

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

Program: 1.1

Question No. SBE15/105

Senator Collins asked the following question at the hearing on 20 October 2015:

1. In a letter to the International Commission of Jurists dated 9 September 2015, the Attorney-General's Chief of Staff wrote of the Government's Bill to repeal the Office of the Australian Information Commissioner:

“...as the Bill is still before the Parliament, the OAIC remains responsible for privacy and FOI regulation and the government is ensuring that arrangements are in place for the continued exercise of the Information Commissioner functions”

 - a. What does “FOI regulation” refer to?
 - b. What are the “Information Commissioner functions”? Which of those continue to be exercised by the IC and which have been given to other bodies?
 - c. Please provide details on the “arrangements” referred to, and a breakdown of how Government funding is supporting those arrangements.
2. The letter states that “additional resources will be provided to the OAIC for the continued exercise of its FOI functions in 2015 – 16”.
 - a. What additional resources will be applied?
 - b. When will those resources be available to the OAIC?
 - c. Can the Government guarantee that the OAIC will be able to meet all of its statutory obligations with the resources provided?
3. The letter also refers to the OAIC continuing “to perform those FOI functions necessary to ensure the ongoing operation of the FOI system”.
 - a. Please identify the FOI functions that it is intended the OAIC should continue to perform.
 - b. If any FOI functions are not to be continued with, why not?
4. On 20 October 2015, the Attorney- General gave evidence to the Committee that:

“during a period when the statutory repeal of a body is imminent it is quite sensible to configure the budget in such a way that reflects the fact that its statutory repeal is imminent.”

 - a. How does the Attorney-General define “imminent” in this context, given the abolition of the OAIC was first announced in the 2014 Budget and the necessary legislation is still yet to be considered by the Senate?
 - b. Will the Government bring on the legislation for debate “imminently”?

The answer to the honourable senator's question is as follows:

- 1.(a) – (c) FOI regulation refers to the FOI functions conferred on the Information Commissioner under the *Freedom of Information Act 1982*. Mr Timothy Pilgrim has been appointed as the acting Information Commissioner.
- 2.(a) – (b) See Attorney-General's Portfolio Budget Statement 2015-16.
(c) The management of resources is a matter for the OAIC.
3. Those functions outlined in the *Freedom of Information Act 1982*.
4. The *Freedom of Information Amendment (New Arrangements) Bill 2014* remains before the Parliament.