Submission No 154

QUEENSLAND
Nurses' Union

IN ASSOCIATION WITH AUSTRALIAN NURSING FEDERATION QLD. BRANCH

QNU
Just Rewards for Professional Care

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IN REPLY PLEASE QUOTE:

14 April 2000

All enquiries regarding this correspondence should be directed to: _____

Ms Karen Newton
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Legal, Constitutional and Administrative Review Committee
Parliament House
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Brisbane Q 4000

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Dear Ms Newton,

Re: Submission on Discussion Paper No 1 – Review of the *Freedom of Information Act 1992* (Qld))

Thank you for providing the Queensland Nurses' Union (QNU) with an extension of time to make a further submission to this important review.

Please find attached the QNU response to each of the 75 questions posed in the discussion document. As you can see, our responses are relatively brief. In many instances our initial submission provided our views and when this has been the case we refer you to this submission. In some instances our views have been slightly amended in light of the issues raised in the discussion paper.

Our overarching concern when responding to this discussion paper has been that we are extremely reluctant to consider amendments that may on the surface appear acceptable but could in effect further limit access to information. This is because, in our experience, a significant problem of non-disclosure still exists in agencies that we deal with. Overcoming the still pervasive "culture of secrecy" in Queensland is in our view of critical importance and this review must pay particular attention to this issue.

Please do not hesitate to contact us should you wish to discuss this matter. The QNU contact official for this review is Project Officer Beth Mohle and she can be contacted on 38401437.

Thank you again for the opportunity to provide a submission to this important review.

Yours sincerely,

Beth Mohle

for Gay Hawksworth
SECRETARY

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REVIEW OF THE FREEDOM OF INFORMATION ACT 1992 (QLD)

Q1. *While the committee welcomes further comment on FOI purposes and principles, their satisfaction and whether (and, if so, how) they require modification, the committee would particularly like to receive comments about the compatibility of FOI purposes and principles with our Westminster-style system of government.*

Please see our previous written submission to this inquiry.

Additional comments: The Queensland Nurses' Union (QNU) wishes to stress that FOI legislation is central to open and accountable government and is crucial to the Westminster system of government.

Q2. *Should the objects clauses of the FOIQ be revised as the IC(Q) suggests?*

The QNU believes that it is necessary to amend the objects clause of the Act consistent with the manner suggested by the IC (Q).

Q3. *In particular, should the FOIQ include:*

(a) *a provision stating that the Act is to be interpreted in a manner that furthers the Act's stated objects [like the FOIQ, s 3(2)]?; and/or*
(b) *a guiding principle or presumption of access?*

Both of these options are supported by the QNU.

Q4. *Should the relationship between the exemption provisions and the objects clauses of the FOIQ be made more clear? For example, should the FOIQ provide that the exemption provisions 'operate subject to' or 'are to be interpreted in furtherance of' of the objects of the Act? Alternatively, should the objects clause avoid direct reference to the exemptions?*

The exemption provision should operate subject to, and should be interpreted in furtherance of the objects of the Act. The objects of the Act should however avoid direct reference to exemptions.

Q5. *Alternatively, if the FOIQ is to promote disclosure (in the interests of open government) should the reference to the exceptions and exemptions be removed from the objects clause?*

Yes, in our view reference to exceptions should be removed from the objects to promote disclosure.

Q6. *Should any additional matters be stipulated in the objects clauses, eg, a statement that Parliament's intention in providing a right of access to government-held information is to underpin Australia's constitutionally guaranteed representative democracy; an acknowledgment that information collected and created by government officials is a public resource?*

In our view such a reference would facilitate an essential shift in attitude on the part of elected representatives and public servants alike. Please see comments in our previous written submission relating to the necessity for such an attitudinal shift in Queensland and how essential this is to representative democracy in Queensland given the excesses of the pre-Fitzgerald era.

Q7. *Is there a 'culture of secrecy' in Queensland? If so, how is this evident? What can be done to overcome any such culture?*

Yes, in our experience there certainly is a "culture of secrecy" in Queensland. We commented on this important matter in our written submission to the inquiry. How we are to overcome this well entrenched culture is an issue of particular concern to the QNU. We have made some suggestions about this issue in our written submission (see recommendations contained therein, especially recommendations 1, 2, 4, 5 and 7). This issue is central to good government and sound public sector administration in this state. Increasingly the QNU is experiencing difficulty in accessing necessary information that should be in the public domain, especially from Queensland Health. For example, recently we were advised that access to basic health budget information from the Royal Brisbane Hospital District Health Service would not be provided as this is subject to the Cabinet exemption. (Indeed there has been a blanket refusal on the part of Queensland Health to provide such information to us.) In our view this is scandalous and greatly hinders our meaningful participation in consultations with the department on almost a daily basis.

