




Speech By
Jason Hunt

MEMBER FOR CALOUNDRA

Record of Proceedings, 10 November 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Mr HUNT** (Caloundra—ALP) (3.41 pm): I rise to contribute to the debate of the report pertaining to the oversight of the Information Commissioner. Thanks and acknowledgement—as always—must go to the committee members: the chair, Peter Russo; the deputy chair, Mrs Laura Gerber; Sandy Bolton, the member for Noosa; Jonty Bush, the member for Cooper; and the indefatigable Jon Krause, the member for the Scenic Rim. I acknowledge the hard work and diligence of the secretariat, who support the entire process.

The OIC is an independent statutory body established under the Right to Information Act 2009 and the Information Privacy Act 2009 with the aim of promoting access to government held information and protecting people's personal information held by the public sector. I thank the Information Commissioner, Ms Rachael Rangihaeata, RTI commissioners Katie Shepherd and Anna Rickard, and Privacy Commissioner Paxton Booth for the thoroughness of their contribution before the committee.

The Legal Affairs and Safety Committee examined the 2020-21 report and held a public hearing with representatives from the Office of the Information Commissioner on 23 May. I start by commending the commissioner for the genuine concern that she expressed for her own staff. She said—

As I noted last year and in this annual report, our 2020 Working for Queensland survey results also showed the substantial impact of challenging demand and interactions, with about a 30 percentage point increase in staff being overloaded and burned out by work. We are using tools and strategies available to us to ensure we are fair, with clear communication, while balancing the wellbeing, health and safety of our staff and appropriate use of public funds, including the first own initiative vexatious application declaration in late 2021.

I believe that to be a cautionary explanation for those who view the public sector with disdain and seek only opportunities to cut, sack or privatise.

Despite the overload, the office demonstrated that the RTI process in Queensland is extremely robust and operating at a high standard. With respect to the OIC's objectives to provide an independent, timely and fair review of decisions made under the RTI Act and the IP Act, the annual report advised that the OIC received 685 external review applications in 2020-21—a decrease of 102 from the previous year. The OIC finalised 753 external review applications. Of the total number of finalised reviews, 90 per cent were resolved informally, without a written decision, exceeding the target of 75 per cent. Incredibly and to the lasting credit of the OIC, 96 per cent of agencies that provided feedback were satisfied with the conduct of the review, exceeding the target of 75 per cent. Equally worthy of note are some important points that should be captured and reinforced. When asked—

Is cabinet-in-confidence being used more than previously to restrict RTI releases?

the commissioner replied—

It is a small part of what we see.

Ms Shepherd, the Acting RTI commissioner, added—

I would not say that there has been an increase in recent years. It comes up fairly rarely compared to other grounds for refusal in terms of what we see on external review.

Similarly, when asked—

Information Commissioner, have you or your office found any information that would indicate that RTI officers are not acting independently of government?

the commissioner responded—

We are not aware of any indications of that nature. Certainly, we have had that question at previous hearings. We have consistently advised, in a proactive way, agencies and ministers when we have met with ministers and ministerial officers about our model protocols about briefing practices with executives and ministers—this is about getting the balance right when briefing about decisions about application processes. That includes the ability to brief about a proposed decision that is about to be made to ensure that, say, a director-general or a minister can prepare for public debate. However, it is not to delay a decision, not to share personal information where it is not appropriate to do so and, of course, not to interfere with the actual decision-making.

Lastly, when asked—

Is your annual report reviewed by the department or the minister's office before it is tabled?

the commissioner was able to confirm—

No, it is not provided. It is provided directly to the Speaker.

These are all very interesting points in light of recent laptop conspiracy theories ventilated in this House. I ask that the report be noted and accepted.