

AIDE-MEMOIRE



IN CONFIDENCE

Meeting with Chief Ombudsman and Australian Information and Access Commissioners

Date: 20 February 2019
For: Hon Chris Hipkins, Minister of State Services
Report No: SSC2019/0021

Meeting with Chief Ombudsman and Australian Information and Access Commissioners

Purpose

To provide background material for your meeting with the Chief Ombudsman (Peter Boshier) and a number of Australian Information and Access Commissioners.

Date of meeting

The meeting will be held in your office on Thursday 21 February between 10:30 and 11:00 am.

Background

The Chief Ombudsman is hosting a meeting for the Association of Information and Access Commissioners on 21-22 February attended by Commissioners from the Commonwealth and each Australian State Government.

The Association's meetings provide an opportunity to provide updates from each jurisdiction and to discuss developments of mutual interest.

The Head of State Services and the Ombudsman have been collaborating to lift the performance of the system in terms of the application of the Act.

- The SSC publishes statistics on OIA performance 6 monthly to both provide information on performance and to encourage lifts in performance.
- These statistics are complemented by information on complaints about agencies' OIA response published by the Ombudsman.

OIA Guidance and Statistics

Talking Points

- The Official Information Act is the responsibility of the Minister of Justice but acting under delegation, the SSC has published guidance to agencies to support better performance and supported these with workshops.
- The Ombudsman has also provided guidance and advisory material
- The Ombudsman and the SSC are collecting and providing complementary statistics that evidence performance provide benchmarks and provide an incentive to improve
- There has been overall improvement in the timeliness of OIA responses

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and increasing number of agencies are publishing OIA responses on their websites.

- We are looking forward to the release of the statistics for the six-month period to the end of 2018.

Proactive Release

- This Government has a focus on proactive release of government held information.
- The SSC has issued guidance to reinforce the proactive release message and run workshops for practitioners
- SSC statistics show a steady increase in the proactive release of Official Information Act responses.
- We have decided to routinely release Cabinet material (effective from 1 January 2019).
- Cabinet and Cabinet committee papers will be released and published online, with the approval of the relevant portfolio Minister, within 30 business days from the Cabinet decision.
- We have also decided to routinely release our Ministerial diaries, and some of us are proactively releasing the weekly reports we receive from agencies.

Open Government Partnership (OGP)

- We released our third Open Government Partnership National Action plan at the end of 2018.
- Our second and third National Action Plans include Official information related Commitments – and the public continue to be interested in improvements in practice and possible reforms to the legislation
- The 2016-18 Plan focussed on adopting and implementing a consistent set of practices across government.
- The current Plan provides for:
 - the Minister of Justice leading a process to test whether we should embark on a review of the Act
 - increasing proactive publication of OIA responses
 - implementation of the policy to proactively publish Cabinet papers.
- The engagement process resulting in our third National Action Plan provides some indication of issues that concern people – both about practice and the need for legislative reform – we will build on that.
- Statistics show a marked increase in the number of OIA responses proactively published and we have also seen an increase in agencies publishing responses.
- The policy to proactively release Cabinet papers came into effect from 1 January 2019 – we will review implementation at the end of the year.

Possible Questions

- Do you see any common themes across your jurisdictions in terms of trust and confidence in your freedom of information regimes and their implementation?
- To what extent is proactive release practiced in Australia?
- [If it is a practice] are there any lessons from your experience that we should be aware of as we implement the policies here?

We recommend

- that you release this aide-memoire in full following the meeting.

Agree/disagree.

Proactive Release



Hon Chris Hipkins
Minister of State Services

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