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**To:** [OAIC - Office Aus Information Commissioner](#)  
**Cc:** [KIND,Carly](#); [TYDD,Liz](#)  
**Subject:** Designing the Future OAIC - Commissioner briefing PowerPoint slides [SEC=OFFICIAL]  
**Date:** Wednesday, 7 August 2024 3:59:45 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[Internal presentation 7 August slides.pdf](#)  
[image004.jpg](#)

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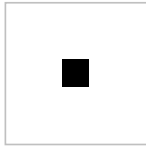
Dear Colleagues

Please find attached a copy of today's slides following the Commissioners' presentation to staff today.

Thank you for attending the session. We know that is a difficult time for many of you and we are seeking to give you as much information as we can as we work through our current challenges. The Commissioners urge you to attend tomorrow's EAP sessions if you are able and to find out what support is available. I look forward to seeing you there.

Regards

Angelene



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Australian Government

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# Designing the Future OAIC

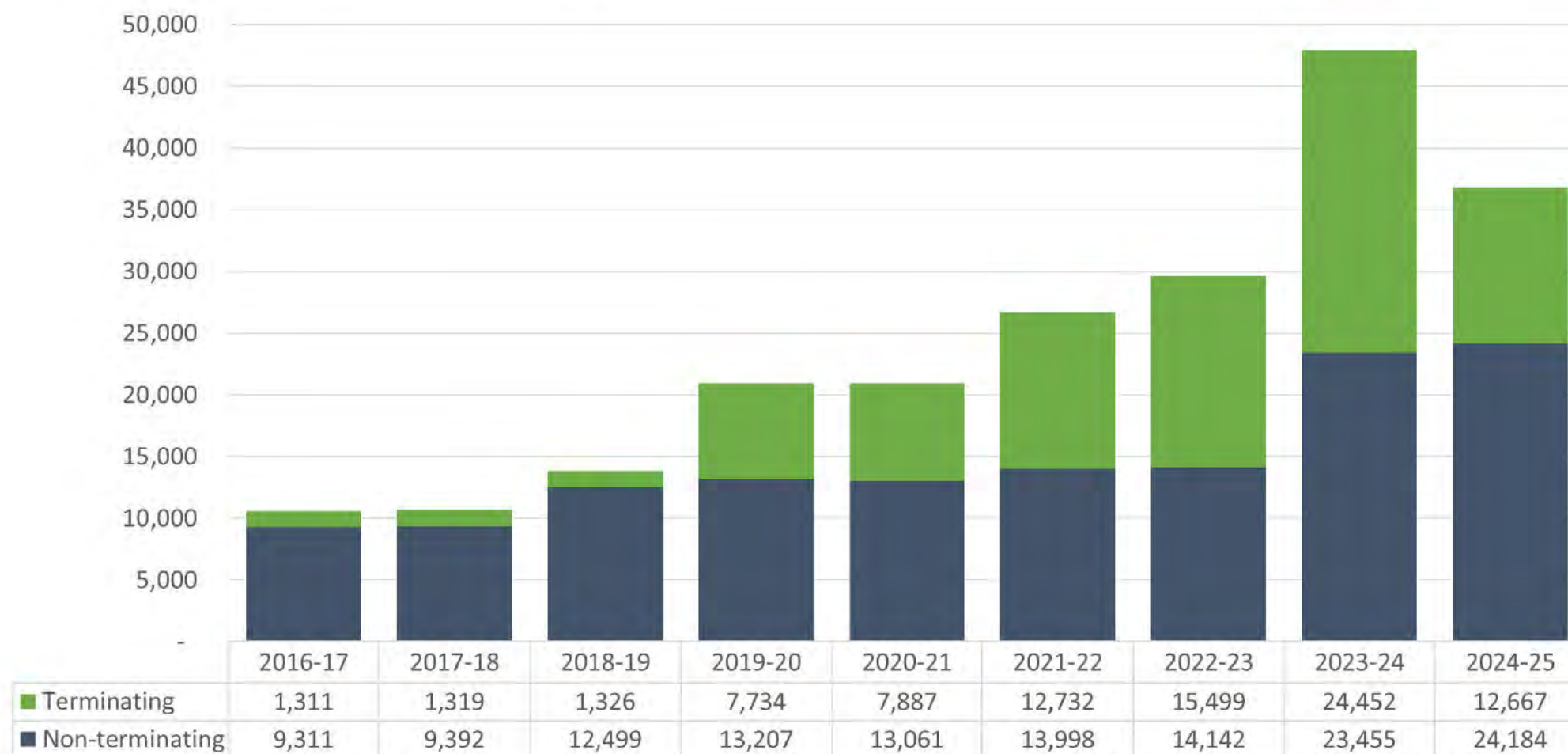
Commissioner briefing

7 August 2024



## OAIC's budget

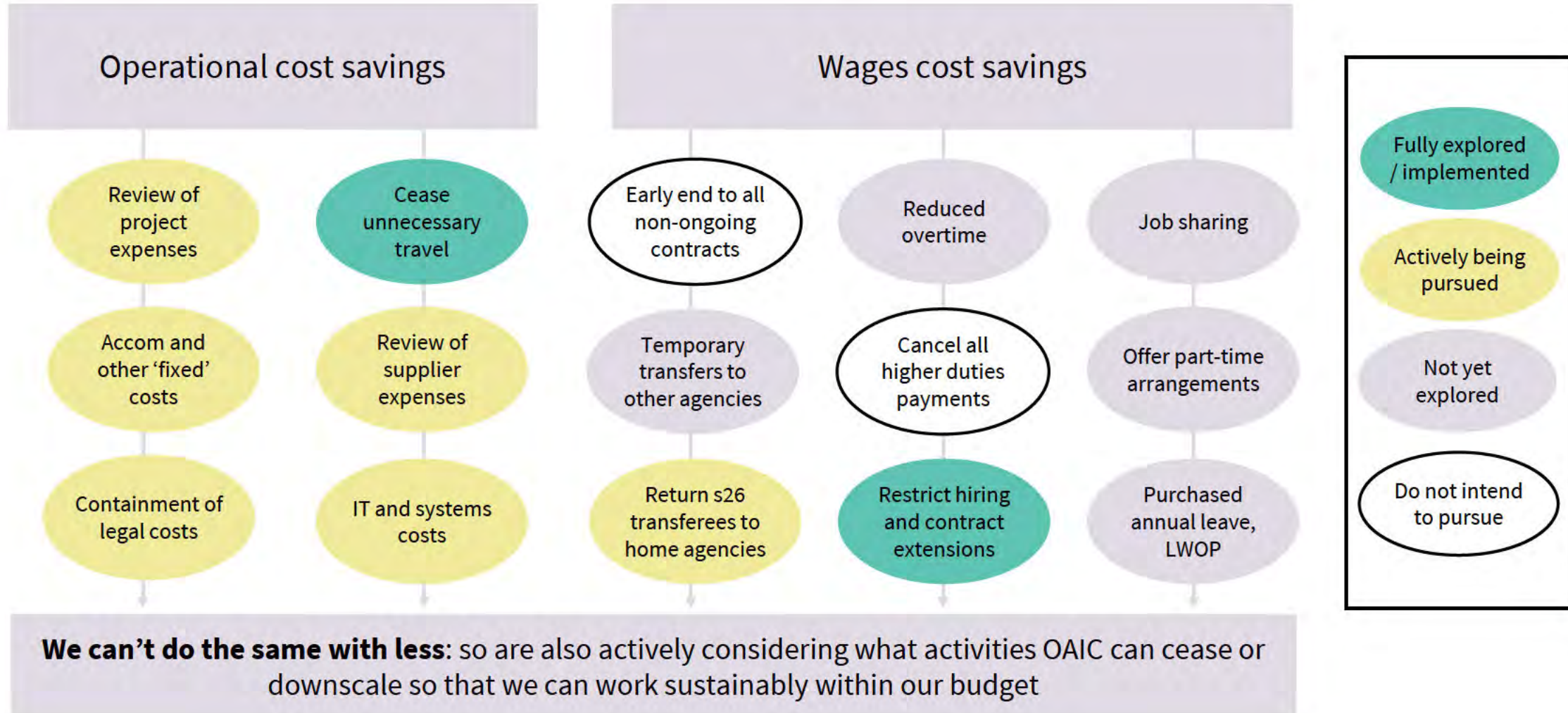
To help understand the scale of the budget challenge, this chart shows how our funding has changed over the years, and the significant reduction in 2024/25. **We are still modelling cost reductions to determine the precise impact our reduced budget on our staffing levels.**





