

Division 9: Office of the Information Commissioner, \$2 311 000 —

Ms A.E. Kent, Chair.

Mr J.R. Quigley, Attorney General.

Ms C. Fletcher, Information Commissioner.

Ms M. Fitzgerald, Executive Officer.

Mr J. Lee, Principal Policy Adviser.

Mr D. Emerson, Senior Policy Adviser.

[Witnesses introduced.]

The CHAIR: The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

I call the Leader of the Opposition.

Ms M.J. DAVIES: I am on page 114 in the table under appropriations expenses and cash assets. The total appropriations will include staffing. What is the total FTE for the Office of the Information Commissioner as of today?

[10.50 am]

Mr J.R. QUIGLEY: I will ask the commissioner to answer that question.

Ms C. Fletcher: Yes. Thank you, Attorney. Thank you, member, for the question. The current FTE is just above 12. I may have to refer to my executive officer for the precise number, but it is around 12. It stayed at about that number for quite some time and has fluctuated between 11 and 12 over the most recent years. We have not had any increase for some time.

Ms M.J. DAVIES: Thank you, commissioner. That was my next question. Has there been any change in FTE over the last four years?

Mr J.R. QUIGLEY: I will ask the commissioner to answer that.

Ms C. Fletcher: I have those figures in front of me. Over the last four years, it was 10.2 FTE in 2017–18, 11.5 FTE in the following year, and 11.4 FTE and 11.6 FTE. I am a little bit uncertain about the most recent FTE, but I think it is around 12. I do apologise.

Ms M.J. DAVIES: I am still referring to the table under appropriations and the total cost of services. Is a case load assigned for each FTE?

Mr J.R. QUIGLEY: I will have to ask the commissioner to answer that, obviously.

Ms C. Fletcher: Thank you, member. No, we have not assigned specific case loads. The member might be aware, and I am sure she will understand, that the office has two functions. The primary function is to deal with what we call complaints or external review matters that are the review-of-agency decisions in relation to applications made under the FOI Act. That is our primary function. We nominally allocate 70 per cent of our budget to that function. The second main function of the office is to provide what we call advice and awareness services, and we allocate the nominal balance, 30 per cent, of the budget to that. I think the member's question is directed towards our external review of agency decisions.

Ms M.J. DAVIES: Correct.

Ms C. Fletcher: We have no control over our numbers that come in, of course. Roughly, in the year to date, 152 matters have been received. Last year, it was 161 matters, so we are probably on track to exceed that this year. But we have no control over the number of external review applications that come in. The difficulty is that we do not have targets for our external review staff; we deal with the number that come in as best we can. The member may well ask me more questions, and I am very happy to answer them, but at the moment, we are receiving more than we can cope with.

Ms M.J. DAVIES: Would the Attorney General be able to provide the numbers of external reviews requested for the last five years? Can that data be provided by supplementary information? I want to get an understanding of how many reviews the commission is dealing with, and has dealt with, over the last five years. I am happy to go back further.

Mr J.R. QUIGLEY: Do not go back further. Spare us! So the member wants the number of external reviews?

Ms M.J. DAVIES: The number of external reviews that the commission has dealt with on a yearly basis for the last five years.

Mr J.R. QUIGLEY: We can do that. To make it clear, the supplementary information will be the number of external reviews undertaken by the commission over the last five years.

Ms M.J. DAVIES: Yes, please.

[Supplementary Information No B15.]

Ms M.J. DAVIES: I just noted the comment from the commissioner that there are more applications coming into the office than probably the FTE allocated or the resources available. Can the Attorney General explain or elaborate on that? Is it because there is an increase in numbers of applications? Is it because of the complexity of the applications? Could the Attorney General provide us with some clarity on that comment?

Mr J.R. QUIGLEY: Would the member like clarity on the numbers that come in?

Ms M.J. DAVIES: The commissioner made a comment that there are more applications for review coming in than the commission has resources for. I do not want to put words in her mouth, but I caught the end of that comment and I just wonder whether that could be clarified.

Mr J.R. QUIGLEY: Certainly, and I will hand it over to the commissioner, but I do not think there is an area of government service in which the demand does not exceed supply, and that is in policing and everywhere. In my portfolio, in the courts, there is more coming in than what we can deal with today. I will let the commissioner answer that. That is perhaps best, given the turnaround time.

Ms C. Fletcher: Yes. Thank you, Attorney. Thank you, member. I can illustrate with some figures what has happened with our workload over the last 10 years. We have done some comparisons of the volume of the external review work that has come in compared with the staffing resources allocated to work in that particular area, which, as I indicated, has been relatively stable over that period. We have not had any significant increases in resources that we can allocate to that area. But in the same period, over 10 years, there has been approximately a 21.5 per cent increase in external reviews that have come into the office.

Ms M.J. DAVIES: Attorney General, there has been a 21.5 per cent increase over 10 years. Has there been a request from the commissioner for additional resources, particularly given the importance of the work that the office does in reviewing decisions around freedom of information applications and the unique circumstances that we have in this term of government in that there is a difference in the way our parliamentary committee system is working; the current government has control of both houses of Parliament; and there is a diminished opposition in terms of number of people who can provide the scrutiny that the opposition would ordinarily undertake? Has there been a request for additional resources? Does the Attorney General think that that would be of merit in terms of the increase that the commissioner has just spoken about?

Mr J.R. QUIGLEY: No. It is all to do with efficiencies down at the office. I have never received a request for more resources, and that the office is not coping. I have never received that.

Ms M.J. DAVIES: Sorry. Is the Attorney General saying that the people at the Office of the Information Commissioner are not working hard enough?

Mr J.R. QUIGLEY: No. I am saying they are working efficiently and although there has been an increase, the commissioner has never come to me and said, "We're overburdened. We need more staff."

Ms M.J. DAVIES: If there were a request, given the increase in the significant numbers of applications, does the Attorney General think it is something that a government in the current financial position of having a significant budget surplus that this government finds itself in would agree to? The office is an important transparency mechanism for governments of both persuasions, and there has been a 21.5 per cent increase in applications over 10 years without an increase in resources. Should consideration be provided to that in a future budget?

Mr J.R. QUIGLEY: We are having a review. We just have to keep an eye on these things, and the commissioner tells me it is under review. But there is nothing there that is so burdensome that the commissioner has had to come to us and request further staffing. It was not part of the budget bid. The member knows what I mean by budget bid.

The CHAIR: The Attorney General has answered that question.

The appropriation was recommended.

Meeting suspended from 11.00 to 11.15 am