



Speech By  
**Sandy Bolton**


**MEMBER FOR NOOSA**

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Record of Proceedings, 10 November 2022

## **LEGAL AFFAIRS AND SAFETY COMMITTEE**

### **Report, Motion to Take Note**

 **Ms BOLTON** (Noosa—Ind) (3.46 pm): I rise to speak on the Legal Affairs and Safety Committee report No. 34, *Oversight of the Information Commissioner*. The OIC, as we have heard, is an independent body that regulates the management of information by the Public Service, both promoting access to government information and protecting the private information of citizens held by the government.

In its oversight role, the committee held public hearings that were attended by the Privacy Commissioner, the Information Commissioner and the acting Right to Information Commissioner. The Privacy Commissioner stated that in 2021 the OIC implemented all of the recommendations made by the Crime and Corruption Commission during Operation Impala which do not require legislative amendment; however, there are still a number of recommendations which cannot be progressed without legislative amendment including mandatory notification of data breaches.

Under the Right to Information Act, a key function of the OIC is undertaking reviews of right-to-information requests. In the annual report they reported finalising a record number of reviews and reducing the substantial backlog of applications. Nonetheless, they reported that the challenging workload and unreasonable behaviour from some stakeholders have impacted the OIC, with about a 30 per cent increase in staff reporting being overloaded and burned out by work. They reported that, while they reinforce reasonable expectations with their team and stakeholders and implement fair and appropriate strategies to manage behaviour and deliver timely external reviews, if they continue this way their output is not sustainable. In the hearing the Information Commissioner reported that, while issues arose across all of the OIC's functions, they were most frequent with external reviews.

Applications for a review of RTI requests have been continually rising, and the commissioner said that there is rising complexity as well as there is a small number of highly complex and difficult complainants. While the government has provided some additional temporary staffing, this demand pressure will continue as part of that demand is outside the control of the OIC as it depends on how effective agencies are at making the initial RTI decisions.

A legislative tool the OIC uses to tackle agency delay is to issue a notice-to-produce document. This year the OIC has issued 15 of these notices, with the majority going to the Queensland Police Service. It follows that engagement with the QPS has been a priority for the OIC, which has made efforts to engage with senior leadership to encourage more timely outcomes for external review applicants as well as increase awareness of administrative access schemes. These are easier, quicker and often less costly alternatives to external reviews, but they are not always visible to the community or to QPS personnel themselves.

The OIC has been working with the QPS executive to discuss how administrative access schemes can be made more visible and used more frequently and readily. However, the OIC is not satisfied with the progress that has been made in this regard. The Information Commissioner attributes

this to the QPS RTI unit being under-resourced and understaffed and it is important that this is made a priority and rectified. There is a need for additional ongoing resources for the OIC to deal with rising applications in the short term and to enhance its training function for the Public Service in the longer run, which will help reduce these review applications.

The committee has recommended in its report that the House note the contents of the report and I would commend the House and the government to take note of the workload issues that I have highlighted and that will need to be addressed in the coming years. Finally, as always, I want to thank our committee chair and my fellow committee members, our secretariat for its work on this report and the OIC for the outstanding efforts it has made in amongst the many challenges. I commend this report to the House.