

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**SUPPLEMENTARY BUDGET ESTIMATES 2011-2012**

Attorney-General's Portfolio

**Department/Agency:** Office of the Australian Information Commissioner  
**Outcome/Program:**  
**Topic:** Review applications

**Senator:** Senator Rhiannon

**Question reference number:** 169

**Type of question:** Written

**Date set by the committee for the return of answer:** 2 December 2011

**Number of pages:** 2

**Question:**

- 1) The commissioner has spoken publicly on a number of occasions about struggling with the large number of review applications. Can you please provide detail on review numbers, how long on average they are taking, any resourcing issues you have?
- 2) Given internal review is optional, how many applicants bypass that route and go straight to the OAIC?
- 3) Is this part of the reason for any backlog?
- 4) How many of your decisions are being appealed to the AAT by applicants and agencies?

**Answer:**

- 1) In the period 1 Nov 2010 to 30 June 2011 the Information Commissioner received 176 applications for review (IC review) raising 250 review issues. In the current financial year to date the Information Commissioner has received 174 applications for IC review, meaning that in the current year to date (4mths) the OAIC has received almost the same number of IC reviews as in the last financial reporting year (8mths).

Based on the number of cases closed in the period 1 Nov 2010 to 1 Nov 2011, the average number of days taken to close a matter is 15 weeks. 36% of these matters were closed within 30 days of receipt. The number of matters being received is providing some resourcing challenges.

- 2)–3) 60% of IC review applications are for a review of the original decision. 12% of applications for IC review are for deemed decisions, where an agency has failed to make a decision within the statutory timeframe, in these cases a person has no internal review right therefore will make an application for review directly to the Information Commissioner. Only 19% of IC review applications were for internal review decisions. Anecdotally, the OAIC is aware that in the majority of cases applicants are not

choosing to exercise their internal review rights, instead preferring to apply for IC review of the original decision. This combined with the fact that there is no cost to apply for IC review has resulted in a large number of IC review applications.

- 4) The FOI Act does not require that the OAIC is formally notified of any appeal to the AAT.