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Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600
BY ELECTRONIC SUBMISSION

Dear Senators

Submission to Inquiry into *Freedom of Information (New Arrangements) Bill 2014*

I write to express my strong opposition to the *Freedom of Information (New Arrangements) Bill 2014*.

This Bill removes a key pillar of the FOI reforms announced by the previous government in 2009, namely the establishment of the Australian Information Commissioner and the FOI Commissioner as statutory officers responsible for promoting information policy within government.

It is well-known that the OAIC has a considerable backlog of FOI reviews and complaints outstanding. This problem is a result of chronic underresourcing of the OAIC. Transferring the OAIC's merits review jurisdiction to the AAT does have some benefits, but it comes at the cost of requiring complainants to pay a very significant application fee and engage themselves in a much more complex legal process. This creates significant equity issues, particularly for individual applicants and small businesses seeking information directly relevant to their own dealings with government – which makes up the bulk of FOI requests to the larger service delivery agencies. The solution to the backlog is better resourcing, not abolition.

I am also particularly concerned by the new role of the Attorney-General in assuming the policy functions of the Australian Information Commissioner and the FOI Commissioner. The OAIC provides an independent specialist information policy capability within government. While there are aspects of its functions that could potentially be performed by other agencies such as the Attorney-General's Department, the OAIC stands alone in its ability to provide policy advice from an independent perspective and act as an advocate for open, transparent government. To give this role to the Attorney-General is counterproductive and a significant setback in the quest to develop a long-term, sustainable and ingrained culture of openness within the public sector.

Yours sincerely

Andrew Donnellan