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.