

INFORMATION COMMISSIONER AND OMBUDSMAN, AMALGAMATION OF OFFICES

**1191. Mrs C.L. EDWARDES to the Attorney General:**

I refer the Attorney General to his media release of 20 May 2003 regarding public consultation on new privacy laws that outlined key proposals including -

an independent Office of Privacy and Information Commissioner should be created to administer the new Privacy Act and the FOI Act and oversee enforcement;

- (1) When was the decision made to depart from the discussion paper released by the Office of the Attorney General and amalgamate the offices of the Information Commissioner, including the new privacy commissioner, with the Office of the Ombudsman?
- (2) Will the Attorney General explain why the retiring Information Commissioner was not consulted about this significant change to her office and to government policy?

**Mr J.A. McGINTY replied:**

I thank the member for her question. Although she did not provide any notice, I will do my best to answer it.

- (1)-(2) From memory, the decision to proceed with a Privacy Act and to have the same person as the Information Commissioner and the privacy commissioner was made earlier this year. Cabinet approved the decision that the two positions be occupied by the one person and that the position be renamed the Privacy and Information Commissioner.

Mr M.W. Trenorden interjected.

The SPEAKER: Order, Leader of the National Party!

Mr J.A. McGINTY: The idea was that the privacy and FOI positions be merged instead of replicating the two bureaucracies, which dealt with different sides of the same coin. The Privacy Act is intended to deal with the protection of personal information that is held by public organisations and some private sector organisations, and such an Act already exists in a number of other States. As a Government we took the view that merging the two positions was the appropriate thing to do. The Machinery of Government Taskforce - which, from memory, was set up in 2001 - recommended that a number of statutory offices should be considered for collocation. That is probably the best way to put it. Only a few months ago, but certainly after the discussion paper was placed on my Internet site about the privacy and FOI changes, Cabinet considered a recommendation from the Functional Review Taskforce that the two offices be merged by concurrent appointment, which is the model that exists, as I understand it, in Queensland. Had the member for Kingsley given me some notice I would have been able to advise the precise date. The member referred to the May press release. It was about two months ago, but excuse me if I am a month or two out on that. It could even be three months ago, but the decision to take the further step of having a concurrent appointment to the three positions of privacy commissioner, Information Commissioner and Ombudsman, and to have the Ombudsman fill that position, was made no earlier than that.