A stronger FOI Act consistent with the views expressed in our submission is vital to constructively changing this culture. In addition, further careful consideration must be given to this matter and we believe that focus group consultations with key stakeholders may assist in developing strategies to address this serious deficiency.

Q8. *Should the entire approach to FOI in Queensland be 'reversed' so that the onus is on agencies to routinely make certain information public (with the public still having the right to apply for information not already so released)? If so:*

(a) *How should this be achieved, eg, by statutory or administrative instruction?*
(b) *What sort of (additional) information should agencies be required to routinely publish?*
(c) *What (other) considerations are relevant?*

In our view the approach should be reversed and the onus must be placed on agencies to justify why information should not be made public. This should be achieved by statutory instruction.

Agencies should make available (eg via their website and a search facility) as much "non-personal" information as possible. In an agency such as Queensland Health, individual client privacy considerations are however paramount.

Please see our written submission with respect to administrative arrangements and Work Cover cases.

Q9. *Is the existence of the FOIQ adequately publicised? If not, how could it be better publicised? [For example, through public libraries, on-line, by assigning promotion of the FOIQ to somebody – see T/Ref(c(i).]*

In our view the existence of FOIQ is not adequately publicised and it suits those who promote a culture of secrecy in this state for this to remain the case. In the first instance we believe it is essential to better educate public officers prior to undertaking a widespread community education process. Community education should take place via public libraries, on line and through our secondary (and tertiary) education system. There is also a necessity for this issue to form part of a wider "civics" education project stressing the importance of FOI to democratic, open and accountable government. A body such as the Queensland Electoral Commission could undertake this. It would however be appropriate to assign the responsibility for the promotion of FOI to one body so as to ensure a consistent "whole of government" approach and to avoid duplication.

Q10. *In addition to any suggestions made in response to the above discussion points, are there any other ways in which the FOIQ, part 2 provisions concerning the publication of statements of affairs and other documents might be improved?*

The QNU would support independent monitoring of compliance with s 18 and agencies including their statement of affairs in their annual report and publishing them on-line. An extended range of documents should be provided for inspection via the Internet provided that this information is held by the agency in this form or easily converted to this form. Statements of affairs must be comprehensive and should also explain what information is not publicly available and why this is the case.

Q11. *Is there scope for performance agreements of senior public officers to impose a responsibility to ensure efficient and effective practices and performance in respect of access to government-held information including FOI requests?*

Yes, in our view this is essential. Please see our written submission (recommendation 2).

Q12. *Should the title of the FOIQ be changed to the Access to Information Act?*

Without other fundamental significant changes this title change would largely be symbolic.

Q13. *Should sufficient regard to 'the right to access government-held information' be included as an example of a 'fundamental legislative principle' in the Legislative Standards Act 1992 (Qld), s 4?*

In our view "the right to government-held information" should be included as an example of a fundamental legislative principle in the *Legislative Standards Act 1992* (Qld)

Q14. *Should any of the current exemptions be removed from the FOIQ? Should any new exemptions be inserted?*

Please see our previous written submission, especially with respect to the exemption relating to Cabinet matters. No new exemptions should be inserted.

Q15. *What, if any, are deficiencies in particular exemption provisions – eg, are any expressed too broadly, thereby unnecessarily limiting access – and how might their drafting be improved?*

Please see our previous submission. For example, the Cabinet exemption is expressed far too broadly and is obviously abused in our opinion.

Q16. *Should the different harm tests that are (or should be) contained in the FOIQ exemption provisions be rationalised and/or simplified? If so, what form(s) should they take?*

The overriding principle with respect to harm tests should be that there could reasonably be expected to be a significant adverse consequence to a specific government operation if the information is released.

The QNU opposes class exemptions.

Q17. *Should the harm tests be made more stringent, eg, by requiring decision-makers to show that disclosure would result in substantial harm?*

The onus should be on decision-makers to demonstrate that substantial harm would result from the release of information.

