



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON ECONOMY AND GENDER AND ECONOMIC EQUALITY  
Ms Leanne Castley MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),  
Mr Johnathan Davis MLA

### **Inquiry into Annual and Financial Reports 2020-2021 ANSWER TO QUESTION TAKEN ON NOTICE 1 March 2022**

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Asked by PETER CAIN MLA on 1 MARCH 2022: CHRIS STEEL MLA took on notice the following question(s):

In relation to: FOI requests

MR CAIN: Yes, no, thank you, Chair. So minister, my question is regarding FOI requests, and I refer to ACT Ombudsman report, a question on the operation of the Freedom of Information Act, CMTEDD report volume one, page 139. In 2021, the ACT Ombudsman reported that the number of FOI refusals increased by one third, compared to the previous year. Minister, is that expected to be the case again this year, and what are you doing across the whole of government to reduce the rate of refusals and also, to speed up the release of information?

Mr Steel: There may be very good reasons for refusals, and I will—if CMTEDD officials can provide some further context for those numbers, that would be useful. There are a few officials coming in, you might have to repeat your question, Mr Cain, just for the benefit of officials.

Ms Croke: Lisa Croke, Deputy Director General, Policy and Cabinet Division and I acknowledge the privileges statement. Mr Cain, I did hear the question, I think I am going to have to take that on notice so I can ask our corporate colleagues within CMTEDD if they can provide more detail about that.

MR CAIN: Okay, thank you then. Thank you, Chair.

CHRIS STEEL MLA: The answer to the Member's question is as follows:—

- The 2021-2022 year to date average for an FOI decision by CMTEDD is 10.8 working days. This is down from the previous financial year average of 15.3 working days. Both these periods are well within the 20-day response period stipulated under the *Freedom of Information Act 2016*.
- Most FOI applications dealt with by CMTEDD result in the provision of information. Sometimes, however, this is not possible, and requests must be refused.

- This can be for a range of reasons, which are set out in the FOI Act. For CMTEDD, the key reason for more than half of our refusals is that we do not hold the information requested.
- Other common reasons for refusal include the information is already publicly available, is part of an ongoing investigation, would prejudice an individual's right to privacy, or would be in contempt of court.

Approved for circulation to the Standing Committee on Economy and Gender Equality

Signature:



Date:

11/3/22

By the Special Minister of State, Chris Steel MLA