

Mr Stephen Palethorpe

Secretary

Senate Finance and Public Administration Committee

Parliament House

CANBERRA, 2600 ACT

16 January 2010

Dear Mr Palethorpe

Please accept the following submission with respect to your inquiry on the *Freedom of Information Amendment (Reform) Bill 2009* and related accountability matters.

Whilst my submission may well be more appropriate for a senate inquiry in its own right, it is nevertheless relevant to the current inquiry.

There have been a number of media articles concerning the lack of transparency and accountability in the Order of Australia nomination system. I support calls for the reform of the process.

I wish to identify some of the deficiencies in the current system and to make recommendations.

Deficiencies

No enactment thereby not under the scrutiny of parliament.

No appeal process.

No access to FOI.

No right to a statement of reasons.

No access to statutory review (ADJR).

Principles of natural justice and procedural fairness not applied for the nominator.

Policy not to confirm receipt of documents in writing even when requested (as a result of my case I believe this policy may have changed).

The current three year block for a re-nomination.

Recommendations

That the Letters Patent get replaced by an enactment of parliament.

The availability of FOI for the nominators own material and related administrative documents (confidential referee reports exempt).

An independent appeals panel for when the nominator has a genuine grievance.

The provision for a statement of reasons in appeal cases.

Legal training i.e. principles of natural justice be made a requirement for senior personal within the Honours Secretariat.

The criteria on which awards are assessed are made publicly available and how these have been met is reported on after Australia Day and Queens Birthday.

Removal of the discrimination which currently exists between senior civil servants who get fast tracked and nominated members of the community who have to wait two years plus (my nominee was nominated in 2007 and now won't be considered until 2012, despite his health issues).

Conclusion

Whilst I will be seeking a separate inquiry, I seek that the committee does accept and consider this submission. It concerns a public interest matter and the integrity of Australia's premier awards. That nominations cannot be accounted for in some instances, the possible alteration of referee reports, and that a nominator cannot get their own documents back is cause for grave disquiet.

I am available to provide evidence at the committee hearing.

Yours sincerely

Karen Kline RN

QUT Law