

From: s 22(1)
To: Timothy Pilgrim
Cc: Pfitzner, Paul; s 22(1) s 22(1)
Subject: New arrangements for the Privacy Commissioner [DLM=Sensitive:Legal]
Date: Wednesday, 1 October 2014 6:43:59 PM

Sensitive: Legal

Hi Timothy

You raised some further questions about responsibility for financial matters and staffing matters.

Financial matters

Will the Privacy Commissioner still be able enter MOU's that deal with financial matters – such as the existing MOU's that the OAIC with other agencies to provide funds directly to the OAIC for privacy function?

s 47C
[Redacted]

What will happen to any remaining OAIC funds as at 1 January 2015 – will these be transferred to the AHRC, including the MOU funding? What will happen to the OAIC's capital as at 1 January 2015, will these funds be transferred to the AHRC?

s 47C
[Redacted]

Staffing matters

You also queried whether the President of the AHRC would be able to delegate responsibility to you in relation to staffing, as you will not be a member of the AHRC under section 8 of the AHRC Act.

s 47C
[Redacted]

s 47C

I hope this assists.

Regards

s 22(1)

s 22(1)

Principal Legal Officer
Legal Services and FOI Policy Section
Legal Services Policy Branch
Attorney-General's Department

T: s 22(1)

F: 6141 4205

E: s 22(1)

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From: [Timothy Pilgrim](#)
To: s 22(1)
Cc: [Pfitzner, Paul](#); s 22(1); s 22(1)
Subject: Re: New arrangements for the Privacy Commissioner [DLM=Sensitive:Legal]
Date: Wednesday, 1 October 2014 9:34:23 PM

Thanks s 22(1)

On 1 Oct 2014, at 6:43 pm, s 22(1) wrote:

Sensitive: Legal

Hi Timothy

You raised some further questions about responsibility for financial matters and staffing matters.

Financial matters

Will the Privacy Commissioner still be able enter MOU's that deal with financial matters – such as the existing MOU's that the OAIC with other agencies to provide funds directly to the OAIC for privacy function?

s 47C

What will happen to any remaining OAIC funds as at 1 January 2015 – will these be transferred to the AHRC, including the MOU funding? What will happen to the OAIC's capital as at 1 January 2015, will these funds be transferred to the AHRC?

s 47C

Staffing matters

You also queried whether the President of the AHRC would be able to delegate responsibility to you in relation to staffing, as you will not be a member of the AHRC under section 8 of the AHRC Act.

s 47C

s 47C
[Redacted]

I hope this assists.

Regards

s 22(1)

s 22(1)

Principal Legal Officer
Legal Services and FOI Policy Section
Legal Services Policy Branch
Attorney-General's Department

T: s 22(1)

F: 6141 405

E: s 22(1)

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From: s 22(1)
To: xxxxxxxxxxxxxxxxxxxx@xxx.xxx.xx
Cc: Timothy Pilgrim; xxxxxxxxxxxx@xx.xxx.xx; s 22(1); s 22(1)
Subject: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]
Date: Tuesday, 7 October 2014 5:37:25 PM

Dear s 22(1)

Thank you for your time last week to discuss the branding for the proposed 'Office of the Australian Privacy Commissioner'.

Australian Government common branding policy

I have discussed your preliminary advice with the Privacy Commissioner Timothy Pilgrim. s 47C

[Redacted]

s 47C [Redacted]

- s 47C [Redacted]
- [Redacted]
- [Redacted]

s 47C [Redacted]

- s 47C [Redacted]
- [Redacted]

s 47C [Redacted]

Background

As I explained on the phone, the [Freedom of Information Amendment \(New Arrangements\) Bill](#)

[2014](#) was introduced into the Australian Parliament last week. The Bill:

- abolishes the Office of the Australian Information Commissioner (OAIC)
- amends the *Privacy Act 1988* to establish the position of an 'Australian Privacy Commissioner'. Timothy Pilgrim will continue as the Australian Privacy Commissioner for the remainder of his appointment
- transfer the current staff of the OAIC to the Australian Human Rights Commission
- requires the Australian Human Rights Commission to provide assistance to the Australian Privacy Commissioner, including by making staff available and providing administrative support to enable the Australian Privacy Commissioner to undertake the functions set out in section 27 of the Privacy Act
- those staff 'made available' to the Australian Privacy Commissioner will be subject to the direction of the Australian Privacy Commissioner and not the Australian Human Rights Commission.

You will note that, while the legislation establishes a statutory position of 'Australian Privacy Commissioner', it does not establish an '*Office of the Australian Privacy Commissioner*'. [REDACTED]

[REDACTED]

Please do not hesitate to contact me if you require any further information.

Regards

s 22(1)

s 22(1) [REDACTED] | Director | Communications and Corporate
Office of the Australian Information Commissioner
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

s 22(1) [REDACTED] | **s 22(1)**

s 22(1)

From: [Gillian Triggs](#)
To: david.fredericks@ag.gov.au
Cc: [Timothy Pilgrim](#); [s 22\(1\)](#); [s 22\(1\)](#); [Padma Raman](#)
Subject: Privacy and the Australian Human Rights Commission [SEC=UNCLASSIFIED]
Date: Thursday, 9 October 2014 11:39:01 AM
Attachments: [mg_info.txt](#)

Dear David,

Thank you for the opportunity to speak to you and Chris Moraitis about the Freedom of Information Amendment Bill 2014.

I have discussed some amendments to the Bill with the Privacy Commissioner, Timothy Pilgrim, and we have agreed as follows:

* The proposed arrangements for bringing the Privacy Commissioner and staff into the AHRC can, as a practical matter, be made to work collaboratively. Both Tim and I will ensure that our functions under our respective legislation will continue on a day to day basis, in the expectation that technical legal inconsistencies will be addressed next year.

* Amendments to the Bill as set out under Schedule 3, 43A should delete the word "must" from 43A(1), and delete the phrase "(and not the Commission)" from 43 A(3).

I understand that new words are being considered in respect to 43A(3) to ensure the clause refers only to the functions of the Privacy Commissioner. I have not seen these words, and request that the final amendments be confirmed with me and Timothy.

If the agreed amendments to the Bill are made, I am confident that the Commission's independence will not be compromised and that the key understandings are in place to ensure that we work fruitfully with the Privacy Commissioner in the future.

Please let me know if you would like to discuss this joint proposal further.

Best wishes, Gillian

Professor Gillian Triggs

President

Australian Human Rights Commission

Level 3, 175 Pitt Street, Sydney NSW 2000

GPO Box 5218, Sydney NSW 2001

T [s 22\(1\)](#) F +61 2 9284 9794

E president.ahrc@humanrights.gov.au <<http://www.humanrights.gov.au/>> W

www.humanrights.gov.au <<http://www.humanrights.gov.au/>>

Executive Assistant: E

[s 22\(1\)](#)

T +[s 22\(1\)](#)

Human rights: everyone, everywhere, everyday

From: [Timothy Pilgrim](#)
To: [Gillian Triggs](#); david.fredericks@ag.gov.au
Cc: [s 22\(1\)](#); [Padma Raman](#); [Pfitzner, Paul](#)
Subject: RE: Privacy and the Australian Human Rights Commission [SEC=UNCLASSIFIED]
Date: Thursday, 9 October 2014 12:54:42 PM

Hello all

As I have expressed to a number of you individually I am committed to taking a positive approach to making the arrangements that are being established through this Bill work effectively to ensure the ongoing efficient administration of the privacy functions.

While I understand and appreciate the issues raised by Professor Triggs, particularly in respect of ensuring the independence of the Australian Human Rights Commission (AHRC), my agreement to the amendments outlined below are subject to seeing revised drafts of both the Bill and the Explanatory Memorandum (EM). In particular, any changes to ss43A(3) as proposed by Professor Triggs would need to be supported by a further strengthening and clarifying of the intent of that clause, both within that clause and also within the EM.

While there has been focus through this most recent redrafting exercise on ensuring the independence of the AHRC, and correctly so, this could appear to be increasingly at the expense of the independence of the Privacy Commissioner.

As you would appreciate, while these arrangements may not be entirely dissimilar to other administrative arrangements within Commonwealth Agencies they do place me and future Privacy Commissioners in the position of being responsible for the quite diverse functions under the Privacy Act while ultimately not having staffing or budgetary control or responsibility. As I have discussed with officers of the AGD, the arrangement will, in part, rest on the cooperative approach of both the President and the Privacy Commissioner on matters such as the President agreeing to delegate their functions to the Privacy Commissioner in terms of recruiting staff, and the Privacy Commissioner being able to independently enter into a financial Memorandum of Understanding (such as those currently in place) and to be able to undertake basic financial activities for the administration of the privacy functions. While these issues may seem mundane they do underpin the ability of the Privacy Commissioner to effectively undertake the privacy function. As I have said, while I am committed to making these arrangements work, I would be concerned about any further changes that may lead to perceptions within the business and broader community about the independence of the Privacy Commissioner given the increasing prominence of this issue within the community.

On a final matter, I am unsure as to what specific technical legal inconsistencies may be addressed next year and what that process is. This has not been raised with me by AGD as part of the development of this Bill, and I would appreciate knowing what this refers to.

As always happy to discuss.

Timothy

Timothy Pilgrim | Privacy Commissioner
Office of the Australian Information Commissioner
Level 3, 175 Pitt Street Sydney NSW 2001
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone [s 22\(1\)](#) | Fax +61 2 9284 9723
timothy.pilgrim@oaic.gov.au

Protecting information rights – advancing information policy

-----Original Message-----

From: Gillian Triggs [mailto:xxxxxxx.xxxxxx@xxxxxxxxxxxx.xxx.jx]
Sent: Thursday, 9 October 2014 11:41 AM
To: xxxxx.xxxxxxxxxxxx@xx.xxx.xx
Cc: Timothy Pilgrim; s 22(1) s 22(1) Padma Raman
Subject: Privacy and the Australian Human Rights Commission [SEC=UNCLASSIFIED]

Dear David,

Thank you for the opportunity to speak to you and Chris Moraitis about the Freedom of Information Amendment Bill 2014.

I have discussed some amendments to the Bill with the Privacy Commissioner, Timothy Pilgrim, and we have agreed as follows:

* The proposed arrangements for bringing the Privacy Commissioner and staff into the AHRC can, as a practical matter, be made to work collaboratively. Both Tim and I will ensure that our functions under our respective legislation will continue on a day to day basis, in the expectation that technical legal inconsistencies will be addressed next year.

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I understand that new words are being considered in respect to 43A(3) to ensure the clause refers only to the functions of the Privacy Commissioner. I have not seen these words, and request that the final amendments be confirmed with me and Timothy.

If the agreed amendments to the Bill are made, I am confident that the Commission's independence will not be compromised and that the key understandings are in place to ensure that we work fruitfully with the Privacy Commissioner in the future.

Please let me know if you would like to discuss this joint proposal further.

Best wishes, Gillian

Professor Gillian Triggs
President
Australian Human Rights Commission
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GPO Box 5218, Sydney NSW 2001
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www.humanrights.gov.au <<http://www.humanrights.gov.au/>>

Executive Assistant: E

s 22(1)

Human rights: everyone, everywhere, everyday

From: s 22(1)
To: [Timothy Pilgrim](#); [Angelene Falk](#); [Karen Toohey](#)
Subject: FW: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]
Date: Thursday, 16 October 2014 5:49:01 PM

Still waiting...

