

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: 1.1

Question No. AE15/067

Senator Rhiannon asked the following written question from the 24 February and 27 March 2015 hearings:

1. Another argument offered by the government in support of its changes is the projected saving of \$10 million over four years.
 - a. Has the OAIC provided any advice to the government on the accuracy of this projection?
 - b. Does the \$10 million projected saving account for the costs to individuals, the cost to the AAT, the cost to agencies for mandatory internal reviews?
 - c. If so, where could we find these costings?

The Attorney-General's Department's answer to the honourable senator's question is as follows:

- (a) The Freedom of Information Amendment (New Arrangements) Bill 2014 implements the 2014-15 Budget measure, Smaller Government—Privacy and Freedom of Information functions—new arrangements. The savings associated with the Bill reflect Budget decisions of Government. The OAIC has discussed the savings with AGD following the Budget announcement.
- (b) The \$10.2 million reflects the savings to the budget arising from new arrangements for the delivery of Privacy and FOI functions. The savings will be achieved as FOI functions currently undertaken by the OAIC will be undertaken by other agencies.

\$1.8million was appropriated to the AAT over four years to recognise that it would now be the only external review mechanism for FOI matters.

In relation to individuals, the Bill included transitional arrangements for the transfer to the Administrative Appeals Tribunal (AAT) for those FOI reviews not finalised by the Office of the Australian Information Commissioner. Subject to passage of the legislation, no fees would be payable in relation to these transferred reviews.

Under the new arrangements, those applicants who wish to seek AAT review of an FOI decision will first be required to seek internal review. There is no application fee for internal review. This will ensure access to low cost and timely review for applicants. Internal review is an element of best practice administrative decision making that agencies are already undertaking.

- (c) Costings for the new arrangements were published in 2014-2015 Portfolio Budget Paper for the Attorney-General's portfolio (pages 19, 64, 195 and 472).

