

Dear FOI Policy Branch

I wish to make the following two submissions in regards to the FOI Reform:

Submission 1: 'High seniority'

I have a concern about a factor listed in the Bill. This is one of the factors which cannot be taken into account in considering the public interest test in relevance to the deliberative process exemption. Those factors include 'that the author of the document was or is of high seniority in the agency'.

- Could you please consider whether this be interpreted by the agency to mean that the low seniority of an officer could be a consideration in the public interest test? What level of officer is taken to be 'high seniority' and could an officer who was responsible for relatively high profile decisions still argue that they were of 'low seniority'?
- Could this factor instead be changed to read that the seniority of the author of the document is irrelevant, then there would be no argument regarding whether officers were of a low or high seniority?

Submission 2: Cost of access - Discount on charges for journalists and not for profit organisations

'[J]ournalists and not for profit organisations enjoy the first five hours free of charge'

It is hard to comment fully on this as the draft Regulations have not been released, however I would like the following points to be considered in regards to this proposal:

- You are not able to compel people to reveal the reason for which they have made an FOI request. Yet by requiring people to reveal whether they are a journalist or represent a not-for-profit organisation in order to take advantage of the first 5 hours decision-making time free, they do need to reveal the general reason for their request. I therefore don't think this requirement should be included.
- However, if it is, how will 'journalist' be defined? Do you have to be a professional working for a commercial newspaper? An amateur working for your local paper? The latter arguably has more need of the 5 hour discount, however they also will have more problems proving they are a 'journalist' as this will often not be their main occupation.
- If you must offer discounts for certain groups, I would submit that academics and students should also be included, as their reasons for request are often similar to journalists and not-for-profit organisations. The benefit to the public is also similar in that if published, their research reaches a wider audience than just themselves.

Thank you for the opportunity to submit.

Regards
Melissa Nickols