




Speech By
Jonty Bush

MEMBER FOR COOPER

Record of Proceedings, 10 November 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Ms BUSH** (Cooper—ALP) (3.50 pm): I rise to make a contribution to report No. 34, *Oversight of the Office of the Information Commissioner*. I want to start by again thanking and acknowledging the secretariat for all of the work it does in bringing these reports and inquiries together and my parliamentary colleagues. I want to acknowledge and thank the Information Commissioner, Ms Rachael Rangihaeata; the current joint acting Right to Information Commissioners, Ms Katie Shepherd and Ms Anna Rickard; and the current Privacy Commissioner, Mr Paxton Booth, for their full and frank conversations in the public hearings. 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 that is held by the public sector, and we would all know that it is an important right.

All of our constituents have contact with government agencies—some constituents do on a much more frequent basis than others—and they have the right to know what documents are being kept about them on record and they have the right to review those documents and to request amendments to those documents if they do not believe they are in fact correct. It is an important right for our people in having confidence in the systems of government and it is also important for government as an entity knowing that a person can inspect their records. Knowing that they can review it places upwards pressure on departments and individual officers to strive for a higher quality of information keeping and record keeping. This is a bit of a segue but I think it is still relevant: I was recently at the State Library speaking with the historians about the work they are doing in going back over the records in light of the work around treaty and looking at how governments of the day recorded information on our First Nations people. What they are doing in the State Library is really important but really quite powerful and confronting stuff and it reminds me that history is made by those who write it. The stories that we tell about people really do make a difference, so the right for individuals to review and to correct the record is really important now more than ever.

With respect to the OIC's objective 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, which was a decrease from the previous year, and finalised 753 external review applications. Of the total number finalised, of external reviews 90 per cent were resolved informally and without a written decision, and this exceeds its target of 75 per cent.

I also want to recognise the spotlight that the Office of the Information Commissioner has been under in this particular reporting period. There has been a really large focus on the operations of the OIC and on the officers' interactions with the government, including members of cabinet. We saw that impact on the staff and on their morale and we saw an increase in staff feeling overloaded. I heard the member for Noosa mention a 30 per cent increase in people feeling overloaded. I think that is a really important reminder for all stakeholders but for us also as stakeholders as parliamentarians. We have

an important responsibility in this place to scrutinise our government departments, but we also have a responsibility not to manufacture conspiracies, and I think that is what we saw play out with the OIC that, despite the allegations being rebutted, we all know what resulted, including multiple unfavourable media reports and allegations thrown at senior public servants. That was raised again in our public hearing with the OIC on 23 May. Reading from the transcript when witnesses were asked whether cabinet-in-confidence is being used more than previously to restrict RTI releases, the response was—

It is a small part of what we see.

The response from another witness was—

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 the Information Commissioner was asked—

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

the response was—

We are not aware of any indications of that nature ... 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 ...

The OIC delivers an outstanding service to Queenslanders. I really look forward to our next oversight hearing. I commend the report to the House.