# Cost containment

OAIC is exploring all possible cost savings. This diagram shows some of the cost 'levers' we have been exploring. **We would welcome input from teams and branches about potential areas of cost savings**





# Insights from staff workshops

Thank you to those who have participated in the staff workshops already. The Commissioners have found your feedback and engagement helpful and are considering how best to incorporate it into a proposed structure.

**Below is a short summary of some of the feedback we heard from the workshops last week.**

What we heard	How we're acting on it
<i>Communities of practice are generally well liked but there were suggestions for others that could be included.</i>	We are considering including CoPs for areas including CDR, Digital ID, FOI and Privacy (in the event that these regulated areas are combined).
<i>It is important to ensure an appropriate balance in the teams that complete discretionary, non-discretionary and supporting work, especially in light of budgetary concerns.</i>	We are re-considering the appropriate allocation of resources to ensure delivery of non-discretionary work. Including where discretionary may be scaled down.
<i>Combining of FOI and Privacy in one branch might not bring the efficiencies hoped for and could come at the expense of maintaining the specialised expertise we have developed in each domain.</i>	We are exploring mechanisms to maintain domain expertise. This could include communities of practice, specialised teams within branches, or indeed specialised branches.
<i>Separating the complaints continuum could create potential risk at the handover points. If unaddressed this could lead to inefficiencies, a lack of coordination and a larger administrative burden.</i>	We are considering the implications of separating the complaints continuum and exploring if this is the most effective allocation of resources across branches.

# What happens next

- **Late August:** we will share our proposed future structure and a plan to get there.
- **Aug-Sept:** further consultation on the proposed structure, with reference to the consultation framework of our enterprise agreement.
- **Sept onwards:** we expect this is when we will take steps to reduce our staffing levels – in a way that is both sensitive to the impact on individuals and also that sets our organisation up for future success.

*Decisions about reducing staffing and how are not finalised.*

*We are committed to supporting our people through whatever process we follow.*



# Changing our ways of working to deliver our priorities

Delivering our priorities will require us to changes our ways of working in line with the recommendations in the Strategic Review. In practical terms, some of these changes will include:

- Empowering and supporting:
  - EL employees to have clear responsibility for the day-to-day management of their teams, and ownership of the functions they oversee
  - Staff at all levels to have ownership of their cases or other assigned work, and to make decisions (and sometimes mistakes) about how they should be progressed
- Delegating decision-making to the lowest possible level
- Reducing the number of layers of review for all types of work
- Scaling our efforts on 'mandatory' work in ways that are proportionate to risk
- Being comfortable with an increased proportion of cases that are declined or resolved early
- Communicating changes to our approaches and priorities to all our external stakeholders



# Assistance available

## Our Employee Assistance Program (EAP)

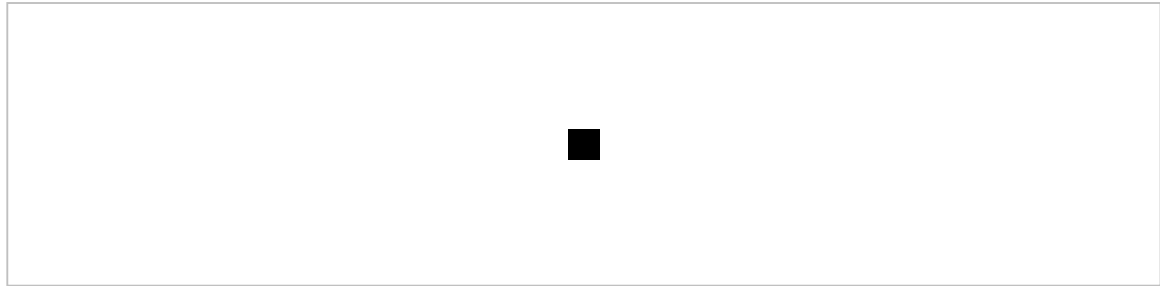
- Converge International is the OAIC's EAP provider and provides OAIC staff with access to a variety of areas of support. Under our agreement with Converge, each staff member has access to 6 sessions per year at no cost, however the agency will approve additional sessions as needed. As per the [OAIC Enterprise Agreement 2024-2027](#), this service is available at no cost and will be accessible by staff on paid time.
- The Converge International intake team can be contacted by phone on 1300 687 327 or by email at [eap@convergeintl.com.au](mailto:eap@convergeintl.com.au). You can also interact with our EAP by visiting [www.convergeinternational.com.au](http://www.convergeinternational.com.au) to access the 'Live Chat' service or to make a booking, or download the Converge App to connect with Converge through the Appointment icon.

