




Speech By
Peter Russo
MEMBER FOR TOOHEY

Record of Proceedings, 10 November 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Mr RUSSO** (Toohey—ALP) (3.30 pm): I move—

That the House take note of the Legal Affairs and Safety Committee Report No. 34, 57th Parliament, *Oversight of the Office of the Information Commissioner*, tabled on 9 September 2022.

Under the Queensland Legislative Assembly standing rules and orders the Legal Affairs and Safety Committee's functions are: to monitor and review the performance by the entity of the entity's functions—in this case, of the Office of the Information Commissioner—to report to the Legislative Assembly on any matter concerning the entity, the entity's functions or the performance of the entity's functions that the committee considers should be drawn to the Legislative Assembly's attention; to examine the annual report of the entity tabled in the Legislative Assembly and, if appropriate, to comment on any aspect of the report; to report to the Legislative Assembly any changes to the functions, structures and procedures of the entity that the committee considers desirable for the more effective operation of the entity or the act which establishes the entity.

The OIC is an independent statutory body established under the Right to Information Act and the Information Privacy Act with the aim of promoting access to government held information and protecting people's personal information held by the public sector. The OIC's functions include giving information and help to agencies and members of the public on matters relevant to the RTI Act and conducting reviews into personal information handling practices of certain entities; investigating and reviewing decisions of agencies and ministers; and reviewing and reporting on agencies in relation to the operation of the Right to Information Act and the Information Privacy Act.

As a committee, we reviewed the annual report 2020-21, which was tabled on 28 September 2021. The committee's recommendation was that the Legislative Assembly notes the contents of its report. In fulfilment of the committee's oversight of the OIC, we held a public hearing with representatives on 23 May 2022 where we heard evidence on the Office of the Information Commissioner. The committee welcomed to the hearing the Information Commissioner from the Office of the Information Commissioner, the Privacy Commissioner and the acting Right to Information Commissioner.

In her opening statement, the Information Commissioner spoke to the conscious decision of the OIC since 2021 to move the strategic focus of the commission to building agency capability to allow a focus of resources on strategic and emerging areas, issues of high risk and impact on the community. Key drivers for this attention are to allow the Office of the Information Commissioner to focus their available resources on strategic and emerging areas as well as issues of high risk and impact on the community while continuing to support less mature agencies with targeted projects and engagement. This approach is consistent with appropriate expectations for agency responsibility for leadership, awareness, systems and monitoring performance back through to leadership-driving actions to address risk.

In 2021 the Office of the Information Commissioner conducted five audits. The commissioner noted that a key area of concern for the commission over the past few years has been the delay for the community in accessing information, with increased external review demand driven by agencies not making decisions about access within statutory time frames and delays within the review process itself. The work of the Office of the Information Commissioner, especially in external review, continues to be significantly impacted by the challenging interactions, which has real consequences for equitable and timely access for other users of our services.

The commission continues to face the substantial impact of challenging demands and interactions with about a 30 per cent increase in staff being overloaded and burnt out by work. Strategic mechanism tools are now being utilised by the commission to manage challenges faced by staff including an initiative of their own, a vexatious applicant declaration, introduced in late 2021. The acting Right to Information Commissioner supported comments made about the challenges being faced by the staff and she spoke of a concerning trend. I commend the report to the House.