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4 November 2014

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

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

Re: Freedom of Information Amendment (New Arrangements) Bill 2014

I refer to your letter of 31 October 2014 inviting our organisation to make a submission to this measure.

In our view the proposed move to abolish the Office of the Australian Information Commissioner would be a retrograde step. It is important not to lose the experience of that Office and its expertise in handling FOI applications in a cogent and even-handed way.

We do not see evidence to back the claim that these changes will improve transparency and accountability and remove the so called 'burden' on FOI applicants. Indeed we think that before moving forward with this measure, evidence to that effect ought to be adduced by the government as it runs counter to the trends around the world where independent office holders champion the even handed basis of FOI decisions and provide non litigious review of decisions. Moreover Queensland, NSW, Victoria and Western Australia all have variations on the system the measure is intended to abolish.

The effect on the issue of delay is highly debateable. We believe that there are other available options to improve the significant processing delays in merit review at the OAIC.

We understand that the OAIC also put forward suggestions for changes to processes that would free up resources but required legislation to achieve them. Has the committee seen any response to those requests?. One was authority for the commissioners to delegate some functions.

We would be pleased to add to these comments on the measure if requested.

Yours sincerely

Michael Ahrens
Executive Director

