

ACCOUNTABILITY AND OVERSIGHT COMMITTEE

Inquiry into education, training and communications initiatives of Victorian oversight agencies

Melbourne — 7 August 2017

Members

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Ms Marsha Thomson

Witnesses

Ms Sally Winton, acting Freedom of Information Commissioner, and

Ms Simone Martin, senior manager, communications and education, Office of the Freedom of Information Commissioner.

The CHAIR — I declare open the public hearing for the Accountability and Oversight Committee inquiry into education, training and communications initiatives of Victorian oversight agencies. I would like to welcome the witnesses from the Office of the Freedom of Information Commissioner: Sally Winton, acting Freedom of Information Commissioner; and Simone Martin, senior manager communications and education.

All evidence is taken by the committee under the provisions of the Parliamentary Committees Act 2003. It attracts parliamentary privilege and is protected from judicial review. Comments made outside the hearing, including on social media, are not afforded such privilege. Witnesses will not be sworn and are requested to answer all questions succinctly, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

All evidence given today is being recorded by Hansard, and you will be provided with proof versions of the transcript for verification as soon as they are available. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible. All written communication to witnesses must be provided via officers of the committee secretariat. Members of the public gallery cannot participate in the committee's proceedings in any way and cannot photograph, audio record or video record any part of these proceedings. On that note, I invite the witnesses to make an opening statement, and that will be followed by questions from the committee. Welcome.

Ms WINTON — Thank you, Chair. My name is Sally Winton, and I am presently the acting Freedom of Information Commissioner. I was appointed to that role on 27 June 2017, having previously served as an acting Assistant Commissioner since October 2016. With me today is Ms Simone Martin, our office's senior manager of communications and education. Simone joined our office in late June 2016, bringing with her extensive experience in working with other Victorian statutory bodies in communications, awareness raising and stakeholder engagement.

The previous acting FOI Commissioner provided a submission to this inquiry in August last year, but given a number of significant developments with respect to our training and education program since that time, on 26 July this year I provided the committee with a supplementary submission.

Today we will just provide an overview of our training, education and communications initiatives, focusing on 2016–17. We will also deal with some initiatives conducted this year to date and the key findings of our evaluation of those initiatives. We will broadly comment on how well we think we engage with agencies and the public, and then finally we will touch on the range of activities that we have planned for 2017–18, including those that relate to the establishment of the new Office of the Victorian Information Commissioner, or OVIC.

Our office's 2016–17 training, education and communications program was informed by a training needs analysis, which we conducted in September 2016. It was completed by 259 respondents and was the first of its kind conducted by an FOI regulator in Australia. Its findings informed the scope, nature, channels and content of our program, and it will continue to inform our activities in 2017–18. Ninety-eight per cent of respondents indicated overwhelming support for and interest in our office developing and delivering training, education and resource materials, including guidance materials for agencies, practice bulletins and face-to-face training supplemented by online e-learning modules.

In response to the training needs analysis, in 2016–17 our office delivered an extensive suite of education, communication and training activities. It involved for the first time comprehensive face-to-face technical FOI training, enhanced digital engagement, sector-specific agency engagement and regular publications. In 2016–17 I think it is fair to say that our office eclipsed its achievements in previous years, both in number and in scale. This reflects, I think, a significant shift in focus towards training and education in the last 12 to 18 months and a belief that investment at the front end will improve the quality of decision-making and save some resources at the back end.

I will just touch on the areas I mentioned a little earlier. In 2016–17 we rolled out face-to-face training. We provided an introductory course that we called 'Introduction to FOI' and a more advanced exemptions masterclass on the commonly applied exemptions. The aim of that training is to equip public servants to effectively and efficiently discharge their obligations under the FOI Act. The training has a very practical hands-on focus, and it has been offered on a cost recovery basis. The program was piloted in December last year and formally launched in March 2017 to coincide with the launch of our redeveloped website and an online

e-learning FOI awareness module, which is similar to the introductory modules that are offered in some interstate jurisdictions.

