

Recommendations

Recommendation 1

3.21 The committee recommends that section 49 of the *Administrative Appeals Tribunal Act 1975* be amended to provide that the Information Commissioner is an *ex officio* member of the Administrative Review Council.

Recommendation 2

3.49 The committee recommends that, if and when established, the Information Commissioner give consideration to whether it is necessary and appropriate for entire agencies and organisations to be exempt from the Commonwealth's freedom of information scheme.

Recommendation 3

3.58 The committee recommends that the government give consideration to the issues raised with respect to fees and charges in this inquiry, and particularly to the feasibility of removing processing charges, while retaining application fees, in the context of drafting regulations.

Recommendation 4

3.79 The committee recommends that proposed section 61, in item 42 of Schedule 4 to Part 1 of the Freedom of Information Amendment (Reform) Bill 2009, which provides that whichever party that appeals a decision of the Information Commissioner bears the onus of proof in the Administrative Appeals Tribunal, as well as any other relevant sections of the Bill and *Freedom of Information Act 1982*, be amended to remove the concept of an onus of proof from the Act.

Recommendation 5

3.103 The committee recommends that the Freedom of Information Amendment (Reform) Bill 2009 and the Information Commissioner Bill 2009 be amended such that all references to the 'Information Commissioner' are replaced by references to the 'Australian Information Commissioner'.

Recommendation 6

3.111 The committee recommends that, subject to the amendments outlined in Recommendations 4 and 5 being made, the Freedom of Information Amendment (Reform) Bill 2009 and the Information Commissioner Bill 2009 be passed by the Senate as soon as practicable.

