

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER

**Question No. SBE15/007**

**Senator Collins asked the following question at the hearing on 20 October 2015:**

Ms Toohey: I note that, in last year's statistics, the first half of the year were also in light of the fact that we were expecting to close in December.

Senator JACINTA COLLINS: I recall past discussions, I think, where that process has been described as a means of managing the quota.

Ms Toohey: It was also a case of potentially adding months on to someone's application when they were going to end up in the AAT anyway. You will see certainly from more recent stats that the number has stabilised around 12 to 14 per cent. As the commissioner has just mentioned, it is generally matters where we think the matter will not be finalised by our process where the parties are interested in litigating the matter. They are the matters that we generally refer to the AAT, after consulting with both parties.

Senator JACINTA COLLINS: So, prior to the current government's policy decision, what was the percentage rate?

Ms Toohey: I have not got it in front of me. It was smaller; I certainly can affirm that.

Senator JACINTA COLLINS: Could you take that on notice for me, please. When you say 'it stabilised to between 12 and 14 per cent', how high did it get?

Ms Toohey: They would have been the highest stats we have had.

Senator JACINTA COLLINS: So it has not swung back?

Ms Toohey: No. Essentially it has been around the 12 per cent mark since we started looking at matters on the basis of their complexity—how large they were, whether they were going to be resolved and dealt with by the process that we provided.

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

The below table provides the number of Information Commissioner (IC) reviews referred to the Administrative Appeals Tribunal (AAT) over the last three financial years. It also illustrates the referral as a percentage of the total IC reviews closed by the Office of the Australian Information Commissioner in that year.

<b>Year</b>	<b>Number of matters referred to the AAT under s 54W(b)</b>	<b>Percentage of total IC reviews closed in the year</b>
2012–13	17	4.06%
2013–14	41	6.35%
2014–15	61	12.66%