

Our ref: DOC/14/171062

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600



Via email: legcon.sen@aph.gov.au

Dear Secretary

I understand that the *Freedom of Information Amendment (New Arrangements) Bill 2014* has been referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 25 November 2014; and that submissions have been invited with 6 November 2014 as the closing date.

I wish to make two points in response to this invitation. I do so having held the office of South Australian Ombudsman from 1 June 2009 to 30 June 2014, during which period I was responsible for external reviews of FOI determinations in that State.

First, it is my view that the Office of the Australian Information Commissioner has provided solid leadership on information, privacy and open government issues on FOI generally; and for other State and Territory bodies with similar responsibilities, through the Association of Information Access Commissioners.

In particular, I believe that the OIAC model which integrates privacy and FOI issues is best practice, and one which is worth pursuing in other jurisdictions. It appears to me that this integration will be lost under the arrangements proposed by the Bill.

Second, in my view most right to information systems across the country are not working as effectively as they might, both in terms of meeting their broad objectives and in terms of efficiency. Some of the issues have been identified in reports published by OIAC,¹ and in reports published in other jurisdictions.²

¹ See for example Review of Charges under the Freedom of Information Act 1982 - Report to the Attorney General, February 2012, Prof. John McMillan, Australian Information Commissioner, available at <http://www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-reports/review-of-charges-under-the-freedom-of-information-act-1982>, viewed on 3 November 2014.

² See for example Ombudsman SA, An audit of state government departments' implementation of the *Freedom of Information Act 1991(SA)*, May 2014, available at <http://www.ombudsman.sa.gov.au/publications/audit-reports/>, viewed on 3 November 2014.

In my view it would be a mistake to disband the OIAC without addressing the issues identified in in these reports, with a view to enhancing transparency and openness in government generally.

It is not clear to me how these two matters will be advanced if the Bill proceeds in its current form.

Yours sincerely

Richard Bingham
QUEENSLAND INTEGRITY COMMISSIONER

3 November 2014