

**FAMILY LAW COUNCIL**  
**Freedom of Information**  
**Information Publication Scheme**  
**Agency Plan**

**Introduction**

The Family Law Council (FLC) is an agency subject to the *Freedom of Information Act 1982* (FOI Act) and is required to comply with the requirements of the FOI Act relating to the Information Publication Scheme (IPS).

Part II of the FOI Act, which deals with the IPS, came into effect on 1 May 2011.

The FLC has prepared this Agency Plan (plan) in accordance with subsection 8(1) of the FOI Act. This plan provides further detail to the information provided in relation to freedom of information in its annual reports

The operation of the FLC is prescribed under Section 115 of the *Family Law Act 1975* (FL Act) which prescribes functions of the FLC, FLC membership, remuneration, resignation and termination of members, meeting records and annual reporting. The FLC operates consistent with those requirements, including under Remuneration Tribunal requirements.

The main function of FLC is to advise and make recommendations to the Attorney-General concerning the workings of the FL Act and other legislation relating to family law, the workings of legal aid in relation to family law and any other matters relating to family law.

This plan describes how the FLC proposes to implement and administer the IPS in respect of its own information holdings.

**Purpose**

In accordance with subsection 8(1), the purpose of this plan is to outline:

- administering the FLC's IPS contribution
- what information the FLC publishes for the purpose of Part II of the FOI Act
- how, and to whom, the FLC publishes information for the purposes of Part II of the FOI Act
- how the FLC otherwise proposes to comply with Part II of the FOI Act.

## Objectives

The FLC's objectives in preparing this plan are to outline appropriate mechanisms and procedures to:

- manage the FLC's information holdings relevant to the IPS
- proactively identify and publish all information required to be published, including this plan (subsection 8(2))
- proactively identify and publish appropriate optional information to be published (subsection 8(4))
- review and ensure on a regular basis that information published by the FLC under the IPS is accurate, up-to-date and complete (section 8B)
- ensure the information published under the IPS is easily discoverable, understandable, re-useable, and machine-readable
- ensure the format conforms where possible with the *Web Content Accessibility Guidelines (Version 2)* (WCAG 2.0)
- measure the success of the FLC's contribution by reference to compliance review processes
- adopt best practice initiatives in implementing and administering the FLC's contribution to the IPS.

## Establishing and administering FLC's IPS contribution

The Australian Attorney-General's Department (AGD) provides secretariat services to the FLC (FLC Secretariat) and in conjunction with the FLC is responsible for maintaining the FLC pages on the AGD website, responding to FOI requests and implementing FOI Act requirements, including the IPS.

The FLC has prepared for its implementation of the IPS by:

- considering the kinds of information required to be published by the FLC and able to be published, and information already made available to the public through other channels
- reviewing information already published on the FLC pages on the AGD website <<http://www.ag.gov.au/flc>>, including accessibility to this information.

The FLC recognises that the FLC Secretariat will need to ensure that published information is accurate, up-to-date and complete.

The FLC aims to make IPS documents and documents prepared primarily for publication as part of the IPS, as easily discoverable, machine-readable and as easy to understand as possible.

Generally, there is no charge for accessing or downloading information that has been published on the FLC pages on the AGD website. However, the FLC may charge a person for accessing IPS documents that are impracticable to publish online:

- at the lowest reasonable cost
- to reimburse specific reproduction costs of other specific incidental costs (subsection 8D(4)).

If any IPS documents are impractical to publish online, the FLC will advise of the documents' availability. This plan and the website provide contact details for arranging access to any of those documents.

If applicable, the advice will include any estimated charges that may be imposed for making that information available and an explanation for the charge. These charges will be consistent with charges in the *Freedom of Information (Charges) Regulations 1982* (which generally apply to access requests under Part III of the FOI Act).

### **Information required to be published under the IPS**

The FLC proposes to publish, for the purposes of this part, the following information:

- this plan
- details of the membership of the FLC, including details of appointments of members of the FLC that are made under the FL Act
- details of the functions of the FLC
- reports to the Attorney-General, annual reports, discussion and consultation papers, letters of advice to the Attorney-General, minutes of FLC meetings
- where appropriate, details of arrangements for members of the public to provide input to the work of the FLC, including how and to whom those comments may be made
- non-confidential submissions from interested persons and organisations under Part III of the FOI Act except:
  - personal information about any individual the publishing of which would be unreasonable
  - information about the business, commercial, financial or professional affairs of any person the publishing of which would be unreasonable
  - other information of a kind determined by the Information Commissioner the publishing of which would be unreasonable
- the contact details of a person who can be contacted about access to information and documents held by the FLC.

## **How, and to whom, the information will be published**

### ***How***

The above information is published on the FLC's pages on the AGD website <<http://www.ag.gov.au/flc>>. In accordance with the requirements of subsection 8D(3) of the FOI Act, the information is published by:

- making it available for downloading from the website (where practical to do so); or
- publishing on the website a link to another website from which the information can be downloaded; or
- publishing on the website other details of how the information may be obtained—for instance, the name and contact details of relevant officers from whom the information or document can be obtained.

### ***To Whom***

The information will be published and available to members of the public generally.

## **How the FLC proposes to otherwise comply with the requirements of Part II of the FOI Act**

The FLC Secretariat is responsible for, amongst other things, maintaining the FLC pages on the AGD website and responding to FOI requests, in consultation with the FLC. As such, the FLC intends to comply with the other requirements of Part II as follows:

- The FLC Secretariat will fulfil the role of an FOI contact officer and will be responsible for publishing the above information and documents held by the FLC, under the direction of the Chairperson of the FLC, and then ensuring that the information and documents remain accurate and up-to-date. They will also be responsible for ensuring compliance with all the other requirements of Part II of the Act.
- The Chairperson of the FLC will provide final clearance of material to be published in consultation with the AGD for website content approval. Relevant FOI and Privacy officers within the AGD will also be consulted, when necessary, and they will also be available to provide advice to the FLC Secretariat and FLC on the requirements of Part II, including:
  - advice as to what information and documents should and should not be published
  - the circumstances in which charges may be levied and how they should be calculated and published.

- The FLC Chairperson, with support from the FLC Secretariat, will ensure compliance with all relevant guidelines issued by the Information Commissioner under section 93A of the FOI Act.
- In performing a function or exercising a power under Part II of the Act, the FLC will also have regard to the objects of the FOI Act as set out in sections 3 and 3A.
- The FLC will cooperate with the regular reviews of the FLC's handling of the IPS which will be carried out by the Information Commissioner.
- The FLC will ensure that, if some of its 'operational information' in relation to an FLC function:
  - has not been published on the AGD website and,
  - a person engages in conduct relevant to the performance of the function, and
  - at the time of engaging in that conduct the person was not aware of the unpublished information,

the person will not be subjected to any prejudice by reason only of the application of any rule, guideline or practice in the unpublished information if the person could have avoided that prejudice had he or she been aware of the unpublished information (subsections 10(1) and (2) of the FOI Act).

## **Other information**

The AGD maintains, for the FLC, the following:

- correspondence
- documents relating to internal administration and management
- confidential submissions, research notes and papers prepared in the FLC's Secretariat or provided to the Secretariat.

Access to these documents may be sought through the FLC under the FOI Act. It is the FLC's policy to release such information, wherever possible.

## **Review of FLC Information Publication Scheme Agency Plan**

The FLC will review and revise this plan as required, with the first review conducted in June 2013.

The FLC will continue to review the operation of its IPS from time-to-time, at least every five years, and in accordance with guidelines issued by the Information Commissioner about IPS compliance reviews.

## **Contact Details**

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