requests were refused because the Public Service Commissioner did not possess any documents falling within the scope of the requests.

Of the four FOI requests received by the Merit Protection Commissioner one was withdrawn and three were outstanding.

No decision has been made on the request received by the Remuneration Tribunal.

5. No conclusive certificates were issued in relation to FOI requests for this FYTD.

The power to issue conclusive certificates was repealed from the *Freedom of Information Act 1982* on commencement of the *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* on 7 October 2009.