

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: Office of the Australian Information Commission

Question No. SBE16/091

Senator Xenophon asked the following question at the hearing on 18 October 2016:

1. In the period immediately prior to the decision by the Abbott Government to abolish the OAIC:
 - a. How many offices did the OAIC work from
 - b. How many staff were employed by the OAIC
 - c. Of those staff, how many had dedicated FOI functions
 - d. Of those staff, how many had dedicated Privacy functions
2. In the period follow the decision by the Turnbull Government not to abolish the OAIC:
 - a. How many offices does the OAIC work from
 - b. How many staff are employed by the OAIC
 - c. Of those staff, how many had dedicated FOI functions
 - d. Of those staff, how many had dedicated Privacy functions
3. Please describe the impact on the OAIC of Australia signing up to the Open Government Partnership
4. How many staff in the OAIC have delegations to make FOI decisions?
5. Of those, how many of them have university legal qualifications?
6. How many staff in the OAIC have delegations to make Privacy decisions?
7. With respect to FOI reviews that commenced in 2014:
 - a. How many were concluded within 3 months
 - b. How many were concluded in more than three months but less than six
 - c. How many were concluded in more than six months but less than twelve
 - d. How many were concluded in more than 12 months (or have not concluded)
8. With respect to FOI reviews that commenced in 2015:
 - a. How many were concluded within 3 months
 - b. How many were concluded in more than three months but less than six
 - c. How many were concluded in more than six months but less than twelve
 - d. How many were concluded in more than 12 months (or have not concluded)
9. With respect to FOI reviews that commenced in 2016:
 - a. How many were concluded within 3 months
 - b. How many were concluded in more than three months but less than six
 - c. How many were concluded in more than six months but less than twelve
10. What processes are in pace to ensure that the 'prompt' requirements of S 3(4) of the FOI Act are met?

The answer to the honourable senator's question is as follows:

1. The following responses are provided as at 13 May 2014 with the staffing numbers as headcount:
 - a. Two
 - b. 97
 - c. 25
 - d. 40

Of the total number of staff (97), 32 performed duties across both privacy and FOI functions proportionate with the relative workloads of each function. This included, for example, members of the Executive, enquiries staff, media and communications, and legal support. It also includes staff who are on long term leave.

2. The following responses are provided as at 14 October 2016 with the staffing numbers as headcount:
 - a. One
 - b. 78
 - c. 13
 - d. 43

Of the total number of staff (78), 21 performed duties across both privacy and FOI functions proportionate with the relative workloads of each function. This includes, for example, members of the Executive, enquiries staff, media and communications, and legal support. It also includes staff who are on long term leave.

3. The Australian Information Commissioner has been a member of the *OGP Consultative Group* and the *Interim Working Group for Australia's National Action Plan*. These groups were established to drive the development of a draft National Action Plan (NAP), and to oversee public consultation with the community and key stakeholders. The OAIC expects that it will continue to participate in OGP-related activities in the future.

The OAIC's participation in the OGP process has required allocation of some staff and resources to enable attendance at meetings, preparatory research and other activities.

The OAIC considers that Australia's participation in the OGP will complement the OAIC's work in promoting the value of government information as a national resource, and in assisting agencies to manage government information effectively while protecting privacy.

4. 41 staff have been delegated various functions under the *Freedom of Information Act 1982 (Cth)* (FOI Act) by the Australian Information Commissioner. However, as per the answer to question 2 (above), 13 of these staff are dedicated specifically to processing FOI matters. Having a larger number of staff delegated provides flexibility within a small agency to move resources as workload changes requires.
5. 20 staff who are delegated under the FOI Act hold a university legal qualification. Of the 13 staff who are dedicated to carry out these functions, 10 hold a university legal qualification.
6. 70 staff have been delegated various functions under the *Privacy Act 1988 (Cth)* by the Australian Information Commissioner. While this number is greater than the number of staff currently processing privacy matters, having a larger number of staff delegated provides flexibility within a small agency to move resources as workload changes requires.

7. The following responses are provided for those IC reviews received in 2014:
- a. 162
 - b. 146
 - c. 97
 - d. 38
8. The following responses are provided for those IC reviews received in 2015:
- a. 125
 - b. 113
 - c. 142
 - d. 48
9. The following responses are provided for those IC reviews received in 2016 up to 31 October 2016:
- a. 101
 - b. 76
 - c. 25
10. The OAIC has implemented a range of process improvements, including through utilising alternative dispute resolution (ADR) methods. This has included concentrating efforts particularly on seeking early resolution of matters where possible.

This has resulted in a significant number of matters being withdrawn by the applicant, following action taken by the government agency to resolve the applicant's access request, such as releasing information informally, making a revised decision, or following an appraisal by the OAIC of the merits of their case.

The OAIC continually monitors the throughput of IC review applications and closely manages matters that are still open after six months.