

The development and assessment of structure options

This section sets out the process followed to develop and assess the structure options and proposed structure for the OAIC.

Design principles

The OAIC articulated a set of design principles to assess potential models and ensure the new structure is fit-for-purpose. These principles were developed through engagement with OAIC Commissioners and staff. Table 2 outlines the design principles aligned to the 4Ps to outline how the design principles mapped with the larger vision for the OAIC.

Table 2 | Design principles

Guiding principle	Design principle
PROACTIVE <i>We adopt a risk-based, education and enforcement-focused posture.</i>	<ol style="list-style-type: none"> Externally focussed: Our focus is on the entities we regulate, the individuals we serve and ecosystem in which we operate. Functions and roles at OAIC exist either to effectively deliver our external regulatory activities (e.g., education or enforcement) or to support others to do so. Lean and agile: We minimise unnecessary processes, clearances, and hierarchies so that we can act quickly, proactively and informed by a balanced approach to risk relative to the issue or matter at hand. Consistent with legislation: Our structure reflects the ability of our three Commissioners to undertake multiple functions under the Australian Information Commissioner Act.
PROPORTIONATE <i>We prioritise our regulatory effort based on risk of harm to the community.</i>	<ol style="list-style-type: none"> Flexible: Our structure is flexible and adaptable to change, permitting Commissioners to decide to move people and resources to different activities according to experience and whole of Commission priorities. We avoid: ‘when all you have is hammer, everything looks like a nail’. Efficient and cost effective: We optimise resources and minimise costs. This includes streamlining processes, ensuring all roles and functions add value, and building capability in-house to reduce reliance on outsourcing.
PURPOSE-DRIVEN <i>We focus on harms and outcomes, and are driven by evidence and data</i>	<ol style="list-style-type: none"> Outcome-driven enabling services: Our structure supports the development of strong expertise and resources in enabling services (e.g. legal, policy, finance, IT, HR and governance) to help us deliver on our purposes. Connection to purpose: The connection between functions and roles, and the outcomes they deliver or support, are clear in our structure.

PEOPLE FOCUSED

We preserve expertise and talent. We make the best use of our resources and maximise opportunities for our people

8. **Empowerment and autonomy:** Our structure demonstrates trust in our people by devolving and decentralising decision-making as much as possible. This supports decisions to be made in a timely manner and at the appropriate level.
9. **Collaborative:** Our structure minimise silos and provides maximum opportunities for people to work across the office. We are one team working together for a common purpose and are always happy to see the job done by whoever can best do it. This is supported by whole of agency transparency to ensure that staff understand the work completed.
10. **Expertise:** Our structure fosters and respects regulated area expertise across the agency and supports work to be completed by the teams with relevant knowledge. We support staff to build their expertise and capacity to support work across the agency.

The principles were used to by the Commissioners to test the potential model options.

Development of models

A series of models were developed in consultation with the Commissioners. Through these models the Commissioners sought to build on the work completed during the strategic review alongside the process improvements implemented by branches. In addition, the Commissioners also considered:

- OAIC strategic priorities
- The 4Ps
- The legislative framework
- The statement of regulatory intent
- All functions to be carried out by the OAIC
- Feedback from staff during the strategic review and in response to staff surveys
- Benchmarking analysis of several regulators across Australian jurisdictions,
- Inputs such as Goold and Campbells tests of good fit

Seven models were developed that reflect the current needs of the OAIC while ensuring that the structure could be scaled to address future regulatory challenges that the OAIC is likely to face.

The developed models considered different combinations of functions and leadership structures. All options split branches according to functional activities completed and some also split some functions into regulated areas.

The Commissioners reviewed all models and further refined and consolidated the models to arrive at four that could be assessed according to the design principles.

Two model options were selected for engagement with staff

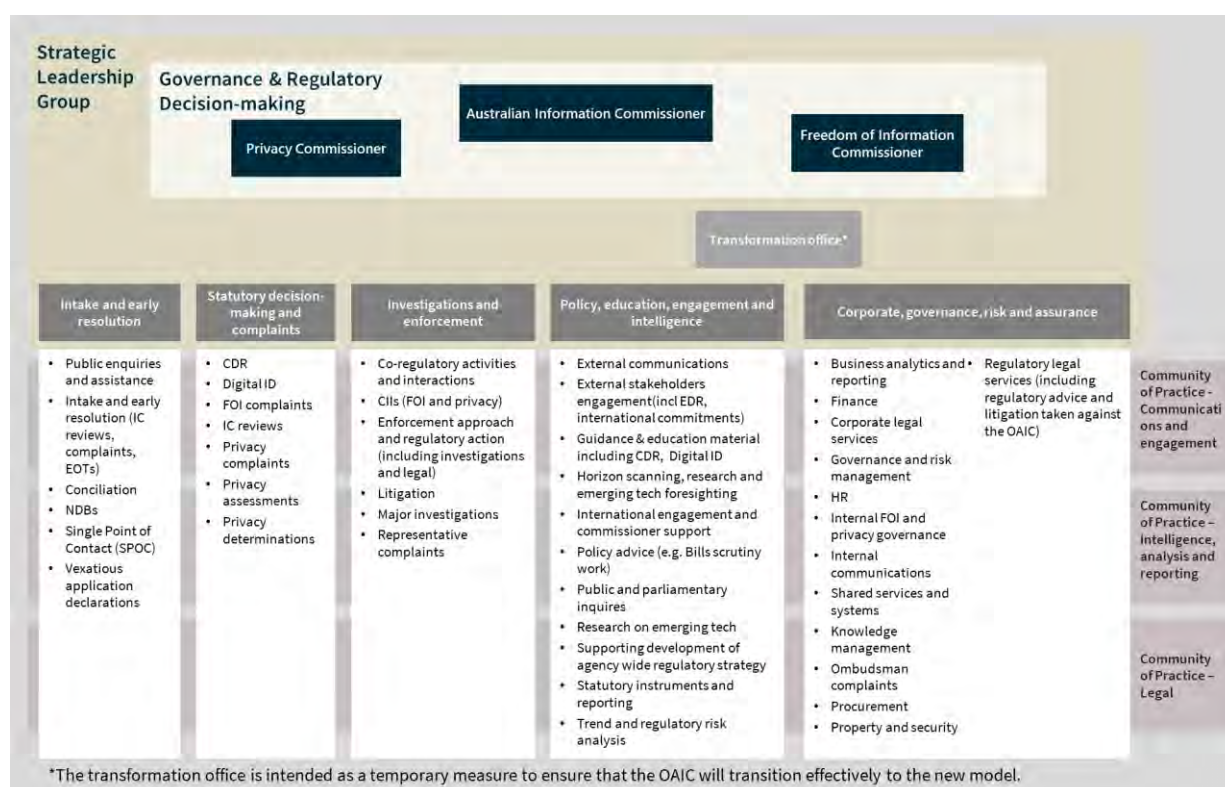
Two models were put to OAIC staff for discussion, which split the OAIC into branches by the functions completed, rather than regulated area. They also indicated a likely reduction in total number of branches.

Potential Model 1

Option 1 (see Figure 9) splits regulatory work completed by the OAIC into branches by time spent for resolution. In this model matters that are resolved quickly are grouped together and those that require ongoing work are grouped together. The splitting of the privacy and FOI continuum seeks to create structural off-ramps for cases whereby a case either progresses to another branch or is closed or declined. This structure would help support clarity of progression for a case through the system and staff would have a clear role within the case continuum.

This model also maintained the grouping of legal, governance and risk and other enabling services as a single corporate branch.

Figure 9 | Model option 1 for staff engagement



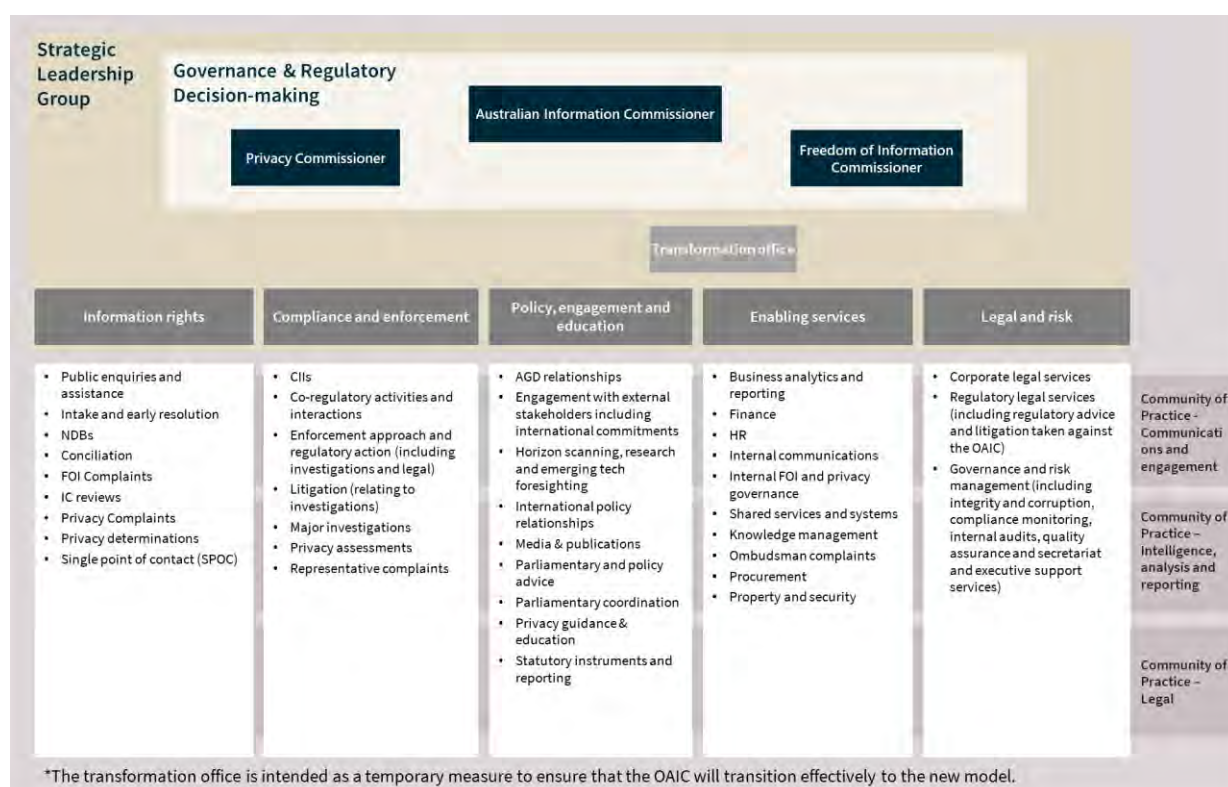
Potential Model 2

Option 2 (see Figure 10) splits regulatory work completed by the OAIC into branches by the nature of interaction with external stakeholders. In this model, interactions with functions are grouped by the

nature of interaction with external stakeholders. In this model the information rights branch takes care of first instance interaction with single or small group external stakeholders, whereas the Compliance and Enforcement branch would take on the functions that require longer term or larger groups of external stakeholders.

Unlike Option 1 this model splits the current corporate branch into two distinct branches, Enabling services and Legal and risk.

Figure 10 | Model option 2 for staff engagement



Staff provided input through branch feedback sessions

Staff were presented with the two high-level model options alongside the design principles and functional model. Staff were then asked to engage with Nous through branch feedback sessions. These sessions provided staff with the opportunity to discuss the options and provide ideas that would improve the structure through a Miro Board that asked the following questions:

- What do you like and not like about the two options?
- What refinements (if any) would you make to the options?
- What are the implications of implementing a model like one of these options?

Each branch was provided with an individual Miro Board that was used to provide anonymous feedback. Staff were invited to react to other comments left in the Board and provided the opportunity to discuss any comments in a plenary discussion.

Figure 3 | Miro Board used to guide staff workshops



The feedback provided by staff varied across the workshops. However, there were some key themes that emerged. Table 3 outlines the key themes heard across all workshops as well as how these themes were considered in developing the proposed structure option. All themes heard across the feedback sessions can be found in Appendix B.

Table 3 | Summary of key themes from staff feedback sessions

Key themes from staff feedback sessions	Considerations for the proposed structure
<p>Staff indicated a strong preference for all stages in the privacy complaints process (the ‘complaints continuum’) to be maintained in a single branch/team. They expressed that splitting the complaints continuum would result in silos as teams that work closely together in the current model will not be able to do so if split across branches.</p>	<p>Partially adopted</p> <p>The proposed structure would maintain the overall process of completing cases and most functions will remain co-located. The bulk of substantive case management would occur in the proposed privacy case management branch. However, intake functions would be separated and combined across privacy and FOI to achieve efficiencies between these two functions and to emphasise in the structure the importance of providing quick outcomes to applicants and complainants by finalising matters at the earliest possible time where investigation, conciliation, or review is not warranted.</p> <p>Some other functions that are currently split between teams (major investigations and representative complaints) would be consolidated within the proposed new structure to clarify where these functions are performed.</p>

Key themes from staff feedback sessions

Staff indicated a strong preference that Privacy and FOI are not integrated. Reasons included:

- The breadth of expertise required for each is significant and it would be difficult to manage in a single branch.
- That breadth would also make it difficult for staff to develop the expertise required across both domains.
- Concerns that the FOI branch would be siloed or deprioritised if the regulatory areas are combined.

Considerations for the proposed structure

Substantively adopted

Staff feedback highlighted that in some instances (particularly more complex cases), there is value in having a dedicated stream of staff focussed on each domain. The proposed structure addresses these concerns through dedicated Privacy and FOI branches in the information rights division, with intake for both regulated areas occurring in a single branch.

However, for simple cases and intake we believe this can be managed in an integrated way with guidance material and clearly articulated processes and workflows. This model also recognises the commonality of an early assessment capability and seeks to give an enhanced focus on timeliness in achieving outcomes.

In more complex cases, it is not envisioned that staff would be working across both privacy and FOI. However, should staff wish to develop this capability, the structure may provide additional opportunities.

Key themes from staff feedback sessions

Staff had mixed views on whether CDR and Digital ID should be integrated into BAU.

- Generally, those involved in Digital ID were supportive of integration into BAU as they saw it as an ongoing core regulatory responsibility that should not be siloed.
- CDR staff were more concerned, as CDR teams have developed integrated ways of working between policy and operational functions and believe that separating teams will reduce CDR expertise across the agency.

Considerations for the proposed structure**Addressed in other ways**

The current approach has provided benefits in terms of information sharing between casework and guidance functions and providing for coordinated action. It has also supported the development of specific expertise and capability. The proposed structure is intended to ensure that this capability is not siloed in one area of the agency but can be shared across functions.

Respecting the need to maintain expertise, communities of practice will be implemented to support staff to maintain specialist expertise in these important functions, and coordinate activity and exchange information.

Key themes from staff feedback sessions

Staff in the legal team expressed a desire to for a distinct legal branch, where all legal functions are independently and centrally managed. However other staff outlined that the co-location of litigation functions may support the investigations and enforcement teams to make efficient use of legal expertise.

Considerations for the proposed structure**Substantively adopted**

Considering the feedback received during engagements to date, commissioners are of the view that a centralised legal team with some degree of structural independence from its client areas is necessary for the OAIC. The proposed structure provides this.

The management of corporate legal functions including questions of industrial relations matters, contracts reviews and responding to legal matters brought against the OAIC should be completed by a centralised and specialist legal team. This proposed structure is to ensure that legal work is focused on these core corporate responsibilities rather than regulatory work that should be led by front line regulatory staff. With respect to most regulatory work, legal may be consulted where input is required, however matters of statutory interpretation, compliance and enforcement can be delivered by those functions where in most cases specialist and independent legal advice is not needed.

While the OAIC's legal advice and core legal functions would be in a dedicated Legal Services branch, the ownership of legal risk and legal decision making would be spread across the agency to the relevant functional areas. For example, a new Regulatory Action branch would be responsible for bringing civil penalties and other action, with support from the Legal Services branch where independent legal expertise is requested. This narrowed focus of the legal branch would require resources to be rebalanced to provide a smaller team of lawyers that is more focused on core legal work.

The proposed future structure

This section sets out the proposed future structure of the OAIC to the section level. This outlines the proposed branches for the OAIC and their sections.

Overview of the proposed structure

The proposed organisational structure has been designed to support the OAIC to achieve its regulatory objectives. This proposed structure seeks to combine elements of privacy and FOI where practicable while retaining and highlighting regulated area expertise. This proposed structure also seeks to rebalance the OAIC towards core regulatory work through the inclusion of deputy commissioners for both FOI and privacy.

The proposed structure (see overleaf) outlines the proposed branches for the OAIC and the sections to be included in each branch. These sections represent a grouping of functions to be completed by a group of OAIC staff. In some sections there may be more than one team. Some branches, for example Regulatory Intelligence and Strategy, may employ a matrix structure for some of their teams, as work completed across the branch is similar. However, extensive and deep expertise in regulated areas may be required to develop guidance and policy effectively.

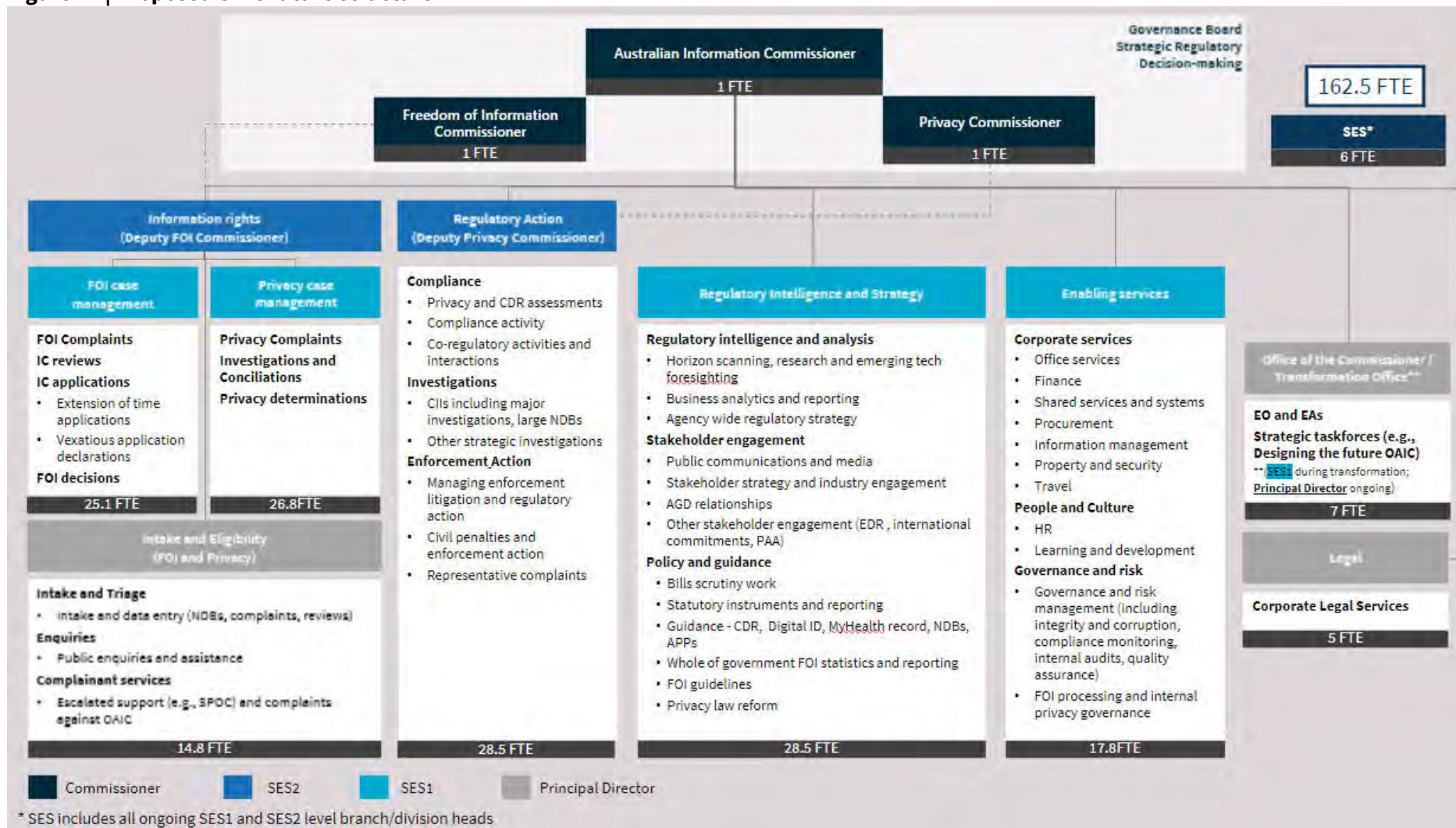
There is also a variance in the level of leadership across branches, this is intended to reflect the level of risk and workload associated with different branches. The proposed structure, outlined in Figure 11 below, displays the intended level of leadership for each branch, and in the case of the Information Rights division, grouping of branches. This proposed structure includes two SES2, who in addition to their management and leadership role over their branch, have a dual role working as deputy to the FOI and Privacy Commissioner. The proposed structure also proposes the implementation of principal directors to lead smaller branches (and possibly larger or more complex functions within branches), where appropriate.

The communities of practice (CoPs) are intended as a support to cross-branch information and process sharing across the agency. These may include CoPs to support:

- Operational Intelligence and Analytics
- CDR
- Digital ID

The CDR and Digital ID CoPs if implemented would be intended as transitional supports for the teams completing this work to support their integration into BAU activity across the OAIC.

Figure 11 | Proposed OAIC future structure



Executive team

Implementing the Commissioners' strategic intent and responding to the OAIC's changed operating environment require the OAIC to adjust the staffing profile and roles of its executive teams, as well as reducing the overall size of the executive.

Each branch would be led by an SES1 General Manager or a Principal Director (an EL2 whose responsibilities and remuneration sit at the mid-point between an EL2 and SES1 role). The change in title of SES1 employees from Assistant Commissioner to General Manager is intended to signify a rebalance in focus from subject-matter (FOI and privacy) and operational decision making, towards leadership and strategic management for these roles.

The exception in this model would be two proposed new SES2 Executive General Manager/Deputy Commissioner positions, who have a dual responsibility of leading functional areas and teams, but also serving as the Deputy to the FOI Commissioner and Privacy Commissioner. Below, the proposed SES positions are described in connection to the divisions and branches they are proposed to lead.

Executive support arrangements would also change, with the OAIC's executive assistants moving to the proposed Office of the Commissioner.

Information Rights division

The information right division would oversee the management of all FOI and privacy cases from pre-intake enquiries to resolution. It is also responsible for the OAIC's interactions with members of the community, for example the OAIC's public enquiries function. This division would include three branches, Intake and Eligibility, FOI Case Management and Privacy Case Management.

