

Question on notice no. 13

Portfolio question number: SBE24-234

2024-25 Supplementary budget estimates

Legal and Constitutional Affairs Committee, Attorney-General's Portfolio

Senator David Shoebridge: asked the Office of the Australian Information Commissioner on 27 November 2024—

Senator SHOEBRIDGE: Again-I'm relying on my handwriting here-did you say that, of the 1,008 matters, 109 were decisions under 55K?

Ms Tydd: One hundred and eight 55K decisions were made in the period to 25 November 2024-

Senator SHOEBRIDGE: That same period.

Ms Tydd: which is a 100 per cent increase on the same period last year.

Senator SHOEBRIDGE: But if there were 108 decisions made under 55K, which is where complaints are either rejected or effectively amended, or a fresh decision is made, what happened to the other 900?

Ms Tydd: Early intervention is utilised. Agencies may remake their decision themselves. There may be administrative processes that are entered into. I'll turn to my colleague to see if there are other outcomes, such as withdrawals.

Ms Pirani: Sometimes matters are withdrawn. Often departments will make a revised decision, and we allow some parties to go directly to the tribunal, if that's in the interests of the administration of the act.

Senator SHOEBRIDGE: Could you give us a breakdown, on notice, of what actually happened to the 900 matters? In fact, could you give us a breakdown of the 55K as well? Then, could you do the same for the last financial year, which you have full figures for? Perhaps, so we get a sense of it, you might provide the last two financial years that you have full figures for, on notice.

Ms Pirani: We have started publishing that information on our website on a quarterly basis. The information for FOI from 1 July to 30 September is available on our website.

Senator SHOEBRIDGE: I appreciate that, Ms Pirani, but if we could, I'd like to get that historical perspective for that last two full financial years.

Ms Pirani: Absolutely.

Answer —

Please see the attached answer.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

ATTORNEY-GENERAL'S PORTFOLIO

SUPPLEMENTARY BUDGET ESTIMATES 2024-2025

PA-Office of the Australian Information Commissioner

SBE24-234 - Outcome of 900 remaining matters and full figures for 55K decisions

Senator David Shoebridge asked the following question on 27 November 2024:

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Ms Tydd: One hundred and eight 55K decisions were made in the period to 25 November 2024—

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Senator SHOEBRIDGE: I appreciate that, Ms Pirani, but if we could, I'd like to get that historical perspective for that last two full financial years.

Ms Pirani: Absolutely.

The response to the senator's question is as follows:

| Finalisations | 2022/23 | 2023/24 | 2024/25 (as at 25 November 2024) |
|---|----------------|----------------|---|
| Decisions under s 55K of the FOI Act | 68 | 207 | 108 |
| Affirm* | 11 | 62 | 26 |
| Set aside* | 48 | 125 | 67 |
| Vary* | 9 | 20 | 15 |
| Withdrawn (s 54R) | 879 | 649 | 325 |
| Referred to the AAT/ART (s 54W(b)) | 93 | 112 | 116 |
| Invalid/no jurisdiction (s 54N) | 282 | 231 | 112 |
| Frivolous, vexatious, misconceived, lacking in substance, not in good faith (s 54W(a)(i)) | 23 | 86 | 78 |
| Failure to cooperate (s 54W(a)(ii)) | 58 | 20 | 1 |
| Applicant unable to be contacted after reasonable attempts (s 54W(a)(iii)) | 47 | 36 | 12 |
| Failure to comply with a direction (s 54W(c)) | 66 | 403 | 256 |
| Affirmed by agreement (s 55F) | - | 1 | - |
| Set aside by agreement (s 55F) | 1 | 2 | - |
| Varied by agreement (s 55F) | 1 | 1 | - |
| Total | 1,518 | 1,748 | 1,008 |

*Rows 2-4 are a subset of Row 1 (the number of decisions made under s 55K of the FOI Act) and are not separately included as part of the total