We have also developed and delivered bespoke face-to-face training, which has been tailored by practice issue, by sector or by location. For instance, last week we delivered a series of information sessions for agencies on the suite of amendments to the FOI Act that are due to commence on 1 September this year.

A key part of our digital engagement strategy has been, as I mentioned, a newly developed responsive website with dedicated streams for agencies and for the public. The new website features improved navigation and accessibility for agencies, guidance materials and resources, and fact sheets. It also now includes an online e-learning module that covers FOI awareness. We are developing two further online e-learning modules that will deal with the forthcoming amendments to the Act and 10 of the most commonly used exemptions. They are currently under development.

In terms of stakeholder engagement, we were very active there too. We held sector-specific forums and round tables which dealt with the particular needs of specific sectors and agencies. We have also been involved in initiatives and awareness campaigns, such as Right to Know Day. We celebrated the 250th anniversary of the first FOI legislation in the world last year, and we also participated in a series of FOI networks, such as the whole-of-Victorian-Government FOI managers network.

Finally, before I hand over to Simone, we have published an array of agency guidance materials in the last 12 months including monthly e-bulletins for FOI practitioners, practice notes prepared in collaboration with the Victorian Government Solicitor's Office, and fact sheets and training resources providing practitioner-level advice on practical and legislative issues.

I will hand over to Simone to take you through how we measure the effectiveness of those initiatives, our engagement with agencies and the public and how we compare with other jurisdictions.

Ms MARTIN — Thank you, Sally. You would be aware that we receive our funding from the Department of Premier and Cabinet, and as part of that funding we are required to report against BP3 measures. Our office's historical performance against our education target improved significantly in 2016–17 when compared to the previous three years. We conducted 42 activities in 2016 and 2017 and exceeded our annual target by 110 per cent. There was also significant improvement on our 26 activities, which was the current average over the prior three years. The significant increase was achieved through the appointment of a dedicated communications and education officer — that is, me. I commenced in June 2016 and have been responsible for rolling out our training and education program.

We measure the effectiveness of all of our training and education and engagement activities against a set of predetermined key result indicators, and the methods and metrics that we apply for each of the individual activities are tailored to reflect the learning objectives and the nature of the activity that we are conducting. So, for example, with our face-to-face training courses we use pre and post-assessment surveys, we use evaluation surveys, and with our online learning modules we do the same sort of surveying at the conclusion of our online surveys, and we use our website and analytics related to that to gauge feedback on agency materials and resources.

In terms of presenting key findings to you today, although the program is only 12 months old, we believe that it is robust and evidence based. It draws on a range of different sources to inform its development — for example, the training needs analysis that Sally referred to earlier. We also collaborated and held discussions with our interjurisdictional counterparts who have been delivering this sort of training for a much longer period of time, and looked at lessons learned from them. We believe it is comprehensive in that it uses a range of different modalities and approaches to meet different agency requirements. It includes face-to-face self-paced learning, agency materials and direct stakeholder engagement activities.

We also believe that it is particularly cost-effective. We have invested less than \$100 000 in program development over the previous 12 months, and when we look at comparisons to other jurisdictions we can see that we have delivered quite an extensive program based on the funding that has been allocated to it. We believe that the program has been well received, and as I said, we gain a lot of that feedback from surveys at the time that we conduct those activities. There has been strong and incrementally increasing demand for our training. When we compare this year to last year there has been a 58 per cent increase in the total number of public sector

employees attending our training. We believe this is also in part due to the fact that we operate a cost recovery model, so our training courses are operated at about half the cost of private providers in the same space.

We believe that our program is meeting its intended objectives. It does assist agencies to understand their obligations, and we believe that it is a way that we can more positively engage with our agencies to help them understand and complete their FOI obligations against the Act.