Regulated areas (FOI and privacy) would be combined in the intake and eligibility branch, with complicated and extended case management served by a distinct branch for each regulated area. These Branches would support and oversee process innovation for the completion of case work and share learnings across all teams in this division, regardless of regulated area.

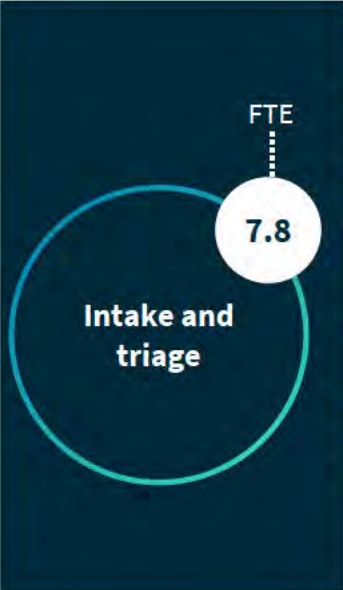
This division would be overseen by the SES2 Executive Director Information Rights / Deputy FOI Commissioner. Each branch would then overseen by either an SES1 General Manager or Principal Director depending on the nature and scale of work and level of risk associated with the branch.


Intake and Eligibility branch


In this model the Intake and Eligibility branch would be responsible for the intake and triage of all cases reported to the OAIC and monitoring the key issues that come through in these cases. It is a first point of contact for all cases and enquiries in the OAIC. This branch would complete work across both regulated areas and ensure that casework is either resolved or distributed to the appropriate team. It would also process all NDB notifications and seeks to resolve those notifications that can be resolved within 90 days.

This branch would be led by a Principal director, who oversees the intake processes, community engagement and support and public enquiries. This role would require knowledge across both regulated areas and will support staff to quickly and efficiently complete the functions associated with intake and assessment of eligibility. This branch would be comprised of 4 sections, which are outlined below.

Figure 12 | Intake and eligibility section structure

Purpose	Functions	Key relationships
 <p>Intake and triage</p> <p>FTE</p> <p>7.8</p>	<p>In this model, the Intake and triage section would be responsible for the initial assessment and allocation of incoming cases across privacy and FOI including complaints, reviews and NDBs. This team would oversee all incoming cases across both regulated areas and distribute the work to the appropriate team. This would include logging the case into the system and completing an initial assessment of the work to be completed. This branch also supports ongoing intelligence efforts through reporting of case data.</p>	<p>The core functions of the Intake and Triage section would be:</p> <ul style="list-style-type: none"> • Log received cases into the system • Complete an initial assessment of each case • Ensure that all required information is included in applications provided to the OAIC • Liaise with applicants to obtain further information if required • Apply a risk-based approach to examining notifications for compliance with the NDB scheme (i.e., only reviewing a proportion of all notifications) <p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • FOI and Privacy case management • Regulatory Intelligence and Strategy • Regulatory action • External to the OAIC • Applicants or complainants • Organisations experiencing data breaches • Information security-focussed agencies

	Purpose	Functions	Key relationships
	<p>The Public enquiries and assistance section would receive enquiries from the public and regulated entities, and provide assistance to people seeking to access the OAIC's services. This includes responding to enquiries made by phone or email, logging cases into case management systems, and distributing information to the intake section or elsewhere as needed.</p>	<p>The core functions of the public enquiries and assistance section would be:</p> <ul style="list-style-type: none"> • Receive phone calls and emails from members of the public • Ensure that all required information is captured and logged into resolve • Provide assistance where required to support members of the public access the OAIC's services 	<ul style="list-style-type: none"> • Internal to the OAIC: • Privacy and FOI intake • External to the OAIC: • Members of the general public in need of advice or who wish to make an enquiry • Regulated entities needing information


	Purpose	Functions	Key relationships
 <p>Complainant services</p> <p>2</p>	<p>The Complainant support section would support the OAIC in providing support to complainants and other members of the public with special needs, including those who show challenging behaviour.</p> <p>It would also be responsible for coordinating response to complaints against the OAIC, and providing advice to other areas of the OAIC about how they can improve the way they deliver services to the community.</p>	<p>The core functions of the Complainant support section would be:</p> <ul style="list-style-type: none"> • Respond to complaints from citizens and through the ombudsman • Support other areas in the OAIC to manage the needs of members of the community with special requirements and, in exceptional cases, directly manage these relationships (for example, offering a single point of contact [SPOC] for some individuals) • Find opportunities to improve community experience 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • FOI and Privacy Case Management • Other areas of the OAIC where they interact directly with members of the public <p>External to the OAIC:</p> <ul style="list-style-type: none"> • Community members who wish to interact with the OAIC through complaints and applications • Commonwealth Ombudsman, AHRC, etc
	Total FTE: 14.8		


FOI Case management


In this model the FOI Case Management branch would oversee the management of FOI case work. This includes IC reviews and FOI complaints unable to be resolved at intake. This team would be expert in FOI and apply this knowledge across casework to ensure that cases are appropriately completed. This team would also support mutual capability uplift with other case management teams to ensure that best and most efficient practices are implemented across the agency.

This team would be led by an SES1 General Manager with a focus and expertise in case management and FOI to support the effective resolution of complaints and IC reviews. This team would be comprised of 3 sections outlined in the figure below.

Figure 43 | FOI case management section structure

	Purpose	Function	Key relationships
	<p>This team would oversee reviews, complaints and IC applications, resolution of FOI complaints and administration and resolution of any Information Commissioner applications.</p> <p>This large functional grouping may be divided into smaller sections or teams.</p>	<p>The core functions of the team would be:</p> <p>Complaints:</p> <ul style="list-style-type: none"> Assess FOI complaints Communicate with respondents Communicate with applicants and third parties Investigate complaints Draft decision on complaints Process withdrawals <p>IC Reviews:</p>	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> Intake section Enforcement and Compliance sections <p>External to the OAIC:</p> <ul style="list-style-type: none"> Complainants Regulated entities

Purpose	Function	Key relationships
	<ul style="list-style-type: none"> • Manage IC reviews • Gather evidence for IC reviews • Draft and request submissions • Finalise deemed access IC reviews • Draft preliminary views and intention to decline <p>IC applications:</p> <ul style="list-style-type: none"> • Oversee vexatious applicant declarations • Assess vexatious applicant declarations or tip-offs from other sections • Log extension of time applications • Assess extension of time applications • Communicate decisions to relevant sections or branches 	


	Purpose	Function	Key relationships
	<p>The FOI Decisions section would oversee the drafting of IC Reviews and complex FOI complaint decisions. This would include research and final analysis if required, communication of decisions with the complainant and respondent and the drafting of decisions.</p>	<p>The core functions of the FOI Decisions section would be:</p> <ul style="list-style-type: none"> • Draft complex decisions • Review of precedents • Decision communication and publishing 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • FOI Complaints and IC reviews sections • Teams developing guidance
	Total FTE: 25.1		

Privacy Case Management

The Case Management – Privacy team would oversee the completion of complex and high-risk privacy casework. This team would be expert in privacy functions and apply this knowledge across assessment of privacy complaints, drafting of privacy decisions and resolution through conciliation. This team would also support mutual capability uplift with other case management teams to ensure that best and most efficient practices are implemented.

This branch would be led by an SES1 General Manager, with a background in case management, alternative dispute resolution and privacy, to ensure the effective resolution of privacy casework. This branch would be comprised of three teams.

Figure 54 | Privacy case management section structure

	Purpose	Function	Key relationships
	<p>The Complaints Resolution team would oversee the resolution of short-term and lower complexity privacy complaints. This team would also play a role in the ongoing intelligence efforts of the agency through the collection of case data and ensure that this data is fed into enforcement and case management teams when required.</p>	<p>The core functions of the Complaint resolution team would be:</p> <ul style="list-style-type: none"> • Assess privacy complaints • Collect and analyse evidence • Draft decisions for less complex decisions or declines • Resolve privacy complaints • Communicate decision to complaints and respondents 	<p>Internal to the OAIC</p> <ul style="list-style-type: none"> • Intake • Regulatory Action branch <p>External to the OAIC</p> <ul style="list-style-type: none"> • Privacy complainants and respondents


	Purpose	Function	Key relationships
<div>Investigation and Conciliation</div> <div>Privacy Determinations</div> <div>Total FTE: 26.8</div>	9.2 The Investigation and Conciliation section would seek to resolve more complex complaints through investigation or conciliation. Complaints would be directed towards each form of resolution based on the nature of the case, as determined by the intake team. This may be through conciliation however investigation functions and the swift closure of cases will be prioritised in the future.	The core functions of the Investigation and Conciliation section would be: <ul style="list-style-type: none"> • Review complaint and triage resolution team • Assess case • Draft decisions • Facilitate resolution of privacy complaints • Communicate decisions to complainants and respondents 	Internal to the OAIC: <ul style="list-style-type: none"> • Intake • Regulatory Action branch External to the OAIC <ul style="list-style-type: none"> • Privacy complainants and respondents
	6.8 The Privacy Determinations section would oversee the drafting of the most complex privacy decisions. This includes drafting preliminary views, administrative warnings, declines and communicating these decisions to complainants and respondents. This section would also communicate decisions to the Enforcement, Compliance and Investigation branch to enforce the decision.	The core functions of the Privacy Determinations section would be: <ul style="list-style-type: none"> • Review the case for legal and regulatory compliance • Draft decisions including preliminary views, administrative warnings, declines • Engage with effected parties 	Internal to the OAIC: <ul style="list-style-type: none"> • Intake, Complaint Resolution and Investigation and Conciliation sections • Regulatory Action branch


Regulatory Action


The Regulatory Action branch would oversee the management of compliance, investigation and enforcement to promote adherence to the FOI Act and Privacy Act. This includes the management of Commissioner-initiated and some high-risk complaint investigations, complex NDB matters, general and funded assessments (including those for CDR and digital ID), and the enforcement of privacy and FOI legislation through legal action. This branch would be experts in enforcement, investigations, and litigation, and ensure the OAIC can regulate proactively and strategically.

This team would be overseen by an SES2 Executive General Manager Enforcement / Deputy Privacy Commissioner and would contain 3 sections (which may be led by a Principal Director or Director).

Figure 15 | Regulatory action section structure

	Purpose	Function	Key relationships
	<p>The Enforcement Action section would support the proactive regulation of information rights through the strategic court action against non-compliance and violations. This team would be directed by the work completed by the Investigations and Compliance sections to guide activity and make strategic decisions about the conduct of litigation and investigations, informed by legal and regulatory expertise. This team would contribute to legal strategy, draft determinations and other enforcement tools, and support the Commissioner to pursue civil penalties and take other enforcement action. This team supports the Commissioners to</p>	<p>The core functions of the Enforcement section would be:</p> <ul style="list-style-type: none"> • Manage litigation and legal risk, supported by the legal services branch or external lawyers where needed • Draft determinations and enforce privacy and FOI decisions • Facilitate civil penalties and enforcement actions 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • Information rights division • Regulatory intelligence and strategy • Legal Services <p>External to the OAIC:</p> <ul style="list-style-type: none"> • Regulated entities • Partner regulators

	Purpose	Function	Key relationships
	<p>deliver the ongoing strategic regulation approach of the OAIC</p>	<ul style="list-style-type: none"> • Manage representative complaints. • Support the commissioners to deliver the ongoing strategic regulatory approach 	<ul style="list-style-type: none"> • Engaged solicitors and barristers
	<p>The Compliance team would be focused on promoting adherence to the Australian private and public sector to the APPs, FOI Act and associated legislation through monitoring and assessment of practices. This includes privacy and CDR assessments as well as co-regulatory activities with partners across regulatory schemes. This team would also be responsible for supporting the Commissioners to select the most appropriate regulatory tool to address compliance issues. This team would be informed by the work completed across IER and Information Rights to target and select targets.</p>	<p>The core functions of the Compliance team would be:</p> <ul style="list-style-type: none"> • Monitor and assess regulated entities across FOI and privacy • Manage the OAIC's program of assessments. • Engage with regulated entities and co-regulatory partners to promote compliance • Support co-regulatory partners across regulatory schemes including CDR 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • Information rights division • Regulatory intelligence and strategy <p>External to the OAIC:</p> <ul style="list-style-type: none"> • Regulated entities • Partner regulators • Key stakeholders for OAIC assessments program

	Purpose	Function	Key relationships
 <p>Investigations</p> <p>14.4</p> <p>Total FTE: 28.5</p>	<p>The Investigations team would oversee large and high-risk investigations as directed by the Commissioners. This branch would investigate significant policy breaches and recommends suitable regulatory action including civil penalty proceedings, determinations and enforceable undertakings. It would work in partnership with the enforcement section to resolve cases if litigation is, or is likely to be, required.</p> <p>This section would also oversee FOI own motion inquiries.</p>	<p>The core functions of the Investigations team are:</p> <ul style="list-style-type: none"> • Complete Commissioner-Initiated Investigations for FOI and privacy • Liaise with complainants and respondents • Facilitate FOI own-motion inquiries • Provide recommendations to parties responsible for privacy breaches • Support the enforcement section to undertake enforcement action if required 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • Information rights division • Regulatory intelligence and strategy <p>External to the OAIC:</p> <ul style="list-style-type: none"> • Regulated entities


Regulatory intelligence and strategy branch


The Regulatory Intelligence and Strategy (RIS) Branch would be responsible for gathering intelligence and engaging with stakeholders to support the Commissioners to make informed decisions about regulatory action, and shape the OAIC's regulatory strategy and posture. It would work with OAIC's operational teams to coordinate the development of guidance, operational policy, and public communications.

This branch may operate as a central hub for policy innovation, knowledge dissemination, and relationship management to align regulatory objectives with stakeholder expectations and legislative requirements.

This branch would be led by an SES1 General Manager. Due to the overlap between the different functions within the team, a matrix model of management (with specialist subject matter and functional leaders, and junior generalist staff that work across teams formed for specific projects or activities) is proposed for the policy and guidance section rather than a traditional 'team based' management structure.

Figure 16 | Regulatory intelligence and strategy section structure

	Purpose	Function	Key relationships
 <p>Strategy and intelligence</p> <p>FTE</p> <p>6</p>	<p>The Strategy and Intelligence section would support the OAIC by performing research and analysis. The section would undertake analysis of OAIC information holdings and open-source intelligence to analyse industry and operational trends to identify risk and potential targets for regulatory action. The section would support the Commissioners to shape the strategic direction and regulatory strategy for the OAIC, for example providing evidence to support the selection of regulatory priorities.</p> <p>This section would also be responsible for data analytics and reporting across the OAIC.</p>	<p>The core functions of the Strategy and Intelligence section would be:</p> <ul style="list-style-type: none"> • Develop strategic direction and regulatory posture with the Commissioners • Research emerging technology and information rights issues • Oversee horizon scanning and share learnings across the OAIC • Develop guidance and communications on the agency-wide regulatory strategy • Develop reports and insights for distribution across the agency and to external stakeholders • Internal data analytics and reporting, and developing and maintaining OAIC's internal data warehouse 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • This team will be informed by the work completed by both the Information Rights division and the Enforcement branch. It will also feed intelligence back to the relevant locations.

	Purpose	Function	Key relationships
	<p>8.6 Stakeholder Engagement</p> <p>The Stakeholder Engagement section would be responsible for managing OAIC's public communications and its overall stakeholder engagement strategy. This team would act as a key communication channel that conveys the OAIC's strategy and policy decisions to the broader community.</p>	<p>The core functions of the Stakeholder Engagement section would be:</p> <ul style="list-style-type: none"> • Coordinate and maintain relationships with industry and government stakeholders • Support the communication of OAIC initiatives and activities to the public and relevant stakeholders • Develop stakeholder engagement policies and approaches for the OAIC • Manage enquiries from the media • Manage OAIC publications, website and public communications 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • Supports all sections of the OAIC • Office of the Commissioners to coordinate external communications <p>External to the OAIC:</p> <ul style="list-style-type: none"> • News media organisations • Industry bodies • Government stakeholders • Co-regulated entities
	<p>13.9 Policy and Guidance</p> <p>The Policy and Guidance section would be developed implementing a matrix structure that supports learning across functions while also supporting staff to use their expertise across schemes and regulated areas. All parts of the section would develop and deliver targeted external guidance and educational programs and resources that empower stakeholders to understand and meet regulatory requirements. Its work will be</p>	<p>The core functions of the Policy and Guidance section would be:</p> <ul style="list-style-type: none"> • Develop internal privacy guidance for the OAIC • Develop privacy policy advice for the OAIC and external stakeholders • Oversee statutory instruments and reporting 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • Case Management Privacy and FOI branches • Enforcement section • Information and Privacy Commissioners <p>External to the OAIC:</p>


	Purpose	Function	Key relationships
	guided by the Strategy and Intelligence team to ensure it aligns with the areas of greatest risk. It will include both FOI and Privacy expertise to ensure that internal and external guidance is aligned.	<ul style="list-style-type: none"> • Serve as a repository for expertise for key subject areas (e.g., CDR, Digital ID, NDBs MyHealth record) and manage relationships associated with those subject areas • Develop FOI and privacy guidance and support other areas to develop guidance • Oversee whole of government FOI statistics and reporting • Carry out limited 'policy' functions such as reviewing draft legislation and other instruments and engaging with government processes • Preparing Commissioners for parliamentary processes and committees (e.g., Senate Estimates) 	<ul style="list-style-type: none"> • Regulated entities • AGD • Other government agencies
	Total FTE: 28.5		


Enabling Services Branch


The Enabling Services Branch would provide a suite of corporate services including HR, IT, information management, governance, and risk management, ensuring operational support and strategic enablement across the OAIC. The Enabling Services Branch would underpin the regulator's capabilities, managing essential functions that allow for effective governance, risk and operations across the OAIC. The Enabling Services Branch would have a strong customer-service ethos, focused on supporting other areas in the OAIC to deliver the Commissioners' strategic priorities.


This branch would be led by an SES1 General Manager and is comprised of 3 sections, as outlined below.

Figure 17 | Enabling services section structure

	Purpose	Function	Key relationships
	<p>The Corporate services section would deliver many of the key corporate functions required for the smooth operation of the OAIC. This section would provide expertise in finance, procurement, office facilities management, travel, knowledge management, and other administrative supports and management of IT and information systems.</p>	<p>This section would have 4 core functions:</p> <ol style="list-style-type: none"> 1. Corporate functions <ul style="list-style-type: none"> • Provide travel administration • Provide procurement support to the office • Property and security • Agency security advisor • Shared systems services and systems 2. Finance 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • This section will maintain strong connections to all parts of the OAIC to ensure that the supporting functions of the agency will be completed

Purpose	Function	Key relationships
	<ul style="list-style-type: none"> • Manage budgets, financial reporting and NPP development • Process payroll, including resolution of issues and approvals • Oversee transactional processes for the OAIC including accounts payable and expense reimbursement 	External to the OAIC: <ul style="list-style-type: none"> • Shared services providers (eg DEWR) • Other suppliers of corporate services
	<p>3. Information Management</p> <ul style="list-style-type: none"> • Develop and maintain OAIC internal data warehouse • Classify and catalogue information assets • Ensure compliance with privacy and data protection laws • Support information audits and risk assessments <p>4. IT management</p> <ul style="list-style-type: none"> • Manage relationships with IT helpdesk providers • Coordinate training and maintenance on OAIC technology • Monitor and assess cyber security risks for the OAIC 	

	Purpose	Function	Key relationships
		<ul style="list-style-type: none"> • Develop cyber security policy for the OAIC • Oversee data governance, quality and compliance across the OAIC, including case management training, development of user manuals and changes to Resolve 	
	<p>The Governance, Risk and Compliance section would be responsible for supporting the OAIC to understand and respond appropriately to its corporate compliance obligations, including through maintaining organisational governance structures and enabling teams across the office to engage effectively with risk. This section would support the OAIC's compliance with legal and ethical standards of integrity and assist the OAIC to identify and act on operational risks.</p> <p>It would also have the role of ensuring the OAIC meets its own corporate FOI and privacy obligations. For straightforward FOI decisions this team would act as the FOI decision maker for the OAIC, but for complex or contested matters it may administer FOI processes and prepare draft decisions for consideration by SES-level FOI</p>	<p>The core functions of the Governance, Risk and Compliance section would be:</p> <ul style="list-style-type: none"> • Consider the overall compliance obligations of the OAIC, and advise the Commissioners on how best to meet these within available resources • Completion of FOI requests for the OAIC • Oversee development of OAIC privacy policies and oversee privacy governance • Develop and oversee internal risk and governance policies • Complete internal audits and reviews 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • This section would support all parts of the OAIC to ensure that governance and risk is appropriately considered and managed as the OAIC completes its regulatory functions • Given the fluctuating workload of OAIC's FOI and privacy obligations, this section may draw on FOI expertise from OAIC's case

	Purpose	Function	Key relationships
	decision makers within relevant OAIC functional areas.	<ul style="list-style-type: none"> Oversee the management of strategic and operational risks Manage integrity and corruption functions for the OAIC 	<p>management branch where needed to assist it to discharge FOI functions</p> <p>External to the OAIC:</p> <ul style="list-style-type: none"> Key integrity agencies Audit and risk committee
	<p>The People and Culture section would be responsible for engaging and supporting the engagement and development of the OAIC's human resources. This section's focus would be attracting, developing, and retaining skilled talent, fostering a culture that aligns with the OAIC's values, and implementing human resource strategies that advance OAIC's objectives and well-being.</p>	<p>5. The People and Culture section would have four core functions:</p> <ol style="list-style-type: none"> HR <ul style="list-style-type: none"> Manage agency wellbeing and sensitive staffing issues, including responding to reports, managing cases Oversee OHS requirements for the OAIC Culture Manager support Learning and Development <ul style="list-style-type: none"> Oversee learning and development program for the OAIC including procurement of 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> OAIC staff OAIC managers External to the OAIC: Prospective staff through recruitment processes


Purpose	Function	Key relationships
		<p>vendors and financial management.</p> <ul style="list-style-type: none"> • Develop workforce plan for the agency including development goals and plans • Manage onboarding, development and training of staff <p>5. Recruitment</p> <ul style="list-style-type: none"> • Develop recruitment materials • Support recruitment and selection of new staff
	Total FTE: 17.8	6.

Legal services

Legal Services would be responsible for the delivery of independent and expert legal advice to the OAIC's Commissioners and Executive, and managing the conduct of litigation brought against the Commissioner. It would also support OAIC functional areas to access external legal support where needed. OAIC Legal Services staff will appear for the Information Commissioner in tribunals on lower-risk matters, and instruct external lawyers on higher-risk matters and court-based litigation. This branch would also support the Information Commissioner to certify compliance with the legal services directions.

While the team is likely to have some privacy and FOI expertise, that expertise will primarily be housed elsewhere in the agency. The team's primary areas of focus should be corporate legal matters (e.g., industrial relations, contract management), administrative law, and litigation.

