



## **PRÉCIS OF TRANSCRIPT OF EVIDENCE, SESSION FOUR, ON 24 JULY 2009**

Mr Sven Bluemmel  
Information Commissioner

Brief summary of themes in a private hearing on 24 July 2009 with the Information Commissioner:

- 1.1 Most of the interaction with the public happens between the public and the agency rather than the public and the Commissioner's office. A request for information goes through the concerned agency's office. If the request for information is denied there is an appeals process which goes through a more senior person in the agency, then the Information Commissioner, and finally a limited right of appeal with the Supreme Court on questions of law.
- 1.2 The office has two key roles, the determinative function and the awareness and training function. There are 10 staff employed in the office. Most staff are currently employed in the resolution of complaints due to recent rising demand for determination.
- 1.3 There has been an increase in requests to Ministers' offices for information. From nine freedom of information requests in 2007/08 to 72 in 2008/09.
- 1.4 There has recently been a narrowing of approach to disclosing information generally. The *Freedom of Information Act 1992* is only one method of disclosure. There is nothing stopping an agency or a minister disclosing information outside of the *Freedom of Information Act 1992*.
- 1.5 The cost of a freedom of information request is an initial \$30 application fee, however that fee is not payable if the information people are seeking is about themselves.
- 1.6 The Information Commissioner's office is regularly involved in dispute resolution, so that if the person is requesting a large amount of information, the office will try and narrow the search down to what information the person actually needs.
- 1.7 The Information Commissioner noted that the Standing Committee on Legislation's recent report into State Administration Tribunal, the *Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal*, recommended that the current judicial review of his decisions should be changed to a full merits review by State Administration Tribunal. The Information Commissioner does not agree with this recommendation.
- 1.8 One of the medium term goals of the Information Commissioner is to create a stronger network with his counterparts in other Australian and New Zealand jurisdictions. The Western

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Australian *Freedom of Information Act 1992* is considered a very good model around Australia.

- 1.9 Currently, the only real communication that the Information Commissioner has with the Parliament is his annual report. He believes that there should be more communication with the Parliament and its Committees. The Committee agreed with the Information Commissioner's statement.