



## Office of the Attorney-General

MC15-003706

The Hon John Dowd AO QC  
President  
International Commission of Jurists Australia  
GPO Box 173  
Sydney NSW 2001

- 9 SEP 2015

Dear Mr Dowd

Thank you for your letter dated 17 August 2015 to the Attorney-General, Senator the Hon George Brandis QC, concerning the Office of the Australian Information Commissioner (OAIC) and new arrangements for privacy and freedom of information (FOI) regulation. The Attorney-General has asked me to reply on his behalf.

In the 2014-15 Budget, the Australian Government announced arrangements for streamlining the regulation of privacy and FOI under the measure *Smaller Government – Privacy and Freedom of Information functions – new arrangements*. The Australian Government remains committed to this measure, which is consistent with its policy to reduce the size of government and streamline the external review system to make it more efficient, less complicated and more effective.

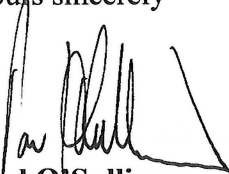
In accordance with the measure, the Government introduced the Freedom of Information Amendment (New Arrangements) Bill 2014 (the Bill). As you are aware, the Bill proposes to abolish the OAIC and transfer its functions to other agencies. This includes the Administrative Appeals Tribunal having sole responsibility for external merits review of FOI decisions following mandatory internal review of all decisions other than those made by a Minister or agency head. Removing the additional layer of merits review by the OAIC will streamline the FOI review process and align with other merits review processes across the Australian Government.

The Bill also provides for the Commonwealth Ombudsman to be responsible for investigating complaints about FOI processing for agencies, for the Office of the Privacy Commissioner to be established as an independent statutory office within the Australian Human Rights Commission and for the Attorney-General's Department to be responsible for issuing FOI guidelines and annual reporting on FOI statistics.

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. In July 2015 Mr Timothy Pilgrim PSM was appointed as the acting Information Commissioner for a three-month period while the Government considers options for the future of the Information Commissioner position. Mr Pilgrim is performing the functions and exercising the Commissioner powers under the *Privacy Act 1988*, *Freedom of Information Act 1982* and the *Australian Information Commissioner Act 2010*.

The OAIC's privacy functions are already funded on an ongoing basis. Additional resources will be provided to the OAIC for the continued exercise of its FOI functions in 2015-16, and the OAIC will continue to perform those FOI functions necessary to ensure the ongoing operation of the FOI system.

Yours sincerely



**Paul O'Sullivan**  
Chief of Staff