Figure 18 | Legal services section structure

	Purpose	Function	Key relationships
	<p>The Corporate Legal Services section would provide advice to Commissioners and SES staff on request. It would have expertise across corporate legal matters that include industrial relations and contract management, as well as experience in administrative law and litigation. The legal services team would operate with a client service approach to provide independent legal advice and litigation support, and would provide advice when</p>	<p>The core functions of the corporate legal services section would be:</p> <ul style="list-style-type: none"> • Provide legal advice on the request of internal clients (OAIC commissioners or members of the OAIC executive) • Support commissioners and OAIC executive when engaging external lawyers • Maintain a database of OAIC legal advice and facilitate access to advice • Appear in tribunals for the information commissioner on low-risk matters 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • Information, Privacy and FOI Commissioners • Members of the executive <p>External to the OAIC:</p> <ul style="list-style-type: none"> • General Counsels and

	Purpose	Function	Key relationships
	requested by Commissioners or OAIC executive.	<ul style="list-style-type: none"> • Manage external lawyers conducting litigation for complex or high-risk matters, or where the legal services directions require litigation to be run externally 	lawyers across government <ul style="list-style-type: none"> • Office of Legal Services Coordination • Law firms
	Total FTE: 5		

Office of the Commissioner


The Office of the Commissioner would include the Executive Assistants (supporting Commissioners and the executive) and an Executive Officer for the Information Commissioner. This branch would support the Commissioners in their day-to-day activities and facilitate interactions between the Commissioners and the branches to ensure that Commissioner time is used in an effective, efficient and strategic manner. The office would also provide secretariat support to commissioners upon request.

To support the OAIC to transition to the new organisational structure it could also contain a transformation office. This would be led by a temporary SES1 for 12 months, supported by secondees from across the office.

In the future, similar strategic taskforces could be stood up in the Office of the Commissioners where there are projects with significant whole-of-agency impact. Specific teams may be moved to the Office of the Commissioner when needed to support priority projects. For example, the OAIC's people and culture function may be moved within the Office of the Commissioner during the transformation project. The sections to be included upon establishment are outlined below.

Figure 19 | Office of the Commissioner section structure

Purpose	Function	Key relationships
 <p>The Executive support section would support the Commissioners in the development of policy and strategic communications as well as ensure that the work or decisions that reach the Commissioners are appropriate to their level. They would also manage the Commissioners diaries and provide ad hoc administrative support as needed.</p>	<p>The core functions of the Executive support would be:</p> <ul style="list-style-type: none"> • Support the day-to-day activities of the Commissioners • Ensure strategic communications from the Commissioners are consistent across the agency • Support the Commissioners to develop whole-of-agency regulatory strategy • Oversee the Commissioners relationships with external partners • Support the Commissioners to engage with international and national partners and stakeholders • Manage the diaries of the Information, Privacy and FOI Commissioners • Support and coordinate internal and external meetings involving Commissioners • Support, prepare and manage documentation • Secretariat support 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • Information, Privacy and FOI Commissioners • OAIC executive • Other OAIC staff <p>External to the OAIC:</p> <ul style="list-style-type: none"> • AGD • Co-regulatory partners • External legal advisors • International counterparts to support engagement

	Purpose	Function	Key relationships
 <p>Designing the Future OAIC</p> <p>Total FTE: 7</p>	<p>The designing the future OAIC section would oversee the transition to the new structure. This includes mapping roles and supporting the executive through the change. The team would be experts in the operations of the entire OAIC and would maintain strong relationships with stakeholders across the organisation. They would have responsibility for the implementation of the remaining recommendations of the Strategic review.</p>	<p>The Designing the Future OAIC section would:</p> <ul style="list-style-type: none"> • Oversee the transition to the new organisational structure • Develop new role descriptions for all required positions • Develop and support distribution of all internal communications relating to the new organisational model • Support the commissioners to implement the changes associated with the reduction in ASL • Oversee the consultation on the proposed structure model • Support the Commissioners to consider the suggestions from staff and develop the final organisational structure • Support the implementation of a new system and technology with support from the information management team 	<p>Internal to the OAIC:</p> <ul style="list-style-type: none"> • Each section of the OAIC • Information, Privacy and FOI Commissioners

Activities proposed to be scaled back

In light of the cessation of terminating funding measures, the OAIC will need to scale back or cease some functions, to ensure that OAIC staff are not expected to take on additional and excessive workloads in response to a reduction in staffing numbers.

The Commissioners have considered the current functions completed by the agency and identified areas where they would expect activities to cease or a reduction in effort applied. This has informed the proposed allocation of staff across the different teams.

The functions where activities are proposed to be scaled back are set out below.

Figure 20 | Proposed activities to scale back in 2024/25

Function	Description	Future effort applied to function
Internal Legal	The Commissioners are seeking to achieve a shift in how legal services are delivered across the OAIC to support a less resource intensive approach to legal services.	Scaled back within 2024/25 budget
	This includes clear delineation between the roles of lawyers and regulatory staff, while recognising the legal expertise of OAIC regulatory staff.	
	Legal advice would be sought in a strategic and targeted way. This would likely result in a reduction in total resourcing across legal functions, and the reallocation of resources (and legal expertise) from the OAIC's existing legal team to other parts of the agency (e.g., FOI, enforcement action, representative complaints).	
External legal	The cessation of terminating funding requires the OAIC to dramatically reduce the use of external legal providers.	Scaled back within 2024/25 budget
	Reliance on external legal advice would be achieved by embracing a changed approach to risk, and by trusting in the expertise of OAIC staff. Less legally resource intensive compliance and enforcement strategies (e.g., determinations rather than civil penalties) would be preferred where they can achieve similar objectives. These changes are intended to shift OAIC's legal expenditure back to its 5-year average level.	

Function	Description	Future effort applied to function
Investigations	The terminating funding that ended in 2024/25 related to investigations. To give effect to this change, OAIC likely needs to reduce the amount of resources (staff and financial) it invests in investigations, especially major investigations.	Scaled back within 2024/25 budget
	It is expected that the current investigations would be completed. However lower cost investigation pathways need to be considered where possible.	
	The major investigations and CII teams, and parts of the current NDB team doing investigations work, would be integrated into a single branch. The OAIC would prioritise the investigations it commences and continues, having regard to its regulatory posture and statement of regulatory approach.	
Assessments	Due to the cessation of terminating measures for privacy functions, the OAIC would need to identify more efficient methods to conduct assessments. This may include applying new and condensed assessment methodologies or placing less reliance on external experts.	Scaled back within 2024/25 budget
Executive support	Due to a reduction in SES numbers, less executive support may to be required.	Scaled back within 2024/25 budget
Privacy advisory and policy work	The cessation of terminating measures linked to the regulation of privacy and social media requires a reduction in privacy advisory and policy work.	Scaled back within 2024/25 budget
	The OAIC's current structure splits privacy advisory and policy work by subject matter: for example, CDR, Digital ID, and digital platforms. A new structure would combine these teams in a single section to support cross-scheme advice and policy work. OAIC will need to be more selective in the activities it takes on.	
	It is also expected that the OAIC would reduce the extent to which it engages in cross-government policy initiatives (such as IDCs and legislative consultation processes). It would likely place more reliance on the Information Law	

Function	Description	Future effort applied to function
	unit in AGD to be responsible for privacy and FOI policy matters that OAIC previously may have engaged in directly.	
Risk-based NDB monitoring	<p>The cessation of terminating measures linked to the regulation of digital privacy will require a reduction in the resources applied to assessing and responding to data breach notifications.</p> <p>The OAIC's response to NDBs (providing guidance, assessing for compliance with the scheme) is discretionary. To allow this work to continue with a reduced resourcing profile, the OAIC would shift to a risk-based approach to responding to NDBs, which will mean that it only reviews a proportion of reported NDBs for compliance with the scheme or to provide guidance to entities. This would be guided by the OAIC's regulatory posture and statement of regulatory approach.</p>	Scaled back within 2024/25 budget
IT systems changes	OAIC's constrained budgetary situation for 2024/25 means that the bulk of the IT systems review recommendations would not be able to be progressed this year. During 2024/25, OAIC would likely only be able to progress the lowest cost and highest impact IT improvements that can be progressed within a significantly reduced budget.	Scaled back within 2024/25 budget
Conciliation	Commissioners propose to change the OAIC's model of conducting conciliations by reassigning resources from the current dedicated conciliation team to general case management, and relying more on external providers to conduct less frequent formal conciliation conferences.	Scaled back within 2024/25 budget
Corporate travel	The OAIC will reduce the level of non-mandatory corporate travel. This would include reducing the number of branch planning days, instead replacing them with a smaller number of whole-of-office planning activities to support collaboration across branches.	Scaled back within 2024/25 budget
Corporate services (e.g., people and	The amount of resource the OAIC expends on corporate services and support will need to be reduced to reflect the reduced overall size of the agency. This will be achieved by moving from a specialist to a more generalist approach to	Scaled back within 2024/25 budget

Function	Description	Future effort applied to function
culture, finance)	delivering corporate services, where specialists in areas such as finance, data analytics, and information management will be coordinated by generalist leaders or managers. A reduced size of the OAIC's corporate team will require Commissioners and OAIC's executive to be selective in how they seek corporate services support.	
Engagement in government level activities and policy processes	The OAIC currently engages in a range of cross-government and cross- jurisdictional forums where it advocates for information rights. To operate within a reduced funding level, this activity would need to be scaled back, and OAIC would rely on AGD as the policy agency for information law to have this role.	Scaled back within 2024/25 budget

Mapping between current and proposed structure

This mapping exercise considers the current functions and activities performed, and the capability and skillsets of people within teams. Notwithstanding this, some teams would be required to perform some new functions, or work in a different way. Table 4 outlines how teams map to the new structure, and indicates which functions may need to operate with a reduced staffing profile in future.

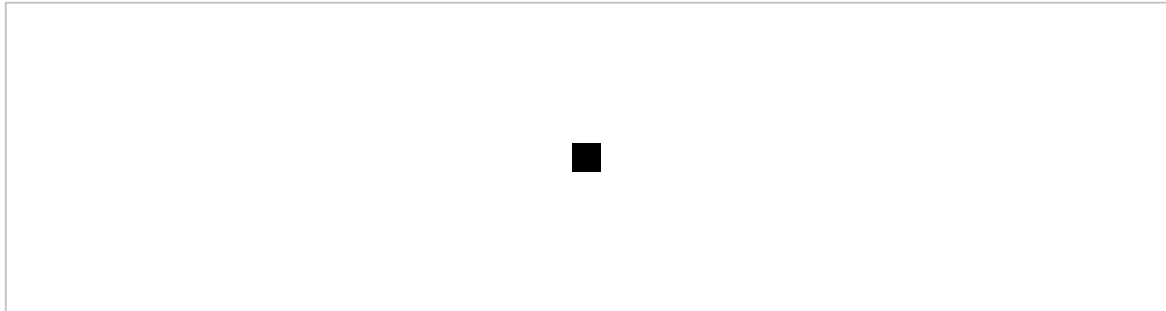
Table 4 | Current teams mapped to proposed future teams and branches

Current Branch	Current Team		Future Team	Future Branch
Corporate	BARD	>	Regulatory Intelligence and analysis	Regulatory Intelligence & Strategy
	Corporate Services	>	Corporate Services	Enabling Services
	Finance	>	Corporate Services	
	Governance and Risk	>	Governance, Risk and Compliance	
	Legal - FOI processing	>		
	Legal - Litigation and Representative complaints	>	Corporate Legal Services	Legal Services
			Enforcement	Regulatory Action
	Legal - Major Investigations (Legal)	>	Enforcement	Regulatory Action
	Legal advices, policy, privacy governance	>	Corporate Legal Services	Legal Services
	People and culture	>	People and Culture	Enabling Services
	Strategic communications	>	Stakeholder Engagement	Regulatory Intelligence & Strategy

Current Branch	Current Team		Future Team	Future Branch
Digital ID	Executive Support	>	Commissioner support	Office of the Commissioners
	Systems Review	>	Corporate Services	Enabling Services
	Digital ID	>	Enforcement	Regulatory Action
			Privacy	Regulatory Intelligence & Strategy
			Stakeholder Engagement	
Dispute Resolution	CII	>	Investigations	Regulatory Action
	Conciliations	>	Investigation and Conciliation	Privacy Case management
	Determinations	>	Privacy Determinations	
	Enquiries and Early Resolution	>	Complaint Resolution	Intake and Eligibility
		>	Public Enquiries	
	Notifiable Data Breaches	>	NDB processing	Regulatory Action
		>	Investigation	
		>	Privacy Complaints	Privacy Case management
FOI	Intake and Early Resolution	>	Reviews, complaints and IC applications	FOI Case management
		>	Intake	Intake and Eligibility
	Monitoring, Guidance and Engagement	>	FOI	Regulatory Intelligence & Strategy
	Reviews and Investigations 1	>	Reviews, complaints and IC applications	FOI Case management
	Reviews and Investigations 2	>		

Current Branch	Current Team		Future Team	Future Branch
	Significant Decisions	>	Decisions	FOI Case management
Major Investigations	Major Investigations 1	>	Investigations	Regulatory Action
	Major Investigations 2			
	Major Investigations 3			
Regulation and Strategy	Health and Government	>	Policy and Guidance	Regulatory Intelligence & Strategy
	Law Reform and Digital Platforms		Policy and Guidance	
	Systems and Security	>	Strategy and Intelligence	
Regulation and Strategy (CDR)	Assessments and Inspections	>	Compliance	Regulatory Action
	CDR Assessments	>	Compliance	Regulatory Action
	CDR Operations	>	Policy and Guidance	Regulatory Intelligence & Strategy
	CDR Policy guidance	>	Policy and Guidance	

From: [OAIC - People and Culture](#)
To: [OAIC - Office Aus Information Commissioner](#)
Cc: [OAIC - People and Culture](#)
Subject: [Message from People and Culture] Designing the Future OAIC – Consultation on proposed structure concludes Friday 20 September 2024
Date: Tuesday, 17 September 2024 10:13:41 AM
Attachments: [Designing the Future OAIC - Structure proposal for consultation.pdf](#)
[image001.png](#)
[image002.png](#)
Importance: High



Dear Colleagues

Thank you for your engagement with the *Designing the Future OAIC* process so far. The consultation period on the proposed structure concludes this Friday, 20 September 2024. The anonymous staff Feedback Survey closes tomorrow, Wednesday, 18 September 2024. If you are yet to do so, we strongly encourage you to engage in consultation through the below mechanisms, and we have attached the proposed structure report to assist you with providing feedback.

How you can provide feedback during the consultation period

You can provide feedback:

- via the [Proposed OAIC Structure Feedback Survey](#) (survey open until 18 September, 5:00pm AEST)
- to your Assistant Commissioner
- via [email](#) to People and Culture
- via any nominated representative which may include the Community and Public Sector Union (CPSU)
- via the CPSU through any meetings they may schedule with staff, or CPSU members, or directly with the CPSU Delegate, Carmela Calandra-Zamecnik
- via email to Annan Boag, as the nominated OAIC contact during consultation.

How your feedback will be considered

The OAIC's Governance Board will consider all feedback received in deciding OAIC's future structure, and is committed to giving prompt and genuine consideration to matters raised staff and their representatives. Last week, OAIC's Commissioners and the Change Manager met with each branch. Across those meetings and through written feedback, we have seen several themes emerge:

- Generally positive feedback about the way the structure communicates the OAIC's strategic focus and regulatory posture
- Balance between roles, functions and capacity – especially suggestions and questions about how to ensure reasonable workloads in a smaller agency
- Specialist vs generalist teams and roles – how to get the balance right and preserve expertise, especially in specialist areas (e.g., CDR, credit reporting policy, NDB)
- Questions about leadership structure, the role of SESB2, and how reporting lines will operate

- Uncertainty regarding the transition process and how we will move to the future structure
- Corrections or clarifications of team descriptions and mappings in the proposal document.

In the final week of the consultation, we are particularly interested to hear about the impact that the proposal might have on you, and any suggestions you may have to modify the proposed structure or take other steps to mitigate those impacts.

Reminder about your Representative Rights

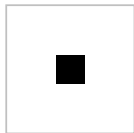
As notified in August, you have the right to nominate a representative during this process. Please note we already recognise the CPSU as a representative of its members and will be engaging with them on that basis. This does not preclude union members from also providing feedback directly. Please email [People and Culture](#) if you would like more information or if you would like to nominate a representative.

Reminder of support available

We have put measures in place to avert and mitigate the adverse effect of the proposed change on employees. A key measure has been the launch of the mobility register, including internal and external opportunities. For more information about the register please see [here](#).

Our Employee Assistance Program (EAP)

- Converge International is the OAIC's EAP provider and provides OAIC staff with access to a variety of areas of support (including Employee Assist, Manager Assist and Career Assist).
- The Converge International intake team can be contacted by phone on 1300 687 327 or by email at eap@convergeintl.com.au.
- If you would like to engage via the mobile app, please use this QR code below s 47E(d)



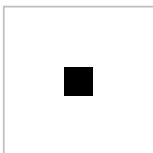
Other workplace support available

You can also seek support within the office, including from:

- Assistant Commissioners
- [People and Culture](#)
- [Health and Safety Representatives](#)
- Mental Health First Aiders (Carmela Calandra-Zamecnik, Mark Smolonogov).

Kind regards

People and Culture



People & Culture Team
Corporate Branch
Office of the Australian Information Commissioner
E.OAICpeopleandculture@oaic.gov.au

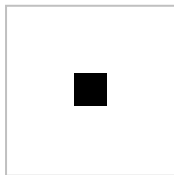
The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

From: [WHIP,Caren \(EAN\)](#)
To: [TYDD,Liz](#)
Cc: [BOAG,Annan](#); [MOORE,David](#); [RYDER,Penny](#); [OAIC - People and Culture](#); [PIRANI,Toni](#); [KIND,Carly](#)
Subject: RE: Clarification of current role [SEC=OFFICIAL]
Date: Tuesday, 15 October 2024 2:33:39 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Thank you, Liz, for the clarification.

Regards

Caren



Caren Whip (she/her)
 General Counsel
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P +61 2 9942 4172 E caren.whip@oaic.gov.au

Note: I am not in the office on Fridays.

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

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From: TYDD,Liz <Elizabeth.Tydd@oaic.gov.au>
Sent: Tuesday, October 15, 2024 2:26 PM
To: WHIP,Caren <Caren.Whip@oaic.gov.au>
Cc: BOAG,Annan <Annan.Boag@oaic.gov.au>; MOORE,David <David.Moore@oaic.gov.au>; RYDER,Penny <Penny.Ryder@oaic.gov.au>; OAIC - People and Culture <oaicpeopleandculture@oaic.gov.au>; PIRANI,Toni <Toni.Pirani@oaic.gov.au>; KIND,Carly <Carly.Kind@oaic.gov.au>
Subject: RE: Clarification of current role [SEC=OFFICIAL]

Dear Caren and Colleagues

As outlined this process is injected with opportunities for direct appointment and over this interim period maximising the opportunities for staff to be placed into roles as we move to filling positions within the new structure.

When we shared the new structure and the process to be implemented on 9 October, we also shared the progressive transition, starting with SES staff, and that in the interim, other staff would remain in their existing roles with current reporting lines intact (unless these needed to change due to staff departures or role changes) until further notice.

Accordingly, you are still employed in the role of General Counsel, and I appreciate your

ongoing acquittal of those duties. In these circumstances there is no reason to describe yourself otherwise at this time.

I believe this position aligns with your suggested approach below and I hope this clarification assists. If there are any other issues requiring clarification, please don't hesitate to engage Annan as your initial contact point but Commissioners also remain available.

Kind regards

Liz



Elizabeth Tydd (she/her)
Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
E elizabeth.tydd@oaic.gov.au

Executive assistants: isla.gibson@oaic.gov.au; lucy.roberts@oaic.gov.au

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From: WHIP, Caren <Caren.Whip@oaic.gov.au>
Sent: Monday, October 14, 2024 12:41 PM
To: TYDD, Liz <Elizabeth.Tydd@oaic.gov.au>
Cc: BOAG, Annan <Annan.Boag@oaic.gov.au>; MOORE, David <David.Moore@oaic.gov.au>; RYDER, Penny <Penny.Ryder@oaic.gov.au>; OAIC - People and Culture <oaicpeopleandculture@oaic.gov.au>
Subject: Clarification of current role [SEC=OFFICIAL]

Dear Liz

I hope you are well, especially given the challenges managing the significant changes currently underway within the agency.

As you know, I was until recently in the position of General Counsel (GC) and Chief Privacy Officer (CPO). However, as I understand it, I no longer have any formal role within the agency at this time. I understand that under the new agency structure, my CPO functions will now fall under the remit of the Director of Governance and Risk. I intend to meet with the Director later this week to facilitate a smooth handover of those responsibilities. I have accordingly included Penny and David into this email.

In the meantime, I plan to continue fulfilling my General Counsel duties, including providing legal advice and guidance and overseeing legal risk management, activities integral to the agency's operations. I would also like to confirm that the lawyers who currently serve as Privacy Officers will continue to manage privacy complaints, maintain the PIA register and the OAIC data incident log, and ensure other obligations are met in compliance with the Privacy Code. If you could confirm that this is in line with your expectations, it would be greatly appreciated.

Additionally, I would like clarification on how I should represent myself during this interim period. Specifically:

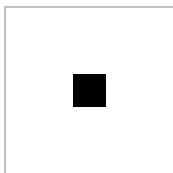
1. Should my email signature block change to "Counsel," "Acting Counsel," or retain the 'General Counsel' title? I respectfully ask that if the former, any alternate title reflects my skills and experience appropriately, given the expertise and professional standing that earned me the role of General Counsel in the first place.
2. How should I introduce myself in external meetings, given that the role of General Counsel no longer formally exists? I want to ensure that I present myself in a manner consistent with the agency's expectations and the new structure.

Regarding my role as a member or standing attendee on various OAIC committees (the Executive Management Committee, Information Governance, and the Strategic Regulation Committee), I assume that I am no longer required to attend these meetings given the transition period. However, if you would like me to continue contributing to these committees, please let me know.

I am keen to remain productive and supportive during this interim period and suggest that I continue in my previous capacity as General Counsel, undertaking functions in accordance with my role and KPIs, until such time as the provisions regarding 'excess employees' under the Enterprise Agreement come into effect.

Thank you for your attention to this matter and for your guidance as we navigate through this transition. I am happy to discuss any further arrangements.

Kind Regards
Caren



Caren Whip (she/her)
General Counsel
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P +61 2 9942 4172 E caren.whip@oaic.gov.au

Note: I am not in the office on Fridays.

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and

present.