## People and Culture

- Please reach out to Mark Smolonogov, Director of People and Culture, on 02 9942 4243 or on s 47E(d) s 47E(d) for any questions, support or to have a confidential discussion.
- Assistant Commissioners and the Commissioners are also available, so please consider reaching out to them to chat through any questions or concerns.

**From:** [TYDD.Liz](#)  
**To:** [OAIC - Office Aus Information Commissioner](#)  
**Subject:** Designing the Future OAIC - Decided Structure Update [SEC=OFFICIAL]  
**Date:** Wednesday, 9 October 2024 3:54:38 PM  
**Attachments:** [Designing the Future OAIC - Decided structure.pdf](#)  
[Presentation to all staff on decided structure October 2024.pdf](#)

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Dear Colleagues

I would like to thank all of you for the consideration, collegiality, and professionalism you have shown during the Redesigning the Future OAIC process. This collaborative effort has laid a solid foundation for the future of the OAIC as we move through the next stages of the organisation's journey.

### **Decided Structure**

We have now finalised the structure, ensuring it is well-balanced, fit-for-purpose and aligned with our vision for the OAIC. This structure represents an exciting new direction for the organisation. While we understand that not everyone will be fully satisfied with the changes, we believe that this outcome represents the best path forward for the organisation as a whole.

### **Ongoing Changes and Next Steps**

Over the coming weeks, we will map individuals to new roles and implement the structure. This will be a period of adjustment, and for some, the impact on individual roles may be greater than for others. We are mindful of this and we are here to support you. Please continue to demonstrate the positive, supportive culture we all value as we move through this process.

**Attached** you will find a copy of the slides from the all-staff presentation today and the Decided Structure Report which provide further details on the structure and next steps. It is important that we all remain aligned as we begin the work of embedding these changes.

### **Support During Transition**

We recognise the personal impact that structural changes can bring, and we are committed to supporting each of you through this period of transition. Please remember that the [Employee Assistance Program](#) (EAP) is available for those of you who may need additional support. The People and Culture team is also ready to assist.

The Commissioners, incoming Executive leadership, Reform Office, and People and Culture teams are working closely together to ensure a smooth transition. If you have any questions or need guidance, please do not hesitate to reach out to any of these groups for support during this process.

This is crucial step for the organisation. You may submit anonymous questions at any time through this [link](#). While change can be difficult, we believe these decisions are in the best interests of our long-term success.

Thank you for your continued commitment and professionalism during this time.

Liz



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# Designing the Future OAIC

## Future Structure



30 September 2024

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## Purpose of this document

The purpose of this document is to communicate the decision of the Governance Board on the new structure of the Office of the Australian Information Commissioner (the OAIC) to OAIC staff.

It is an updated version of the [structure proposal](#) presented to staff on 3 September 2024. It describes how the future structure of the OAIC was developed, the objectives it aims to achieve, and how some activities will be scaled to work at the reduced staffing level described in the structure.

It also describes what changes were made in response to the consultation, and what commitments OAIC is making to staff to support them through the transition to the new structure and in response to issues raised during the consultation.



# Background

## The OAIC is responsible for the regulation of privacy and information access across Australia

The OAIC (the agency) is the Australian national privacy and information access regulator. The OAIC regulates under the *Privacy Act 1988* (Privacy Act) and the *Freedom of Information Act 1982* (FOI Act) and plays a critical role in promoting, protecting and upholding the privacy and information access rights of the Australian community.

