



Senator the Hon G.H. Brandis QC
Attorney-General, Minister for Arts,
Vice-President of the Executive Council,
Deputy Leader of the Government in the Senate,
The Senate, Parliament House
CANBERRA ACT 2600

Dear Attorney-General

Office of the Australian Information Commissioner (OAIC)

On behalf of the Accountability Round Table (www.accountabilityrt.org) I draw to your attention a serious anomaly in the government's freedom of information framework arising out of the Senate's unwillingness to pass legislation abolishing the statutory position of the OAIC. In anticipation of the Senate's passage of this legislation the government in the 2014-5 budget terminated the funding of the OAIC from December 2014.

The OAIC was established as a major component of reforms to the operation of freedom of information practices enacted by the previous government in 2010. The ART supported these changes which markedly improved the public's access to information. That, however, is not our immediate concern. The fact is that the government is in the embarrassing position of the Canberra Office of the OAIC having closed and the Australian Information Commissioner, the highly respected Professor John McMillan, operating from his home until the end of his contract in October 2015.

More seriously, if the present situation is allowed to continue, the public will have no freedom of information review and appeal system able to operate from the end of October this year.

In budgetary terms, the difference between the appropriations needed for the two approaches is miniscule, \$2.55 million. Accordingly we seek the government's public assurance that it will:

- Withdraw the OAIC Bill,
- Restore the previous level of resources to enable the OAIC to perform its critical role, and

- Re-appoint Mr McMillan for a further term as Information Commissioner if he is willing to continue in that role.

With the Budget Session scheduled to commence on 12 May 2015, we seek that public assurance within 14 days.

We are also writing to the Treasurer and the Minister of Finance to raise these matters. We will in due course be writing to all Senators.

Yours Sincerely

The Hon Tim Smith QC
Chair Accountability Round Table