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From: [CRONE, Simon](#)
To: [ATTARD, Brenton](#); [OAIC - People and Culture](#)
Cc: [CASTALDI, Andre](#); [CANT, Shannon](#)
Subject: FOR ACTION: Org Chart [clean no names] as at 20-02-2025 [SEC=OFFICIAL]
Date: Thursday, 20 February 2025 3:26:00 PM
Attachments: [Org Chart as at 20-02-2025 clean.pdf](#)
[Org Chart as at 20-02-2025 clean.pptx](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Brenton

This is the clean org chart as at today with position titles, classification and FTE level. This was as agreed by the Governance Board as a part of the reorganisation. I have attached both the PDF and PowerPoint versions.

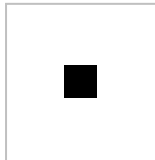
Just sending to you so that you can confirm release to the agency on the intranet via Shannon.

I will send to the pdf version to the leadership team address list as agreed at the meeting.

[@OAIC - People and Culture](#) for your reference the files are in the org chart container.

Regards

Simon



Simon Crone FCA FCPA GAICD | Chief Financial Officer
Office of the Australian Information Commissioner

Sydney | [oaic.gov.au](https://www.oaic.gov.au)

+61 2 9942 4226 | mb: +61 (0)2 9942 4226 s 47E(d) | simon.crone@oaic.gov.au

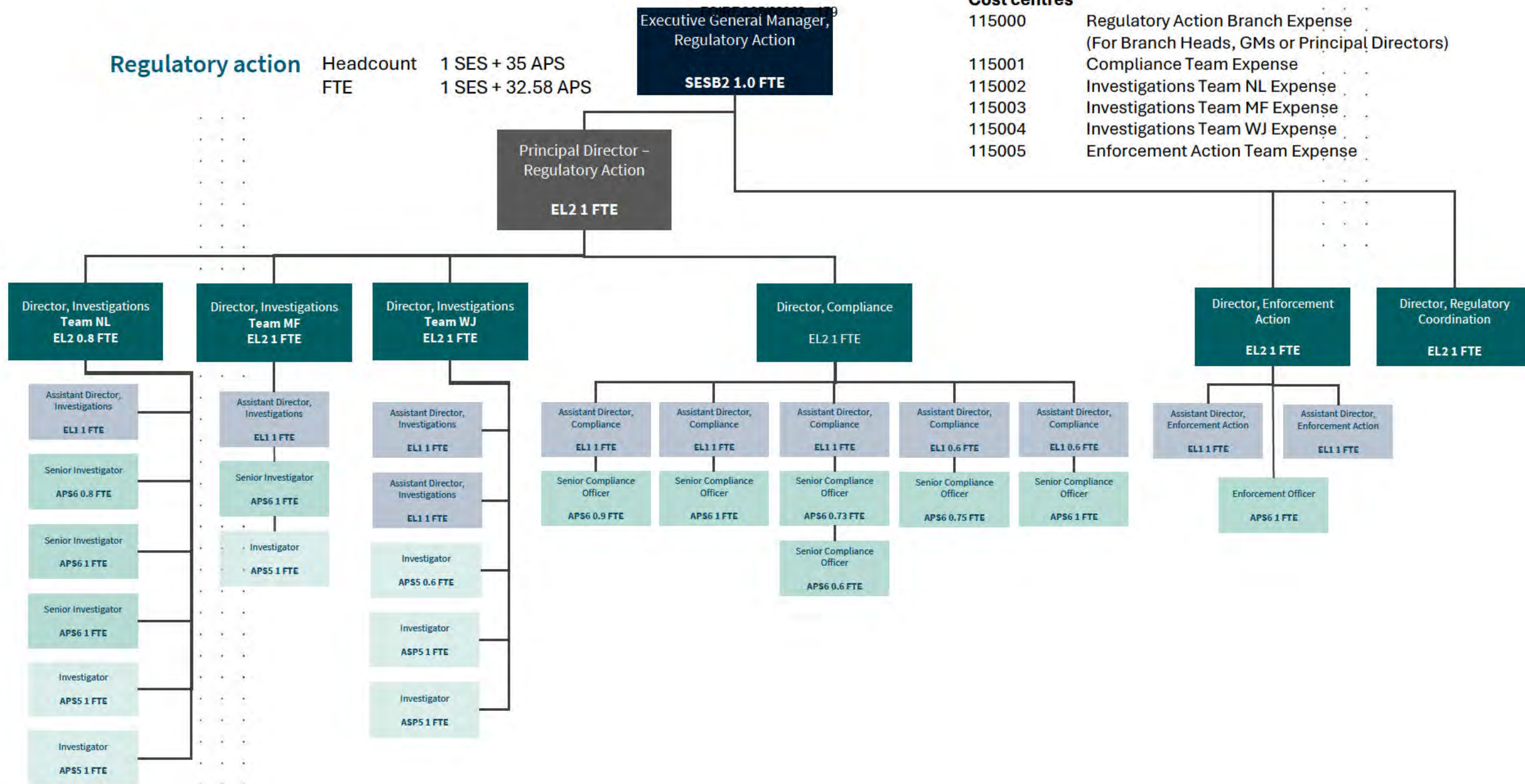


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Regulatory action

Headcount 1 SES + 35 APS
FTE 1 SES + 32.58 APS

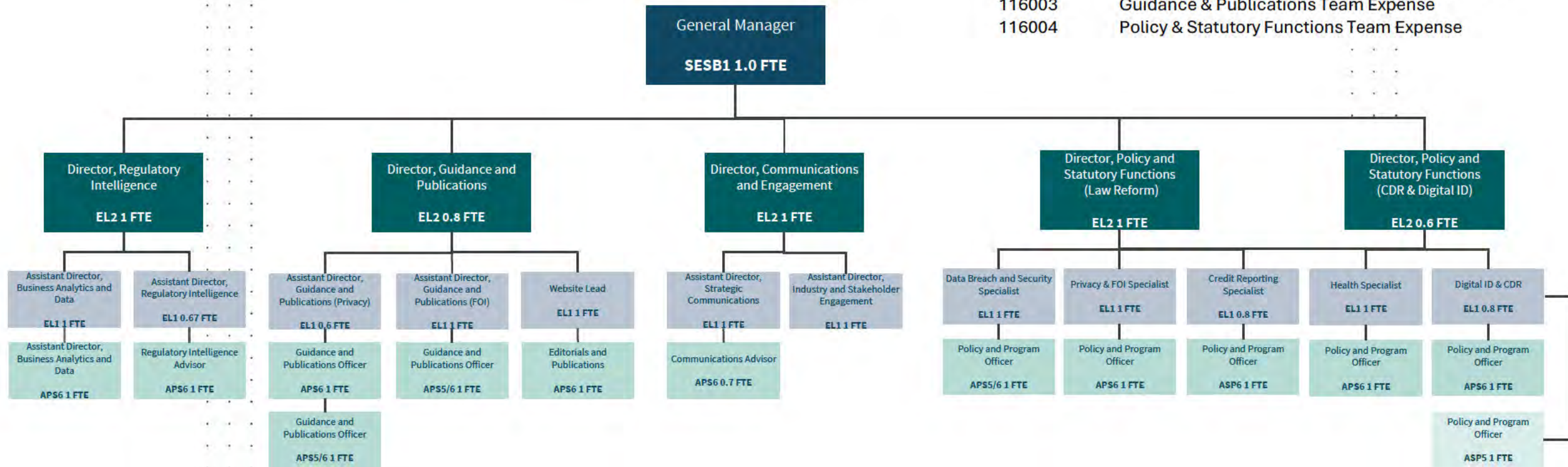


Regulatory Intelligence and Strategy

Headcount 1 SES + 30 APS
FTE 0.91 SES + 28.17 APS

Cost centres

116000	Regulatory Intelligence & Strategy Branch Expense (For Branch Heads, GMs or Principal Directors)
116001	Regulatory Intelligence Team Expense
116002	Communications & Engagement Team Expense
116003	Guidance & Publications Team Expense
116004	Policy & Statutory Functions Team Expense

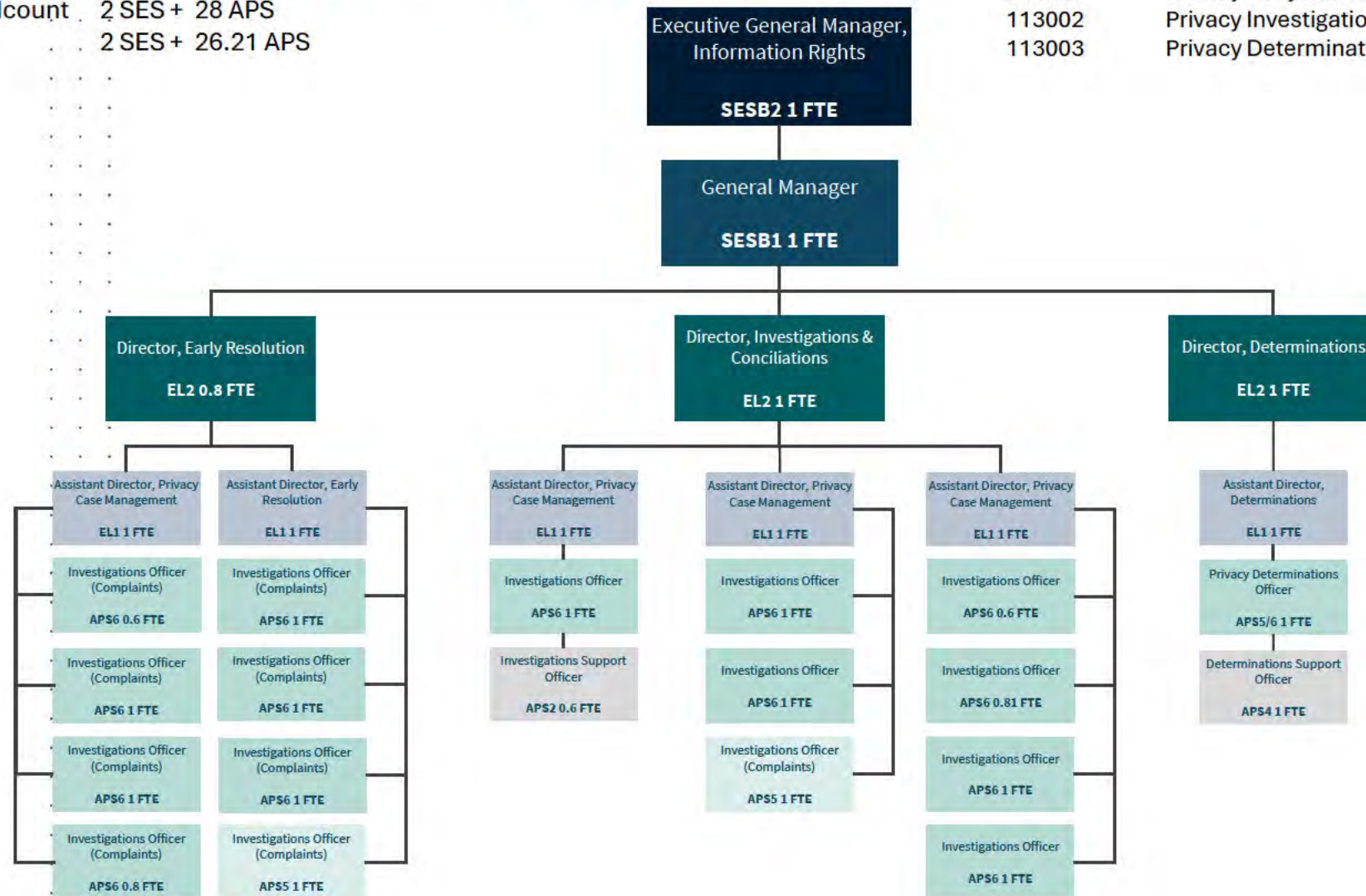


Information Rights – Privacy Case Management

Headcount 2 SES + 28 APS
FTE 2 SES + 26.21 APS

Cost centres

113000	Information Rights, Privacy Case Management Branch Expense (For Branch Heads, GMs or Principal Directors)
113001	Privacy Early Resolution Team Expense
113002	Privacy Investigations & Conciliations Team Expense
113003	Privacy Determination Team Expense



Information Rights – FOI Case Management

Headcount 2 SES + 24 APS
FTE 2 SES + 22.75 APS

Executive General Manager,
Information Rights

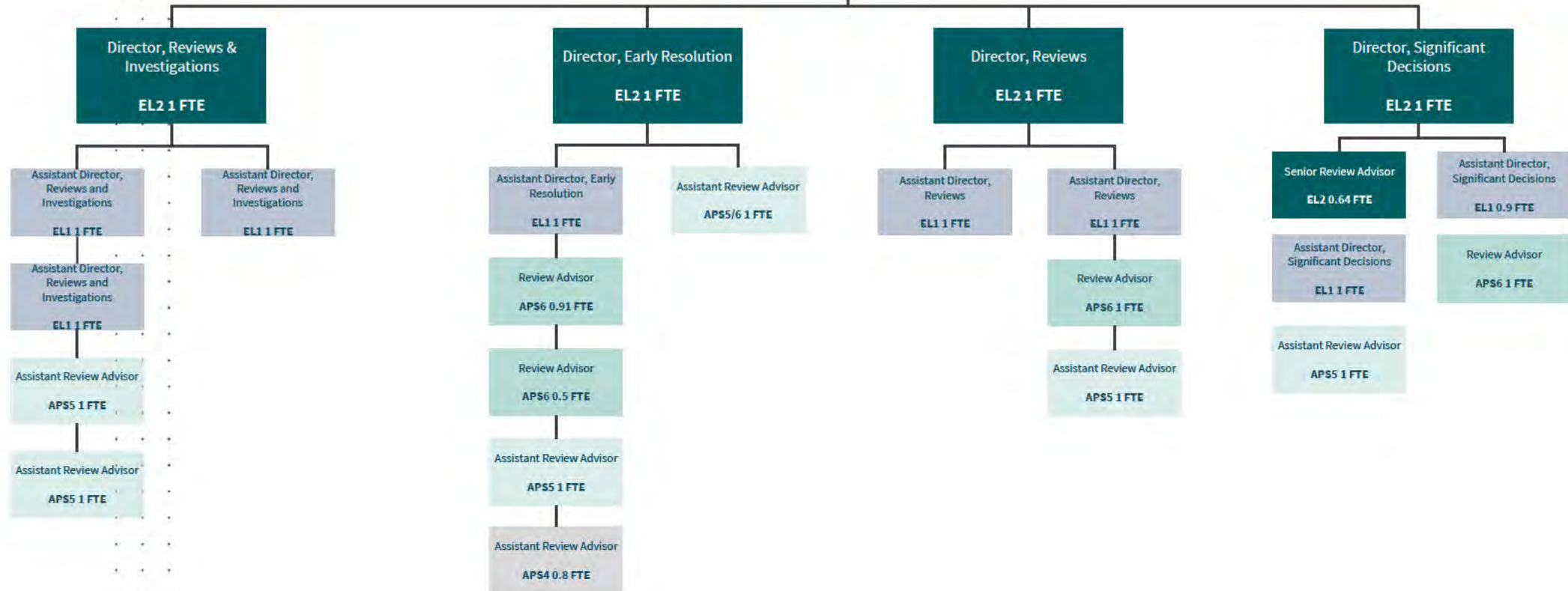
SESB2 1 FTE

General Manager

SESB1 1 FTE

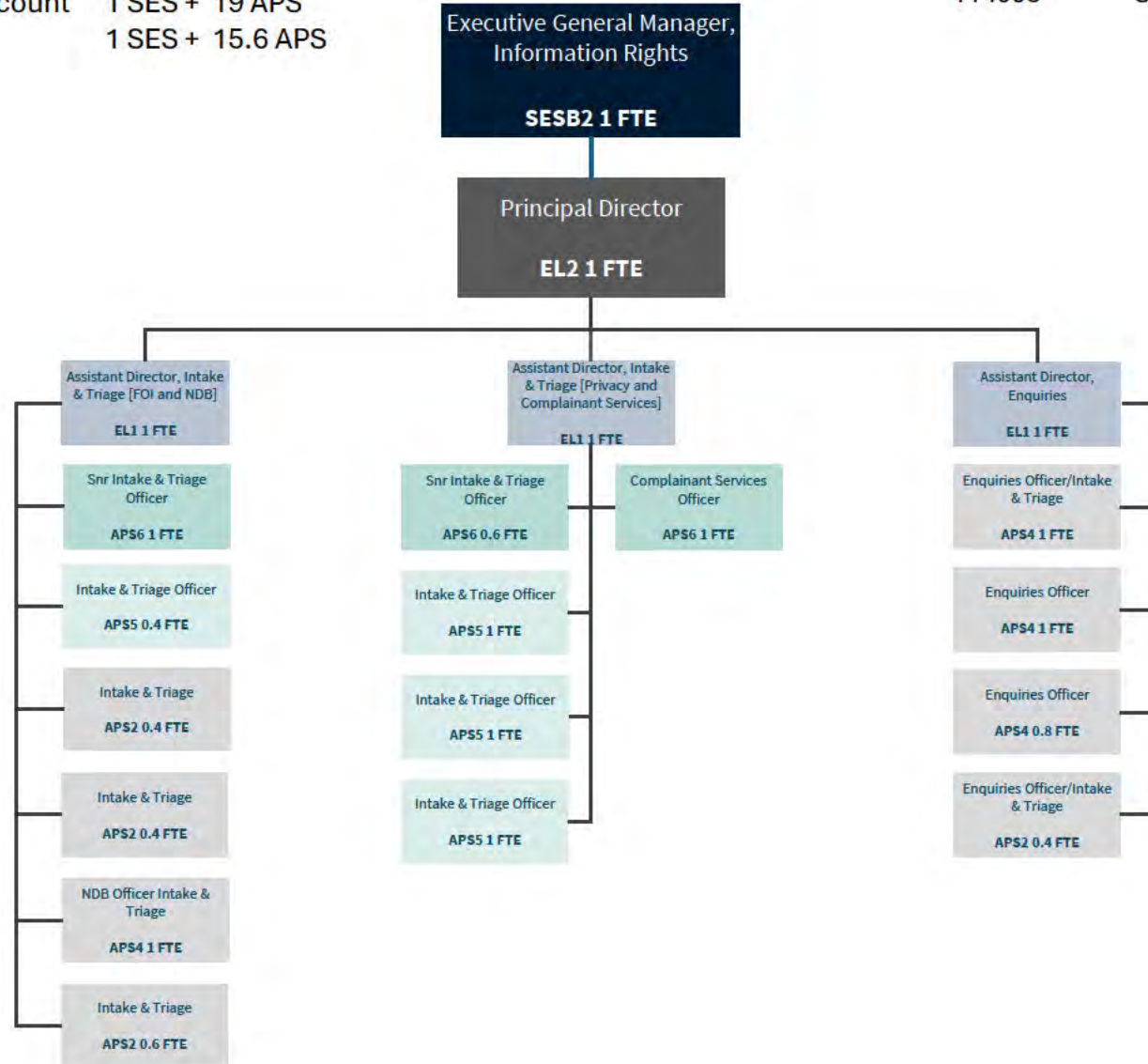
Cost centres

112000	FOI Case Management Branch Expense (For Branch Heads, GMs or Principal Directors)
112001	FOI Early Resolution Team Expense
112002	FOI Reviews & Investigations Team-Expense
112003	FOI Reviews Team Expense
112004	FOI Significant Decisions Team Expense



Information Rights – Intake and Eligibility

Headcount 1 SES + 19 APS
FTE 1 SES + 15.6 APS



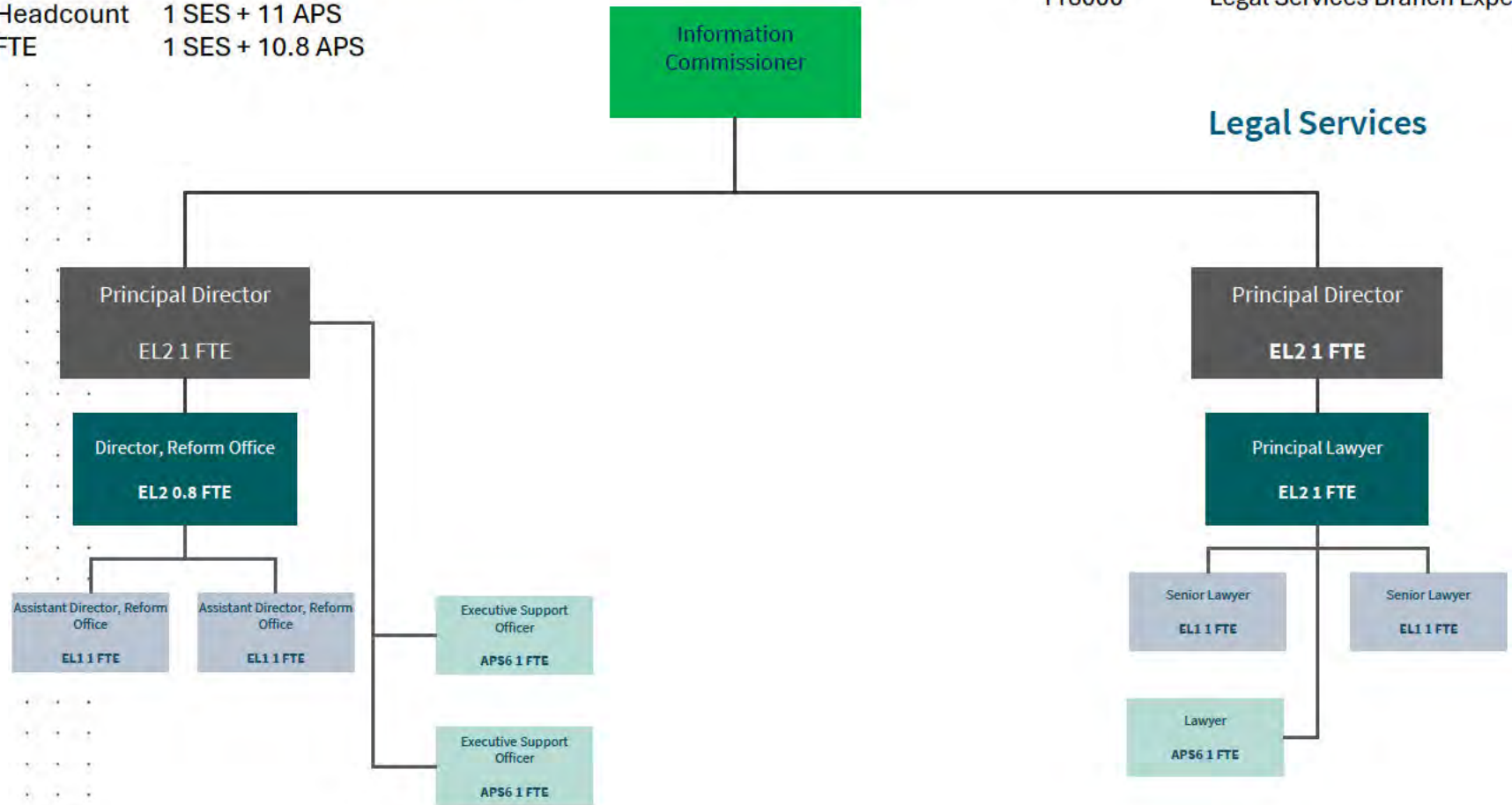
Cost centres

114000	Intakes & Eligibility Branch Expense (For Branch Heads, GMs or Principal Directors)
114001	Intake & Triage Team Expense
114002	Enquiries Team Expense
114003	Complainant Services Team Expense