From: s 22(1)
Sent: Thursday, 16 October 2014 5:48 PM
To: s 22(1)
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s 22(1) – The final decision is still awaiting approval.

I'm hoping that it's not going to be much longer. I will let you know as soon as I can.

Regards,

s 22(1)

s 22(1) | *National Symbols Officer*
Honours, Symbols and Territories Branch
Government Division | Department of the Prime Minister and Cabinet
 Ph s 22(1)
 Fax (02)6271 5662
 Email s 22(1)
nationalsymbols@pmc.gov.au

From: s 22(1)
Sent: Thursday, 16 October 2014 8:33 AM
To: s 22(1)
Subject: FW: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Hi s 22(1)

Hope you're well. Just wondering if there was any news on our branding?

Kind regards

s 22(1)

From: s 22(1)
Sent: Thursday, 9 October 2014 5:13 PM
To: 'Government Branding'
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Thanks s 22(1)—good to chat today.

s 22(1)

From: Government Branding [<mailto:xxxxxxxxxxxxxxxxxxxx@xxx.xxx.xx>]
Sent: Thursday, 9 October 2014 4:52 PM
To: s 22(1)
Cc: Government Branding
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon s 22(1)

Thanks for the follow up call. I will investigate your request and try to organise a response by the end of next week if all goes according to plan.

Regards,

s 22(1)

s 22(1) | *National Symbols Officer*
Honours, Symbols and Territories Branch
Government Division | Department of the Prime Minister and Cabinet
Ph s 22(1)
Fax (02)6271 5662
Email s 22(1)
xxxxxxxxxxxxxxxxxxxx@xxx.xxx.xx

From: s 22(1)
Sent: Tuesday, 7 October 2014 5:37 PM
To: Government Branding
Cc: Timothy Pilgrim; xxxx.xxxxxxxx@xx.xxx.xx; s 22(1)
s 22(1)
Subject: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Dear s 22(1)

Thank you for your time last week to discuss the branding for the proposed 'Office of the Australian Privacy Commissioner'.

Australian Government common branding policy

I have discussed your preliminary advice with the Privacy Commissioner Timothy Pilgrim. s 47C

s 47C

- s 47C [redacted]
- [redacted]
- [redacted]

s 47C [redacted]

- s 47C [redacted]
- [redacted]
 - [redacted]

s 47C [redacted]

Background

As I explained on the phone, the [Freedom of Information Amendment \(New Arrangements\) Bill 2014](#) was introduced into the Australian Parliament last week. The Bill:

- abolishes the Office of the Australian Information Commissioner (OAIC)
- amends the *Privacy Act 1988* to establish the position of an 'Australian Privacy Commissioner'. Timothy Pilgrim will continue as the Australian Privacy Commissioner for the remainder of his appointment
- transfer the current staff of the OAIC to the Australian Human Rights Commission
- requires the Australian Human Rights Commission to provide assistance to the Australian Privacy Commissioner, including by making staff available and providing administrative support to enable the Australian Privacy Commissioner to undertake the functions set out in section 27 of the Privacy Act
- those staff 'made available' to the Australian Privacy Commissioner will be subject to the direction of the Australian Privacy Commissioner and not the Australian Human Rights Commission.

You will note that, while the legislation establishes a statutory position of 'Australian Privacy Commissioner', it does not establish an '*Office of the Australian Privacy Commissioner*' s 47C [redacted]

s 47C

Please do not hesitate to contact me if you require any further information.

Regards

s 22(1)

s 22(1) | Director | Communications and Corporate

Office of the Australian Information Commissioner

GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

s 22(1) | s 22(1)

s 22(1)

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From: [Pfitzner, Paul](#)
To: [Timothy Pilgrim](#)
Cc: [s 22\(1\)](#)
Subject: Information on various financial matters [DLM=Sensitive:Legal]
Date: Friday, 17 October 2014 8:57:31 AM
Attachments: [Draft Privacy outcome statement DLMFor-Official-Use-Only.msg](#)

Sensitive: Legal

Hi Timothy,

I now have answers on a couple of financial matters you raised with us.

[s 47C](#)
[Redacted]

In terms of ongoing capital funding assigned to the privacy function, there is a process by which we could reallocate funding between operating and capital, including on an ongoing basis. [s 47C](#)
[Redacted]

[s 47C](#)
[Redacted]

[s 47C](#)
[Redacted]

Happy to discuss further.

Thanks,
Paul

Paul Pfitzner
A/g Assistant Secretary
Legal Services Policy Branch (incorporating the Office of Legal Services Coordination)
Attorney-General's Department

T: [s 22\(1\)](#) | [s 22\(1\)](#)
E: paul.pfitzner@ag.gov.au | **W:** www.ag.gov.au/olsc

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From: [Timothy Pilgrim](#)
To: [Pfitzner, Paul](#)
Cc: [s 22\(1\)](#); [Angelene Falk](#); [Karen Toohey](#)
Subject: Re: Information on various financial matters [DLM=Sensitive:Legal]
Date: Friday, 17 October 2014 10:25:43 AM

Hello Paul

Thanks for that information. I am in Melbourne today and was wondering if it is ok to come back to you on this on Monday.

There are a couple of questions we may have. In regard to the outcome statement we may have a slight suggested change.

I have copied Karen and Angelene into this email in case you need to discuss this sooner. I can get back to you after my speech if necessary.

Thanks

Timothy

On 17 Oct 2014, at 8:57 am, Pfitzner, Paul <Paul.Pfitzner@ag.gov.au> wrote:

Sensitive: Legal

Hi Timothy,

I now have answers on a couple of financial matters you raised with us.

[s 47C\(1\)](#)
[Redacted]

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[Redacted]

[s 47C](#)
[Redacted]

[s 47C](#)
[Redacted]

Happy to discuss further.

Thanks,
Paul

Paul Pfitzner

A/g Assistant Secretary

Legal Services Policy Branch (incorporating the Office of Legal Services Coordination)
Attorney-General's Department

T: s 22(1) | M: s 22(1)
E: xxxx.xxxxxxxx@xx.xxx.xx | W: www.ag.gov.au/olsc

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<Draft Privacy outcome statement [DLM=For-Official-Use-Only]>

From: [Pfitzner, Paul](#)
To: [Timothy Pilgrim](#)
Cc: [s 22\(1\)](#); [Angelene Falk](#); [Karen Toohey](#)
Subject: RE: Information on various financial matters [DLM=Sensitive:Legal]
Date: Friday, 17 October 2014 12:19:11 PM

Sensitive: Legal

Thanks Timothy – a response on Monday is fine.

Thanks,
Paul

From: Timothy Pilgrim [mailto:Timothy.Pilgrim@oaic.gov.au]
Sent: Friday, 17 October 2014 10:26 am
To: Pfitzner, Paul
Cc: [s 22\(1\)](#); [Angelene Falk](#); [Karen Toohey](#)
Subject: Re: Information on various financial matters [DLM=Sensitive:Legal]

Hello Paul

Thanks for that information. I am in Melbourne today and was wondering if it is ok to come back to you on this on Monday.

There are a couple of questions we may have. In regard to the outcome statement we may have a slight suggested change.

I have copied Karen and Angelene into this email in case you need to discuss this sooner. I can get back to you after my speech if necessary.

Thanks

Timothy

On 17 Oct 2014, at 8:57 am, Pfitzner, Paul <Paul.Pfitzner@ag.gov.au> wrote:

Sensitive: Legal

Hi Timothy,

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[s 47C](#)
[Redacted text block]

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s 47C

s 47C

Happy to discuss further.

Thanks,
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Paul Pfitzner

A/g Assistant Secretary
Legal Services Policy Branch (incorporating the Office of Legal Services Coordination)
Attorney-General's Department

T: s 22(1) | M: s 22(1)
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From: [Timothy Pilgrim](#)
To: [Pfitzner, Paul](#)
Cc: [s 22\(1\)](#); [Angelene Falk](#); [Karen Toohey](#)
Subject: RE: Information on various financial matters [DLM=Sensitive:Legal]
Date: Monday, 20 October 2014 10:17:50 AM

Hello Paul

Here is our suggestion on the outcome statement:

s 47C



Happy to discuss if necessary.

Timothy

Timothy Pilgrim | Privacy Commissioner
Office of the Australian Information Commissioner
Level 3, 175 Pitt Street Sydney NSW 2001
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone [s 22\(1\)](#) | Fax +61 2 9284 9723
timothy.pilgrim@oaic.gov.au

***Please note:** The Australian Government has introduced a Bill into Parliament to abolish the OAIC on 31 December 2014. From 1 January 2015 privacy matters will be handled by the Australian Privacy Commissioner. For more information about how the OAIC will handle FOI and privacy matters until 31 December 2014 please see our [website](#).*

From: Pfitzner, Paul [mailto:Paul.Pfitzner@ag.gov.au]
Sent: Friday, 17 October 2014 12:19 PM
To: Timothy Pilgrim
Cc: [s 22\(1\)](#); [Angelene Falk](#); [Karen Toohey](#)
Subject: RE: Information on various financial matters [DLM=Sensitive:Legal]

Sensitive: Legal

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Cc: s 22(1) [redacted] Angelene Falk; Karen Toohey
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On 17 Oct 2014, at 8:57 am, Pfitzner, Paul <xxxx.xxxxxxxx@xx.xxx.xx> wrote:

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[redacted]
[redacted]
[redacted]

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[redacted]
[redacted]
[redacted]

s 47C [redacted]
[redacted]
[redacted]
[redacted]

s 47C [redacted]
[redacted]
[redacted]

Happy to discuss further.

Thanks,
Paul

Paul Pfitzner

A/g Assistant Secretary
Legal Services Policy Branch (incorporating the Office of Legal Services Coordination)
Attorney-General's Department

T: [s 22\(1\)](#) | M: [s 22\(1\)](#)
E: [xxxx.xxxxxxxx@xx.xxx.xx](#) | W: www.ag.gov.au/olsc

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From: s 22(1)
To: [Timothy Pilgrim](#)
Cc: [Angelene Falk](#); [James Popple](#); [John McMillan](#); [Pfitzner, Paul](#)
Subject: FOI (NA(Bill) [DLM=Sensitive:Legal]
Date: Wednesday, 22 October 2014 12:00:31 PM
Attachments: [FOI New Arrangements Bill - Parliamentary amendments.docx](#)
[FOI New Arrangements Bill - Parliamentary amendments.docx](#)

Sensitive: Legal

Hi Timothy

Here are amdts and the supplementary EM

Regards

s 22(1)
Principal Legal Officer
Legal Services and FOI Policy Section
Legal Services Policy Branch
Attorney-General's Department
T: s 22(1)
F: 6141 4205
E: s 22(1)

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From: s 22(1)
To: [Timothy Pilgrim](#)
Cc: [Angelene Falk](#); [James Popple](#); [John McMillan](#)
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]
Date: Thursday, 23 October 2014 11:35:37 AM
Attachments: [FOI Amendment \(New Arrangements\) Bill 2014 - supplementary EM - October 2014.docx](#)

Sensitive: Legal

Hi Timothy

There have been some changes to the EM -see the last sentence in para 5 and para 7 has now been deleted.

