

Chapter 1

Introduction

1.1 On 30 November 2009 the Senate, on the recommendation of the Selection of Bills Committee (report number 19 of 2009) referred the provisions of the Freedom of Information Amendment (Reform) Bill 2009 and the Information Commissioner Bill 2009 to the Finance and Public Administration Legislation Committee for inquiry and report by 16 March 2010.

1.2 According to the Explanatory Memoranda, the purpose of the Freedom of Information Amendment (Reform) Bill 2009 is to make major reforms to the *Freedom of Information Act 1982* to promote a pro-disclosure culture across government and to build a stronger foundation for more openness in government; and the purpose of the Information Commissioner Bill 2009 is to establish three independent statutory office holders (the Information Commissioner, the Freedom of Information Commissioner and the Privacy Commissioner).

1.3 The reasons given for the Selection of Bills Committee's referral of the bills to the committee were:

- whether the bills contain measures effective to ensure that the right of access to documents is as comprehensive as it can be;
- whether the improvements to the request process are efficient and could be further improved;
- whether the measures will assist in the creation of a pro-disclosure culture with respect to government and what further measures may be appropriate; and
- assessment of the functions, powers and resources of the Information Commissioner.

Conduct of the inquiry

1.4 The committee advertised the inquiry in *The Australian* and contacted a number of organisations and individuals, inviting submissions to be lodged by 28 January 2010. Twenty seven submissions were received by the committee, and these are listed at Appendix 1.

1.5 The committee held public hearings in Canberra on 5 February 2010, and in Melbourne on 15 February 2010. Details of the public hearings are at Appendix 2. The submissions and Hansard transcript of evidence may be accessed through the committee's website at http://www.aph.gov.au/Senate/committee/fapa_ctte/foi_ic/index.htm.

1.6 The committee would like to thank all those who contributed to the inquiry.

Structure of the report

1.7 Chapter 2 of the report outlines the provisions of the Freedom of Information Amendment (Reform) Bill 2009 and the Information Commissioner Bill 2009, focussing on the aspects of the bills which make substantive changes to the *Freedom of Information Act 1982*.

1.8 Chapter 3 discusses the key issues raised during the inquiry in response to the terms of reference, and makes recommendations as to how the bills might be improved.