Office of the Commissioner/Reform Office

Cost centres
111001 Office of the Commissioner Branch Expense
118000 Legal Services Branch Expense

Headcount 1 SES + 11 APS
FTE 1 SES + 10.8 APS

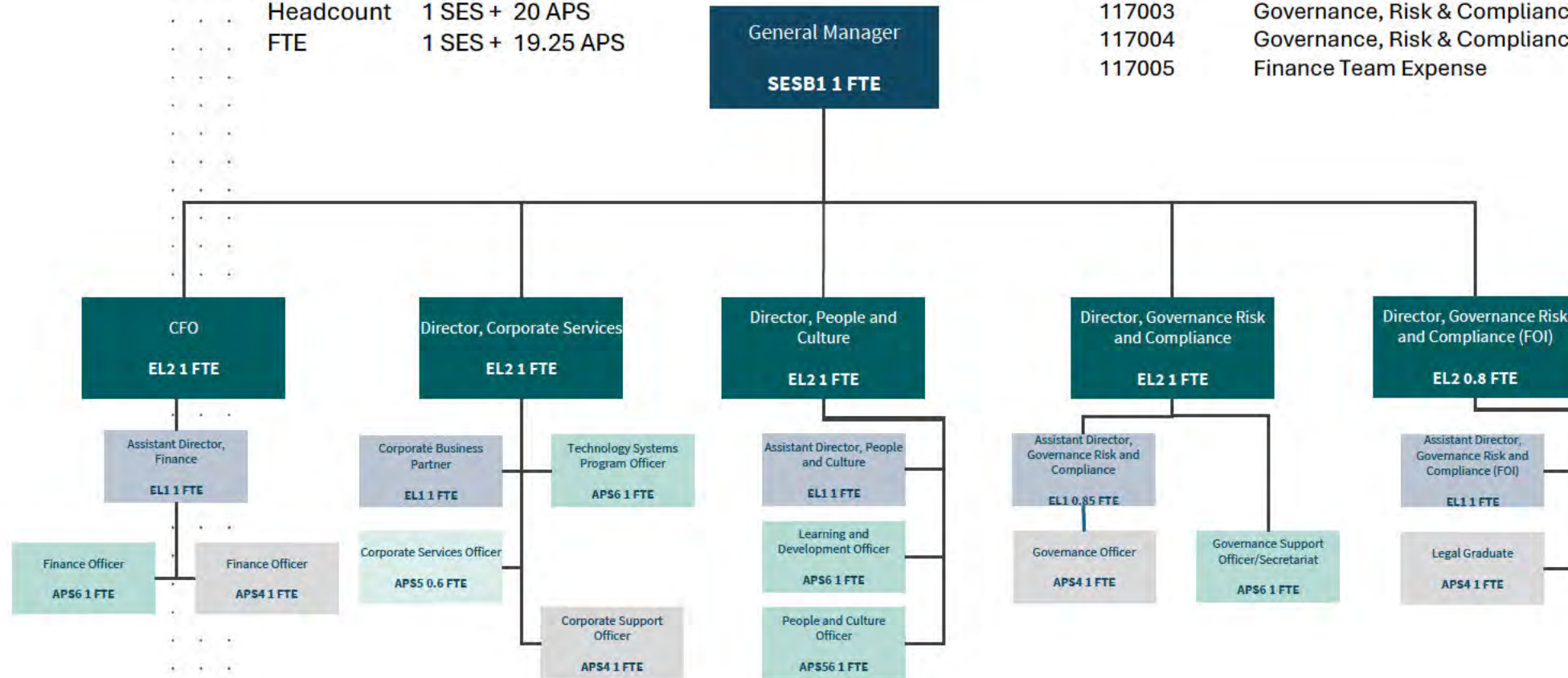


Cost centres

117000	Enabling Services Branch Expense (For Branch Heads, GMs or Principal Directors)
117001	Corporate Services Team Expense
117002	People & Culture Team Expense
117003	Governance, Risk & Compliance Team Expense
117004	Governance, Risk & Compliance (FOI) Team Expense
117005	Finance Team Expense

Enabling Services

Headcount 1 SES + 20 APS
FTE 1 SES + 19.25 APS



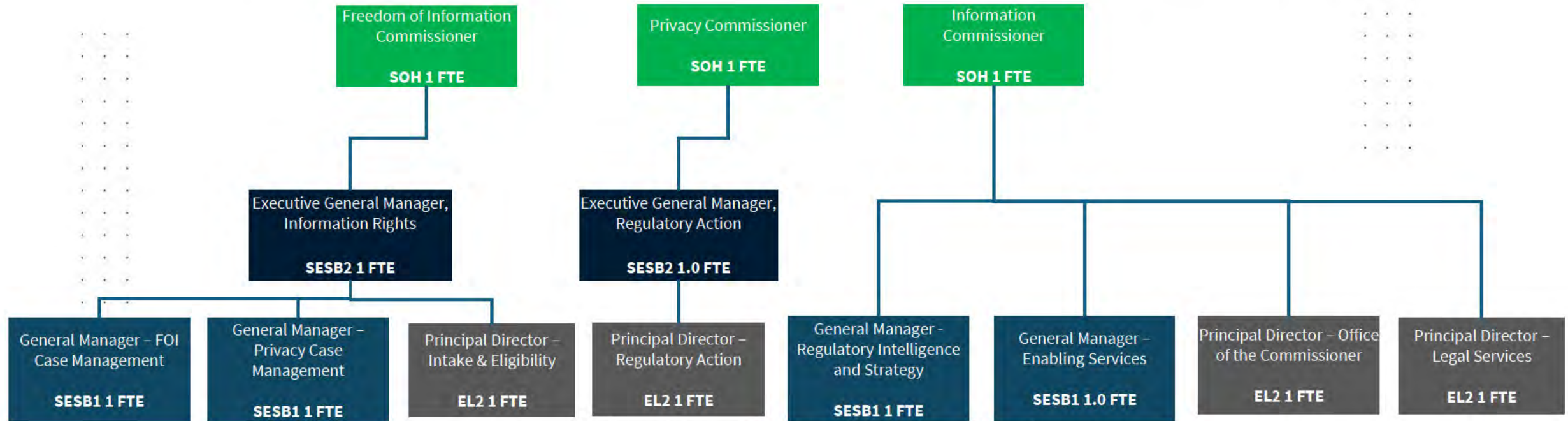
Executive

FOIREQ25/00062 186

Cost centres

Headcount 3 SOH + 6 SES + 4 APS
FTE 3 SOH + 5.91SES + 4 APS

111000 Executives Expense
(For SEB2 - Deputy Commissioners and above)



Branch/Org Unit	SOH		SES		APS		Total	
	HC	FTE	HC	FTE	HC	FTE	HC	FTE
Executive	3.0	3.0	-	-	-	-	3.0	3.0
Enabling_Services	-	-	1.0	1.0	20.0	19.3	21.0	20.3
FOI_Case_Management	-	-	1.0	1.0	24.0	22.8	25.0	23.8
Intake_and_Eligibility	-	-	-	-	19.0	15.6	19.0	15.6
Legal	-	-	-	-	5.0	5.0	5.0	5.0
Office_of_the_Commissioner	-	-	-	-	6.0	5.8	6.0	5.8
Information Rights	-	-	1.0	1.0	-	-	1.0	1.0
Privacy_Case_Management	-	-	1.0	1.0	28.0	26.2	29.0	27.2
Regulatory_Action	-	-	1.0	1.0	35.0	32.6	36.0	33.6
Regulatory_Intelligence_and_Strategy	-	-	1.0	1.0	30.0	28.2	31.0	29.2
	3.0	3.0	6.0	6.0	167.0	155.4	176.0	164.4

1. SES included in relevant branch/division

As at 20-02-2025

Regulatory action

Headcount 1 SES + 35 APS
FTE 1 SES + 32.58 APS

Executive General Manager,
Regulatory Action

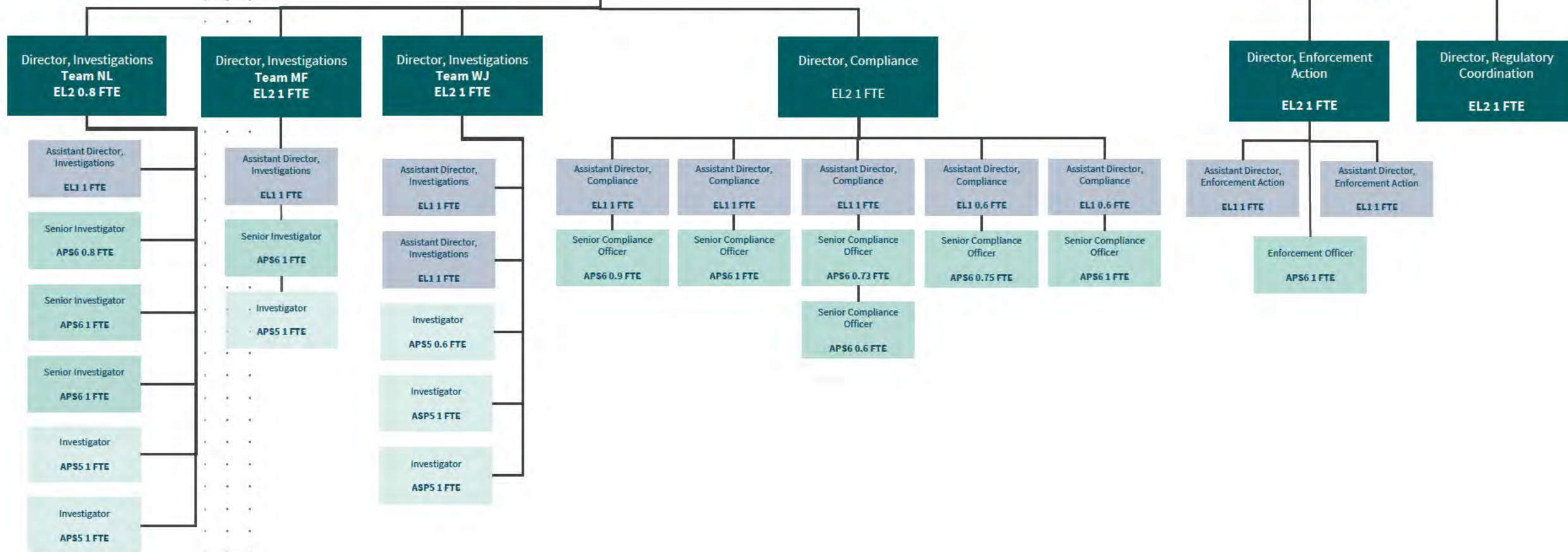
SES2 1.0 FTE

Principal Director –
Regulatory Action

EL2 1 FTE

Cost centres

115000	Regulatory Action Branch Expense (For Branch Heads, GMs or Principal Directors)
115001	Compliance Team Expense
115002	Investigations Team NL Expense
115003	Investigations Team MF Expense
115004	Investigations Team WJ Expense
115005	Enforcement Action Team Expense

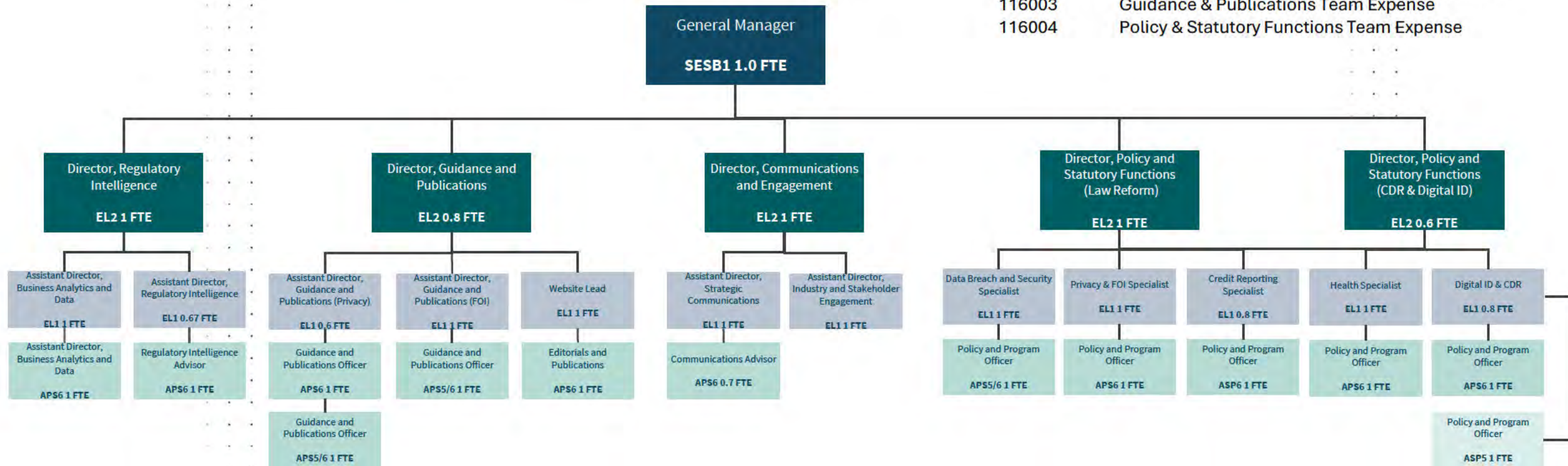


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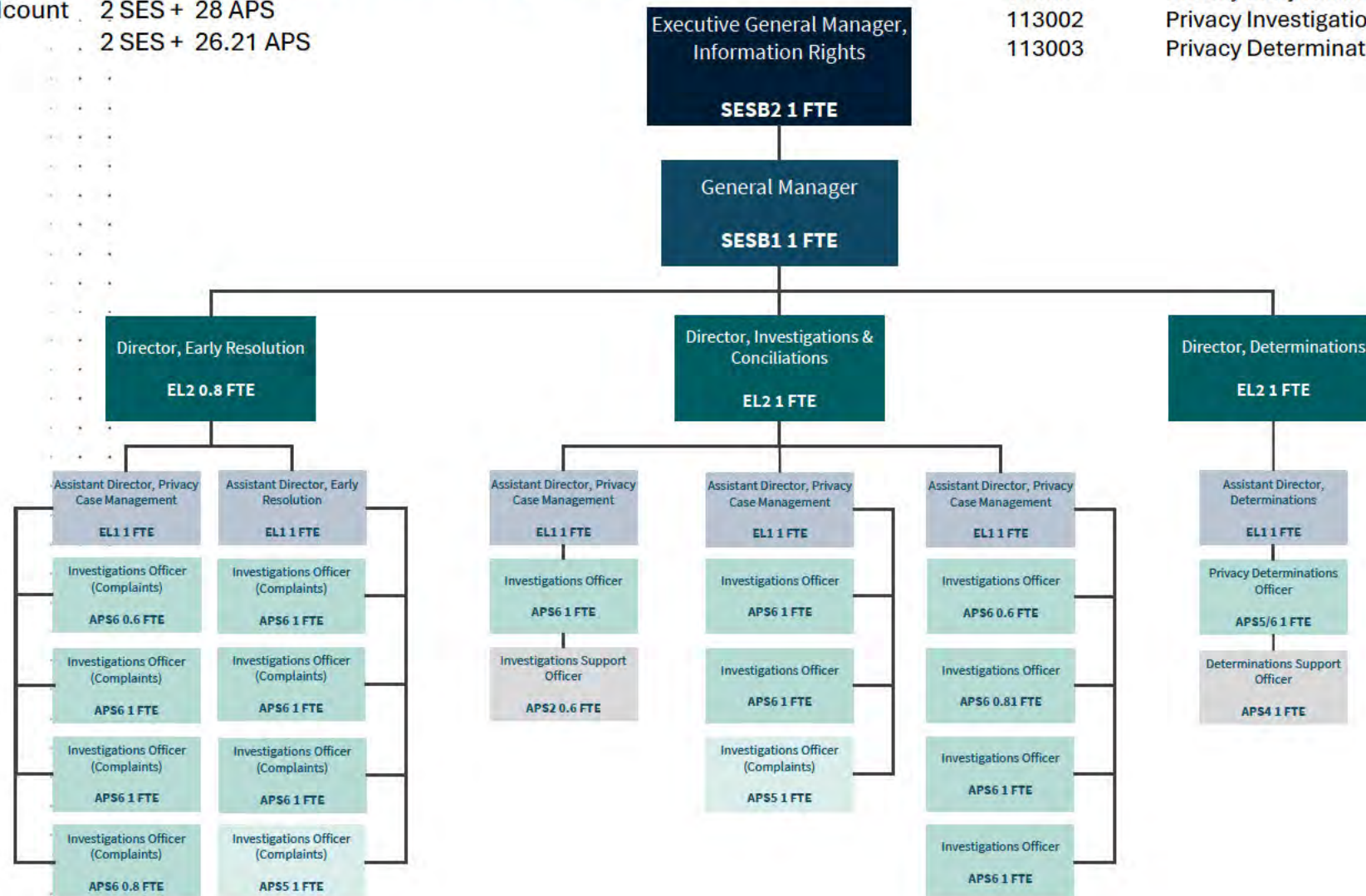


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Executive General Manager,
Information Rights

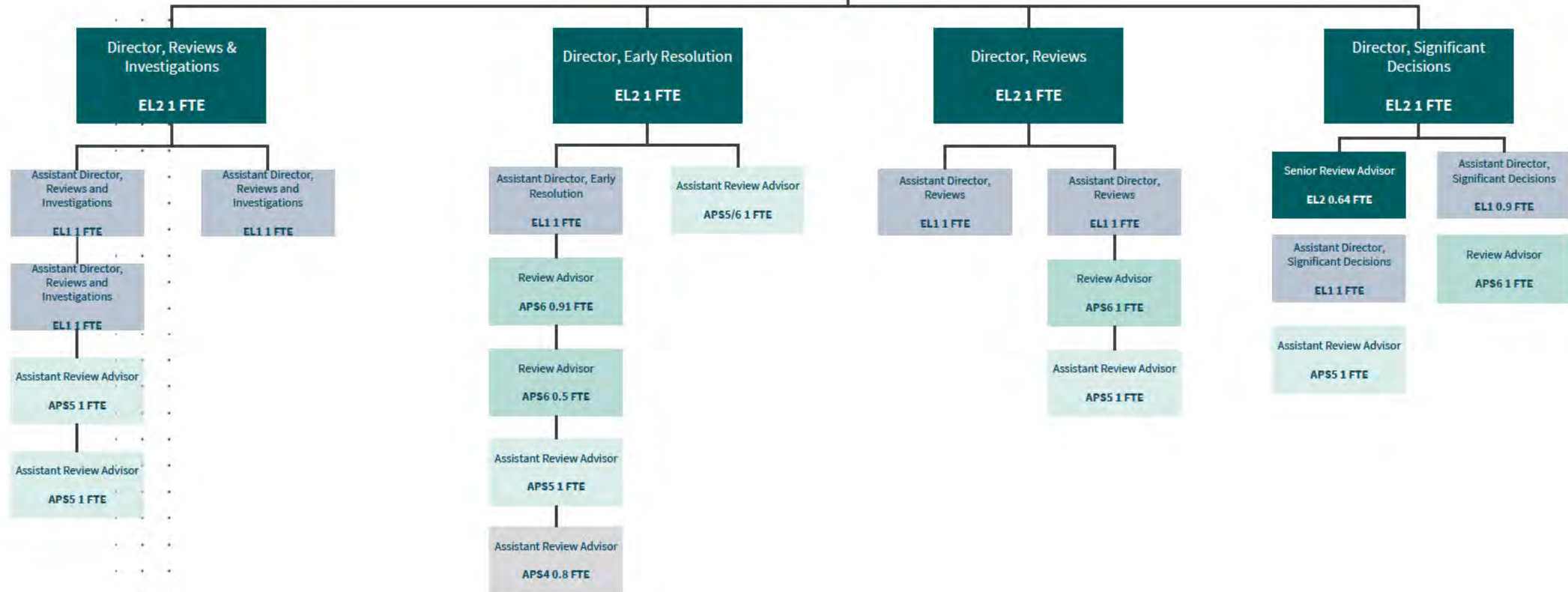
SESB2 1 FTE

General Manager

SESB1 1 FTE

Cost centres

112000	FOI Case Management Branch Expense (For Branch Heads, GMs or Principal Directors)
112001	FOI Early Resolution Team Expense
112002	FOI Reviews & Investigations Team Expense
112003	FOI Reviews Team Expense
112004	FOI Significant Decisions Team Expense