Regards

s 22(1)

From: s 22(1)
Sent: Wednesday, 22 October 2014 12:14 PM
To: xxxxxxxx.xxxxxxx@xxxx.xxx.xx
Cc: xxxxxxxx.xxxx@xxxx.xxx.xx; xxxxx.xxxxxx@xxxx.xxx.xx; John McMillan (xxxx.xxxxxxx@xxxx.xxx.xx); Pfitzner, Paul
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

+ EM

From: s 22(1)
Sent: Wednesday, 22 October 2014 12:00 PM
To: [xxxxxxx.xxxxxxx@xxxx.xxx.xx](#)
Cc: [xxxxxxx.xxxx@xxxx.xxx.xx](#) [xxxxx.xxxxxx@xxxx.xxx.xx](#); John McMillan ([xxxx.xxxxxxx@xxxx.xxx.xx](#)); Pfitzner, Paul
Subject: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

Hi Timothy

Here are amdts and the supplementary EM

Regards

s 22(1)

Principal Legal Officer
 Legal Services and FOI Policy Section
 Legal Services Policy Branch
 Attorney-General's Department

T: s 22(1)

F: 6141 4205

E: s 22(1)

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This email may be protected by legal professional privilege.

From: s 22(1)
To: [Timothy Pilgrim](mailto:Timothy.Pilgrim@oaic.gov.au)
Cc: [Angelene Falk](mailto:Angelene.Falk@oaic.gov.au); [James Popple](mailto:James.Popple@oaic.gov.au); [John McMillan](mailto:John.McMillan@oaic.gov.au); [Pfitzner, Paul](mailto:Pfitzner.Paul@oaic.gov.au)
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]
Date: Wednesday, 22 October 2014 12:14:17 PM
Attachments: [FOI Amendment \(New Arrangements\) Bill 2014 - supplementary EM.docx](#)

Sensitive: Legal

+ EM

From: s 22(1)
Sent: Wednesday, 22 October 2014 12:00 PM
To: Timothy.pilgrim@oaic.gov.au
Cc: angelene.falk@oaic.gov.au; james.popple@oaic.gov.au; [John McMillan](mailto:John.McMillan@oaic.gov.au) (John.McMillan@oaic.gov.au); [Pfitzner, Paul](mailto:Pfitzner.Paul@oaic.gov.au)
Subject: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

Hi Timothy

Here are amdts and the supplementary EM

Regards

s 22(1)
Principal Legal Officer
Legal Services and FOI Policy Section
Legal Services Policy Branch
Attorney-General's Department
T: s 22(1)
F: 6141 4205
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This email may be protected by legal professional privilege.

From: s 22(1)
To: [Timothy Pilgrim](#); [Angelene Falk](#); [Karen Toohey](#)
Subject: RE: FOI (NA(Bill) [DLM=Sensitive:Legal]
Date: Thursday, 23 October 2014 12:00:18 PM

Sure – we'll take a quick look at the changes from yesterday's EM to today's.

From: Timothy Pilgrim
Sent: Thursday, 23 October 2014 11:54 AM
To: Angelene Falk; Karen Toohey; s 22(1)
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]

Can we analyse these changes quickly and discuss.

Timothy Pilgrim | Privacy Commissioner
 Office of the Australian Information Commissioner
 Level 3, 175 Pitt Street Sydney NSW 2001
 GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
 Phone s 22(1) | Fax +61 2 9284 9723
timothy.pilgrim@oaic.gov.au

Please note: The Australian Government has introduced a Bill into Parliament to abolish the OAIC on 31 December 2014. From 1 January 2015 privacy matters will be handled by the Australian Privacy Commissioner. For more information about how the OAIC will handle FOI and privacy matters until 31 December 2014 please see our [website](#).

From: s 22(1)
Sent: Thursday, 23 October 2014 11:35 AM
To: Timothy Pilgrim
Cc: Angelene Falk; James Popple; John McMillan
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

Hi s 22(1)

There have been some changes to the EM -see the last sentence in para 5 and para 7 has now been deleted.

Regards

s 22(1)

From: s 22(1)
Sent: Wednesday, 22 October 2014 12:14 PM
To: timothy.pilgrim@oaic.gov.au
Cc: angelene.falk@oaic.gov.au; james.popple@oaic.gov.au; John McMillan

(xxxx.xxxxxxxx@xxxx.xxx.xx); Pfitzner, Paul
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

+ EM

From: s 22(1)
Sent: Wednesday, 22 October 2014 12:00 PM
To: xxxxxxx.xxxxxxxx@xxxx.xxx.xx
Cc: xxxxxxx.xxxx@xxxx.xxx.xx xxxxxxx.xxxxxxxx@xxxx.xxx.xx; John McMillan
(xxxx.xxxxxxxx@xxxx.xxx.xx); Pfitzner, Paul
Subject: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

Hi Timothy

Here are amdts and the supplementary EM

Regards

s 22(1)
Principal Legal Officer
Legal Services and FOI Policy Section
Legal Services Policy Branch
Attorney-General's Department
T: s 22(1)
F: 6141 4205
E: s 22(1)

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This email may be protected by legal professional privilege.

From: s 22(1)
To: [Timothy Pilgrim](#); [Angelene Falk](#); [Karen Toohey](#)
Subject: RE: FOI (NA(Bill) [DLM=Sensitive:Legal]
Date: Thursday, 23 October 2014 12:07:58 PM

The change to the EM is shown in tracking below:

s 47C

[Redacted content]

From: Timothy Pilgrim
Sent: Thursday, 23 October 2014 11:54 AM
To: Angelene Falk; Karen Toohey; § 22(1)
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]

Can we analyse these changes quickly and discuss.

Timothy Pilgrim | Privacy Commissioner
Office of the Australian Information Commissioner
Level 3, 175 Pitt Street Sydney NSW 2001
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone +§ 22(1) | Fax +61 2 9284 9723
xxxxxxx.xxxxxxx@xxxx.xxx.xx

***Please note:** The Australian Government has introduced a Bill into Parliament to abolish the OAIC on 31 December 2014. From 1 January 2015 privacy matters will be handled by the Australian Privacy Commissioner. For more information about how the OAIC will handle FOI and privacy matters until 31 December 2014 please see our [website](#).*

From: § 22(1)
Sent: Thursday, 23 October 2014 11:35 AM
To: Timothy Pilgrim
Cc: Angelene Falk; James Popple; John McMillan
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

Hi Timothy

There have been some changes to the EM -see the last sentence in para 5 and para 7 has now been deleted.

Regards

§ 22(1)

From: § 22(1)
Sent: Wednesday, 22 October 2014 12:14 PM
To: xxxxxxx.xxxxxxx@xxxx.xxx.xx
Cc: xxxxxxx.xxxx@xxxx.xxx.xx xxxxx.xxxxxxx@xxxx.xxx.xx; John McMillan
(xxxx.xxxxxxx@xxxx.xxx.xx); Pfitzner, Paul
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

+ EM

From: § 22(1)
Sent: Wednesday, 22 October 2014 12:00 PM
To: xxxxxxx.xxxxxxx@xxxx.xxx.xx
Cc: xxxxxxx.xxxx@xxxx.xxx.xx xxxxx.xxxxxxx@xxxx.xxx.xx; John McMillan
(xxxx.xxxxxxxx@xxxx.xxx.xx); Pfitzner, Paul
Subject: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

Hi Timothy

Here are amdts and the supplementary EM

Regards

§ 22(1)
Principal Legal Officer
Legal Services and FOI Policy Section
Legal Services Policy Branch
Attorney-General's Department
T: § 22(1)
F: 6141 4205
E: § 22(1)

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This email may be protected by legal professional privilege.

From: [Timothy Pilgrim](#)
To: [s.22\(1\)](#)
Subject: FOI Bill and EM [DLM=For-Official-Use-Only]
Date: Thursday, 23 October 2014 12:20:47 PM
Attachments: [FW FOI \(NA\(Bill\) DLMsensitiveLegal.msg](#)
[FW FOI \(NA\(Bill\) DLMsensitiveLegal.msg](#)
[FOI \(NA\(Bill\) DLMsensitiveLegal.msg](#)

I assume you are being kept in this loop?

The EM has changed again.

TP

From: s 22(1)
To: [Timothy Pilgrim](#)
Cc: [Angelene Falk](#); [James Popple](#); [John McMillan](#); [Pfitzner, Paul](#)
Subject: FOI (NA(Bill) [DLM=Sensitive:Legal]
Date: Wednesday, 22 October 2014 12:00:31 PM
Attachments: [FOI New Arrangements Bill - Parliamentary amendments.docx](#)
[FOI New Arrangements Bill - Parliamentary amendments.docx](#)

Sensitive: Legal

Hi Timothy

Here are amdts and the supplementary EM

Regards

s 22(1)
Principal Legal Officer
Legal Services and FOI Policy Section
Legal Services Policy Branch
Attorney-General's Department
T: s 22(1)
F: 6141 4205
E: s 22(1)

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From: s 22(1)
To: [Timothy Pilgrim](#)
Cc: [Angelene Falk](#); [James Popple](#); [John McMillan](#); [Pfitzner, Paul](#)
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]
Date: Wednesday, 22 October 2014 12:14:17 PM
Attachments: [FOI Amendment \(New Arrangements\) Bill 2014 - supplementary EM.docx](#)

Sensitive: Legal

+ EM

From: s 22(1)
Sent: Wednesday, 22 October 2014 12:00 PM
To: xxxxxxxx.xxxxxxx@xxxx.xxx.xx
Cc: xxxxxxxx.xxxx@xxxx.xxx.xx; xxxxx.xxxxxx@xxxx.xxx.xx; John McMillan (xxxx.xxxxxxx@xxxx.xxx.xx); Pfitzner, Paul
Subject: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

Hi Timothy

Here are amdts and the supplementary EM

Regards

s 22(1)
Principal Legal Officer
Legal Services and FOI Policy Section
Legal Services Policy Branch
Attorney-General's Department
T: s 22(1)
F: 6141 4205
E: s 22(1)

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This email may be protected by legal professional privilege.

From: s 22(1)
To: [Timothy Pilgrim](#)
Cc: [Angelene Falk](#); [James Popple](#); [John McMillan](#)
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]
Date: Thursday, 23 October 2014 11:35:37 AM
Attachments: [FOI Amendment \(New Arrangements\) Bill 2014 - supplementary EM - October 2014.docx](#)

Sensitive: Legal

Hi Timothy

There have been some changes to the EM -see the last sentence in para 5 and para 7 has now been deleted.

