

Freedom of Information

Freedom of Information Act 1982 — Annual Report 1995-96

The Annual Report on the operation of the *Freedom of Information Act 1982* for 1995-96 was released in December 1996.

The Minister's Introduction to the Annual Report notes that the Government is considering the joint report of the Administrative Review Council and the Australian Law Reform Commission, entitled *Open Government: a review of the federal Freedom of Information Act 1982*.

Chapter 1 of the Annual Report notes that there were minor amendments to the Freedom of Information (FOI) Act and Regulations during the reporting year. These included amendments as a consequence of the sale of both Qantas and the Commonwealth Bank by the Commonwealth. A number of amendments made to the *Administrative Appeals Tribunal Act 1975* by the *Law and Justice Legislation Amendment Act (No 1) 1995* affected FOI administration. The amendments made by that Law and Justice Legislation Amendment Act were discussed in an earlier edition of *Admin Review*.

Activity under the FOI Act during the reporting year included:

- a total of 39,327 access requests were received by 87 agencies (which was a 5.25% increase over 1994-95) – the total number of access requests since the FOI Act came into operation was 434,613 at 30 June 1996 — agencies were only asked to supply figures on formal requests, that is, those which met the requirements of section 15 of the Act;
- the majority of the requests were made to the Departments of Veterans' Affairs (31.1%), Social Security (20.5%), Immigration and Multicultural Affairs (17.2%) and the Australian Taxation Office (22.6%); requests made to these agencies usually

seek access to documents containing the applicant's own personal information;

- 77.2% of access requests were granted in full, 17.4% were granted in part and 5.3% of requests were refused. Agencies with the highest refusal rates included Telstra Corporation Limited (49 of 124 requests) the Attorney-General's Department (9 of 25 requests), the Australian Securities Commission (15 of 59 requests) and the Department of Administrative Services (6 of 24 requests);
- the time taken to respond to access requests improved over the previous reporting year – over 80.1% of access requests were responded to in less than 30 days (compared to 78.1% in 1994-95) and only 1.2% were still outstanding after 90 days (compared to 2.5% in 1994-95);
- \$417,046 was collected in application fees. \$4,002 was collected in internal review application fees;
- agencies notified a total of \$308,608 in charges in respect of processing of requests and collected \$200,166 (64.9% of those charges). Notification is a preliminary assessment of the charge for processing a request; following notification an applicant can withdraw the request, ask that the charge be reduced or not imposed, or agree to pay the charge as assessed;
- 323 applications for internal review were made – applicants challenged 3.9% of agency decisions to refuse access or grant access in part. Of the 273 decisions made following internal review during the year, 67.4% affirmed the original decision and 32.6% resulted in some concession to applicants (mostly access with deletions);
- the AAT reported 118 applications for review concerning FOI in the reporting year (as compared to 113 in the previous year);
- the Commonwealth Ombudsman received 283 complaints about FOI matters in the reporting year (as compared to 288 in the previous year); and

- the total reported cost attributable to the FOI Act during 1995-96 was \$14,827,461 compared to \$11,955,482 for the previous year (a 24.02% increase) – a summary of the costs reported by all agencies, including labour and non-labour costs are set out at Appendices K and L of the Report.

The Ombudsman

Release of A Good Practice Guide for Effective Complaint Handling

In early 1996, the Ombudsman's office wrote to agencies seeking details of any internal complaints systems and review mechanisms which clients could access before seeking external review or redress. Approximately 80 agencies responded.

The Ombudsman reports that, apart from the review systems required of particular agencies by statute, less than 20% of agencies had a complaint system in place to deal with general service delivery issues which would probably satisfy the Australian Standard on *Complaints handling* (AS4269-1995). Another 10% of agencies indicated that they were in the process of reviewing their current systems with a view to improving them.

These results are discussed in the Foreword to a new publication *A Good Practice Guide for Effective Complaint Handling* published by the Ombudsman's office in April. The Guide describes the essential elements of an effective complaint handling system from the theoretical standpoint and then discusses how these principles can be put into practice in any agency. The Foreword also notes that, during the 1995/96 financial year, over a quarter of the complaints received by the Ombudsman's

office were about basic service delivery issues, such as timeliness and staff behaviour.

The Ombudsman's survey is also discussed in her Focus Article in this edition of *Admin Review*.

ATSIC Complaints System

Over the past year the Ombudsman's office has been assisting the Aboriginal and Torres Strait Islander Commission (ATSIC) to develop processes for dealing with internal review of decisions and for handling complaints from the public. The majority of matters involved relate to decisions on funding of community organisations and the subsequent administration of funded programs.

ATSIC's unique structure of elected and administrative arms and its delivery of programs through a large number of community-based organisations throughout the country pose particular challenges in the development of a complaint-handling mechanism.

ATSIC is launching a pilot complaint program in New South Wales. According to the Ombudsman, complaint issues and locations will be monitored during the pilot program to enable the ultimate establishment of an effective national ATSIC complaint system.

Public Report on Activities for 1995-96

This report was released by the Ombudsman's Office at the end of 1996. The report outlines the types of complaints received with case studies to show how complaints are resolved. Copies of the report were circulated to community organisations and Members of Parliament.

Copies of publications and information material are available from the Ombudsman's Office or check the Ombudsman's Home Page on the Internet: <http://www.comb.gov.au>