In terms of the next terms of reference question, it relates to how well the role, power and processes of the office are understood by the Victorian public. While we do not have any objective measures of understanding in place at the moment, we do believe that the general community's understanding of FOI ranges from modest to well-informed, and we believe that this is informed by the amount of interaction that they have when they are seeking a review or wish to lodge a complaint in relation to the applications where they are trying to seek information. When they come into contact with our office we view that as an opportunity to provide them with more information about accessing their information. We have a hotline, we have an inquiries email box and also our website is a source of information to educate the public about our activities.

In 2016 and 2017 we saw a 40 per cent increase in the number of FOI applications to our office, and we believe that that in itself is confirmation of the public's awareness of FOI in Victoria and our office's mandate in that space. We believe that the forthcoming amendments to the OVIC Act, which broaden our education function, will provide a further option or a better means for us to engage with the public.

In terms of term of reference 3, which talks about how well these functions are perceived in relation to government agencies, I will move now to talk about how well our functions are understood by agencies and how they comply with the act. Our impression is that agencies have a good to very good understanding of our act, and we believe that that is by and large informed by the amount of contact that they have with FOI applications and with our office. So where our large seven key agencies in Victoria process 85 per cent of all FOI applications, they have a strong understanding of our act and their obligations in relation to it.

In terms of improving engagement we see, as I mentioned, our training and education activities as an opportunity to educate agencies in terms of their responsibilities, and also moving forward the new amendments to the Act and its expanded powers in terms of educative functions and the new binding professional standards provide an additional opportunity for us to work with agencies and educate them in relation to these expanded powers.

The fourth term of reference relates to how Victoria compares to other Australian and international jurisdictions, and in the development of the program we looked closely at the training and education initiatives that were offered by other regulators in Australia. We did a comparative analysis in 2014 and 2015, which we provided to the committee previously, and then updated that again in 2015 and 2016 in terms of utilising annual report data to inform that analysis.

We found, comparing us to other jurisdictions, that most other jurisdictions offer face-to-face training, and Queensland and New South Wales also complement that with online training. We believe that we compare fairly well to those jurisdictions, noting, though, that the new amendments Act improves and brings us into line with New South Wales, Queensland and the Commonwealth with the merge of privacy and freedom of information.

Again, we believe that our program is fairly comprehensive because of the training needs analysis that it was informed by. It was the first of its kind that has been undertaken in Australia, and we believe that we can rely on those results to ensure that our program has been robust and well-informed. Again, the OVIC amendments legislation, as I mentioned, brings us into line with other jurisdictions and does expand our education opportunities moving forward.

Ms WINTON — I will just bring our statement to a close by mentioning that 2016–17 was the first year in which our office devoted a dedicated resource to our training and education functions. We started the year with one full-time equivalent officer, and we finished that year with two. Our investment in education and training has enabled us to deliver a program of considerable breadth and complexity, and it is being adapted to take into account forthcoming changes to the FOI Act. The program, as we have mentioned, includes evaluation measures and continuous improvement practices that we think will ensure that it remains agile and responsive for some time, for some years going forward. We have used highly qualified trainers. They have worked closely

with our staff, and that has helped us to upskill our own staff so that we have that internal capability to deliver training in the future. As Simone mentioned, we do anticipate that the forthcoming amendments to the Act, in particular those relating to binding professional standards and the expanded educative remit of the Information Commissioner, will strengthen the educative role of OVIC into the future.

To finish, I will briefly overview our planned activities for 2017–18. We will continue to maintain our strong focus on training and education. We will do that by investing in committing to higher BP3 targets, so 50 events and 750 attendees per annum. We will continue our role in delivering face-to-face training supported by e-learning modules. We will lead more stakeholder engagement activities with key public sector agencies and the general community to reflect that new remit. We will make a series of website enhancements to educate users on the new OVIC, in particular the inclusion of privacy and data protection, and we will implement a communications and stakeholder engagement plan to support the establishment of OVIC.

