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Background

- The FOI reforms were 2007 election commitments of the Rudd Government.
- The current government introduced legislation to abolish the Office of the Information Commissioner and cut its funding. Some funding was restored in the 2016/2017 Budget but two of its statutory positions are vacant.

	Proposed improvement PM&C views/comments April 2016
A.2	<p>Whilst acknowledging the value of frank and fearless oral discussions, the APSC should issue a Direction that significant advice also be provided to the minister in writing. Ministers should insist on receiving frank written advice from the APS, noting that it is generally their decision whether to accept or reject all or part of the advice.</p>
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A.3	<p>The Freedom of Information Act should be amended to ensure that advice and opinion provided to support the deliberative processes of government policy formulation remain confidential.</p>
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	<p>Proposed improvement</p> <p>PM&C views/comments April 2016</p> <p>Dr Shergold finds that the current FOI law presents a significant barrier to frank written advice and that this has the unintended consequence of constraining the content, form and mode of advice to ministers. A key Westminster principle is that ministers make decisions informed by the best advice possible. It is up to ministers whether they accept advice or not and ministers should be judged on the decisions they make, not on the advice they choose to reject.</p> <p>The current FOI Act as a result of significant amendments in 2010 has a strong presumption in favour of disclosure with no factors that count against. s47c</p> <p>s47c</p> <p>s22</p>
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