



Speech By  
**Laura Gerber**


**MEMBER FOR CURRUMBIN**

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Record of Proceedings, 10 November 2022

**LEGAL AFFAIRS AND SAFETY COMMITTEE**

**Report, Motion to Take Note**

 **Mrs GERBER** (Currumbin—LNP) (3.36 pm): The Legal Affairs and Safety Committee was asked to inquire into and report back to parliament on the issues relating to the Office of the Information Commissioner with respect to the 2020-21 financial year. The OIC is a statutory body that oversees the purposes of the Financial Accountability Act 2009 and the Statutory Bodies Financial Arrangements Act 1982 with the aim of promoting access to government help, information and protecting people's personal information held by the public sector. Both of these acts pertain to the accountability and integrity of the financial management of the state's finances and, as we have been discussing this week with the appropriation bills and the betting tax bill, it is an extremely important responsibility.

In 2009 the Financial Accountability Act was introduced into the parliament with the intention of it being 'the cornerstone of financial management in the Queensland public sector'. These are not my words; these are the words of the Treasurer. However, as we have seen over the past two days in the debate around the Appropriation Bill and betting tax bill, it is clearer than ever that the Labor government before us has strayed very far from this ideal.

One of the Information Commissioner's functions is to investigate and review decisions of agencies and ministers made under the Right to Information Act, including whether agencies and ministers have taken responsible steps to identify and locate documents applied for by applicants. In response to questions from the member for Scenic Rim in the committee, the Information Commissioner advised that in the period 1 July 2021 to 30 April 2022 they had received 561 requests to review RTI outcomes. During this period 61 formal written decisions were made including seven setting aside the agency decision and 24 varying the agency decision.

When I look back further at the 2019-20 and 2020-21 annual reports, I am deeply concerned to see that despite the state government changing the statutory time frame from a median of 90 days to now being a mean of 150 days, it was still taking the OIC 155 days to finalise a review. This can also be seen in the 2019-20 financial year committee process. The Information Commissioner put this down to the significant increase in external review applications. We are not in 2020 anymore and the number of applications has, in fact, gone down. However, the time it is taking to finalise a review is actually going up. I think we can put this down to the OIC not being resourced properly by the state government. Why would the state government not properly resource the OIC? Why would the state government not give them the staffing numbers they need in order to do their job, that is, the proactive disclosure and appropriate privacy safeguards for any information held by Queensland government agencies? The cynic in me thinks this is because the state government does not, in fact, want to disclose information to the Queensland public.

Even the OIC 2020 Working for Queensland survey results show the substantial impact of the OIC not having adequate resources, with about a 30 per cent increase in OIC staff being overloaded, being burnt out by work, being stressed and experiencing vicarious trauma. Despite implementing tools and strategies to help balance the wellbeing, health and safety of OIC staff, it was reported to the committee that the OIC was still understaffed. No doubt this has impacted the OIC's capacity to deliver.

Further, the OIC made a target for 70 per cent of applications to be satisfied with the conduct of a review made under the Right to Information Act and Privacy Act. Concerningly, the outcome of this in the financial year just past was 44 per cent. In the 2020-21 financial year it was 51 per cent, and this was down 16 per cent since the 2019-20 financial year review. This decline is terribly concerning.

Why does any of this matter? It matters because we need to have confidence that the role of the Information Commissioner will be carried out independently, fairly and impartially. The Information Commissioner is the government agency that is tasked with championing the proactive disclosure of and appropriate privacy safeguards for any information that is held by Queensland government agencies. That is the personal information held by local government agencies, the state government, public hospitals, health services, universities and public authorities. We need to have confidence that the OIC is adequately staffed, not only to protect the information of Queenslanders but also to disclose the information to Queenslanders that they seek, to make sure that RTIs are being answered and that Queenslanders are getting information.