That brings me to the end of our presentation. Chair, I would like to thank you and the committee once again for the opportunity to address you today, and we are happy to take questions.

The CHAIR — Thank you very much. Thanks to both of you for that comprehensive presentation and indeed for your updated written document of 26 July 2017. That was helpful for us to get that updated some time subsequent to the initial submission, so thank you for that.

We have got a range of questions, and we will alternate through those. Can I start off by saying in terms of the assessment of the initiatives that you are undertaking, Ms Martin, you touched on the fact that there were surveys done of the participants. Could you explain that a little bit more to us in terms of how you get a sense of you hitting the mark, if you like, with your participants? Is that done in house, or is it a voluntary system where they fill that in? How robust is that, I suppose, is what I am getting to.

Ms MARTIN — Yes, sure. Before we commence our training we ask our participants to complete a pre-assessment survey. That comprises 10 to 15 questions where we ask individuals to self-rate their knowledge. That is particularly important for our FOI introductory session. On a Likert scale they are asked to assess where they sit. They then participate in the training, and then at the end of the training we administer that assessment survey again and we compare the results. Then we go through and we compare the percentages, and we are looking for a percentage gain in their knowledge and understanding of the content that they are exposed to during the training and then afterwards.

We also conduct an independent evaluation that they also complete at the conclusion of the training and submit that directly on the spot. The pre and post are all conducted online. We take those away, and we evaluate them. We do hard-copy paper evaluations on the day. Then we look for similarities and differences between when we run each burst of training, so we are looking for making sure that our programs remain relevant and cover off other contextual issues as well.

For example, when we ran our March training sessions, it was the first time that we had run them. We knew that they were very content heavy. There were timing issues in terms of getting through the amount of content, so we went back and took on board feedback that was provided through those surveys, for example. We engaged an instructional designer, and we redeveloped the content to make sure that it was more interactive. We rolled that out again in June. We modified our pre and post-assessment tests to reflect the modifications that we had made and then rolled out the training again in June. Then we compare those results to previous results, so it is a model of continuous improvement that we are using. We do not identify participants at the time that they complete them, so it is all independent, and we are able to conduct a fairly robust analysis of it.

The CHAIR — Do you get a pretty high take-up rate in terms of the responses?

Ms MARTIN — It is varied. We found that it is an issue. Certainly moving forward we are going to utilise online and mobile devices to address that issue. You are probably aware that we did use quite lengthy survey approaches, but with digital and emerging technology it is much more appropriate or expedient to do much shorter surveys and to gain the information much more quickly. We do a combination, depending on what the activity is and who the participants are, and we modify the tactics according to the channel that we are using. For example, we did amendments workshops last week, and we handed out evaluations directly at the end. We were able to quickly determine whether they were effective or not based on that.

Mr PURCELL — Thank you both for the overview. It really answered a lot of the questions that we had to start with, so that is certainly helpful. Just following on from the Chair, are there any methods that are better than other methods and that are improving, or are there changes as time goes on? Do you specifically change some of the methods of communication and training as time goes by?

Ms MARTIN — Yes, we do. Certainly when we did the training needs analysis, there was a big emphasis on regional training, for example. Agencies were very keen for us to be proactive in that space. We have offered bespoke training sessions to regional agencies, but it has proved difficult getting numbers to attend them when we actually go to run the events. We might have had conversations with six to 10 agencies, for example, and then when we have come to run the event, we have found that we have had relatively small numbers of between seven and eight to 10. So the way we have addressed that is, although they are reflecting that they have a desire to participate in training, we are finding things like online modules are particularly a really good method of engaging with regional and rural stakeholders. They are also particularly cost-effective, so we are finding that, where agencies receive a few FOI applications, they can look at an online module and get a broad understanding of the process and then go back and implement that within their office.