Q18. *Should there be a general harm test imposed on all exemptions? If not, what exemptions are not suited to the application of such a test and why?*

Yes.

Q19. *Should there be a general public interest test imposed on all exemptions? [For example, the FOIQ could instead express the exemptions as a list of interests and documents to be protected, all of which are subject to the one public interest test (perhaps in addition to being subject to a single harm test: see above).] Are any exemptions ill-suited to the application of a public interest test and why?*

Yes, public interest should be central to the FOI regime. We believe that it would be possible, following further consideration, to define public interest.

Any such test would necessarily have as its core a presumption of disclosure being in the public interest.

Q20. *Should the 'public interest' as it relates to exemptions be defined in the FOIQ? Alternatively, should the FOIQ deem any specified factors as relevant, or irrelevant (eg, embarrassment to government), for the purpose of determining what is required by the public interest?*

This should be well defined in the act. Further to this, the Information Commissioner could issue guidelines to assist agencies with this central matter. We firmly believe that "embarrassment to government" is an irrelevant consideration when determining public interest.

Q21. *If the 'public interest' is to remain undefined in the FOIQ, should more guidance be provided on how to apply the public interest test by other means? [For example, through guidelines issued by the IC(Q).]*

We would support the issuing of such guidelines.

Q22. *Should the ability of ministers to sign conclusive certificates be revisited?*

Yes, there should be much more scrutiny of this issue and monitoring and reporting mechanisms put in place.

Q23. *Should-and, if so, what-action be taken to prevent the exclusion of agencies, or part thereof, from the application of the FOIQ by: (a) regulation; and (b) legislation other than the FOIQ?*

Exclusions must be subject to scrutiny and therefore we support exclusions being granted only by direct amendment of the FOI Act. Making exemptions via regulation or by legislative mechanisms other than the FOI Act creates confusion and could result in lack of appropriate scrutiny.

Q24. *Should a mechanism be introduced whereby specific bodies to which government provides funding or over which government may exercise control (and which are not otherwise 'agencies' within the meaning of the FOIQ) are made subject to the FOIQ? If so, what form should that mechanism take?*

Yes, definitely, these agencies should be subject to FOIQ. This should occur via an amendment to the FOIQ Act. See our submission with respect to Work Cover legislation.

FOI legislation should cover bodies which the government provides with funding and/or exercises control over.

Q25. *Should GOCs and LGOCs, as a matter of policy, be excluded from the application of the FOIQ in relation to their (competitive) commercial activities? Why/why not?*

No GOCs and LGOCs should not, as a matter of policy, be excluded from the application of FOIQ as a mater of course. This would undermine accountability, especially in relation to community service obligations.

Q26. *If GOCs and LGOCs are to be so excluded, is the manner of exclusion effected by ss 11A and 11B appropriate? If not, how should they be excluded?*

In our view they should not be automatically excluded but would have to demonstrate a legitimate reason for not releasing information consistent with the tests referred to elsewhere in the QNU submission.

Q27. *Should the government be able to, by regulation, prescribe GOC community service obligations in relation to which documents are not accessible under the FOIQ?*

They should be subject to FOI legislation as they are in New Zealand.

Q28. *Should there be additional controls in respect of documents of LGOCs being excluded from the FOIQ given the IC(Q)'s concern about LGOCs' method of creation?*

See above – they should be subject to the FOI Act.

Q29. *What arguments, if any, are there for extending the FOIQ to the private sector generally?*

Please see our previous written submission. There are good reasons for extending FOIQ to the private sector, especially in relation to contracting out and the increasing trend towards "blurring of the boundaries" between public and private sectors. There is a particular problem accessing meaningful information about the contractual obligations when governments contract out services. This is especially evident in an "essential" service such as health.

Q30. *Should the FOIQ be extended to cover contractors performing functions 'outsourced' by government? If so, why and how should this be effected?*

Yes, please see our previous written submission. It should be effected by an amendment to the FOIQ Act.

Q31. *Do the current commercial exemptions in the FOIQ – principally, ss45 and 46 – require amendment to ensure that an appropriate balance is struck between disclosure of information in the public interest and the protection of legitimate business interests? If so, what amendments need to be made?*

Yes. Please see our previous written submission.

