

ATTORNEY GENERAL - INFORMATION COMMISSIONER

**573. Mr P.D. OMODEI to the Attorney General:**

I refer to the scathing attack by the freedom of information commissioner on the actions of the Attorney General.

- (1) Why did the Attorney General sack the freedom of information commissioner?
- (2) How does the Attorney General justify intending to replace an independent commissioner with a staff member from the Department of the Premier and Cabinet?
- (3) Why are the Attorney General and his government systematically removing independent oversight of this government?

**Mr J.A. McGINTY replied:**

- (1)-(3) I make the point that Darryl Wookey is a permanent public servant who was acting in the position of Information Commissioner pending the abolition of that position under legislation that is currently before Parliament. Therefore, to say that she was sacked is not accurate.

**Mr T. Buswell** interjected.

**Mr J.A. McGINTY:** No it was not.

Several members interjected.

**The SPEAKER:** Order, members!

**Mr J.A. McGINTY:** Her appointment for a period of 12 months expires on 1 November, and therefore her existing appointment was due to expire because it came to the end of its term. That is the answer to that question.

**Mr P.D. Omodei:** How many years had she been there?

**Mr J.A. McGINTY:** Four years, with an annual renewal. Darryl Wookey was appointed in 2003 on an acting basis to that position. It was extended annually while major reforms to our freedom of information law and privacy law in this state were being drafted. That legislation was introduced into Parliament earlier this year - in fact, on 28 March. Ms Wookey's 12-month appointment expires at the end of this month, which is next week. Under the legislation introduced into Parliament, the position of Information Commissioner will cease to exist, so she was appointed on an acting basis because the position was proposed to come to an end in any event. It was proposed in the legislation, for the first time in Western Australia, to enact privacy legislation and to get the two sides of information - that is, freedom of information, and privacy - dealt with by the one person. The legislation also made provision for the new position to be created to be held conjointly by the Ombudsman. That was something that has been in this Parliament for some six months.

Ms Wookey will return to her substantive position, from which she was seconded to fill the Acting Information Commissioner's position, in the Office of the Ombudsman. The reason that has been an acting position for the past four years is very simple; that is, that we proposed, and everyone knew this from day one, a fundamental reform of this area, including the Office of the Information Commissioner. Otherwise, we would have appointed a permanent appointment under the relevant act to that particular position. Ms Wookey knew that when she took the job on, because the government policy was clear, and it is reflected in the legislation that is now before this house.

It is true, as Ms Wookey has pointed out in her annual report tabled in Parliament yesterday, that she was critical of some elements of the legislation. She also pointed out that she met with me following her criticism of a number of points in the legislation before it was introduced into the house. Ms Wookey had a role in commenting on the legislation prior to its introduction, and she raised a number of significant issues. I met with her and a number of other senior people from the State Solicitor's Office, the State Administrative Tribunal and others here at Parliament House prior to the introduction of the legislation. Some of the points that she raised by way of criticism were accommodated; others, as a matter of policy, we were not able to accommodate. That was a difference of opinion whereby the government has a right to make policy decisions with which, from time to time, some people might well disagree. The discussion between Ms Wookey, me and others was very cordial. I repeat that we are able to accommodate some of her criticisms of the legislation.

I note in the report that Ms Wookey tabled today that she was critical of the Salaries and Allowances Tribunal's decision to reclassify her position. It seems to me that we are damned if we do and damned if we do not. When Ms Wookey was appointed to act in the position four years ago, the member for Cottesloe was reported to be outraged and said, "Integrity at risk". That was because we had the gall to appoint Ms Wookey on the basis of merit to the position that she has carried out well over the past four years. When the chief of staff from my office went to extend to -

Several members interjected.

**The SPEAKER:** I call the member for Nedlands and the Leader of the Opposition to order.

**Mr J.A. McGINTY:** When Ms Wookey was extended what is her right, and that is, to be told in advance - and that was, from memory, on 24 September - that at the expiry of her appointment she would be returning to her substantive employment in the public sector, I asked my chief of staff to thank her for a job well done over the past four years and to wish her well in her future career.