Regards

s 22(1)

From: s 22(1)
Sent: Wednesday, 22 October 2014 12:14 PM
To: xxxxxxxx.xxxxxxx@xxxx.xxx.xx
Cc: xxxxxxxx.xxxx@xxxx.xxx.xx; xxxxx.xxxxxx@xxxx.xxx.xx; John McMillan (xxxx.xxxxxxx@xxxx.xxx.xx); Pfitzner, Paul
Subject: FW: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

+ EM

From: s 22(1)
Sent: Wednesday, 22 October 2014 12:00 PM
To: [xxxxxxx.xxxxxxx@xxxx.xxx.xx](#)
Cc: [xxxxxxx.xxxx@xxxx.xxx.xx](#); [xxxxx.xxxxxx@xxxx.xxx.xx](#); John McMillan ([xxxx.xxxxxxx@xxxx.xxx.xx](#)); Pfitzner, Paul
Subject: FOI (NA(Bill) [DLM=Sensitive:Legal]

Sensitive: Legal

Hi Timothy

Here are amdts and the supplementary EM

Regards

s 22(1)

Principal Legal Officer
Legal Services and FOI Policy Section
Legal Services Policy Branch
Attorney-General's Department

T: s 22(1)
F: 6141 4205
E: s 22(1)

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From: [Government Branding](#)
To: s 22(1) [Government Branding](#)
Cc: [Timothy Pilgrim; Paul.Pfzner@ag.gov.au](#); s 22(1)
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]
Date: Friday, 24 October 2014 12:29:45 PM

UNCLASSIFIED

Good afternoon s 22(1)

As discussed, under section 3.2 of the [branding guidelines](#) the Secretary of the Attorney-General's Department can authorise a 'unit' logo which complies with the Australian Government branding policy.

Regards,

s 22(1)

s 22(1) | *National Symbols Officer*
Honours, Symbols and Territories Branch
Government Division | Department of the Prime Minister and Cabinet
 Ph s 22(1)
 Fax (02)6271 5662
 Email s 22(1)
nationalsymbols@pmc.gov.au

From: s 22(1)
Sent: Tuesday, 7 October 2014 5:37 PM
To: Government Branding
Cc: Timothy Pilgrim; Paul.Pfzner@ag.gov.au; s 22(1)
Subject: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Dear s 22(1)

Thank you for your time last week to discuss the branding for the proposed 'Office of the Australian Privacy Commissioner'.

Australian Government common branding policy

I have discussed your preliminary advice with the Privacy Commissioner Timothy Pilgrim. s 47C

s 47C

- s 47C

s 47C [redacted]

- [redacted]
- [redacted]

Office of the Australian Privacy Commissioner branding

s 47C [redacted]

s 47C [redacted]

- [redacted]
- [redacted]

s 47C [redacted]

Background

As I explained on the phone, the [Freedom of Information Amendment \(New Arrangements\) Bill 2014](#) was introduced into the Australian Parliament last week. The Bill:

- abolishes the Office of the Australian Information Commissioner (OAIC)
- amends the *Privacy Act 1988* to establish the position of an ‘Australian Privacy Commissioner’. Timothy Pilgrim will continue as the Australian Privacy Commissioner for the remainder of his appointment
- transfer the current staff of the OAIC to the Australian Human Rights Commission
- requires the Australian Human Rights Commission to provide assistance to the Australian Privacy Commissioner, including by making staff available and providing administrative support to enable the Australian Privacy Commissioner to undertake the functions set out in section 27 of the Privacy Act
- those staff ‘made available’ to the Australian Privacy Commissioner will be subject to the direction of the Australian Privacy Commissioner and not the Australian Human Rights Commission.

You will note that, while the legislation establishes a statutory position of ‘Australian Privacy Commissioner’, it does not establish an ‘*Office of the Australian Privacy Commissioner*’

[redacted] s 47C

s 47C

Please do not hesitate to contact me if you require any further information.

Regards

s 22(1)

s 22(1) | Director | Communications and Corporate

Office of the Australian Information Commissioner

GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

s 22(1) | s 22(1)

s 22(1)

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From: s 22(1)
To: [Government Branding](#)
Cc: [Timothy Pilgrim](#); Paul.Pfitzner@ag.gov.au; s 22(1)
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]
Date: Friday, 24 October 2014 1:12:27 PM

Many thanks for the advice s 22(1)

Regards

s 22(1)

From: Government Branding [<mailto:Governmentbranding@pmc.gov.au>]
Sent: Friday, 24 October 2014 12:30 PM
To: s 22(1) Government Branding
Cc: Timothy Pilgrim; Paul.Pfitzner@ag.gov.au; s 22(1)
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon s 22(1)

As discussed, under section 3.2 of the [branding guidelines](#) the Secretary of the Attorney-General's Department can authorise a 'unit' logo which complies with the Australian Government branding policy.

Regards,

s 22(1)

s 22(1) | *National Symbols Officer*
Honours, Symbols and Territories Branch
Government Division | Department of the Prime Minister and Cabinet
 Ph s 22(1)
 Fax (02)6271 5662
 Email s 22(1)
nationalsymbols@pmc.gov.au

From: s 22(1)
Sent: Tuesday, 7 October 2014 5:37 PM
To: Government Branding
Cc: Timothy Pilgrim; Paul.Pfitzner@ag.gov.au; s 22(1)
Subject: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Dear s 22(1)

Thank you for your time last week to discuss the branding for the proposed 'Office of the

Australian Privacy Commissioner’.

Australian Government common branding policy

I have discussed your preliminary advice with the Privacy Commissioner Timothy Pilgrim. S

[REDACTED] 47
[REDACTED] C

s 47C

[REDACTED]
[REDACTED]
[REDACTED]

• s 47C

- [REDACTED]
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- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Office of the Australian Privacy Commissioner branding

s 47C

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

s 47C

- [REDACTED]
- [REDACTED]

s 47C

[REDACTED]
[REDACTED]
[REDACTED]

Background

As I explained on the phone, the [Freedom of Information Amendment \(New Arrangements\) Bill 2014](#) was introduced into the Australian Parliament last week. The Bill:

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- amends the *Privacy Act 1988* to establish the position of an ‘Australian Privacy Commissioner’. Timothy Pilgrim will continue as the Australian Privacy Commissioner for the remainder of his appointment
- transfer the current staff of the OAIC to the Australian Human Rights Commission
- requires the Australian Human Rights Commission to provide assistance to the Australian

Privacy Commissioner, including by making staff available and providing administrative support to enable the Australian Privacy Commissioner to undertake the functions set out in section 27 of the Privacy Act

- those staff 'made available' to the Australian Privacy Commissioner will be subject to the direction of the Australian Privacy Commissioner and not the Australian Human Rights Commission.

You will note that, while the legislation establishes a statutory position of 'Australian Privacy Commissioner', it does not establish an 'Office of the Australian Privacy Commissioner'. s

4
7
C

Please do not hesitate to contact me if you require any further information.

Regards

s 22(1)

s 22(1) | Director | Communications and Corporate

Office of the Australian Information Commissioner

GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

s 22(1) | s 22(1)

s 22(1)

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From: s 22(1)
To: [Timothy Pilgrim](#); [Angelene Falk](#); [Karen Toohey](#)
Cc: [RS.SCaC](#)
Subject: FW: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]
Date: Tuesday, 28 October 2014 1:23:47 PM

FYI

From: Pfitzner, Paul [mailto:Paul.Pfitzner@ag.gov.au]
Sent: Tuesday, 28 October 2014 1:22 PM
To: Jonathan Dobinson
Cc: s 22(1)
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s 22(1)

My apologies in not getting back to you earlier. s 47C

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss further.

Thanks,
Paul

Paul Pfitzner
 A/g Assistant Secretary
 Legal Services Policy Branch (incorporating the Office of Legal Services Coordination)
 Attorney-General's Department

T: s 22(1) | **M:** s 22(1)
E: paul.pfitzner@ag.gov.au | **W:** www.ag.gov.au/olsc

From: s 22(1)
Sent: Tuesday, 28 October 2014 1:00 pm
To: Pfitzner, Paul
Cc: s 22(1)
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Hi Paul

Sorry to bother you. Timothy has asked me to follow up on my email to you below. s 47C

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Many thanks

Kind regards

s 22(1)

From: s 22(1)
Sent: Friday, 24 October 2014 1:17 PM
To: xxxx.xxxxxxxx@xx.xxx.xx
Cc: s 22(1)
Subject: FW: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Hi Paul

I hope you are well. Given PMC's advice below, Timothy was wondering whether we needed to do anything further on this s 47C

Grateful for your advice as soon as possible.

Kind regards

s 22(1)

From: Government Branding [<mailto:xxxxxxxxxxxxxxxxxxxx@xxx.xxx.xx>]
Sent: Friday, 24 October 2014 12:30 PM
To: s 22(1) Government Branding
Cc: Timothy Pilgrim; xxxx.xxxxxxxx@xx.xxx.xx s 22(1)
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon s 22(1)

As discussed, under section 3.2 of the [branding guidelines](#) the Secretary of the Attorney-General's Department can authorise a 'unit' logo which complies with the Australian Government branding policy.

Regards,

s 22(1)

s 22(1) | *National Symbols Officer*
Honours, Symbols and Territories Branch
Government Division | Department of the Prime Minister and Cabinet
Ph s 22(1)
Fax (02)6271 5662
Email s 22(1)

From: s 22(1)
Sent: Tuesday, 7 October 2014 5:37 PM
To: Government Branding
Cc: Timothy Pilgrim; xxxx.xxxxxxxx@xx.xxx.xx s 22(1)
Subject: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Dear s 22(1)

Thank you for your time last week to discuss the branding for the proposed 'Office of the Australian Privacy Commissioner'.

Australian Government common branding policy

I have discussed your preliminary advice with the Privacy Commissioner Timothy Pilgrim. s
47
C

s 47C

- s 47C
-
-

Office of the Australian Privacy Commissioner branding

s 47C

- s 47C
- -

s 47C

s 47C

Background

As I explained on the phone, the [Freedom of Information Amendment \(New Arrangements\) Bill 2014](#) was introduced into the Australian Parliament last week. The Bill:

- abolishes the Office of the Australian Information Commissioner (OAIC)
- amends the *Privacy Act 1988* to establish the position of an 'Australian Privacy Commissioner'. Timothy Pilgrim will continue as the Australian Privacy Commissioner for the remainder of his appointment
- transfer the current staff of the OAIC to the Australian Human Rights Commission
- requires the Australian Human Rights Commission to provide assistance to the Australian Privacy Commissioner, including by making staff available and providing administrative support to enable the Australian Privacy Commissioner to undertake the functions set out in section 27 of the Privacy Act
- those staff 'made available' to the Australian Privacy Commissioner will be subject to the direction of the Australian Privacy Commissioner and not the Australian Human Rights Commission.

You will note that, while the legislation establishes a statutory position of 'Australian Privacy Commissioner', it does not establish an '*Office of the Australian Privacy Commissioner*'

s
47
C

[Redacted text block]

Please do not hesitate to contact me if you require any further information.

Regards

s 22(1)

s 22(1) | Director | Communications and Corporate
Office of the Australian Information Commissioner
 GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

s 22(1)
 s 22(1)

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From: s 22(1)
To: [Timothy Pilgrim](#); [Angelene Falk](#); [Karen Toohey](#)
Cc: [RS.SCaC](#)
Subject: FW: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]
Date: Tuesday, 28 October 2014 1:23:47 PM

FYI

From: Pfitzner, Paul [<mailto:Paul.Pfitzner@ag.gov.au>]
Sent: Tuesday, 28 October 2014 1:22 PM
To: s 22(1)
Cc: s 22(1)
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s 22(1)

My apologies in not getting back to you earlier. s 47C

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss further.