Q32. *What more can or should be done to try to ensure that agencies do not inappropriately claim that documents fall within the ss 45 and 46 exemptions? (For example, should the IC(Q) or some other body issue guidelines or otherwise have a monitoring role in relation to agencies invoking the exemptions?)*

Yes guidelines should be issued and regular monitoring should take place(by the ICQ or some other body established for this purpose).

Q33. *Should the FOIQ confer a general right of access to information instead of a right to documents? If so, what should 'information' encompass?*

Yes, please see our previous written submission. This should be information recorded in any form.

Q34. *If the FOIQ is to continue to provide for access to documents, can the definition of document be improved? (For example, by clarifying that it includes data?)*

A document should be information recorded in any form including data.

Q35. *What more can be done by agencies to assist FOI applicants in accessing all relevant documents (ie, including electronic and other non-paper form documents)?*

Guidelines should be drawn up for the establishment, tracking and adequate maintenance of electronic databases. Wherever possible information should be available on-line.

Q36. *How can agencies improve the efficiency and thoroughness of their procedures to create, manage and retrieve electronic documents, and in particular, electronically provide access to documents to FOI applicants?*

Provision of training and the design of appropriate systems is central to this issue, as is a fundamental cultural change to promote a "pro-disclosure environment.

Q37. *Which documents should be considered in the possession of an agency for the purposes of the FOIQ? Need the Act's definitions of 'documents of a Minister' be amended in this regard? Alternatively, how might the FOIQ charging regime account for agencies' identification and retrieval of documents potentially relevant to an FOI request that are 'documents of an agency' but not in the agency's physical possession?*

A very wide definition must be made of a document that is in the possession of an agency. *This should mean any document that an agency has effective control over.* Applicants should not be made to pay for the administrative arrangements of agencies.

Q38. *Should internal review necessarily be a prerequisite to external review? If not, should there be conditions attached as to when and how an applicant can proceed directly to external review? [For example: agreement of both the applicant and agency; by leave of the IC(Q)?]*

An applicant should be able to proceed directly to external review by leave of the ICQ.

Q39. *Is there a case for any other model or a variation of the existing model of external review under the FOIQ/*

The Information Commissioner model is appropriate given that it is a specialist jurisdiction. Additional resources are required to enhance the role and timeliness of the ICQ.

Q40. *Should the same person hold the offices of Queensland Ombudsman and Queensland Information Commissioner?*

Not necessarily. There is considerable merit in maintaining a specialist decision making role in FOI matters.

Q41. *If, as T/Ref B(v) queries, the method of 'review and decision' by the IC(Q) is 'excessively legalistic and time-consuming', how in light of the above discussion can the IC(Q) adopt less legalistic and quicker processes? For example, is there more scope for the IC(Q) to use informal dispute resolution mechanisms?*

In a "pro-disclosure" environment it would be possible (and preferable) to use informal dispute resolution mechanisms. It is our view that we do not yet have such an environment in Queensland.

The publishing of summaries of each decision would be helpful.

Q42. *Given the importance of providing FOI administrators guidance on the proper interpretation and application of the FOIQ:*

(a) Should the IC(Q) [or some other body responsible for overseeing the administration of the FOIQ: see T/Ref C(i)] be responsible for preparing guidelines to assist agencies and applicants to understand, interpret and administer the Act?

(b) Should there be a statutory provision requiring the IC(Q) to publish all decisions in either full or summary form (as in Western Australia)?

Yes, it would be appropriate for the ICQ to produce such guidelines.

Yes there should be a statutory provision requiring the ICQ to publish all decisions – in full or as a minimum in summary form.

Q43. *Should there be a statutory time limit imposed on the IC(Q) in which to deal with external review applications?*

Ideally this should be the case but additional resources would probably be required.

Q44. *If such a time limit is imposed, what should that time limit be and should it allow for extensions (and, if so, on what grounds)?*

Please see our previous written submission (30-60 days suggested). However a maximum time limit of 3 months seems appropriate unless agreed otherwise between the parties.

Q45. *Should the IC(Q) have the power to: (a) enter premises and inspect documents; and/or (b) punish for contempt?*

Yes, in our view they should have both these powers.

Q46. *Should the IC(Q) be empowered to order disclosure of otherwise exempt matter in the public interest?*

Yes, they should have this power.