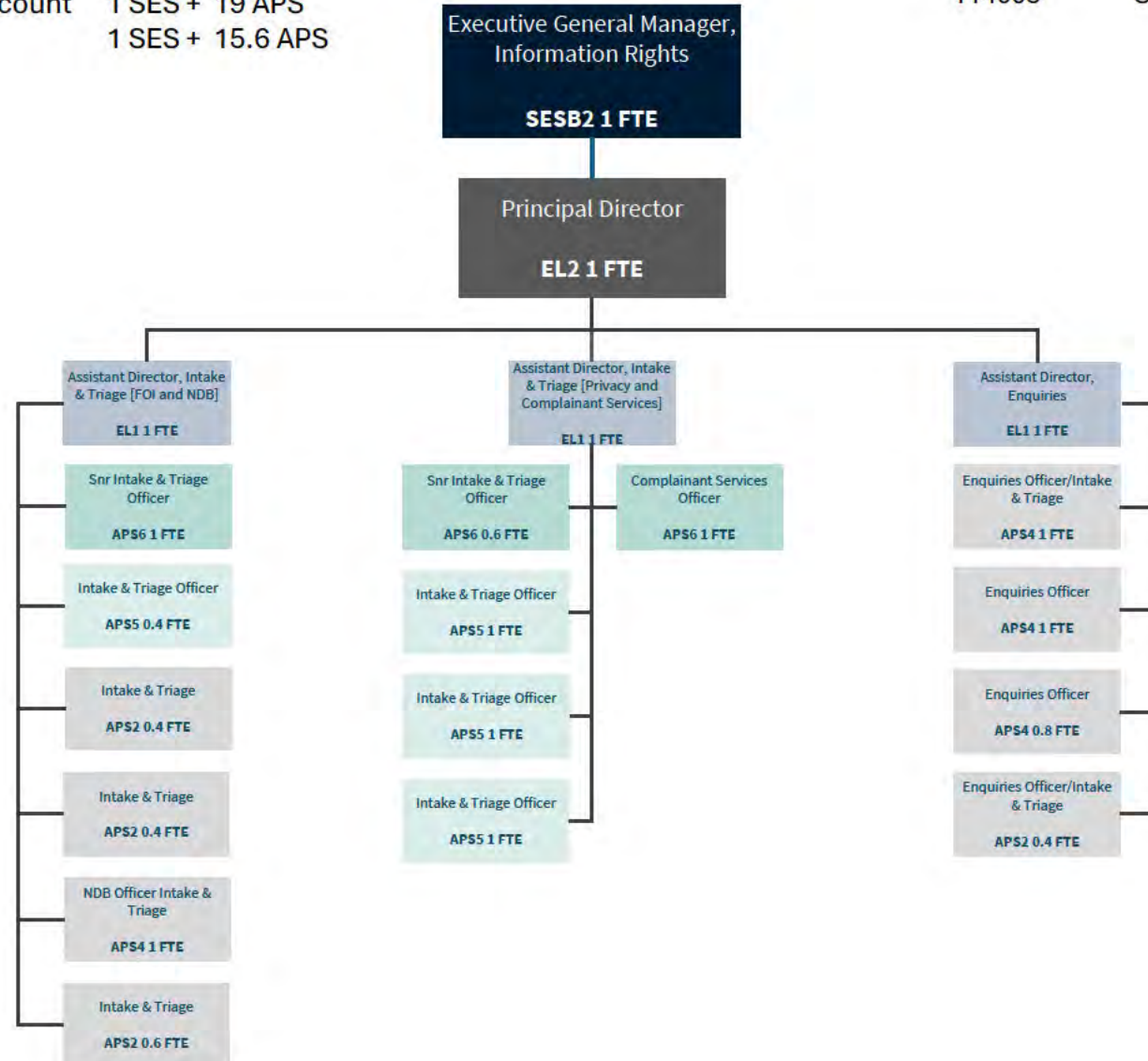


Cost centres

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Information Rights – Intake and Eligibility

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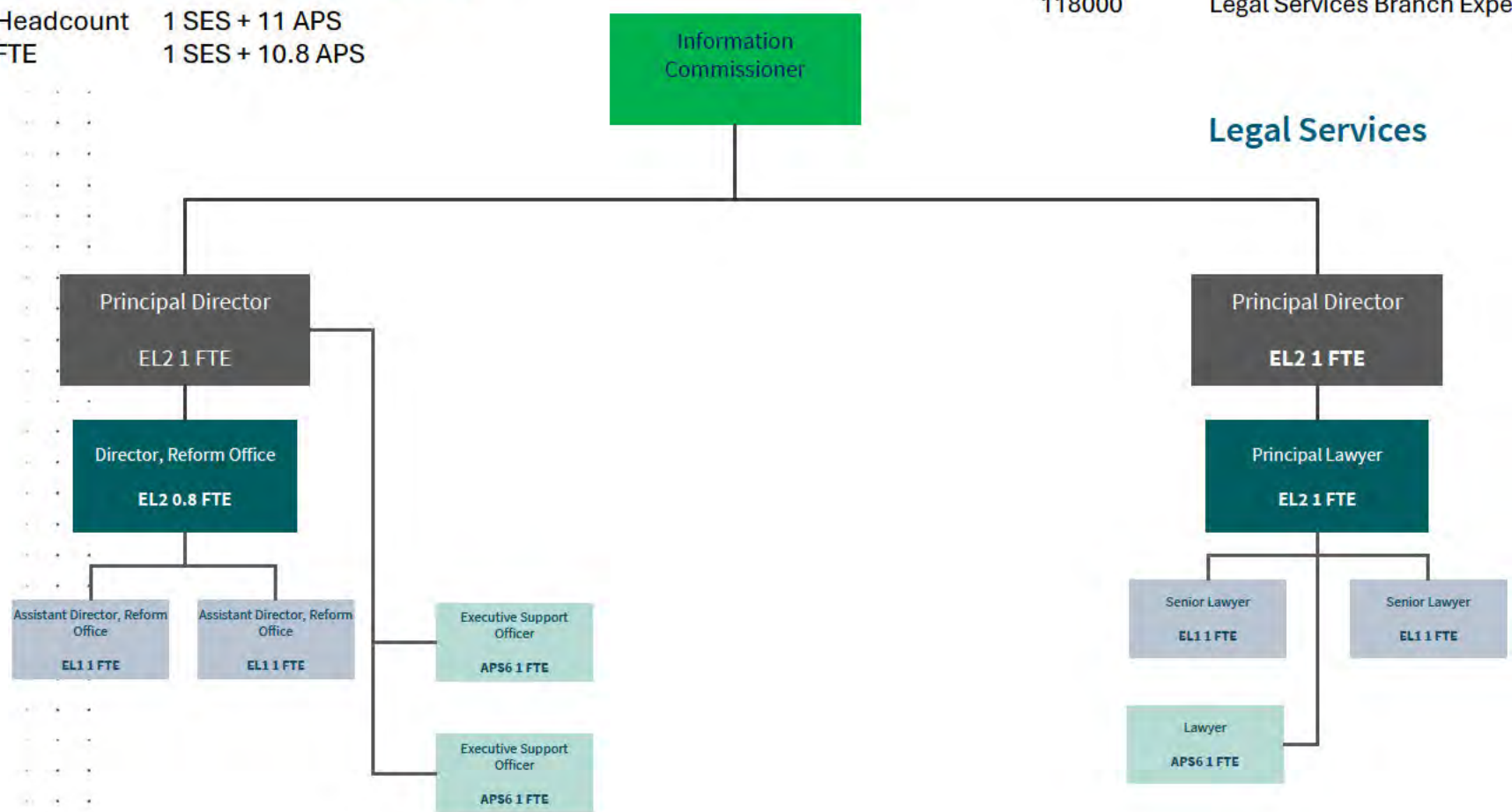
Office of the Commissioner/Reform Office

FOIREQ25/00062 192

Cost centres

111001 Office of the Commissioner Branch Expense
118000 Legal Services Branch Expense

Headcount 1 SES + 11 APS
FTE 1 SES + 10.8 APS

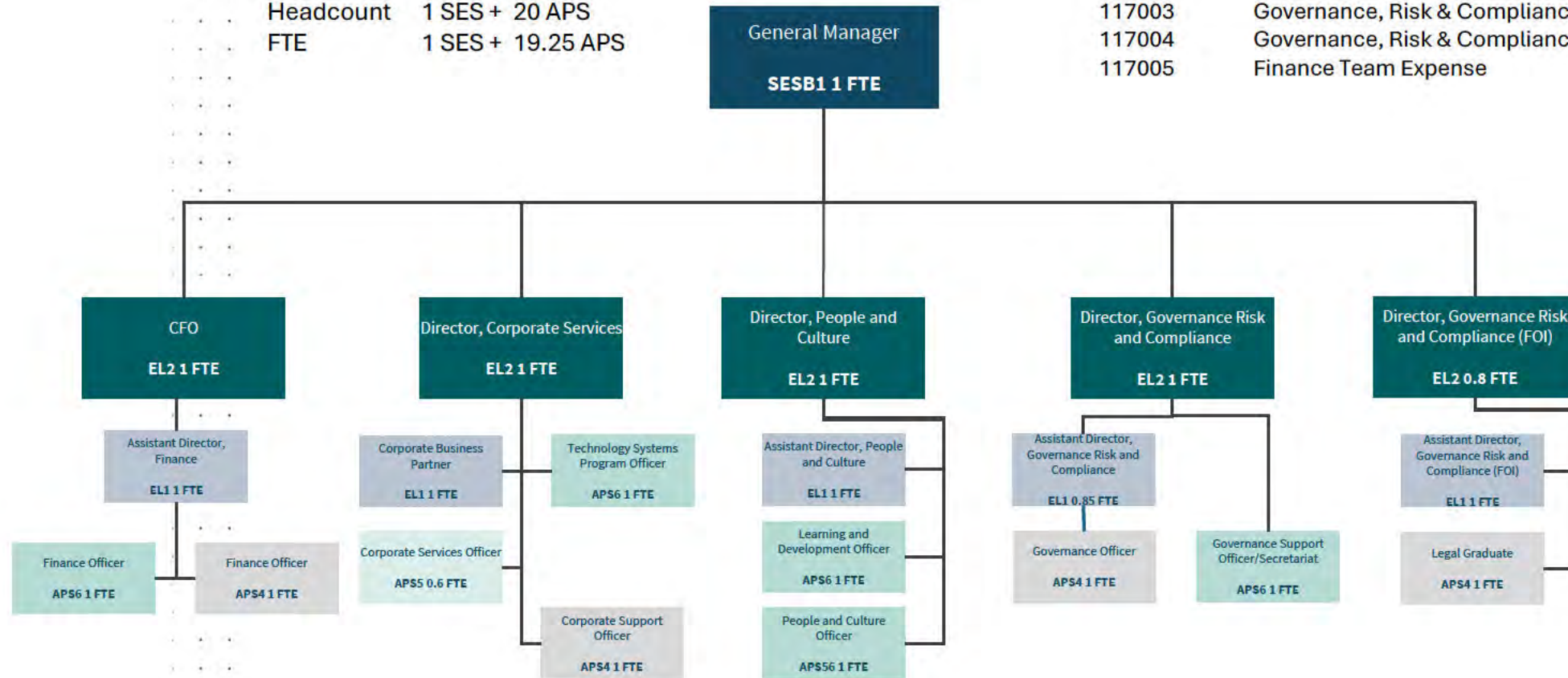


Cost centres

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FTE 1 SES + 19.25 APS



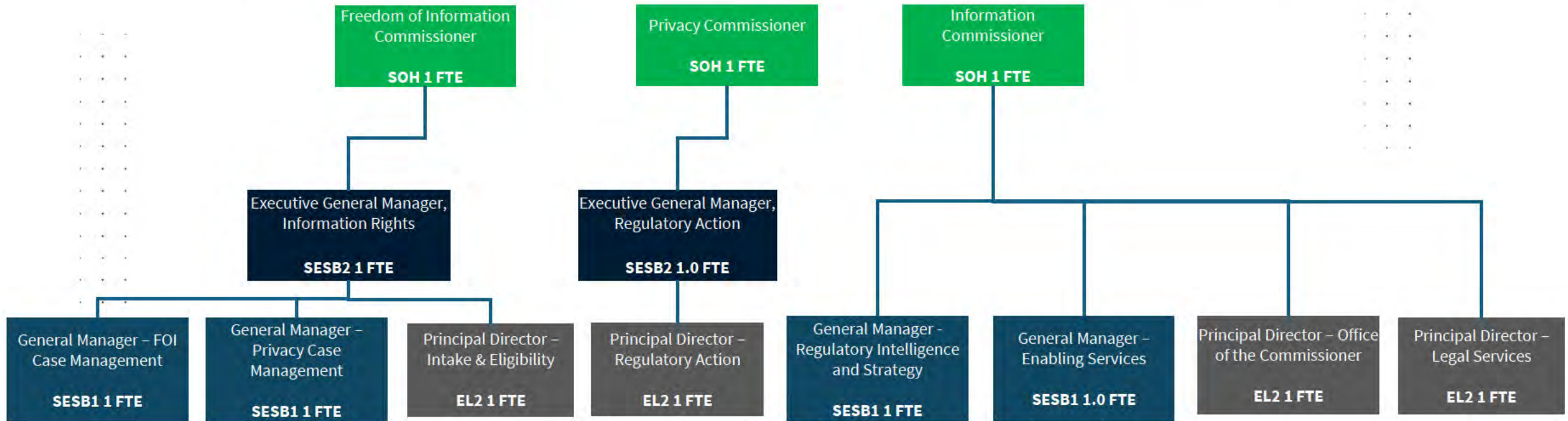
Executive

FOIREQ25/00062 194

Cost centres

Headcount 3 SOH + 6 SES + 4 APS
FTE 3 SOH + 5.91SES + 4 APS

111000 Executives Expense
(For SEB2 - Deputy Commissioners and above)



Branch/Org Unit	SOH		SES		APS		Total	
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Executive	3.0	3.0	-	-	-	-	3.0	3.0
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Legal	-	-	-	-	5.0	5.0	5.0	5.0
Office_of_the_Commissioner	-	-	-	-	6.0	5.8	6.0	5.8
Information Rights	-	-	1.0	1.0	-	-	1.0	1.0
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1. SES included in relevant branch/division

As at 20-02-2025

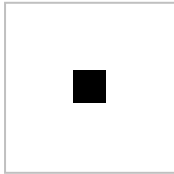
From: [TYDD.Liz](#)
To: [OAIC - Office Aus Information Commissioner](#)
Subject: OAIC Principal Director (Head of Corporate Legal Services) appointment [SEC=OFFICIAL]
Date: Friday, 8 November 2024 5:30:42 PM

Dear Colleagues

Caren Whip will commence in the role of OAIC Principal Director (Head of Corporate Legal Services) from Monday 11 November 2024. Commissioners welcome Caren and I'm sure as an organisation we offer our collective support for her success in this role. David Moore's significant contribution to date is acknowledged and very much appreciated. Thank you, David and Caren we look forward to working with you in this important role.

Best wishes for a thoroughly enjoyable weekend everyone.

Liz



Elizabeth Tydd (she/her)
Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
E elizabeth.tydd@oaic.gov.au

Executive assistants: jsla.gibson@oaic.gov.au; lucy.roberts@oaic.gov.au

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Australian Government

Office of the Australian Information Commissioner

Candidate Information Pack

Principal Director (Head of Legal)

Corporate Legal Services

Job Reference	OAIC-2024-016
Type of vacancy and duration	Ongoing, Full-time
Classification	Principal Director, Executive Level 2
Salary	Salary will be negotiated with the successful candidate, commensurate with the work level standards at the EL2 level
Location	Sydney CBD (preferred location), however we will consider candidate applications from all other locations within Australia.
Contact officer for information	David Moore (02) 9942 4131 david.moore@oaic.gov.au
Email applications to	jobs@oaic.gov.au
Closing date for applications	Thursday, 9 January 2025 at 11:59pm AEDT

About the Office of the Australian Information Commissioner

Working with the Office of the Australian Information Commissioner (OAIC) will put you at the forefront of data protection and access to information regulation. As an independent statutory agency, the OAIC's work is of national significance and plays an important role in shaping Australia's information handling landscape across the economy - from government, digital platforms and the online environment, to health, finance and telecommunications. Our mission is to uphold and promote Australia's privacy and freedom of information laws.

We are an agency within the Attorney-General's Department portfolio with responsibility for:

- privacy functions under the *Privacy Act 1988* and the *Digital ID Act 2024*
- freedom of information functions, in particular review of decisions made by agencies and ministers under the *Freedom of Information Act 1982*
- privacy and confidentiality functions in relation to the Consumer Data Right (CDR) under the *Competition and Consumer Act 2010 (CCA)*.

OAIC

Leadership roles in the OAIC

Leadership within the OAIC work as a united team, collaborating and supporting each other and staff in achieving outcomes for the Australian community, and ensuring the agency's success.

You will demonstrate leadership that aligns with the values of the OAIC, which include:

- Modelling and championing the OAIC's Guiding Principles ('4 Pillars'): being proactive, proportionate, purpose-driven and people-focused
- Possessing integrity and demonstrating alignment with the APS Values: Impartial, Committed to service, Accountable, Respectful, Ethical and Stewardship
- Empowering staff to make decisions and supporting a shift to a more harm-focused regulatory approach for the OAIC that considers risk in a proportionate manner and is not risk averse
- Supporting OAIC's Commissioners to set the strategic direction of the OAIC, communicating that direction internally and externally, and leading your team to deliver on it.

Teams/functions the role oversees

Corporate Legal Services' primary areas of focus are corporate legal matters (e.g., industrial relations, contract management), administrative law, and litigation. Corporate Legal Services is likely to have some privacy and FOI expertise. Whilst this expertise will primarily be housed elsewhere in the agency, an active contribution from the legal team will assist in management of the OAIC's corporate responsibilities in these domains. Corporate Legal Services will contribute to continuous improvement and capability uplift through the OAIC through collegiate engagement and advice.

Key relationships

You will be expected to develop and maintain effective and productive working relationships with a broad range of external stakeholders including portfolio agencies, government, academia, private sector and the Minister's Office. You will represent the OAIC (for activities both within and outside your division) at high levels within and outside government. You will be required to build and maintain strong working relationships across the OAIC, particularly with the Commissioners and SES colleagues.

You will provide leadership, guidance and mentoring of staff within your division to foster their professional development and career progression.

About The Role

The Principal Director (Head of Corporate Legal Services) reports directly to the Australian Information Commissioner, performs the functions of OAIC's General Counsel as described in the Australian Government Legal Service (AGLS) General Counsel Charter, and leads OAIC's Corporate Legal Services team.

You will lead OAIC's Corporate Legal Services team which is responsible for the delivery of independent and expert legal advice to the OAIC's Commissioners and Executive and managing the conduct of litigation brought against the OAIC. The role supports OAIC functional areas to access external legal support where needed, and to identify and manage legal risk. Corporate Legal Services staff may appear for the Information Commissioner in tribunals on lower-risk matters and instruct external lawyers on higher-risk matters and court-based litigation. Corporate Legal Services will also support the Information Commissioner to certify compliance with the legal services directions. Corporate Legal Services will contribute to the delivery of the OAIC's stated priorities and principles.

You will support the OAIC's shift towards a more harm-focused approach that actively engages with risk to develop legally sound solutions.

You will perform the functions of OAIC's General Counsel as described in the AGLS General Counsel Charter. You will lead your team with a high degree of independence and will support the Commissioners in establishing priorities, practices and methodologies to deliver quality legal outcomes for the OAIC.

You will lead your team with a high degree of independence and will support the Commissioners in establishing priorities, practices and methodologies to deliver quality legal outcomes for the OAIC.

You will maintain a high level of integrity and discretion and abide by the APS Code of Conduct, combined with a demonstrated understanding of the principles and practices of WH&S, equity, and diversity in the workplace.

Key duties include:

- Transforming how the OAIC delivers legal services, to deliver on OAIC Commissioners' strategic intent, and embedding a client service approach to the delivery of legal services
- Delivering effective, fit for purpose and succinct legal advice and related services relevant to legal and regulatory matters across different parts of the agency
- Ensuring each matter is managed strategically and efficiently, risks are considered and that we have strived to achieve the desired outcome for the OAIC and the Australian public
- Overseeing the preparation of materials for consideration by the Commissioners, ensuring accuracy and deadlines are met
- Providing impartial and frank verbal and written advice to Commissioners and stakeholders
- Exercising delegation and judgement on the principles of good administrative decision making
- Providing expert advice and guidance on FOI and privacy matters to the Commissioners outlining risks and opportunities
- Developing and embedding systems and practices to ensure the effective oversight of the legal practice within the OAIC, including allocation and supervision of a discrete team of lawyers, supporting their professional development and the achievement of key performance indicators to deliver timely and effective outcomes

- Engaging with key external stakeholders on legal matters, as appropriate
- Coordinating submissions and, where required, represent the OAIC in complex matters before parliamentary committees and other public and government forums.

Job Specific Capabilities, Skills & Experience

We are seeking applications from candidates who have:

- Legal qualifications including the ability to obtain and maintain a practicing certificate
- Experience operating in a regulatory environment or advising on regulatory legal issues
- In depth knowledge of the *Public Service Act 1999*, the *Freedom of Information Act 1982* and the *Privacy Act 1988* or an ability to quickly gain that knowledge
- Ability to provide expert advice across various areas of law
- Broad legal experience working with or within government, including litigation experience
- Ability to provide impartial and forthright advice to Commissioners' and stakeholders
- Excellent negotiation skills combined with highly developed communication and people skills
- Experience in managing people to achieve organisational priorities.

These duties are to be performed in accordance with the APS Code of Conduct and APS Values and Office policies, including Workplace Diversity and Work Health and Safety. Under section 25 of the *Public Service Act 1999* the Office may re-assign the duties of an employee from time to time.

Security requirements

You must be able to obtain and maintain a Negative Vetting Level 1 security clearance.

Position location

The OAIC operates a hybrid work model with a combination of remote working and office attendance. Whilst the OAIC office is located in the Sydney CBD (and preferred), we will consider candidate applications from all other locations within Australia.

The OAIC values face-to-face interaction and fostering connection between our people and with our stakeholders. The OAIC's hybrid work model expects in office attendance when the type of work or task is better suited to being completed from an office, for example, staff inductions and onboarding, planning days, relationship building activities and project or collaborative work.

Remuneration and benefits

Salary will be negotiated with the successful candidate, commensurate with the work level standards at the EL2 level.

The OAIC is committed to enabling its people to perform at their best and offers the following benefits:

- Opportunity to work at the cutting edge of privacy and data protection, paving the way for future career opportunities.
- Access to ongoing professional development, with a capability framework to guide skill enhancement.
- Genuine flexibility to help achieve a balance between work and home life.
- Additional paid leave over the Christmas to New Year period as well as access to other leave (e.g. for study or moving).
- Contribution to your wellbeing through subsidies for eye health, flu vaccinations and a wellbeing allowance.

The OAIC is committed to diversity and inclusion. We encourage and welcome applications from people living with disability, Aboriginal and Torres Strait Islander peoples, LGBTIQ+ people, people from culturally and linguistically diverse backgrounds, and mature age people.

Eligibility

- Section 22 of the *Public Service Act 1999* requires that APS employees must be Australian citizens.
- There are restrictions on employment of people who have, within the previous 12 months, accepted a redundancy benefit from an APS agency or a non-APS Commonwealth employer.
- For the duration of your employment with the OAIC you will be required to obtain and maintain an Australian Government security clearance at the Negative Vetting Level 1 and meet required background, identification and character checks.
- Note: All duties are to be performed in accordance with the APS Code of Conduct and APS Values and OAIC policies, including Workplace Diversity and Work Health and Safety. Under section 25 of the *Public Service Act 1999* the OAIC may re-assign the duties of an employee from time to time.

How to Apply

1. Please complete the application form found at the end of this job pack as part of your submission.
2. Please provide a statement of claim of up to 2 A4 pages, addressing your interest, motivation and fit for the role. Your statement should include the use of practical and professional examples as relevant to the role and the job specific capabilities, skills and experience outlined above.
3. Your application form, CV and statement of claim should be collated as one document (where possible) and sent in a single email to: jobs@oaic.gov.au. Please ensure your email includes your full name in the email subject field, along with the job reference number found on the front page of this pack.

Application Tips

Your pitch must be in a font size no smaller than size 10 and using a professional font selection (e.g. *Times New Roman, Calibri or Arial*).

To assist you in pitching your response and capabilities at the appropriate classification, you are encouraged to review the APS Work Level Standards which are available on the Australian Public Service Commission website – [click here](#).