Thanks,
Paul

Paul Pfitzner
 A/g Assistant Secretary
 Legal Services Policy Branch (incorporating the Office of Legal Services Coordination)
 Attorney-General's Department

T: s 22(1) | **M:** s 22(1)
E: paul.pfitzner@ag.gov.au | **W:** www.ag.gov.au/olsc

From: s 22(1)
Sent: Tuesday, 28 October 2014 1:00 pm
To: Pfitzner, Paul
Cc: s 22(1)
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Hi Paul

Sorry to bother you. Timothy has asked me to follow up on my email to you below. s 47C

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Many thanks

Kind regards

s 22(1)

From: s 22(1)
Sent: Friday, 24 October 2014 1:17 PM
To: xxxx.xxxxxxxx@xx.xxx.xx
Cc: s 22(1)
Subject: FW: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Hi Paul

I hope you are well. Given PMC's advice below, Timothy was wondering whether we needed to do anything further on this s 47C

Grateful for your advice as soon as possible.

Kind regards

s 22(1)

From: Government Branding [<mailto:xxxxxxxxxxxxxxxxxxxx@xxx.xxx.xx>]
Sent: Friday, 24 October 2014 12:30 PM
To: s 22(1) Government Branding
Cc: Timothy Pilgrim; xxxx.xxxxxxxx@xx.xxx.xx s 22(1)
Subject: RE: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon s 22(1)

As discussed, under section 3.2 of the [branding guidelines](#) the Secretary of the Attorney-General's Department can authorise a 'unit' logo which complies with the Australian Government branding policy.

Regards,

s 22(1)

s 22(1) | *National Symbols Officer*
Honours, Symbols and Territories Branch
Government Division | Department of the Prime Minister and Cabinet
Ph s 22(1)
Fax (02)6271 5662
Email s 22(1)

From: s 22(1)
Sent: Tuesday, 7 October 2014 5:37 PM
To: Government Branding
Cc: Timothy Pilgrim; xxxx.xxxxxxxx@xx.xxx.xx s 22(1)
Subject: Branding for the Office of the Australian Privacy Commissioner [SEC=UNCLASSIFIED]

Dear s 22(1)

Thank you for your time last week to discuss the branding for the proposed 'Office of the Australian Privacy Commissioner'.

Australian Government common branding policy

I have discussed your preliminary advice with the Privacy Commissioner Timothy Pilgrim. s
47
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s 47C

- s 47C
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-

Office of the Australian Privacy Commissioner branding

s 47C

- s 47C
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s 47C

s 47C

Background

As I explained on the phone, the [Freedom of Information Amendment \(New Arrangements\) Bill 2014](#) was introduced into the Australian Parliament last week. The Bill:

- abolishes the Office of the Australian Information Commissioner (OAIC)
- amends the *Privacy Act 1988* to establish the position of an 'Australian Privacy Commissioner'. Timothy Pilgrim will continue as the Australian Privacy Commissioner for the remainder of his appointment
- transfer the current staff of the OAIC to the Australian Human Rights Commission
- requires the Australian Human Rights Commission to provide assistance to the Australian Privacy Commissioner, including by making staff available and providing administrative support to enable the Australian Privacy Commissioner to undertake the functions set out in section 27 of the Privacy Act
- those staff 'made available' to the Australian Privacy Commissioner will be subject to the direction of the Australian Privacy Commissioner and not the Australian Human Rights Commission.

You will note that, while the legislation establishes a statutory position of 'Australian Privacy Commissioner', it does not establish an '*Office of the Australian Privacy Commissioner*'

s
47
C

[Redacted text block]

Please do not hesitate to contact me if you require any further information.

Regards

s 22(1)

s 22(1) | Director | Communications and Corporate
Office of the Australian Information Commissioner
 GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

s 22(1)
 s 22(1)

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s
22(1)
)
[REDACTED]

From: John McMillan
Sent: Thursday, 30 October 2014 1:53 PM
To: Pfitzner, Paul; Minogue, Matt
Cc: Timothy Pilgrim; James Popple; s 22(1)
Subject: RE: Freedom of Information Amendment (New Arrangements) Bill 2014
 [SEC=UNCLASSIFIED]

Thanks Paul. We had in mind setting up a brief meeting with you tomorrow to take stock of developments, but in light of your advice and the referral of the Bill to a Committee I think we can hold over further discussion to our scheduled meeting next Wed 5 Nov. Of course, if you learn anything vital in the meantime we'd be grateful for early news.

John

John McMillan | Australian Information Commissioner

Office of the Australian Information Commissioner
 Level 3, 4 National Circuit, CANBERRA
 GPO Box 2999 CANBERRA ACT 2601 | www.oaic.gov.au
 Phone: s 22(1) | Fax: 6239 9190
 Email: john.mcmillan@oaic.gov.au

Protecting information rights – advancing information policy



From: Pfitzner, Paul [<mailto:Paul.Pfitzner@ag.gov.au>]
Sent: Thursday, 30 October 2014 1:49 PM
To: Minogue, Matt; John McMillan
Cc: Timothy Pilgrim; James Popple; s 22(1)
Subject: RE: Freedom of Information Amendment (New Arrangements) Bill 2014
 [SEC=UNCLASSIFIED]

UNCLASSIFIED

John/all,

The Bill was referred to the Senate Legal and Constitutional Affairs Committee a short time ago, for report by 25 November. This will leave six Senate sittings days after that date for

consideration.

I note for completeness there is a separate motion being debated in the Senate (the debate commenced but was interrupted – presumably will continue this afternoon) to extend sittings so that the Senate sits on the additional days of Monday 17-Wednesday 19 November (with the cancelled Estimates rescheduled for Thursday 20 November). This motion included a list of bills to be considered and the FOI Bill was part of that list, which suggests that the government will definitely ensure the Bill is scheduled for debate before the end of the sitting year.

I have no further information on the position or approach of the Opposition or minor parties in the Senate, but I thought I would provide this by way of update.

Thanks,
Paul

Paul Pfitzner

A/g Assistant Secretary
Legal Services Policy Branch (incorporating the Office of Legal Services Coordination)
Attorney-General's Department

T: s 22(1) | M: s 22(1)
E: xxxx.xxxxxxxx@xx.xxx.xx | W: www.ag.gov.au/olsc

From: Minogue, Matt
Sent: Wednesday, 29 October 2014 11:37 am
To: 'John McMillan'; Pfitzner, Paul
Cc: 'Timothy Pilgrim'; 'James Popple'; s 22(1)
Subject: RE: Freedom of Information Amendment (New Arrangements) Bill 2014
[SEC=UNCLASSIFIED]

Hello john

Yes we'd be happy to update you on where things are at. The debate itself didn't raise unexpected issues

Thanks

Matt

Sent with Good (www.good.com)

-----Original Message-----

From: John McMillan [xxxx.xxxxxxxx@xxxx.xxx.x]
Sent: Wednesday, October 29, 2014 11:21 AM AUS Eastern Standard Time
To: Minogue, Matt; Pfitzner, Paul
Cc: Timothy Pilgrim; James Popple; Mandy Williams
Subject: Freedom of Information Amendment (New Arrangements) Bill 2014

[SEC=UNCLASSIFIED]

Dear Matt and Paul

We are watching with interest the Parliamentary progress of the Freedom of Information Amendment (New Arrangements) Bill 2014.

Our next fortnightly AGD-OAIC meeting is scheduled for Wednesday 5 November. If you are in a position (on a confidential basis) to enlighten us prior to that meeting of any developments or thinking, could you do so? We are available for an impromptu meeting or call at short notice.

The following is an extract from the advice we have provided to our own staff this morning:

It is not yet clear when the Bill will be listed for debate in the Senate, the voting intentions of the independent and cross-bench Senators, or whether some other compromise arrangement will ensure the passage of the Bill. The present reality, however, is that the Government has made a Budget announcement to disband the OAIC by 31 December, and legislation to implement that announcement has been passed by the House.

The OAIC will continue to proceed under the current arrangements and deal as best we can with new complaints, review applications etc; and will proceed with our shut-down arrangements. We will keep you informed if anything changes.

We don't propose to make any public comment at this stage and will direct any enquiries to our earlier statements.

John

John McMillan | Australian Information Commissioner

Office of the Australian Information Commissioner

Level 3, 4 National Circuit, CANBERRA

GPO Box 2999 CANBERRA ACT 2601 | www.oaic.gov.au

Phone: **s 22(1)** | Fax: 6239 9190

Email: xxxx.xxxxxxxx@xxxx.xxx.xx

Protecting information rights – advancing information policy



Please note: *The Australian Government has introduced a Bill into Parliament to abolish the OAIC on 31 December 2014. From 1 January 2015 privacy matters will be handled by the Australian Privacy Commissioner. For more information about how the OAIC will handle FOI and privacy matters until 31 December 2014 please see our [website](#).*

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s
22(1)
)
[REDACTED]

From: John McMillan
Sent: Wednesday, 29 October 2014 11:21 AM
To: Executive
Subject: FW: Freedom of Information Amendment (New Arrangements) Bill 2014 [SEC=UNCLASSIFIED]

FYI. The email I sent to Matt and Paul
John

From: John McMillan
Sent: Wednesday, 29 October 2014 11:21 AM
To: Minogue, Matt; Pfitzner, Paul (Paul.Pfitzner@ag.gov.au)
Cc: Timothy Pilgrim; James Popple; s 22(1)
Subject: Freedom of Information Amendment (New Arrangements) Bill 2014 [SEC=UNCLASSIFIED]

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Our next fortnightly AGD-OAIC meeting is scheduled for Wednesday 5 November. If you are in a position (on a confidential basis) to enlighten us prior to that meeting of any developments or thinking, could you do so? We are available for an impromptu meeting or call at short notice.

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We don't propose to make any public comment at this stage and will direct any enquiries to our earlier statements.

John

[John McMillan](#) | Australian Information Commissioner

Office of the Australian Information Commissioner

Level 3, 4 National Circuit, CANBERRA
GPO Box 2999 CANBERRA ACT 2601 | www.oaic.gov.au
Phone: **§ 22(1)** | Fax: 6239 9190
Email: xxxx.xxxxxxxx@xxxx.xxx.xx

-

Protecting information rights – advancing information policy



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From: [Pfitzner, Paul](#)
To: [Timothy Pilgrim](#); [John McMillan](#); [James Popple](#); [Alison Leonard](#); [Karen Toohey](#); [Angelene Falk](#)
Cc: [s 22\(1\)](#)
Subject: FYI only - scheduling of FOI Bill [SEC=UNCLASSIFIED]
Date: Monday, 24 November 2014 9:30:03 AM

UNCLASSIFIED

Hi all,

Just by way of update. You may have seen the weekly program for the Senate (here: <http://www.dpmc.gov.au/parliamentary/senate/html/senate.html>) which has the FOI Bill scheduled in the non-contro slot on Thursday. We understand this is an error and it *will not* be debated in this slot. This likely means it will not be scheduled this week, but we stand prepared should it be called on.

At this stage, I have no further information regarding the Committee process, other than I still expect the report to be tabled tomorrow.

Happy to discuss.

Thanks,
Paul

Paul Pfitzner
A/g Assistant Secretary
Legal Services Policy Branch (incorporating the Office of Legal Services Coordination)
Attorney-General's Department

T: [s 22\(1\)](#) | **M:** [s 22\(1\)](#)
E: paul.pfitzner@ag.gov.au | **W:** www.ag.gov.au/olsc

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From: [Timothy Pilgrim](#)
To: [Pfitzner, Paul](#)
Cc: [Minogue, Matt](#)
Subject: RE: FYI only - scheduling of FOI Bill [SEC=UNCLASSIFIED]
Date: Monday, 24 November 2014 11:20:28 AM

Hello Paul

I have left a message to have a quick chat to you about this. Depending on what else you may know, perhaps we need to chat with Matt as well about contingencies.