Q47. *Should the scope of the IC(Q)'s decision-making powers in relation to conclusive certificates signed by a minister under ss36, 37 or 42 be expanded? (In this regard, refer to discussion point 22 regarding the need for conclusive certificates.)*

The act itself should ensure that conclusive certificates can only be granted in very narrowly defined circumstances. Careful and regular monitoring of this issue is therefore necessary.

Q48. *Should the non-personal information application fee be abolished, remain at $30 or be increased (to what level)?*

See our previous written submission. However, the current charging arrangements do probably strike an appropriate balance.

Q49. *Should a uniform application fee be introduced (ie. should an application fee be introduced for personal information requests)?*

There should be no application fee for personal information requests.

Q50. *Should charges be introduced for:*

- *(a) processing (for retrieval of documents, decision making and/or consultation); and/or*
- *(b) supervised access;*

and if so, at what levels and in what form? (For example, per hour spent, per page disclosed or dealt with, a sliding scale, with caps on fees?)

No, not in the current environment.

Q51. *What other components of the charging regime need to be addressed (eg, photocopying)?*

Current photocopying charges are appropriate when coupled with the ability to have supervised access to the documents to enable determination of which documents are required.

Q52. *Especially if there are to be any fee increases, should the FOIQ be amended to enable agencies and ministers to waive or reduce fees? On what grounds?*

There should always be the ability to waive or reduce fees because of financial hardship or when the granting of access is in the public interest.

Q53. *Are any of the arguments for the introduction of application fees for internal and/or external review valid? If so, which ones and why?*

No, not in the current environment. If a more pro-disclosure culture were to exist then this could be the subject of further discussion.

Q54. *If application fees are introduced for internal and/or external review:*

(a) at what level should those fees be set; and
(b) should they apply to reviews of decisions concerning both personal and non-personal information?

Should provision be made for:

(c) waiver of those fees and, if so, in what circumstances;
(d) refunds of those fees where proceedings are decided (wholly or partly) in favour of the applicant; and/or
(e) the fees extending to applications relating to a deemed refusal?

Not in the current environment. If a "pro-disclosure environment existed then it may be appropriate for such a fee regime to be struck if the fee was set at a moderate level and were refundable if the application were successful either wholly or in part. With

respect to deemed refusal, at present some agencies are consistently failing to meet statutory deadlines and hence are effectively abrogating all responsibility for FOI administration. Until this matter is addressed in a serious manner then fees definitely should not apply to a deemed refusal.

Q55. *In relation to s28(2) concerning voluminous applications, should:*

(a) the word 'only' be deleted from the last paragraph of s28(2) to widen the factors that agencies may have regard to when deciding whether to refuse to deal with an application because it would substantially and unreasonably divert agency resources;
(b) agencies be required to consult with the IC(Q) before refusing an application under the provision; and/or
(c) the provision be redrafted to emphasise the importance of agencies consulting with applicants about their applications?

The word 'only' should not be removed. The agency should consult with the applicant before refusing to deal with an application and this process should be emphasised in the provision.

Q56. *Should s28(3) of the FOIQ be repealed? If s28(3) is to be retained, should it be amended to require the agency to: (a) identify the exemption provision(s) purported to be applicable; and (b) explain why all the sought documents are exempt thereunder?*

Yes, it should be revoked. It is too broad in scope and can be inappropriately invoked.

Q57. *Should the FOIQ contain a general provision enabling an agency to refuse to deal with frivolous and vexatious applications? If so, how should this provision be drafted and what provisos should it contain?*

No, not under the current circumstances and especially in light of the track record of the agencies requesting this power.

Q58. *Alternatively (or additionally), should the FOIQ contain a provision enabling an agency to refuse to deal with serial/repeat applications? If so, should it be in the form suggested by the IC(Q) in the above text?*

No, not in the current environment. It is likely that serial or repeat applications result from an anti-disclosure culture in an agency.

Q59. *In addition to having (relevant and not unduly onerous) data collection and reporting requirements, is there a need for an entity (other than the relevant minister) to be responsible for:*

(a) ensuring the timely, accurate and consistent reporting of that data;
(b) undertaking a meaningful analysis of that data once collected; and
(c) ensuring that, as a result of that analysis, any appropriate remedial action is taken?

There is a need for such an entity.

