

Dealing with documents related to Ministers

A discussion about Ministerial Offices and their expectations of portfolio agencies regarding documents that may fall within Clause 12(c) of Schedule 1 to the FOI Act.

The Ministers that the FOI Unit supports with their FOI applications



The Western Australian Government Ministry



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As at 13-December-2018

All government agencies provide advice and support to the Premier and Cabinet in their service of the Western Australian Community.

Why a Ministerial Office may need to know what their portfolio agency is releasing under FOI



If documents you are releasing contain matters likely to be sensitive, controversial and/or of interest to the media then the Ministerial Office should be aware.

Information is exempt where public disclosure would infringe the privileges of Parliament



The justification for parliamentary privilege is that, to work effectively, Parliament must have freedom of speech and the **freedom to control its own proceedings**

Clause 12(c) of Schedule 1 to the FOI Act

Exempt matter

12. Contempt of Parliament or court

Exemptions

Matter is exempt matter if its public disclosure would, apart from this Act and any immunity of the Crown —

- (a) be in contempt of court;
- (b) contravene any order or direction of a person or body having power to receive evidence on oath; or
- (c) **infringe the privileges of Parliament.**

[Clause 12 amended by No. 19 of 2010 s. 59.]

The Parliamentary Antenna



To understand what documents may be exempt under clause 12(c) you will need to develop a Parliamentary antenna!

What types of documents may be exempt under clause 12(c)?

- **Parliamentary Questions**
- **Contentious Issues Briefing Notes (CIBN's)**
- **Parliamentary Committee Documents**
- **Any document brought into existence for the purposes of or incidental to the transacting of the business of a House or Committee of Parliament**

Any of the above that has **not** been publicly disclosed (in Hansard for example) may be exempt matter

Parliamentary Questions

Question on Notice or Question without Notice

LEGISLATIVE ASSEMBLY Question On Notice

Thursday, 21 November 2019

0001. Mr F.T. Smith to the Minister for Stationery

For all staples purchased and being used by the Minister's office, departments, agencies, government trading enterprises or boards within the Minister's portfolio responsibilities, since 11 March 2017, I ask:

- (a) how many staples has the Minister's Office used?;
- (b) how many staples has the Minister's departments, agencies, government trading enterprises or boards used?; and
- (c) What is the total cost of the staples purchased.

Agency answer

LEGISLATIVE COUNCIL Question Without Notice

Thursday, 21 November 2019

C001. Hon R.T. Brown to the Leader of the House representing the Minister for Stationery

I refer to the Minister's staple supply and ask the Minister to advise:

- 1. how many staples has the Minister used today?

Agency answer

Parliamentary questions are documents prepared to assist a Minister to answer questions put to the Minister in Parliament

ISSUE: SUPPLY OF STAPLES TO GOVERNMENT AGENCIES.

Background:

- The supplier of staples to government agencies (Staples galore) has warned that overseas suppliers have limited numbers of available staples.
- The biggest issue has been the lack of natural resources now available to keep manufacturing staples at the required numbers.
- The Department of Stationery has completed a full review of its reserves of staples to ascertain whether supplies can be maintained to principal agencies when the overseas supply stops.

Current Situation:

- Staple supply from overseas suppliers are likely to run out by COB Friday 29 November 2019.
- The Department of Stationery has a limited stock of staples available for principal agencies if supplies run out.

Prepared by: I.C. Noah Staples
Date: 21 November 2019

Parliamentary Committees

Current Committees

Legislative Assembly

Community Development and Justice

Economics and Industry

Committee on the CCC

Education and Health

Joint Standing Committee
on the Commissioner for
Children and Young People

Procedures and Privileges Committee

Public Accounts Committee

Legislative Council

Alternative approaches to reducing illicit
drug use and its effects on the community

Environment and Public Affairs

Joint Audit Committee

Legislation Committee

Public Administration Committee

Uniform Legislation and Statutes Review
Committee

Estimates Committee

Select Committee into Local Government

Another Example of Parliamentary Information

Email

From: David Paice
Sent: Thursday 21st November 2019 12:30pm
To: Bruce Brown
Subject: Advice on Staple shortage

Importance: High

Hi Bruce,

I need urgent advice from your Department on the exact number of staples currently available to agencies.

The Minister will need numbers for question time.

Response by 1:30pm please.

Discussion / Questions



FOIUNIT@DPC.WA.GOV.AU

The Department's FOI Unit is always available to answer questions on information that you suspect might be subject to Parliamentary Privilege or Cabinet related.