Regards

Timothy

Timothy Pilgrim | Privacy Commissioner
Office of the Australian Information Commissioner
Level 3, 175 Pitt Street Sydney NSW 2001
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone **s 22(1)** | Fax +61 2 9284 9723
xxxxxxx.xxxxxxx@xxxx.xxx.xx

Please note: *The Australian Government has introduced a Bill into Parliament to abolish the OAIC on 31 December 2014. From 1 January 2015 privacy matters will be handled by the Australian Privacy Commissioner. For more information about how the OAIC will handle FOI and privacy matters until 31 December 2014 please see our [website](#).*

From: Pfitzner, Paul [mailto:xxxx.xxxxxxx@xx.xxx.xx]
Sent: Monday, 24 November 2014 9:30 AM
To: Timothy Pilgrim; John McMillan; James Popple; Alison Leonard; Karen Toohey; Angelene Falk
Cc: **s 22(1)**
Subject: FYI only - scheduling of FOI Bill [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi all,

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At this stage, I have no further information regarding the Committee process, other than I still expect the report to be tabled tomorrow.

Happy to discuss.

Thanks,
Paul

Paul Pfitzner

A/g Assistant Secretary
Legal Services Policy Branch (incorporating the Office of Legal Services Coordination)
Attorney-General's Department

T: [s 22\(1\) \[REDACTED\]](tel:s 22(1) [REDACTED]) | M: [s 22\(1\) \[REDACTED\]](tel:s 22(1) [REDACTED])
E: xxxx.xxxxxxxx@xx.xxx.xx | W: www.ag.gov.au/olsc

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From: [John McMillan](#)
To: [Executive](#)
Subject: A-G response to my letter [SEC=UNCLASSIFIED]
Date: Wednesday, 3 December 2014 3:09:13 PM
Attachments: [img-Y25100127-0001 \(2\).pdf](#)

Folks – this is close to being a matter of history, but here is the Attorney’s response to my letter about the wording of the Ex Memo. Though he rejects my point, in fact the Second Reading Speech was toned down.

John



ATTORNEY-GENERAL

CANBERRA

MC14/20105

21 NOV 2014

Professor John McMillan AO
Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Dear Professor McMillan

Thank you for your letter of 26 September 2014 regarding the Explanatory Memorandum to the Freedom of Information (New Arrangements) Bill 2014.

As you aware, the Bill will implement the 2014-15 Budget measure, *Smaller Government – Privacy and Freedom of Information functions – new arrangements*. Two essential components to this budget measure are the streamlining of government services and the removal of an unnecessary layer of bureaucracy from FOI administration. The government considers that this Bill will reduce complexity in the current system of FOI administration and simplify processes for agencies and individuals.

s 47C

s 47C

Thank you again for writing on this matter.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'George Brandis', written over a faint, illegible stamp or watermark.

(George Brandis)

Section 22

[Redacted]

From: John McMillan
Sent: Wednesday, 3 December 2014 3:54 PM
To: s 22(1)
Cc: Minogue, Matt
Subject: RE: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]

s 22(1)

s 47C

[Redacted]

[Redacted]

[Redacted]

[Redacted]

John

John McMillan | Australian Information Commissioner
Office of the Australian Information Commissioner
Level 3, 4 National Circuit, CANBERRA
GPO Box 2999 CANBERRA ACT 2601 | www.oaic.gov.au
Phone: s 22(1) | Fax: 6239 9190
Email: john.mcmillan@oaic.gov.au

Protecting information rights – advancing information policy



From: s 22(1)
Sent: Tuesday, 2 December 2014 4:17 PM
To: John McMillan
Subject: RE: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]

Thank you John. Yes, I just saw that s 22(1) has left.

Do you have a pass to get into the parliamentary committee room area?

s 22(1)

From: John McMillan [<mailto:John.McMillan@oaic.gov.au>]
Sent: Tuesday, 2 December 2014 3:55 PM
To: s 22(1)
Subject: RE: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]

Phew – thanks s 22(1). I was midway through a response, as I'm in Syd on Wed. You will also have got a 'I've left msg' from s 22(1). My mobile phone if you need to chase me further (our landlines have also left!) is s 22(1)

And yep – Thurs is fine as agreed

John

From: s 22(1)
Sent: Tuesday, 2 December 2014 3:52 PM
To: s 22(1)
Cc: John McMillan
Subject: FW: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]
Importance: High

My apologies – the private briefing is as previously arranged - Thursday 4 December not tomorrow (Wed 3 Dec).

Kind regards

s 22(1)

s 22(1)
Joint Committee of Public Accounts and Audit
Suite 108, Department of the House of Representatives
Parliament House, CANBERRA ACT 2600

s 22(1)

~~@ xxx~~
www.aph.gov.au/jcpaa

From: s 22(1) On Behalf Of Committee, JCPAA (REPS)
Sent: Tuesday, 2 December 2014 3:51 PM

To: s 22(1)
Cc: John McMillan
Subject: RE: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]

Dear s 22(1)

I would like to confirm that Prof McMillan is still able to provide the briefing tomorrow?

The time and venue remain the same.

Please be advised that although the briefing is scheduled for 10.45 am, there may be a few minutes delay while the Committee completes its private business.

Representatives of the Attorney General's Department will also be present.

Kind regards

s 22(1)

s 22(1)
Joint Committee of Public Accounts and Audit
Suite 108, Department of the House of Representatives
Parliament House, CANBERRA ACT 2600
T s 22(1) E s 22(1)

~~@ xxx~~
www.aph.gov.au/jcpaa

From: s 22(1)
Sent: Wednesday, 29 October 2014 11:37 AM
To: s 22(1)
Cc: John McMillan
Subject: FW: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]
Importance: High

Hello s 22(1)

I would like to accept, on behalf of John McMillan, your invitation to brief the Joint Parliamentary Committee on Public Accounts and Audit on Thursday, 4 December at 10.45am.

Thank you

Mandy Williams

s 22(1)
Executive Assistant
Office of the Australian Information Commissioner
Ph: s 22(1)

Please note: The Australian Government has introduced a Bill into Parliament to abolish the OAIC on 31 December 2014. From 1 January 2015 privacy matters will be handled by the Australian Privacy Commissioner. For more

information about how the OAIC will handle FOI and privacy matters until 31 December 2014 please see our [website](#).

From: Enquiries
Sent: Tuesday, 28 October 2014 4:20 PM
To: s 22(1)
Subject: FW: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]
Importance: High

Hi s 22(1)

This just came in. Can I leave it with you to pass along?

Thanks!

s 22(1)

From: s 22(1)
Sent: Tuesday, 28 October 2014 4:18 PM
To: Enquiries
Subject: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA
Importance: High

Dear Colleagues

I am writing on behalf of Dr Andrew Southcott MP, Chair of the Joint Committee on Public Accounts and Audit to invite Professor John McMillan to brief the Committee at 10.45 am on Thursday **4th December** 2014 about the changes to his OAIC. The briefing (30 mins) will be part of a private meeting held in Committee Room 2R1, Parliament House, Canberra. The committee will also invite the Attorney-General's Department to attend.

Could you please either refer this invitation directly to Professor McMillan's office, or provide me with a more direct contact email or phone number? Your prompt reply will be appreciated so I can ensure Professor McMillan is available.

Kind regards

s 22(1)

s 22(1)
Joint Committee on Public Accounts and Audit
Suite 108, Department of the House of Representatives
Parliament House, CANBERRA ACT 2600
s 22(1)

[@ xxx](mailto:xxx)
www.aph.gov.au/jcpaa

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s 22(1)

From: John McMillan
Sent: Wednesday, 3 December 2014 4:32 PM
To: s 22(1)
Cc: Minogue, Matt; s 22(1)
Subject: RE: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]

Thanks s 22(1) I'll note that date
John

From: s 22(1)
Sent: Wednesday, 3 December 2014 4:23 PM
To: John McMillan
Cc: Minogue, Matt; s 22(1)
Subject: RE: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]
Importance: High

John,

The Chair is happy to postpone the briefing.

The next meeting of the JCPAA is 12 February 2015.

We will follow up with you shortly to discuss the details.

Thank you

s 22(1)

s 22(1)
Joint Committee of Public Accounts and Audit
Suite 108, Department of the House of Representatives
Parliament House, CANBERRA ACT 2600
T s 22(1) E s 22(1)

jcpaa@aph.gov.au
www.aph.gov.au/jcpaa

From: John McMillan [<mailto:John.McMillan@oaic.gov.au>]

Sent: Wednesday, 3 December 2014 3:54 PM

To: s 22(1)

Cc: Minogue, Matt

Subject: RE: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]

Jane

s 47C



John

John McMillan | Australian Information Commissioner

Office of the Australian Information Commissioner

Level 3, 4 National Circuit, CANBERRA

GPO Box 2999 CANBERRA ACT 2601 | www.oaic.gov.au

Phone: s 22(1) | Fax: 6239 9190

Email: xxxx.xxxxxxxx@xxxx.xxx.xx

Protecting information rights – advancing information policy



From: s 22(1)

Sent: Tuesday, 2 December 2014 4:17 PM

To: John McMillan

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s 22(1)

s 22(1)
Joint Committee of Public Accounts and Audit
Suite 108, Department of the House of Representatives
Parliament House, CANBERRA ACT 2600

s 22(1)

xxxxx@xxx.xxx.xx
www.aph.gov.au/jcpaa

From: s 22(1) (REPS) **On Behalf Of** Committee, JCPAA (REPS)
Sent: Tuesday, 2 December 2014 3:51 PM
To: s 22(1)
Cc: John McMillan
Subject: RE: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]

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Kind regards

s 22(1)

s 22(1)

Joint Committee of Public Accounts and Audit
Suite 108, Department of the House of Representatives
Parliament House, CANBERRA ACT 2600

s 22(1)

xxxxx@xxx.xxx.xx
www.aph.gov.au/jcpaa

From: s 22(1)

Sent: Wednesday, 29 October 2014 11:37 AM

To: s 22(1)

Cc: John McMillan

Subject: FW: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]

Importance: High

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Thank you

s 22(1)

s 22(1)

Executive Assistant
Office of the Australian Information Commissioner

s 22(1)

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From: Enquiries

Sent: Tuesday, 28 October 2014 4:20 PM

To: s 22(1)

Subject: FW: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA [SEC=UNCLASSIFIED]

Importance: High

Hi s 22(1)

This just came in. Can I leave it with you to pass along?

Thanks!

s 22(1)

From: s 22(1)
Sent: Tuesday, 28 October 2014 4:18 PM
To: Enquiries
Subject: New Freedom of Information and Privacy Arrangements - Joint Parliamentary Committee on Public Accounts and Audit - Invitation Dr Southcott MP Chair JCPAA
Importance: High

Dear Colleagues

I am writing on behalf of Dr Andrew Southcott MP, Chair of the Joint Committee on Public Accounts and Audit to invite Professor John McMillan to brief the Committee at 10.45 am on Thursday **4th December** 2014 about the changes to his OAIC. The briefing (30 mins) will be part of a private meeting held in Committee Room 2R1, Parliament House, Canberra. The committee will also invite the Attorney-General's Department to attend.

