




Speech By
Andrew Powell

MEMBER FOR GLASS HOUSE

Record of Proceedings, 24 February 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Mr POWELL** (Glass House—LNP) (3.29 pm): I rise as a member of the Legal Affairs and Safety Committee to address this report regarding the oversight of the Office of the Information Commissioner. The OIC is an independent statutory body established under the Right to Information Act 2009, the RTI Act, and the Information Privacy Act 2000, the IP Act, with the aim of promoting access to government-held information and protecting people's personal information held by the public sector. My colleagues, the members for Currumbin and Buderim, have just canvassed some of the extraordinary failings on the part of the government in abiding by their responsibilities under those two acts.

I want to focus on some of the information that came out of the hearings that we held with the Information Commissioner, but obviously that does not detract from what my colleagues have already raised. Our role as a committee when it relates to the Information Commissioner involves monitoring and reviewing the performance by the Information Commissioner of the Information Commissioner's functions under both those acts and to report to this Assembly on any matters concerning the commissioner, the commissioner's function or the performance of the commissioner's function that the committee considers should be drawn to this Assembly's attention and a range of other aspects.

At the outset I place on record the thanks of the opposition for the work done by Philip Green who finished up as privacy commissioner back in December. We held a public hearing in August to inform this committee report and Philip announced there that December would see the end of his second term as privacy commissioner. I thought it important to note his comments—

I have been honoured to serve. I think we have made some great contributions in the last six years. We have strengthened our national and international connections, which are critically important in this area. As I said, the law is developing rapidly, but with the technological challenges that we all face it is really critical that we network well. We built those relationships as well with the research community in Queensland and internationally.

He concludes—

I have been honoured to serve as Privacy Commissioner. I am hopeful that the foundations we have laid in some of our recommendations will go forward to the future and serve us well.

I echo those words of Mr Green. I do hope this government and subsequent governments look at the work he has done in conjunction with his colleagues around the nation and around the world in ensuring we do have strong privacy laws and the ability to enforce them.

What came out in the hearing, and it possibly feeds partly into our frustrations as an opposition when it comes to RTIs, is that the Information Commissioner found a significant increase in applications where the agency had not made a decision on the initial application within the statutory time frame and that meant a substantial increase in work because they were essentially starting each matter from scratch. Applicants were already frustrated because of the delay, trust was diminished and/or lost. The commissioner found dealing with such applications at external review was not an efficient use of resources for the OIC, the agency or the applicant who has, as she said, experienced significant delay.

We unpacked a bit more what was causing it and clearly COVID was part of it, resourcing was part of it, diversion of resources from some agencies from RTI activities to COVID activities played a role, but also the fact that a number of staff were working from home and did not necessarily have access to the databases they would need to search for the documents. That being said, with the Information Commissioner's oversight of this responsibility, they were able to work through some of that and try to ensure improvements in responding to the opposition, the media and the public who are putting in RTIs.

Some of the other issues identified were the sufficiency of search: where an applicant has applied for documents and what is located by the agency is not what they are after, or the extent is not as broad as what they were after. Another issue is personal information. When people apply for their personal information and information has been redacted within that, they see that as a concern and want the Information Commissioner to assess it.

It was a very interesting and informative public hearing that has led to the publication of this report. As I said at the outset, it does not detract from the frustrations and the concerns and the oversight that we will continue to have as a committee and as an opposition into the operation of the Right to Information Act here in the state of Queensland.