

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

Group: 2

Program: 1.1

Question No. AE15/069

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

1. In his evidence at last year's inquiry, Professor Julian Disney emphasised other factors that may affect accessibility to the AAT including the formality and intimidator impact of the AAT process and environment. The Guardian Australia also raised concerns in their evidence, including that the AAT process, particularly need for formal hearings, "imposes burdens on all parties and on the tribunal".
 - a. Has the OAIC provided any advice to the government on the impact of these barriers?
 - b. Is the OAIC aware of any steps the government has taken to address these barriers? May I have the details?
 - c. Has the government considered the efficiency and cost-effectiveness of the AAT process compared to the OAIC process?
 - d. If so, where could we find that analysis?

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

a and b: No.

c and d: Under the new arrangements, there will be mandatory internal review before an applicant can apply to the AAT. As there is no application fee for internal review, this will provide access to low-cost and timely review for applicants.

Giving the AAT sole responsibility for external merits review of FOI decisions is part of the Government's commitment to streamline and simplify the merits review system and aligns with other merits review processes across Government.

The AAT provide merits review of decisions under a statutory obligation to be fair, just, economical, informal and quick. It has well established-procedures for handling merits review applications. Its skill in resolving disputes in the most efficient and fair manner is a key factor in the successful resolution of 80% of matters without a formal hearing.