Could you please either refer this invitation directly to Professor McMillan's office, or provide me with a more direct contact email or phone number? Your prompt reply will be appreciated so I can ensure Professor McMillan is available.

Kind regards

s 22(1)

s 22(1)
Joint Committee on Public Accounts and Audit
Suite 108, Department of the House of Representatives
Parliament House, CANBERRA ACT 2600

s 22(1)

xxxxx@xxx.xxx.xx
www.aph.gov.au/jcpaa

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s 22(1)

From: John McMillan
Sent: Wednesday, 3 December 2014 5:17 PM
To: Pfitzner, Paul
Cc: Minogue, Matt; s 22(1)
Subject: Re: Senate program tomorrow [SEC=UNCLASSIFIED]

Tks Paul. Much appreciated
John

Sent from my iPhone

On 3 Dec 2014, at 5:06 pm, "Pfitzner, Paul" <Paul.Pfitzner@ag.gov.au> wrote:

UNCLASSIFIED

Hi John,

I have not yet seen the Senate program for tomorrow. However, a notice of motion was tabled in the Senate (attached), which is essentially a guillotine motion under which the Senate will not rise until a number of Bills are resolved. As you will see, our Bill is not included on this list and therefore I think it is safe to assume that it will not be debated tomorrow.

I will provide the formal program once received but just thought I would provide this update.

Happy to discuss.

Thanks,
Paul

Paul Pfitzner
A/g Assistant Secretary
Legal Services Policy Branch (incorporating the Office of Legal Services Coordination)
Attorney-General's Department

s 22(1)

E: paul.pfitzner@ag.gov.au | **W:** www.ag.gov.au/olsc

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copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

<3 december_notices.pdf>

From: [John McMillan](#)
To: [All OAIC](#)
Subject: Freedom of Information Amendment (New Arrangements) Bill 2014 [SEC=UNCLASSIFIED]
Date: Friday, 5 December 2014 10:15:27 AM

Dear OAIC colleagues

The Senate did not debate the Freedom of Information Amendment (New Arrangements) Bill 2014 before it rose yesterday. The Senate next sits on 9 February.

From a legal standpoint the OAIC will continue operations. However, as you are well aware, the Budget allocation for FOI work was to cease on 31 December. The OAIC has been implementing the Budget decision and the Canberra office will close today. James and John continue in their Commissioner roles, working from home; and Alison finishes work today (about which I'll be writing separately).

Clearly there are matters to be discussed between the office and the Attorney-General's Department, about operations generally, and specifically the discharge of FOI and privacy functions from 1 January. The context for those discussions is that the Government's policy intention announced in the Budget is clear, it has been substantially implemented at an operational level, and the Bill before the Parliament has not been rejected but simply not debated by the Senate.

Once again, it has been easier to work through this uncertainty because of the hard work, understanding and good judgement of OAIC staff. A special thanks from the Executive.

We will give you an update next week after Timothy and Angelene have returned and we have had an opportunity to further progress the discussions.

John

[John McMillan](#) | Australian Information Commissioner

Office of the Australian Information Commissioner

Level 3, 4 National Circuit, CANBERRA

GPO Box 2999 CANBERRA ACT 2601 | www.oaic.gov.au

Phone: **s 22(1)** | Fax: 6239 9190

Email: xxxx.xxxxxxxx@xxxx.xxx.xx

-

Protecting information rights – advancing information policy



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s 22(1)
[Redacted]
[Redacted]
[Redacted]

From: John McMillan
Sent: Monday, 8 December 2014 2:08 PM
To: Minogue, Matt
Cc: paul.fitzner@agd.gov.au
Subject: Re: [SEC=UNCLASSIFIED]

Matt

s 47C
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Best time for a meeting for us is tuesday or around midday wed. James and I could either come in, or phone in. And the syd crowd could phone in (altho a couple are in town on wed).

s 47C
[Redacted]
[Redacted] One
other matter on the personal front is that s 47F
[Redacted]
[Redacted]

I can be contacted thru this email or on s 22(1) [Redacted]

John

Sent from my iPad

On 8 Dec 2014, at 9:13 am, Minogue, Matt <Matthew.Minogue@ag.gov.au> wrote:

UNCLASSIFIED

hello all

an early start for us

Matt

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<AGD_Additional_Program_SBE14-15 (2).pdf>

Sect
ion
22
[Redacted]
[Redacted]

From: John McMillan
Sent: Wednesday, 10 December 2014 4:58 PM
To: Minogue, Matt; Pfitzner, Paul (Paul.Pfitzner@ag.gov.au); s 22(1)
Subject: OAIC Workload and Resources Assessment [SEC=UNCLASSIFIED]

Matt/Pau s 22(1)

Attached is the internal paper we prepared on our estimate of workload and resources. As mentioned at the meeting, we would ask that this is given limited circulation, although it is likely that some of the points in the paper will come out in response to Senate Estimates questions.

See you there tomorrow. If there is anything to discuss I can be reached on this email or s 22(1)
s 22(1)

John

s
22(1)
)

From: John McMillan
Sent: Monday, 15 December 2014 10:27 AM
To: Executive
Subject: FW: AGD-OAIC Liaison Meeting [SEC=UNCLASSIFIED]

Wednesday meeting not happening. No news is some news!
 John

From: Minogue, Matt [<mailto:Matthew.Minogue@ag.gov.au>]
Sent: Monday, 15 December 2014 10:24 AM
To: John McMillan; Pfitzner, Paul; s 22(1)
Subject: RE: AGD-OAIC Liaison Meeting [SEC=UNCLASSIFIED]

UNCLASSIFIED

hello John

I'm not sure that there's much we can usefully add to what we already know (or know that we don't yet know). I'd be happy to defer if that's ok

re tomorrow – not sure I'll be able to make it but I'm still hoping

Matt

From: John McMillan [<mailto:John.McMillan@oaic.gov.au>]
Sent: Monday, 15 December 2014 10:23 AM
To: Minogue, Matt; Pfitzner, Paul; s 22(1)
Subject: AGD-OAIC Liaison Meeting [SEC=UNCLASSIFIED]

Matt

Our regular liaison meeting is scheduled for this Wed at 11am. The OAIC Exec is happy to go ahead, but it probably makes sense to do so only if there has been some relevant development since we met last Tues and Thurs at Estimates. We're happy to leave the decision to go ahead till Wed morning if this is more convenient.

If the meeting does go ahead, James and I are happy to come into the office, but would probably opt to ring in if that is convenient.

Slightly related to that, James and I will both be attending an AIAL Access to Justice seminar (addressed by Warren Munday) at 4 National Cirt tomorrow Tuesday at 12.30pm. We are happy to meet either side of that meeting, formally or informally, if anything has arisen for discussion.

John

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From: [John McMillan](#)
To: [Minoque, Matt](#); [Pfitzner, Paul \(Paul.Pfitzner@ag.gov.au\)](#); [§ 22\(1\)](#)
Cc: [Timothy Pilgrim](#)
Subject: ... after 1 January ... [SEC=UNCLASSIFIED]
Date: Thursday, 18 December 2014 4:39:05 PM

Matt

As you know, I'm still at work after 1 January, and we plan to have a few of the existing OAIC staff continue with FOI work (albeit on a minimal basis).

The implication is that we intend to use the OAIC budget after 1 January to pay me and those officers. I know you are working on future budget arrangements, and the situation may be resolved prior to 1 January.

However, I thought I'd put our intentions in writing, rather than leave it up in the air, so there are no sticky questions after 1 January.

Happy to discuss.

John

John McMillan
Australian Information Commissioner

From: [Minoque, Matt](#)
To: [John McMillan](#); [Pfitzner, Paul](#); [s 22\(1\)](#)
Cc: [Timothy Pilgrim](#)
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]
Date: Friday, 19 December 2014 9:03:24 AM

UNCLASSIFIED

hello John

yes using the OAIC budget is our expectation too

lets follow up next week about what's need post 1 January and then early in the new year for a more settled view on what's ahead

thanks

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From: [John McMillan](#)
To: "[Minogue, Matt](#)"; "[Pfitzner, Paul](#)"; s 22(1)
Cc: [Timothy Pilgrim](#)
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]
Date: Tuesday, 23 December 2014 8:52:40 AM

Matt

Just writing to tee up a time to speak today if possible. Best times for Timothy and I are between 10.30 – 12, or after 2.00.

We can ring in, or I can drop in also.

John

From: John McMillan
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To: [John McMillan](#); [Pfitzner, Paul](#); [s 22\(1\)](#)
Cc: [Timothy Pilgrim](#)
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]
Date: Tuesday, 23 December 2014 3:02:11 PM
Attachments: [image001.png](#)

UNCLASSIFIED

John and Timothy

apologies – ive just realised this was an email I wrote earlier but did not send – hence the time to link up was rudely short. are you available this afternoon or tomorrow morning?

MAtt

From: Minoque, Matt
Sent: Tuesday, 23 December 2014 2:37 PM
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UNCLASSIFIED

hello John and Timothy

its only me today I'm afraid

is around 2.45 ok

Thanks

Matt

Matt Minoque
First Assistant Secretary
Civil Law Division

(telephone number 02 6141 3620)
2586 Indigenous signature block NEW4



From: John McMillan [<mailto:John.McMillan@oaic.gov.au>]

Sent: Tuesday, 23 December 2014 8:53 AM
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To: [John McMillan](#); [Pfitzner, Paul](#); [s 22\(1\)](#)
Cc: [Timothy Pilgrim](#)
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]
Date: Tuesday, 23 December 2014 3:01:50 PM
Attachments: [image003.png](#)

UNCLASSIFIED

hello John and Timothy

its only me today I'm afraid

is around 2.45 ok

Thanks

Matt

Matt Minogue
First Assistant Secretary
Civil Law Division

(telephone number [s 22\(1\)](#)
2586 Indigenous signature block NEW4



From: John McMillan [mailto:xxxx.xxxxxxxx@xxxx.xxx.xx]
Sent: Tuesday, 23 December 2014 8:53 AM
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Cc: Timothy Pilgrim
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Date: Tuesday, 23 December 2014 4:13:09 PM
Attachments: [image001.png](#)

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Timothy Pilgrim | Privacy Commissioner
 Office of the Australian Information Commissioner
 Level 3, 175 Pitt Street Sydney NSW 2001
 GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
 Phone s 22(1) [REDACTED] | Fax +61 2 9284 9723
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Attachments: [image001.png](#)

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Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]
Date: Tuesday, 23 December 2014 4:20:45 PM
Attachments: [image002.png](#)
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s 47F, but you and John could meet/talk.

Timothy Pilgrim | Privacy Commissioner
Office of the Australian Information Commissioner
Level 3, 175 Pitt Street Sydney NSW 2001
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone s 22(1) | Fax +61 2 9284 9723

xxxxxxx.xxxxxxx@xxxx.xxx.xx

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From: Minogue, Matt [<mailto:xxxxxxx.xxxxxxx@xx.xxx.xx>]
Sent: Tuesday, 23 December 2014 4:13 PM
To: John McMillan; Pfitzner, Paul; s 22(1)
Cc: Timothy Pilgrim
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]

UNCLASSIFIED

hi John and Timothy – are we a chance for tomorrow morning around 10.30 or 11.00

MAtt

From: John McMillan [<mailto:xxxx.xxxxxxxx@xxxx.xxx.xx>]
Sent: Tuesday, 23 December 2014 3:06 PM
To: Minogue, Matt; Pfitzner, Paul; s 22(1)
Cc: Timothy Pilgrim
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]

Thanks Matt. Just rang but told you have gone into a meeting. I've left my mobile no. I'm available this afternoon and tomorrow. I can arrange a telephone hookup with Timothy this afternoon until 5pm, but otherwise can just pass on any news if that is the simpler way to proceed.