Your CV should be a maximum of four pages.

Further Information

If you are shortlisted, you may be contacted to arrange an interview.

If you are not shortlisted, you will be informed by email. Please note that we are not usually able to provide feedback to candidates that are not shortlisted due to the volume of applications received.

A merit list of suitable candidates may be established and may be used to fill future vacancies that arise.

Questions?

For more information please visit <https://www.oaic.gov.au/about-us/join-our-team> or reach out to the contact officer listed on the covering page of this job pack.

Application Sheet

Please complete this form to apply for a position with the Office of the Australian Information Commissioner.

Any personal information you provide is protected by the *Privacy Act 1988* and will be used for recruitment purposes only. You can view our [human resources privacy policy](#) on our website.

Personal details

Title
Given name
Surname
Preferred name
Contact Number

Address line 1
Address line 2
Suburb
State
Postcode

APS employment

If you are currently employed in the Australian Public Service (APS), please provide the following information:

APS employer	Response
Australian Government Service Number (AGS)	
APS Classification	
Employment status (ongoing or non-ongoing)	

Eligibility

Requirement	Response
Are you an Australian citizen?	

Have you received a redundancy benefit, severance payment or similar benefit from an APS Agency or a non-APS Commonwealth employer within the last 12 months?

Accessibility adjustment of selection process

At times we may need to conduct a range of selection processes for example, preparing written work samples as well as an interview. Some assessment activities may be timed and/or could include reading from a computer screen or paper.

We understand that you may not wish to share information about your disability at this time, however the responses you provide will help us in making the selection process inclusive and give you the opportunity to request any necessary adjustments.

Adjustment	Response
Are there any adjustments that you may require to the selection process?	
If you do require adjustments to the selection process, please tell us what type of adjustments you require.	

Merit Pool Sharing

A merit pool is a group of applicants that have been deemed suitable for an advertised vacancy, however they are not considered the preferred candidate or appointed to the advertised role.

Applicants who are placed in a merit pool may be considered for future vacancies if the new vacancy meets the merit sharing principals outlined below:

- The vacancy is at the same classification.
- The vacancy is the same category of employment (ongoing or non-ongoing).
- The vacancy comprises of similar duties.
- The vacancy is in a similar location.

Applicants who are placed in a merit pool and agree to be considered for subsequent vacancies:

- Will have their details maintained by the OAIC for a period of up to 18 months from the date the vacancy was advertised.
- May have their information provided to other Commonwealth Agencies employing under the *Public Service Act 1999* or *Parliamentary Services Act 1999* to fill similar roles across the Australian Public Service.

If you are assessed as suitable and placed in a merit pool, do you consent to your application, CV and assessment information being shared with other Commonwealth Agencies to fill similar roles in the Australian Public Service?

- ☐ Yes, I agree for my application details to be shared as outlined above.
- ☐ No, I do not agree for my application/details to be shared and would like to opt out.

Submitting your application

When you are ready to submit your application, please send the following document (as one document) by email to jobs@oaic.gov.au:

I have included as one document	✓
Attached my completed application form	<input type="checkbox"/>
Attached my CV (maximum of 4 pages) (Including details of two referees, one being my current manager/supervisor)	<input type="checkbox"/>
Statement of claim of up to 2 A4 pages explaining my interest, motivation and fit for the role, including the skills and experience I will bring to the organisation and the position.	<input type="checkbox"/>
Declaration: In submitting my application, I acknowledge that the information I have supplied is true and correct. I understand that providing false or misleading statements may disqualify me from this process and future APS employment.	<input type="checkbox"/>

General Counsel, Corporate Branch

Working directly to the Executive, the General Counsel will be responsible for delivering and overseeing the provision of high-level legal advice to the OAIC Executive and business/functional areas on legal aspects associated with employment and industrial relations law, civil litigation, commercial law, administrative law and governance matters.

The General Counsel will bring significant legal, technical and strategic expertise to assist teams across all Branches within the OAIC, with particular focus in the investigation and resolution of Commissioner Initiated Investigations, and FOI matters. This role will also play a key role in assisting with other key priorities, such as the review of the Privacy Act.

The role will provide strategic advice in relation to various matters on foot or planned, and the strategic objectives of the OAIC. The successful person will ensure the OAIC's privacy governance and practice is robust, timely and aligned to best practice. They will have the trust of internal stakeholders and seek the view of the General Counsel on the full suite of policy, compliance, enforcement and corporate functions of the office.

Assignment of duties

Title	General Counsel
Reports to	Deputy Commissioner

Main responsibilities

The General Counsel will be responsible for:

1. The provision of specialist and strategic advice through the provision of high-level legal advice to the Commissioners and staff in the OAIC on a broad range of matters relating to the effective operation of the OAIC and management of its staff, including privacy regulation and FOI, the provision of corporate legal services, and the conduct of legal proceedings in the Administrative Appeals Tribunal and the Federal Court. Such advice will form a key input to agency decision-making processes.
2. Significantly contribute to risk assessment, and the design and implementation of compliance programs within the OAIC's privacy governance framework, though the performance of the duties and responsibilities of the OAIC's Chief Privacy Officer.
3. Influence others across the agency in the pursuit and/or achievement of specific and set objectives, including through internal stakeholder engagement on complex/sensitive issues to share information, provide specialist advice, and/or to advocate a particular position
4. Representing the OAIC and the government authoritatively, through liaison with key stakeholders and representation of the OAIC at meetings, conferences and seminars as required.
5. Active contribution through Leadership Team to the development of a strategic and collaborative organisational culture
6. Mentoring staff in the legal team.
7. Proactively identifying and leading engagement with external stakeholders and representing the OAIC at conferences and seminars.

8. Participate in the development of corporate policies, procedures and programs and provide continuing counsel and guidance on legal matters and their implications.
9. Other duties as required

These duties are to be performed in accordance with the APS Code of Conduct and APS Values and Office policies, including Workplace Diversity and Work Health and Safety. Under section 25 of the *Public Service Act 1999* the Office may re-assign the duties of an employee from time to time.

Staff departures due to restructure

APS Classification	Job title
1. Senior Executive Band 1	Assistant Commissioner
2. Senior Executive Band 1	Assistant Commissioner
3. Executive Level 2	Director
4. Executive Level 2	Director
5. Executive Level 2	Director
6. Executive Level 2	Director
7. Executive Level 2	Director
8. Executive Level 1	Assistant Director
9. Executive Level 1	Assistant Director

From: [WHIP,Caren](#)
To: [MOORE,David](#)
Subject: RE: VFMA - LIT24/00018 - Singh v OAIC (2024/3737 & 2024/2526) [SEC=OFFICIAL]
Date: Monday, 2 December 2024 11:36:00 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

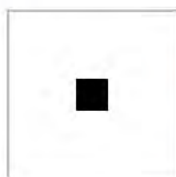
Thanks David, I approve the uplift of

s 47(1)(b), s 47G

s 47(1)(b), s 47G

Regards

Caren



Caren Whip (she/her)
 Principal Director, Head of Corporate Legal Services
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P +61 2 9942 4172 E caren.whip@oaic.gov.au

Note: I am not in the office on Fridays.

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

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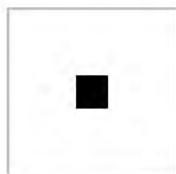
From: MOORE,David <David.Moore@oaic.gov.au>
Sent: Monday, 2 December 2024 9:47 AM
To: WHIP,Caren <Caren.Whip@oaic.gov.au>
Subject: FW: VFMA - LIT24/00018 - Singh v OAIC (2024/3737 & 2024/2526) [SEC=OFFICIAL]

Morning Caren

Re your email on the affidavit last Friday, this will need to be processed ASAP to ensure HR have the updated PO.

Cheers

David



David Moore (he/him)
 Principal Lawyer
 Office of the Australian Information Commissioner
 Sydney
 P +61 2 9942 4131 M + [s 47E\(d\)](#) E david.moore@oaic.gov.au

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

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From: MOORE, David

Sent: Friday, 29 November 2024 5:03 PM

To: WHIP, Caren <Caren.Whip@oaic.gov.au>

Subject: VFMA - LIT24/00018 - Singh v OAIC (2024/3737 & 2024/2526)

VFMA Snapshot	
Due date	4 December 2024
Estimate of quote	s 47(1)(b), s 47G
Pre-existing PO?	PO: 4500172495
Total amount for PO with uplift	s 47(1)(b), s 47G
Topic for clearance	In-principle approval of fee estimate for counsel advice/representation
Firm	Holding Redlich
Clearance & consultation	N/A
Responsible director	David Moore
Final Clearance by	Caren Whip – Principal Director - Legal
For Finance team	
Procurement need	s47E(d) s47E(d) Services Directive requires external representative for Judicial review
Panel	Holding Redlich
VFM	The quote from Holding Redlich has been assessed as representing value for money. Quotes were obtained from XXX for comparison.
FY estimate	I estimate 100% will be undertaken in FY24/25

Our Reference: LIT24/00018

Hi Caren

I am writing to you to seek your in-principle approval to instruct Holding Redlich (G Wrobel, H Sims and S Biyanwila) to provide services associated with representation at the ART for two merits review matters lodged by Mr Singh (the **Applicant**) (2024/3737 & 2024/2526).

s 47(1)(b), s 47G

I note that this increase is only for the two matters 2024/3737 & 2024/2526 and the applicant has sought for additional matters to be included in this file. If this occurs, I

expect Holding Redlich will seek a further uplift. The Tribunal has already foreshadowed that this might occur.

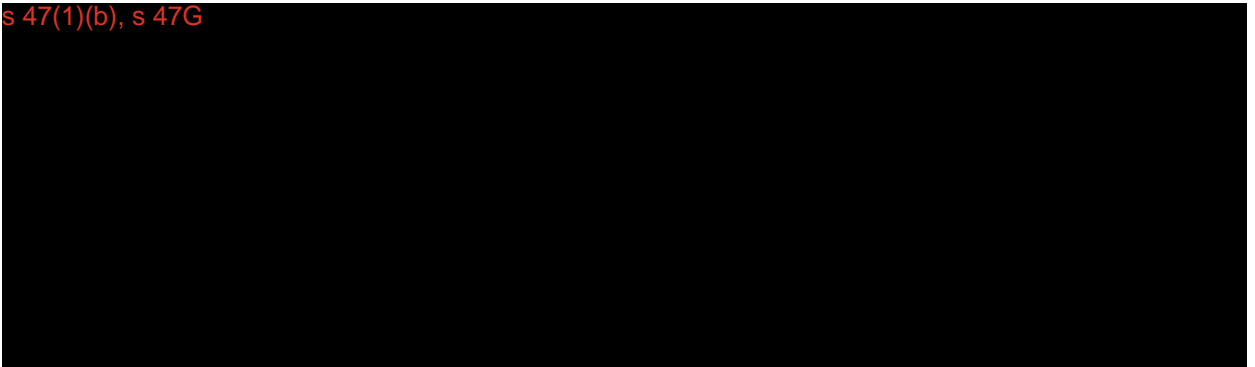
Background

As the deponent for this matter, you are aware of the background – As you know, this is a challenge by the Applicant about two FOI decisions made by the OAIC.

Assuming the ART does not join further matters on this file, this matter is hopefully reaching its final stages.

Representation and services sought

s 47(1)(b), s 47G



Cost efficiencies

Holding Redlich have actively been taking steps to keep their fees down. I think this is broadly reflected in this file as the costs are still reasonably low given it involves two matters and they have had to prepare an affidavit (which has required revisions given it has had to respond to our internal changes).

We are also taking steps internally in the Legal team to seek to minimise these costs to the extent possible. For example, you have seen our work directly amending the affidavit.

VFMA

I recommend accepting Holding Redlich's quote based on the following:

- **Relevant experience** – I consider that Holding Redlich has proven skills and expertise in administrative and public law, including in regulatory matters and in statutory interpretation.
- **Understanding of our needs** – In my opinion, Holding Redlich has an understanding of what would be required in this matter and is best suited to handle a matter of this nature.
- s 47(1)(b), s 47G | consider that Holding Redlich represents best VFM

Please let me know if you have any queries related to this matter.

Thanks

David



David Moore (he/him)

Principal Lawyer

Office of the Australian Information Commissioner

Sydney

P +61 2 9942 4131 **M** + s 47E(d) **E** david.moore@oaic.gov.au

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

[Subscribe to Information Matters](#)



HOLDING REDLICH

Tax Invoice

ABN 15 364 527 724

30 August 2024

Office of the Australian Information
Commissioner
By Email: invoiceonly@sdo.gov.au
cc: Finance@oaic.gov.au

Invoice 708528
Contact Greg Wrobel
Direct line +61 2 8083 0411
Email Greg.Wrobel@holdingredlich.com
Our ref HBS:88208 : 19681784
Your ref RFQ - LIT24/00009 - AAT REF: 2024/2526 &
2024/3737- PO:4500172495

Attention: Julie Brusentsev

Singh v OAIC

Professional fees for the period up to and including 29 August 2024 **as per
attached schedule of professional fees**

Expenses incurred **as per attached schedule of expenses**

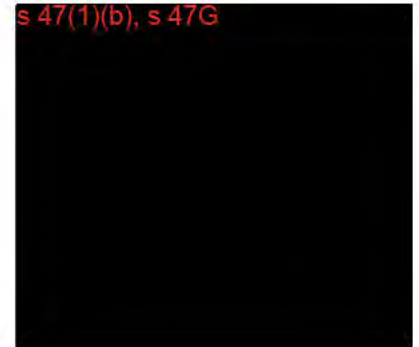
Plus GST

Total amount owing for fees and expenses including GST

With compliments

Holding Redlich

s 47(1)(b), s 47G

**IMPORTANT NOTICE – HOLDING REDLICH BANK ACCOUNT DETAILS**

If you are notified by email of a change to our bank account details the notification will be fraudulent and should be ignored

This invoice is payable within 30 days

Sydney | Melbourne | Canberra | Brisbane | Cairns

Level 65 25 Martin Place Sydney NSW 2000

GPO Box 4118 Sydney NSW 2001 T +61 2 8083 0388 www.holdingredlich.com**File number:** HBS:19681784**Tax invoice:** 708528**Payor:** 88208:Office of the Australian Information Commissioner**Amount due:** s 47(1)(b), s 47G**How to pay:**

Account Name	Holding Redlich Office Account
Bank	Macquarie Bank Limited
BSB	183 334
Account Number	3002 32147
Swift Code	MACQAU2S

Include invoice number with payment.

Email Remittances to remittances@holdingredlich.comFor full disclosures visit holdingredlich.com/payments-terms

Biller Code: 289348
Ref: 7085280882081

Telephone & Internet Banking – BPAY®
Contact your bank or financial institution to make this
payment from your cheque, savings, debit, credit card
or transaction account. More info: www.bpay.com.au

Fees Schedule

Detailed schedule of professional fees

Date	Lawyer	Description	Units	Amount
31/07/24	s 47(1)(b), s 47G			
02/08/24				
02/08/24				
05/08/24				
05/08/24				
05/08/24				
06/08/24				
06/08/24				
12/08/24				
15/08/24				
16/08/24				
16/08/24				
19/08/24				
19/08/24				
20/08/24				
20/08/24				
21/08/24				
21/08/24				
Total Fees				

Fee Earner Summary

Billable	Hours	Rate	Amount
Greg Wrobel	s 47(1)(b), s 47G		
Shenali Biyanwila			
Jacqueline Brown			
Helen Sims			
Total Fees			

Expenses Schedule

Expenses incurred by us in providing professional services:

Date	Description	Amount (Excl GST)
	Express Post Envelopes & General Postage Charges	s 47(1)(b), s 47G
	Total Expenses	

Legal Profession Uniform Law (NSW) (Uniform Law)

The responsible partner for this bill is Greg Wrobel.

Notification of client's rights

The following avenues are available to you in the event of a dispute in relation to legal costs:

- discussing your concerns with us;
- requesting an itemised bill within 30 days after the date on which the legal costs became payable. We will provide an itemised bill at no charge. However, if you request an itemised bill and the total amount of the itemised bill exceeds the amount specified in the lump sum bill for the same matter, we may be able to recover the higher costs if the matter proceeds to a costs assessment under section 198 or a binding determination under section 292 of the Uniform Law; and
- making a complaint to the office of the Legal Services Commissioner under Division 1 Part 5.2 of the Uniform Law. A complaint must be made within 60 days after the costs become payable or 30 days if the bill is itemised. This time may be extended by 4 months provided you can satisfy the Commissioner that it is reasonable and fair to do so and we have not commenced proceedings for recovery of the costs. This applies to matters where the total bill for legal costs is less than \$100,000 (indexed) or, where the amount is \$100,000 or more, the amount of the legal costs in dispute is less than \$10,000 (indexed).

Unless you are a **commercial or government client** (as defined in the *Legal Profession Uniform Law (NSW)*), you can also:

- apply to have our costs assessed under Division 7 of Chapter 4.3 of the Uniform Law. The application must be made within 12 months after the bill was given to you. An application can be made outside of this time if the designated tribunal determines that the circumstances of the delay make it fair and reasonable to do so. There is no monetary limitation on the amount of the legal costs in relation to a costs assessment before the designated tribunal.

If you are unclear about your rights, including whether you are a commercial or government client, please contact Greg Wrobel on +61 2 8083 0411.

Interest on unpaid bills

If you do not pay our bill within 30 days of receiving it, we may charge interest on the unpaid amount at the Cash Rate Target, as at the date our bill was issued, increased by 2 percentage points. The Cash Rate Target means the percentage (or maximum percentage) specified by the Reserve Bank of Australia as the Cash Rate Target.

Notice of withdrawal of trust money

If money has been paid into our trust account for you, we intended to withdraw the above amount from money held in the trust account at the expiration of 7 business days from the date of this bill unless we receive your objection, in accordance with the *Uniform Law and the Legal Profession Uniform General Rules 2015*.



HOLDING REDLICH

Tax Invoice

ABN 15 364 527 724

31 October 2024

Office of the Australian Information
Commissioner
By Email: invoiceonly@sdo.gov.au
cc: Finance@oaic.gov.au

Invoice 716106
Contact Greg Wrobel
Direct line +61 2 8083 0411
Email Greg.Wrobel@holdingredlich.com
Our ref HBS:88208 : 19681784
Your ref RFQ - LIT24/00009 - AAT REF: 2024/2526 &
2024/3737- PO:4500172495

Attention: Julie Brusentsev

Singh v OAIC

Professional fees for the period up to and including 31 October 2024 as per
attached schedule of professional fees

Plus GST

Total amount owing for fees and expenses including GST

With compliments

Holding Redlich

s 47(1)(b), s 47G

IMPORTANT NOTICE – HOLDING REDLICH BANK ACCOUNT DETAILS**If you are notified by email of a change to our bank account details the notification will be fraudulent and should be ignored****This invoice is payable within 30 days**

Sydney | Melbourne | Canberra | Brisbane | Cairns

Level 65 25 Martin Place Sydney NSW 2000

GPO Box 4118 Sydney NSW 2001 T +61 2 8083 0388 www.holdingredlich.com**File number:** HBS:19681784**Tax invoice:** 716106**Payor:** 88208:Office of the Australian Information Commissioner**Amount due:** s 47(1)(b), s 47G**How to pay:**

Account Name Holding Redlich Office Account
Bank Macquarie Bank Limited
BSB 183 334
Account Number 3002 32147
Swift Code MACQAU2S

Include invoice number with payment.

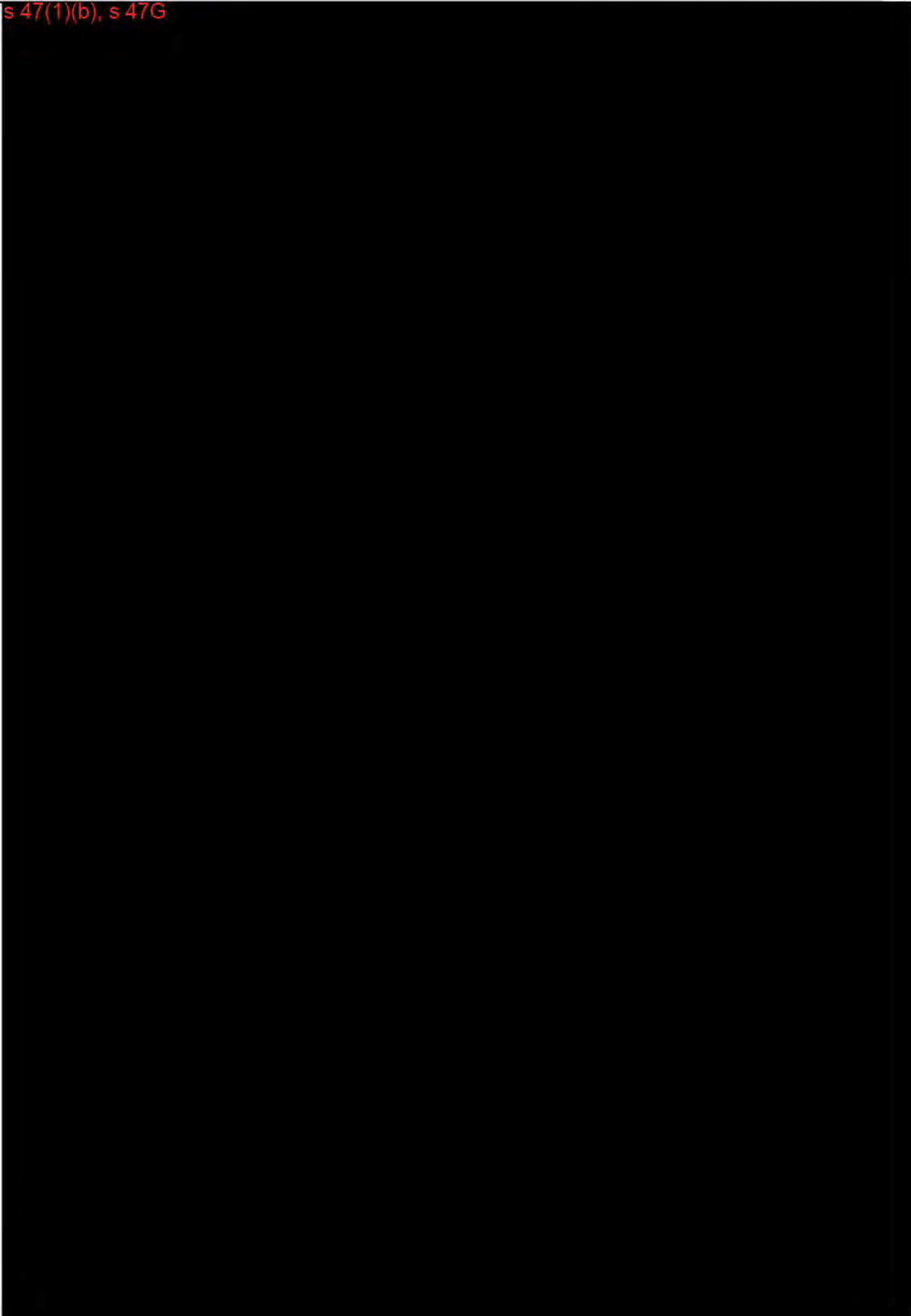
Email Remittances to remittances@holdingredlich.comFor full disclosures visit holdingredlich.com/payments-terms

Biller Code: 289348
Ref: 7161060882089

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Contact your bank or financial institution to make this
payment from your cheque, savings, debit, credit card
or transaction account. More info: www.bpay.com.au

Fees Schedule

Detailed schedule of professional fees

Date	Lawyer	Description	Units	Amount
13/09/24				
16/09/24				
16/09/24				
17/09/24				
19/09/24				
03/10/24				
03/10/24				
04/10/24				
04/10/24				
08/10/24				
08/10/24				
09/10/24				
09/10/24				
10/10/24				
18/10/24				
21/10/24				
23/10/24				
24/10/24				
25/10/24				
25/10/24				
29/10/24				

Fees Schedule

Detailed schedule of professional fees

Date	Lawyer	Description	Units	Amount
29/10/24	s 47(1)(b), s 47G			
30/10/24				
Total Fees				

Fee Earner Summary

Billable	Hours	Rate	Amount
Greg Wrobel	s 47(1)(b), s 47G		
Shenali Biyanwila			
Helen Sims			
Total Fees			

Legal Profession Uniform Law (NSW) (Uniform Law)

The responsible partner for this bill is Greg Wrobel.