We are just mindful of changes in technology as they become available in the marketplace, and we then look for opportunities to apply them to our courses. Particularly in that e-learning space we think there is a lot that we can do there. We found with our website, for example, that the technology behind it is entirely responsive. People can access it from their mobile devices. We have seen a threefold increase in the number of page views and downloads of resources as a result of that. We are constantly looking at ways that we can evolve the program and embed some of those changes into our activities.

Mr PURCELL — Excellent, and through the training needs analysis that you did there would have been gaps that were identified. How does education and communication overcome those gaps?

Ms MARTIN — Because we had conducted it prior to the development of our program, we had the opportunity to make sure that what we developed reflected their needs. We knew, for example, that they were most interested in the top five most commonly applied exemptions, so we have tailored our masterclasses to meet that need. Likewise, we are developing online modules, and they will also reflect that need.

We asked them about who their training was provided by at the time that we did that needs analysis, and it was by and large by private practitioners or private organisations, so we saw a real opportunity for the commission to develop its own program and become a credible provider in that space.

Ms WINTON — We also spoke with our counterparts in other jurisdictions about what worked well for them and what worked less well, and that informed the development of our program as well.

Mr GIDLEY — I have a question to both of you. I note in the submission that you have indicated there is a small but well-established group of agencies who are not as cooperative as most other agencies, and there is a challenge in relation to that. Is that an educative challenge? You mentioned that there are some overly legalistic interpretations there. Do you see improvement in education as a means of breaking down that barrier, or, outside of the binding nature of what you have put forward that is going to come into place, are there other things that you think would assist in that?

Ms WINTON — We certainly do. We hope that the educative measures that we have managed to put in place will be one facet of a strategy that we use to deal with a very small cohort of agencies that take that legalistic, technical approach. The other measures will involve use of the enhanced regulatory powers that will be available to the new Information Commissioner and his or her office. But certainly our training program, insofar as it encourages proactive engagement with our office and demystifies how our office conducts reviews or deals with complaints, we hope will target that sort of behaviour.

Mr GIDLEY — Can I ask as a supplementary to that where that has come from? Is it a cultural aspect in the past that the education mechanisms have not been there? What do you both put it down to?

Ms WINTON — It is difficult to tell, but I think that would be one thing that has informed it. Other things might be purely situational — whether an agency does not have a lot of experience dealing with our office or whether in that particular instance an agency has some sort of motivation to not release documents. I think it might depend on those factors.

Ms MARTIN — I would agree. Certainly being in the training and education space has given a very public face to the Commission, probably for the first time, in terms of breaking down some of those barriers and being seen as a support for agencies to help them grow and expand their understanding of their obligations under the Act. We send along our senior case managers to attend our training sessions, and I know that agencies have certainly appreciated sitting around the table at our training and education sessions to get the Commissioner’s view or regulator’s view on practice issues as they arise.

Mr GIDLEY — On another matter I note that since early 2017 you have been providing the opportunity for other organisations or agencies to be able to seek training advice in terms of freedom of information and other things. You have talked about that going quite well. Given that it sounds like some of that is more cost-effective for some of those agencies compared to others in the marketplace — and I would imagine there are varying levels of understanding, knowledge and expertise in those organisations that are complying with FOI — do you see that as being able to continue to increase? It sounds like quite an exciting initiative which could lead to better FOI outcomes.

Ms WINTON — We certainly hope so. A lot of the program development costs that we have had to expend in the previous financial year really will set us up for the coming years. We expect that our costs going forward, particularly as we operate on a cost-recovery basis, will be relatively minimal, but we have certainly done a lot of the foundational work.

The CHAIR — We might conclude the hearing there, so thank you both very much for your time, Ms Winton and Ms Martin. We appreciate the comprehensive submission that you have given. As I said, we thank you for coming along to give that verbal evidence today. We may have some more questions for you as a result of our inquiry. We are just starting to finalise that, so we will come back to you if we need to. There are no questions on notice given, so we do not have to worry about that, but we might just come with a couple of other follow-up matters in due course. Thank you both very much for your time, and I declare the hearing closed.

Witnesses withdrew.