John

From: Minogue, Matt [<mailto:xxxxxxx.xxxxxxx@xx.xxx.xx>]
Sent: Tuesday, 23 December 2014 2:52 PM
To: John McMillan; Pfitzner, Paul; s 22(1)
Cc: Timothy Pilgrim
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]

UNCLASSIFIED

John and Timothy

apologies – ive just realised this was an email I wrote earlier but did not send – hence the time to link up was rudely short. are you available this afternoon or tomorrow morning?

MAtt

From: Minogue, Matt
Sent: Tuesday, 23 December 2014 2:37 PM
To: 'John McMillan'; Pfitzner, Paul; s 22(1)
Cc: Timothy Pilgrim
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]

UNCLASSIFIED

hello John and Timothy

its only me today I'm afraid

is around 2.45 ok

Thanks

Matt

Matt Minogue
First Assistant Secretary
Civil Law Division

(telephone number s 22(1)
2586 Indigenous signature block NEW4



From: John McMillan [<mailto:xxxx.xxxxxxxx@xxxx.xxx.xx>]
Sent: Tuesday, 23 December 2014 8:53 AM
To: Minogue, Matt; Pfitzner, Paul; s 22(1)
Cc: Timothy Pilgrim
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]

Matt

Just writing to tee up a time to speak today if possible. Best times for Timothy and I are between 10.30 – 12, or after 2.00.

We can ring in, or I can drop in also.

John

From: John McMillan
Sent: Friday, 19 December 2014 9:05 AM
To: 'Minogue, Matt'; Pfitzner, Paul; s 22(1)
Cc: Timothy Pilgrim
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]

Fine. I'm free all days next week, thought Timothy is not available on Wednesday. I can come in.

John

From: Minogue, Matt [<mailto:xxxxxxx.xxxxxx@xx.xxx.xx>]
Sent: Friday, 19 December 2014 9:03 AM
To: John McMillan; Pfitzner, Paul; s 22(1)
Cc: Timothy Pilgrim
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]

UNCLASSIFIED

hello John

yes using the OAIC budget is our expectation too

lets follow up next week about what's need post 1 January and then early in the new year for a more settled view on what's ahead

thanks

Matt

From: John McMillan [<mailto:xxxx.xxxxxxxx@xxxx.xxx.xx>]
Sent: Thursday, 18 December 2014 4:39 PM
To: Minogue, Matt; Pfitzner, Paul; s 22(1)
Cc: Timothy Pilgrim
Subject: ... after 1 January ... [SEC=UNCLASSIFIED]

Matt

As you know, I'm still at work after 1 January, and we plan to have a few of the existing OAIC staff continue with FOI work (albeit on a minimal basis).

The implication is that we intend to use the OAIC budget after 1 January to pay me and those officers. I know you are working on future budget arrangements, and the situation may be resolved prior to 1 January.

However, I thought I'd put our intentions in writing, rather than leave it up in the air, so there are no sticky questions after 1 January.

Happy to discuss.

John

John McMillan
Australian Information Commissioner

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From: [John McMillan](#)
To: [Executive](#)
Subject: Discussions with AGD [SEC=UNCLASSIFIED]
Date: Wednesday, 24 December 2014 10:59:01 AM

Dear all

I spoke to Matt Minogue this morning. The message in brief is that there are no new developments. S 47C [REDACTED]

I noted that there were other budgetary issues also to be resolved (eg, reallocation to Privacy of some of the funding for AGD that won't be required) and these too will be addressed next year.

We can follow up with AGD when we're back on deck in January.

John

From: s 22(1)
To: Timothy Pilgrim
Cc: s 22(1)
Subject: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]
Date: Wednesday, 14 January 2015 2:18:44 PM

Hi Timothy,

As discussed there are two significant outstanding legal issues that need to be settled concerning the Canberra arrangements and your old offices.

1. Pending the restructure of the OAIC entity the Canberra assets scheduled to be transferred to the AGD are of course still the property of the OAIC and make up a material amount on the OAIC balance sheet.

The major asset in Canberra is the office fit out – current book value between \$600-\$700k. There may also be some plant and equipment. Your legal area (do you have one?) or our legal area will need to draft some type of licence to give the AGD use of this fitout pending the restructure.

2. The OAIC is locked into a property sublease with AGD and they need to release you from it.

If you would like AHRC legal to investigate preparing a licence for AGD to use your fitout and other stuff please advise.

s 22(1)
Chief Financial Officer

Australian Human Rights Commission

Level 3, 175 Pitt St, Sydney NSW 2000
GPO Box 5218, Sydney NSW 2001

T s 22(1) F +61 2 9284 9611 M s 22(1)
E s 22(1) W www.humanrights.gov.au

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From: [Timothy Pilgrim](#)
To: [Minoque, Matt](#); [John McMillan](#); [Pfitzner, Paul](#); [S. 22\(1\)](#)
Subject: RE: ... after 1 January ... [SEC=UNCLASSIFIED]
Date: Wednesday, 14 January 2015 2:28:00 PM

Hello Matt

As discussed this morning I have asked the AHRC Finance people to give me a short explanation of the issues relating to the lease of level 4, 4 National Circuit. They have provided me with the following:

There are two significant outstanding legal issues that need to be settled concerning the Canberra arrangements and your old offices.

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2. The OAIC is locked into a property sublease with AGD and they need to release you from it.

Hope this is clear and we would appreciate your assistance in resolving this.

Thanks

Timothy

From: s 22(1)
To: [Timothy Pilgrim](#)
Cc: s 22(1)
Subject: RE: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]
Date: Thursday, 15 January 2015 8:51:43 AM
Attachments: [OAIC ASSETS - with WDV as of 31-12-14.xlsx](#)

Tim,

Please see the attached list of OAIC assets held in Canberra – which are still on the OAIC books.

s 47C

s 47C

s 22(1)

s 22(1)

Chief Financial Officer

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E s 22(1) W www.humanrights.gov.au

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From: s 22(1)
Sent: Wednesday, 14 January 2015 2:19 PM
To: Timothy Pilgrim (Timothy.Pilgrim@oaic.gov.au)
Cc: s 22(1)
Subject: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]

Hi Timothy,

As discussed there are two significant outstanding legal issues that need to be settled concerning the Canberra arrangements and your old offices.

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If you would like AHRC legal to investigate preparing a licence for AGD to use your fitout and other stuff please advise.

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From: s 22(1)
To: [Timothy Pilgrim](mailto:Timothy.Pilgrim@oaic.gov.au)
Cc: s 22(1)
Subject: RE: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]
Date: Thursday, 15 January 2015 8:57:50 AM

If you think it will help – It is a bit hard to know whether anybody is focused on this issue in Canberra – and if they are going to release your space it needs to take the issue that OAIC owns the fit out into account.

From: Timothy Pilgrim [mailto:Timothy.Pilgrim@oaic.gov.au]
Sent: Thursday, 15 January 2015 8:54 AM
To: s 22(1)
Cc: s 22(1)
Subject: RE: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]

So should I forward this on to them?

Not your email but the attachment and a cut and paste from your email?

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From: s 22(1)
Sent: Thursday, 15 January 2015 8:52 AM
To: Timothy Pilgrim
Cc: s 22(1)
Subject: RE: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]

Tim,

Please see the attached list of OAIC assets held in Canberra – which are still on the OAIC books.

s 47C

s 47C

s 47C(1)

s 22(1)

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From: s 22(1)

Sent: Wednesday, 14 January 2015 2:19 PM

To: Timothy Pilgrim (Timothy.Pilgrim@oaic.gov.au)

Cc: s 22(1)

Subject: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]

Hi Timothy,

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From: s 22(1)
To: [Timothy Pilgrim](mailto:Timothy.Pilgrim@oaic.gov.au)
Cc: s 22(1)
Subject: RE: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]
Date: Thursday, 15 January 2015 9:07:16 AM

In the first instance s 22(1) I guess.

But as this is a legal drafting issue I am not sure that they would need much input from finance. To be clear the accounting will follow the legal arrangements. If OAIC doesn't have control of its fit out asset (which is based on the existence of the sublease) then it will probably be an audit issue for OAIC if it is continued to be recognised in the OAIC books after the office was "closed" and you stopped paying rent.

From: Timothy Pilgrim [<mailto:Timothy.Pilgrim@oaic.gov.au>]
Sent: Thursday, 15 January 2015 9:00 AM
To: s 22(1)
Cc: s 22(1)
Subject: RE: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]

Ok will send it then as a further reminder of the issue. Who in your area should be contact?

Timothy Pilgrim | Privacy Commissioner
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From: s 22(1)
Sent: Thursday, 15 January 2015 8:58 AM
To: Timothy Pilgrim
Cc: s 22(1)
Subject: RE: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]

If you think it will help – It is a bit hard to know whether anybody is focused on this issue in Canberra – and if they are going to release your space it needs to take the issue that OAIC owns the fit out into account.

From: Timothy Pilgrim [<mailto:Timothy.Pilgrim@oaic.gov.au>]
Sent: Thursday, 15 January 2015 8:54 AM
To: s 22(1)
Cc: s 22(1)

Subject: RE: OAIC Assets pending the restructure of the entity [SEC=UNCLASSIFIED]

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Sent: Thursday, 15 January 2015 8:52 AM
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s 47C

s 47C

s 22(1)

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From: s 22(1)
Sent: Wednesday, 14 January 2015 2:19 PM
To: Timothy Pilgrim (xxxxxxx.xxxxxx@xxxx.xxx.x)
Cc: s 22(1)
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From: [Timothy Pilgrim](#)
To: [Minoque, Matt](#); [John McMillan](#); [Pfitzner, Paul](#); [s.22\(1\)](#)
Subject: OAIC lease and Assets - Level 3, 4 national Circuit. [DLM=For-Official-Use-Only]
Date: Thursday, 15 January 2015 9:10:50 AM
Attachments: [OAIC ASSETS - with WDV as of 31-12-14.xlsx](#)

Hi Matt

Further to my email yesterday about the lease and assets associated with the OAIC's rental of level 3, our Finance people have provided the following comments and attached spread sheet of assets.

The attached list sets out the OAIC's assets held in Canberra – which are still on the OAIC books.

You may want to refer this to your leases area to review – as on reflection they need to maintain your lease in order for OAIC to continue to recognise the fit out asset (details of all OAIC Canberra assets attached)

So you may either need to suspend your payments while leaving the sublease in place or if you rent it out to another party it will (we are guessing) need to be as an assignment or sublease from your sublease. So you may need to get a property lawyer to look at the options and address these particularly if they are about to lease it out to another party.

Apparently, the accounting issues can't be resolved until the lease issue is.

Regards

Timothy

Timothy Pilgrim | Privacy Commissioner
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