

Division 10: Office of the Information Commissioner, \$2 305 000 —

Mr S.J. Price, Chair.

Mr J.R. Quigley, Attorney General.

Ms L. Ward, Acting Information Commissioner.

Ms M. Fitzgerald, Executive Officer.

Mr D. Emerson, Senior Policy Adviser.

Miss L. Markussen, Ministerial Liaison Officer.

[Witnesses introduced.]

The CHAIR: I give the call to the member for Dawesville.

[3.50 pm]

Mr Z.R.F. KIRKUP: My question relates to the table “Resolution of Complaints” on page 114 noting the number of FTEs there. In 2017–18, 10 FTE were budgeted for but there were only eight actual. That is projected to be nine within the Office of the Information Commissioner. I am keen to understand why that increase has occurred and why the initial budget was not taken up?

Mr J.R. QUIGLEY: I defer to the acting commissioner.

Ms L. Ward: I thank the honourable member for that excellent question. As it says in the note, the estimated actual figure of eight came about as a temporary reduction of full-time equivalents. As the member may be aware, the permanent Information Commissioner resigned to take up a position in Victoria in September 2017. As a result, an acting commissioner was appointed internally, and an acting person was appointed to take the principal legal role, and that left us with a vacancy.

Mr Z.R.F. KIRKUP: I have a new question on another area.

The CHAIR: Further question on this, member for Mount Lawley.

Mr S.A. MILLMAN: If we go back a page to page 113, I notice, in terms of resolution of complaints in the table “Outcomes and Key Effectiveness Indicators” —

Mr Z.R.F. KIRKUP: If it is not related to the same line item, it is not a further question, it is a new question.

The CHAIR: I think so.

Mr S.A. MILLMAN: I am happy to wait.

The CHAIR: You are happy to wait. He has a good point.

Mr R.S. LOVE: I refer to the line item “Resolution of Complaints” under the “Service Summary” on page 113 of budget paper No 2, as we have heard, and “Resolution of Complaints” under “Services and Key Efficiency Indicators” on page 114. Can the Attorney General inform me how many complaints were dealt with by the office during the last financial year? Of those, can the Attorney General provide a breakdown of the number by agency and ministerial office?

Mr J.R. QUIGLEY: That is all set out in tabulated form in the annual report and is available for him. I cannot repeat the annual report off the top of my head.

Mr R.S. LOVE: Does the annual report also indicate whether the decision to take action was appropriate?

Mr J.R. QUIGLEY: Yes; the reports are published.

Mr R.S. LOVE: Thank you very much; I have learnt something today.

Mr P.A. KATSAMBANIS: The annual report provides the figures for 2016–17, which is quite historic. Is it possible to get year-to-date figures as asked for by the member for Moore, so we can have a more up-to-date picture?

Mr J.R. QUIGLEY: Certainly. I thought it would be supplementary but the acting commissioner is ready to answer.

Ms L. Ward: Thank you for that question. I am very happy to answer it concerning the year to date to 30 April 2018. As honourable members may be aware, the statistics on our website are published and updated on a monthly basis. There is a year-to-date number for how many applications we have received this year. As at 30 April 2018, it is 126, which compares with the last financial year, 2016–17, when the total number of applications was 124.

Obviously, we expect the number will exceed by some margin the number of FOI applications within the office for this year.

Mr R.S. LOVE: Have you already received 124 complaints?

Mr J.R. QUIGLEY: As at 30 April.

Mr R.S. LOVE: As opposed to 126 complaints for the entirety of the previous year?

Ms L. Ward: It was 126 until 30 April this year, and 124 for the whole of the previous financial year.

Mr R.S. LOVE: It has already been exceeded?

Ms L. Ward: We have already exceeded the number.

Mr R.S. LOVE: Can we get a breakdown of the agencies to which those complaints applied?

Mr J.R. QUIGLEY: The member could probably give that breakdown. He has probably made the most applications! I will defer to the commissioner.

Ms L. Ward: Thank you honourable member.

Mr R.S. LOVE: I am not “honourable”; I am just a member.

Mr J.N. CAREY: No-one is honourable in this place.

Mr R.S. LOVE: The Attorney General is “honourable”.

Ms L. Ward: My apologies. The breakdowns are shown annually in the annual report in relation to which agencies.

Mr R.S. LOVE: I am talking about the current year.

Ms L. Ward: I can certainly provide that information.

The CHAIR: Attorney General, are you agreeing to provide supplementary information.

Mr J.R. QUIGLEY: The information is available.

Ms L. Ward: It does not descend into as much detail as there is in the annual report where each agency is individually identified. I have a document that indicates departments, apart from health and police, and then health and police and other agencies, including ministers and local governments.

Mr R.S. LOVE: Given the minister cannot table the document, perhaps it could be provided by way of supplementary information.

The CHAIR: You cannot table anything in here, Attorney General, but you can provide it as supplementary information. Is the Attorney General prepared to do that?

Mr J.R. QUIGLEY: Yes, we will provide the information, which is on a spreadsheet showing a breakdown of the complaints by agency.

[Supplementary Information No A36.]

Mr Z.R.F. KIRKUP: I note in the annual report that I think it was 2.49 per cent of applications for complaints were refused in decisions made by the Office of the Information Commissioner in 2016–17. I am keen to understand for the reported year to 30 April, what that percentage looks like now.

Ms L. Ward: I am unable to provide the information on a year-to-date basis. However, I can take it on notice.

Mr Z.R.F. KIRKUP: I can put a question on notice; that is fine. I am happy to do that.

Mr S.A. MILLMAN: I refer to the last line item “Applications for external review resolved by conciliation” at the bottom of the table headed “Outcomes and Key Effectiveness Indicators” on page 113. I notice that the budget for applications for external review resolved by conciliation was 60 per cent, yet the agency overachieved its target with 77 per cent of complaints being resolved by conciliation. Can the Attorney General give us any indication of the reason for the success?

Mr J.R. QUIGLEY: Thank you, member, I defer to the commissioner.

Ms L. Ward: Thank you for that question. It is due to applying a considerable amount of effort at the up-front stage—more at the front-end of the complaints resolution process. All our officers are trained mediators so they are very familiar with mediation and formal conciliation where that is required. But a lot of the resolution is undertaken informally.

Mr Z.R.F. KIRKUP: I refer to the resolution of complaints, on page 113. I note the increase in applications that you guys have dealt with this last calendar year. I am keen to understand a bit of a trend, I suppose, about how ministerial applications in relation to ministerial officers are going in the Department of the Premier and Cabinet

Extract from Hansard

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and whether we are seeing more of them being referred to the OIC, the outcomes of those referrals and what we are seeing. I guess from an opposition perspective, we are always very interested in seeing how ministers deal with their own FOI applications and the DPC FOI unit, which I think does a fairly good job. I am just keen to see how that works, whether there are any perceptions at the agency's end and whether that is having an impact on the service summary and the costs borne by the agency.

[4.00 pm]

Mr J.R. QUIGLEY: To the commissioner.

Ms L. Ward: Given the terms of the act, and that I am not able to divulge the information that has come into my possession, I would have to keep any response general. As a general trend, no.

Mr Z.R.F. KIRKUP: There is no real change?

Ms L. Ward: There has been no discernible change, from what I have seen.

The appropriation was recommended.