Q60. *Should the basic 45 day time limit for process access applications – in s 27(7)(b) of the FOIQ – be reduced to 30 days?*

Given that in our experience the current 45 day limit can not be met we do not believe that a lesser time limit is achievable.

Q61. *Should the 15 day extension for third party consultation when required under s51 – in s27(4)(b) of the FOIQ – be extended to 30 days?*

The QNU does not favour any amendments that would further extend the time limits.

Q62. *Should provision be made for agencies (or ministers) and applicants to agree to extend response times rather than incur an automatic deemed refusal? Should any such amendment be subject to the requirement that a partial or interim decision be made within the prescribed time limits on as many documents as possible?*

There is merit in considering some mechanism like this where the parties agree so long as it is coupled with the requirement for a partial or interim decision.

Q63. *Should an agency's (or minister's) failure to decide an access application and notify the applicant within the relevant time period be taken to be deemed access instead of deemed refusal?*

Yes, that would focus attention on the task at hand and ensure that statutory time limits are given due respect.

Q64. *Should s 27 be redrafted to provide that an agency or minister must decide an application and notify the applicant 'as soon as is reasonably practicable' but, in any case, no later than the relevant time limit?*

There should be a general obligation to make a decision as soon as practicable and this may encourage timely attention to requests.

Q65. *Should there be provision for the processing of applications to be expedited in circumstances where a compelling need exists? If so, in what circumstances? (For example, imminent threat to public safety, public health or the environment.)*

The ability currently exists for this to occur.

Q66. *Should a statutory time limit be applied for applicants viewing or seeking copies of documents to which access has been granted (say, 60 days)?*

In practical terms a limit is necessary. A 60 day limit could be appropriate if there is the ability to extend the timeframe due to exceptional circumstances.

Q67. *Should the 14 day limit for dealing with internal review applications for access and amendment decisions – as set out in ss 52(6) and 60(6) – be extended? If so, what should the period be?*

No, we fear that this could act against citizens' timely access to information.

Q68. *Should the 60 day period for lodging an application for external review – as set out in s73(1)(d)(I) of the FOIQ – be reduced? If so, what should the relevant time period be?*

No.

Q69. *Is there a need to implement further measures to ensure that, where appropriate, public servants can claim exemptions in respect of their names and other identifying material? For example:*

(a) Should the IC(Q) (or some other body) issue guidelines setting out general principles regarding the release of public servants' personal information and the circumstances in which exemption from disclosure may be justified?

(b) Alternatively, should the FOIQ specify categories of personal affairs information of public servants that is not exempt under s 44?

Please see our written submission (page 14 and recommendation 18). However, the existing personal affairs exemption should be sufficient to protect the legitimate privacy interests of public servants. The conduct of public servants carrying out their duties is not personal affairs information.

Q70. *Is the balancing of the public interests required by s 44(I) of the FOIQ sufficient to protect the evidence of children/adult victims of serious offences from use outside court processes? Does it provide sufficient certainty?*

It should be sufficient if a public interest test is properly applied.

Q71. *If not, should "personal affairs" be defined in the FOIQ to include recordings of evidence of children/people generally?*

If this issue is significant as a problem a specific exemption for it should be legislated.

Q72. *What particular deficiencies in the FOIQ might the proposal in T/Ref B (ix) seek to overcome? Does the proposal adequately overcome these deficiencies? Are there any alternative ways by which these deficiencies might be addressed?*

Please see our written submission on this issue (page 14). Conditional release is however not consistent with the intent of FOI. Agencies should bear in mind that they can grant additional access to information outside of the parameters of the FOI Act.

Q73. *Should the personal affairs exemption (s 44) be amended to provide that, in weighing the public interest in disclosure, an agency may have regard to any special relationship between the applicant and a third party? If so, on what basis should such a provision operate?*

Yes, in defined circumstances.

Q74. *Should a person/entity be (statutorily) responsible for generally:*

(a) monitoring compliance with, and the administration of, the FOIQ; and
(b) providing advice about, and ensuring a high level of agency an community awareness of, the FOIQ?

Yes.

Q75. *If so, who should perform this role:*

(a) the IC(Q);
(b) a unit within the Department of Justice and Attorney-General;
(c) a new independent (statutory) entity; or
(d) some other existing person/entity?

Why?

The Information Commissioner if their powers and resources are increased.