Notification of client's rights

The following avenues are available to you in the event of a dispute in relation to legal costs:

- discussing your concerns with us;
- requesting an itemised bill within 30 days after the date on which the legal costs became payable. We will provide an itemised bill at no charge. However, if you request an itemised bill and the total amount of the itemised bill exceeds the amount specified in the lump sum bill for the same matter, we may be able to recover the higher costs if the matter proceeds to a costs assessment under section 198 or a binding determination under section 292 of the Uniform Law; and
- making a complaint to the office of the Legal Services Commissioner under Division 1 Part 5.2 of the Uniform Law. A complaint must be made within 60 days after the costs become payable or 30 days if the bill is itemised. This time may be extended by 4 months provided you can satisfy the Commissioner that it is reasonable and fair to do so and we have not commenced proceedings for recovery of the costs. This applies to matters where the total bill for legal costs is less than \$100,000 (indexed) or, where the amount is \$100,000 or more, the amount of the legal costs in dispute is less than \$10,000 (indexed).

Unless you are a **commercial or government client** (as defined in the *Legal Profession Uniform Law (NSW)*), you can also:

- apply to have our costs assessed under Division 7 of Chapter 4.3 of the Uniform Law. The application must be made within 12 months after the bill was given to you. An application can be made outside of this time if the designated tribunal determines that the circumstances of the delay make it fair and reasonable to do so. There is no monetary limitation on the amount of the legal costs in relation to a costs assessment before the designated tribunal.

If you are unclear about your rights, including whether you are a commercial or government client, please contact Greg Wrobel on +61 2 8083 0411.

Interest on unpaid bills

If you do not pay our bill within 30 days of receiving it, we may charge interest on the unpaid amount at the Cash Rate Target, as at the date our bill was issued, increased by 2 percentage points. The Cash Rate Target means the percentage (or maximum percentage) specified by the Reserve Bank of Australia as the Cash Rate Target.

Notice of withdrawal of trust money

If money has been paid into our trust account for you, we intended to withdraw the above amount from money held in the trust account at the expiration of 7 business days from the date of this bill unless we receive your objection, in accordance with the *Uniform Law and the Legal Profession Uniform General Rules 2015*.



HOLDING REDLICH

Tax Invoice

ABN 15 364 527 724

30 November 2024

Office of the Australian Information
Commissioner
By Email: invoiceonly@sdo.gov.au
cc: Finance@oaic.gov.au

Invoice 718396
Contact Greg Wrobel
Direct line +61 2 8083 0411
Email Greg.Wrobel@holdingredlich.com
Our ref HBS:88208 : 19681784
Your ref RFQ - LIT24/00009 - AAT REF: 2024/2526 &
2024/3737- PO:4500172495

Attention: Julie Brusentsev

Singh v OAIC

Professional fees for the period up to and including 30 November 2024 as per
attached schedule of professional fees

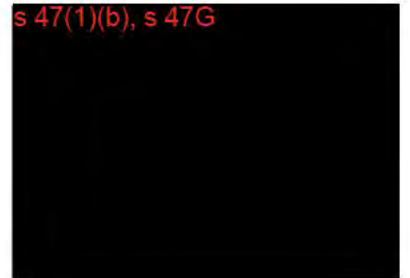
Plus GST

Total amount owing for fees and expenses including GST

With compliments

Holding Redlich

s 47(1)(b), s 47G

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Level 65 25 Martin Place Sydney NSW 2000

GPO Box 4118 Sydney NSW 2001 T +61 2 8083 0388 www.holdingredlich.com**File number:** HBS:19681784**Tax invoice:** 718396**Payor:** 88208:Office of the Australian Information Commissioner**Amount due:** s 47(1)(b), s 47G**How to pay:**

Account Name	Holding Redlich Office Account
Bank	Macquarie Bank Limited
BSB	183 334
Account Number	3002 32147
Swift Code	MACQUA2S

Include invoice number with payment.

Email Remittances to remittances@holdingredlich.comFor full disclosures visit holdingredlich.com/payments-terms

Biller Code: 289348
Ref: 7183960882088

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payment from your cheque, savings, debit, credit card
or transaction account. More info: www.bpay.com.au

Fees Schedule

Detailed schedule of professional fees

Date	Lawyer	Description	Units	Amount
31/10/24	s 47(1)(b), s 47G			
31/10/24				
07/11/24				
11/11/24				
11/11/24				
13/11/24				
14/11/24				
14/11/24				
14/11/24				
14/11/24				
14/11/24				
14/11/24				
14/11/24				
14/11/24				
Total Fees				

Fee Earner Summary

Billable	Hours	Rate	Amount
Shenali Biyanwila	s 47(1)(b), s 47G		
Helen Sims			
Total Fees			

Legal Profession Uniform Law (NSW) (Uniform Law)

The responsible partner for this bill is Greg Wrobel.

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From: [TULLOCH,Karen](#)
To: [TULLOCH,Karen](#)
Subject: VFMA - LIT24/00009 - AAT REF: 2024/2526 & 2024/3737 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Date: Thursday, 27 February 2025 7:35:05 PM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

OFFICIAL: Sensitive//Legal Privilege

OFFICIAL: Sensitive//Legal Privilege

From: HALE,Annamie <Annamie.Hale@oaic.gov.au>
Sent: Wednesday, 31 July 2024 6:37 PM
To: MOSS,Alex <Alex.Moss@oaic.gov.au>; DRAYTON,Melanie <Melanie.Drayton@oaic.gov.au>
Cc: MOORE,David <David.Moore@oaic.gov.au>
Subject: RE: VFMA - LIT24/00009 - AAT REF: 2024/2526 & 2024/3737 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL: Sensitive//Legal Privilege

Hi Alex

My apologies for the delay.

I provide my in principle approval for this estimate.

Mel – for oversight purposes.

Annamie



Annamie Hale (she/her)
 Assistant Commissioner, Corporate
 Office of the Australian Information Commissioner
 Melbourne GPO Box 5288 Sydney NSW 2001
 s 47E(d) [E annamie.hale@oaic.gov.au](mailto:annamie.hale@oaic.gov.au)

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OFFICIAL: Sensitive//Legal Privilege

From: MOSS,Alex <Alex.Moss@oaic.gov.au>

Sent: Wednesday, July 31, 2024 2:03 PM
To: HALE,Annamie <Annamie.Hale@oaic.gov.au>
Cc: MOORE,David <David.Moore@oaic.gov.au>
Subject: FW: VFMA - LIT24/00009 - AAT REF: 2024/2526 & 2024/3737 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL: Sensitive//Legal Privilege

Hi Annamie,

Would you be able to please confirm your approval for this VFMA so I can action prior to going on leave?

Thanks,

OFFICIAL: Sensitive//Legal Privilege

From: MOSS,Alex
Sent: Tuesday, July 30, 2024 1:31 PM
To: HALE,Annamie <Annamie.Hale@oaic.gov.au>
Cc: MOORE,David <David.Moore@oaic.gov.au>
Subject: VFMA - LIT24/00009 - AAT REF: 2024/2526 & 2024/3737

VFMA Snapshot	
<i>Due date</i>	COB 31 July 2024
<i>Fixed or flexible</i>	s 47(1)(b), s 47G
<i>If fixed, why?</i>	N/A
<i>Topic for clearance</i>	In-principle approval of fee estimate for counsel advice/representation
<i>Product (e.g. brief / submission)</i>	Submission
<i>Length / no. of pages</i>	N/A
<i>External party?</i>	Holding Redlich – Greg Wrobel (Partner) and Helen Sims (Special Counsel)
<i>Clearance & consultation</i>	David Moore, Principal Lawyer
<i>Responsible director</i>	Caren Whip, General Counsel
<i>Final Clearance by</i>	Annamie Hale, Assistant Commissioner, Corporate

Our Reference: LIT24/00009

Dear Annamie

I am writing to you to seek your in-principle approval to instruct Holding Redlich (Greg Wrobel, Partner, and Helen Sims, Special Counsel) (HR) to provide services associated with representation at the AAT for a FOI review matter (2024/2526 & 2024/3737). HR's overall estimate for the matter (including disbursements) is s 47(1)(b), s 47G

Background

On 19 November 2023, the Applicant submitted an FOI request with the following scope:

I refer to oaic's SPOC policy. In regard to this policy, I seek:

- 1. The date the policy came into effect.*
- 2. Provide details including full names and address of all the applicants oaic put on SPOC since the inception of the policy till 15/ 11/23 inclusive.*
- 3. Information including any analysis, feasibility studies or other material showing significant efficiencies for oaic and enhanced customer service to the individuals placed on the policy since its inception till 15/11/23 inclusive.*

On 19 December 2023, the OAIC provided the Applicant with a decision on the request. The decision was to create and grant partial access to 1 document and grant full access to 1 document. An exemption was made in accordance with s 47F (unreasonable disclosure of personal information). A copy of the decision is **attached** for your reference.

On 20 December 2023, the Applicant applied for IC review. They also requested that the Information Commissioner exercise her discretion not to undertake an IC review, in accordance with s 54W(b) of the FOI Act.

On 22 March 2024, the OAIC made the decision to not undertake the review and have the matter considered by the AAT.

On 22 July 2024, the OAIC received the notice of application from the AAT confirming the requirement to lodge a copy of “a statement setting out the findings on material questions of fact referring to the evidence or other material on which those findings were based and giving the reasons for the decision” and “every other document or part of a document that is in your possession or under your control and is relevant to the review of the decision by the Tribunal”.

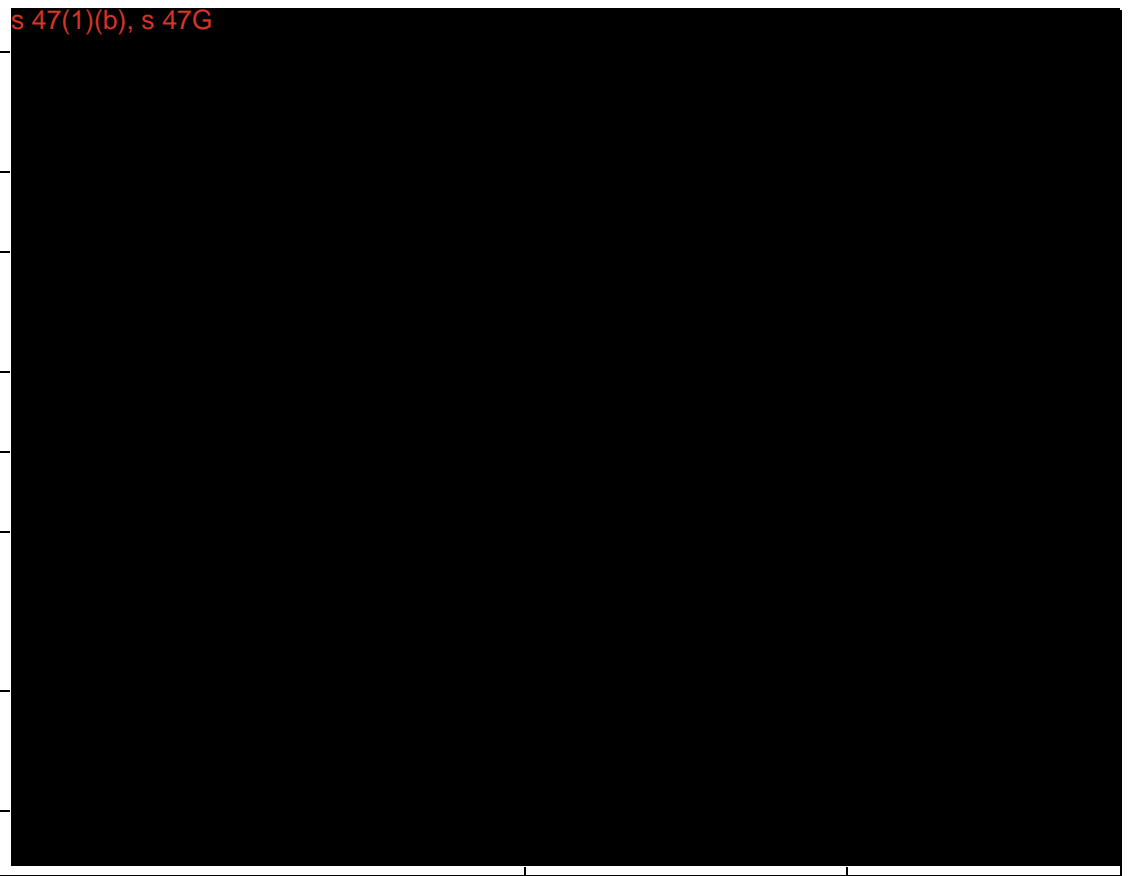
Representation and services sought

The OAIC is seeking services and potential representation from HR in relation to the matter. We have only sought a RFQ from HR because this matter concerns the OAIC SPOC and, as you will recall, HR represented us in another matter earlier this year in relation to the SPOC in the AAT. As such, we consider that there will be significant efficiencies in engaging HR who are already across the relevant factual matters.

The matter is listed for a conference on **17 September 2024** with submissions requested by the AAT by **19 August 2024** (Please see **attached** the RFQ with materials for your reference). HR will represent OAIC and perform the following as required:

Step/Task	Personnel	Estimate (GST Inc.)
s 47(1)(b), s 47G		

s 47(1)(b), s 47G



HR's overall estimate for the matter (including disbursements) is s 47(1)(b), s 47G

VFMA

I recommend accepting HR's quote based on the following:

- **Relevant experience** – I consider that HR has proven skills and expertise in administrative and public law, including in regulatory matters and in statutory interpretation.
- **Understanding of our needs** – In my opinion, HR has an understanding of what would be required in this matter and is best suited to handle a matter of this nature.
- **Cost** – HR has provided a cost estimate of a maximum of s 47(1)(b), s 47G I consider that HR represents best VFM.

Finance Requirements

For Finance's requirements, I set out relevant information as follows:

Procurement need	s 47E(d)
Panel	HR
VFM	HR quote has been assessed as representing value for money
FY estimate	I estimate 100% will be undertaken in FY24/25



Alex Moss (he/him)
 Lawyer
 Office of the Australian Information Commissioner
 Sydney
 P +61 2 9246 0566 E alex.moss@oaic.gov.au

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From: [MOORE,David](#)
To: [WHIP,Caren](#)
Subject: VFMA - LIT24/00018 - Singh v OAIC (2024/3737 & 2024/2526)
Date: Friday, 29 November 2024 5:02:00 PM
Attachments: [FW Andrew Singh v OAIC AAT REF 20242526 20243737 - revised estimate and request for uplift PO4500172495 HR-SYD.FID788263.msg](#)
[image001.jpg](#)
[image002.jpg](#)
[image004.jpg](#)

VFMA Snapshot	
<i>Due date</i>	4 December 2024
<i>Estimate of quote</i>	s 47(1)(b), s 47G
<i>Pre-existing PO?</i>	PO:4500172495
<i>Total amount for PO with uplift</i>	s 47(1)(b), s 47G
<i>Topic for clearance</i>	In-principle approval of fee estimate for counsel advice/representation
<i>Firm</i>	Holding Redlich
<i>Clearance & consultation</i>	N/A
<i>Responsible director</i>	David Moore
<i>Final Clearance by</i>	Caren Whip – Principal Director - Legal
For Finance team	
Procurement need	s 47(1)(b), s 47G s 47(1)(b), s 47G Legal Services Directive requires external representative for Judicial review
Panel	Holding Redlich
VFM	The quote from Holding Redlich has been assessed as representing value for money. Quotes were obtained from XXX for comparison.
FY estimate	I estimate 100% will be undertaken in FY24/25

Our Reference: LIT24/00018

Hi Caren

I am writing to you to seek your in-principle approval to instruct Holding Redlich (G Wrobel, H Sims and S Biyanwila) to provide services associated with representation at the ART for two merits review matters lodged by Mr Singh (the **Applicant**) (2024/3737 & 2024/2526).

s 47(1)(b), s 47G

I note that this increase is only for the two matters 2024/3737 & 2024/2526 and the applicant has sought for additional matters to be included in this file. If this occurs, I expect Holding Redlich will seek a further uplift. The Tribunal has already foreshadowed that this might occur.

Background

As the deponent for this matter, you are aware of the background – As you know, this is a challenge by the Applicant about two FOI decisions made by the OAIC.

Assuming the ART does not join further matters on this file, this matter is hopefully reaching its final stages.

Representation and services sought

s 47(1)(b), s 47G



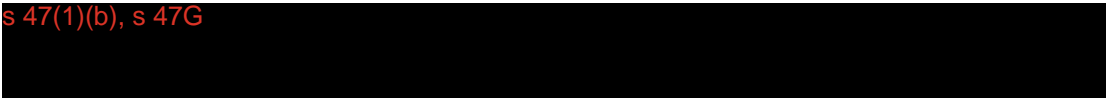
Cost efficiencies

Holding Redlich have actively been taking steps to keep their fees down. I think this is broadly reflected in this file as the costs are still reasonably low given it involves two matters and they have had to prepare an affidavit (which has required revisions given it has had to respond to our internal changes).

We are also taking steps internally in the Legal team to seek to minimise these costs to the extent possible. For example, you have seen our work directly amending the affidavit.

VFMA

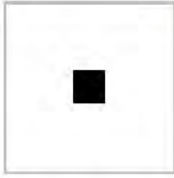
I recommend accepting Holding Redlich's quote based on the following:

- **Relevant experience** – I consider that Holding Redlich has proven skills and expertise in administrative and public law, including in regulatory matters and in statutory interpretation.
 - **Understanding of our needs** – In my opinion, Holding Redlich has an understanding of what would be required in this matter and is best suited to handle a matter of this nature.
 - s 47(1)(b), s 47G
- 

Please let me know if you have any queries related to this matter.

Thanks

David



David Moore (he/him)

Principal Lawyer

Office of the Australian Information Commissioner

Sydney

P +61 2 9942 4131

s 47E(d)

E david.moore@oaic.gov.au

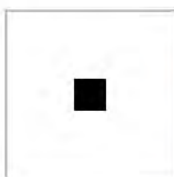
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From: [WHIP,Caren](#)
To: [MOORE,David](#)
Subject: RE: VFMA - LIT24/00018 - Singh v OAIC (2024/3737 & 2024/2526) [SEC=OFFICIAL]
Date: Monday, 2 December 2024 11:36:00 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Thanks David. I approve the s 47(1)(b), s 47G
s 47(1)(b), s 47G

Regards
Caren



Caren Whip (she/her)
 Principal Director, Head of Corporate Legal Services
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
P +61 2 9942 4172 **E** caren.whip@oaic.gov.au

Note: I am not in the office on Fridays.

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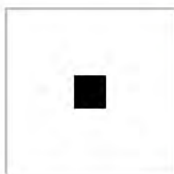
From: MOORE,David <David.Moore@oaic.gov.au>
Sent: Monday, 2 December 2024 9:47 AM
To: WHIP,Caren <Caren.Whip@oaic.gov.au>
Subject: FW: VFMA - LIT24/00018 - Singh v OAIC (2024/3737 & 2024/2526) [SEC=OFFICIAL]

Morning Caren

Re your email on the affidavit last Friday, this will need to be processed ASAP to ensure HR have the updated PO.

Cheers

David



David Moore (he/him)
 Principal Lawyer
 Office of the Australian Information Commissioner
 Sydney
P +61 2 9942 4131 **M** s 47E(d) **E** david.moore@oaic.gov.au

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From: MOORE, David

Sent: Friday, 29 November 2024 5:03 PM

To: WHIP, Caren <Caren.Whip@oaic.gov.au>

Subject: VFMA - LIT24/00018 - Singh v OAIC (2024/3737 & 2024/2526)

VFMA Snapshot	
<i>Due date</i>	4 December 2024
<i>Estimate of quote</i>	s 47(1)(b), s 47G
<i>Pre-existing PO?</i>	PO:4500172495
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For Finance team	
Procurement need	s 47E(d) s 47E(d) / Legal Services Directive requires external representative for Judicial review
Panel	Holding Redlich
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Our Reference: LIT24/00018

Hi Caren

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This is seeking to increase the initial estimate of s 47(1)(b), s 47G
s 47(1)(b), s 47G

I note that this increase is only for the two matters 2024/3737 & 2024/2526 and the applicant has sought for additional matters to be included in this file. If this occurs, I

expect Holding Redlich will seek a further uplift. The Tribunal has already foreshadowed that this might occur.


Background

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Representation and services sought

s 47(1)(b), s 47G



Cost efficiencies

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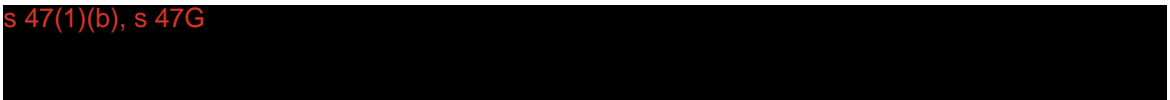
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VFMA

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- **Understanding of our needs** – In my opinion, Holding Redlich has an understanding of what would be required in this matter and is best suited to handle a matter of this nature.

s 47(1)(b), s 47G



Please let me know if you have any queries related to this matter.

Thanks

David



David Moore (he/him)

Principal Lawyer

Office of the Australian Information Commissioner

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There is no particular reason for not meeting this deadline except that it was missed amongst other work.