

**Division 42: Office of the Information Commissioner, \$2 317 000 —**

Mr N.W. Morton, Chairman.

Dr K.D. Hames, Minister for Health representing the Attorney General.

Ms S.C. Lloyd, Acting Information Commissioner.

Mr T. Pruyn, Complaints Coordinator.

Mrs M. Fitzgerald, Executive Officer.

[Witnesses introduced.]

**Mr J.R. QUIGLEY:** This is the third or fourth agency this afternoon that has an acting commissioner—this is no reflection on the acting commissioner—how long have we had an acting commissioner and when will we have a commissioner appointed?

**Ms S.C. Lloyd:** I am currently acting in the position for about four weeks and two days, while the substantive occupant of the position is taking some annual leave. The first day of my tenure is today.

**Mr P. PAPALIA:** Congratulations.

**The CHAIRMAN:** Welcome.

**Mr J.R. QUIGLEY:** In terms of the net amount appropriated to deliver the services of the Office of the Information Commissioner outlined on page 476 of budget paper No 2, how much of the effort and money is apportioned to the education of agencies about their statutory requirements to disclose information?

**Dr K.D. HAMES:** That is a good question.

**Ms S.C. Lloyd:** We currently have 11.2 full-time equivalent positions. Of those, two FTEs are allocated to the advice and awareness function, which is about 30 per cent of the total activity of the office. As far as education and awareness is concerned, we run 10 freedom of information seminars a year for FOI coordinators and decision-makers and we also have an outreach program and an advice service.

**Mr J.R. QUIGLEY:** Does this education program reach to ministerial offices, because we seem to get totally redacted pages from ministerial offices? Does the commissioner go around to ministerial offices and educate their staff about what they have to give to applicants?

**Dr K.D. HAMES:** The way that it works is that we get a FOI request passed on to us for specific information around certain things. We have officers within our offices whose job is to search through all the information and provide that. All the information is provided back to them, and they look through that information and advisers advise us as to what should or should not be released. They come back to us with that and our office then has the opportunity to make comment on things that they say are appropriate or not appropriate, then it goes back again and they make the final decision on what should go.

**Mr J.R. QUIGLEY:** Who is “they”?

**Dr K.D. HAMES:** The commission. If the member disagrees, I will ask the acting commissioner to answer in case I got it wrong, because I am not personally involved in my office when we get that stuff coming through.

**The CHAIRMAN:** I will give the member an opportunity to ask further questions if need be.

**Ms S.C. Lloyd:** I am assuming that the member is asking about access applications to the offices of ministers.

**Mr J.R. QUIGLEY:** Yes.

**Ms S.C. Lloyd:** The Department of the Premier and Cabinet has a dedicated FOI unit staffed by experienced FOI practitioners whose role is to assist ministers’ offices in dealing with access applications.

**Mr J.R. QUIGLEY:** The experienced staff seem very experienced in denying access. What effort does the office make to educate those officers in the Department of the Premier and Cabinet on an ongoing basis to avoid what we are getting?

**Ms S.C. Lloyd:** The education program is available to all FOI coordinators and decision-makers and we have an advice line available for any FOI coordinator or decision-maker who requires assistance in the process of managing an access application.

**Mr J.R. QUIGLEY:** I appreciate that, but what concerns me, what I am really driving at, is what proactive effort the office makes to get into that office to keep reminding or educating them about their obligations under the legislation.

**Ms S.C. Lloyd:** We take our education and advice role very seriously. The experienced staff at the Department of the Premier and Cabinet have been of great assistance in managing access applications. We see only less than one per cent of all access applications made. Last year, I think about 17 000 applications were made across the whole public sector and we see less than one per cent of those on external review.

**The CHAIRMAN:** I am aware that the will of the committee is to wind these two divisions up by five o'clock to deal with Fisheries, but I will allow a further question.

**Mr W.J. JOHNSTON:** In 2012, the Minister for Energy at the time, Hon Peter Collier, unlawfully refused access to a document. Was he counselled or was his failure to comply with the law raised by the commissioner or commission staff?

**Ms S.C. Lloyd:** We do not usually comment on individual cases before the commission. The commissioner speaks only through written decisions. If matters are resolved or settled, they are settled privately. If the matter is determined, then that is a public decision available for everyone to see on our website. I cannot provide any further information about that specific matter. The commissioner speaks through written, published decisions.

**Mr W.J. JOHNSTON:** If a hypothetical minister hypothetically unlawfully failed to release a document, would the Information Commissioner discuss that failure with the hypothetical minister?

**Ms S.C. Lloyd:** Hypothetically, I can say that the commissioner probably would.

**The appropriation was recommended.**

[5.00 pm]