## Adapting to an evolving operational and regulatory environment

The operating environment of the OAIC is changing as advancements in technology, artificial intelligence and the growth of the digital economy affect information management and personal privacy. Rapid growth in these areas creates an increasingly complex and faster-evolving operating environment for the agency to regulate. Responding to these changes requires the right operating model to support effective regulation. In recent years the agency has undergone significant changes. These include:

- The implementation of a three-Commissioner model for the first time in many years
- A shift in regulatory environment and posture
- The introduction of structural changes
- A period of significant growth
- A transition to a hybrid workforce

Collectively, these changes necessitated a refreshed approach to governance and strategic decision-making arrangements.

## Objectives of the change

This change drives the OAIC's transition towards being a more effective, harm-focused regulator. There are several strategic imperatives underpinning this transformation, which include:

- **Changing the organisation's risk posture:** shifting towards a more harm-focused approach that considers risk in a proportionate manner and is not risk averse. This shift will require all parts of the agency to reconsider how risk is approached across regulatory activities in the OAIC.
- **Ensuring transparent information sharing across the organisation:** ensuring the OAIC's expertise is shared across the organisation. Going forward the OAIC hopes to foster collective vigilance and a deeper understanding of regulated entities, enhancing the effectiveness of regulatory interventions aimed at harm reduction.
- **Fostering greater collaboration:** collaboration across diverse functions is not just beneficial; it's imperative to achieving OAIC's strategic aims. Knowledge exchange across compliance, enforcement, policy, and case management, will drive a holistic understanding of privacy and FOI matters. Insights from frontline enforcement can inform policy development, while policy teams can guide compliance officers on the latest frameworks and thresholds, ensuring a unified, effective regulatory approach.

- **A focus on the core regulatory role of the OAIC:** the OAIC oversees the regulation of privacy and information rights. This includes a variety of functions including case management, investigations, policy and guidance development and support and education of regulated entities. Going forward the OAIC hopes to foster a culture whereby resources are balanced according to the regulatory priorities of the Commissioners.
- **Responding to a changed authorising environment:** the Commissioners' vision is informed by, among other things, the authorising environment of the organisation. The May 2024 budget reflected a shift in the authorising environment, with the cessation of terminating measures that funded major investigations and privacy work relating to social media and online platforms. This signalled a change in expectations that requires a shift in how the OAIC operates. More specifically, it sent a signal about where the OAIC does, and does not, spend its time.

### Ensuring the structure of the OAIC is fit-for-purpose

The Attorney-General's Department (AGD) commissioned Nous Group (Nous) to conduct a Strategic Review of the agency (the Review) to ensure that it remains well positioned to deliver its functions into the future. The Review concluded that despite recent reforms, the agency's regulatory posture and operating model did not support the OAIC to meet its future challenges as a regulator.

The Review recommended that the OAIC update its organisational structure to achieve its purpose and future functionality. It recommended this occur after the new Commissioners commenced in their roles to bring life to their identified strategic imperatives. The Review concluded that despite recent reforms, the agency's regulatory posture and operating model do not support the OAIC to meet its future challenges as a regulator.

The OAIC engaged Nous to assist them to develop a structure to achieve the strategic imperatives underlying the change. Nous engaged with staff across the OAIC to develop a structure proposal, which was put to staff for consultation as a 'major change' under OAIC's Enterprise Agreement on 3 September 2024.

This report describes the structure that has been decided on by OAIC's Governance Board following that consultation.

## Strategic imperatives and Commissioners' vision

The Commissioners are seeking to engender a fundamental change in how the OAIC works. This change is aimed at driving a transition to a more effective, harm-focused regulator.

There are several strategic aspirations underpinning this transformation, which include:

**Changing the organisation's risk posture:** Key to the implementation of this new vision will be the shift towards a more harm-focused approach that considers risk but is not risk averse. This shift will require all parts of the agency to reconsider how risk is approached across regulatory activities in the OAIC.

The Commissioners want the OAIC to be a leader in the provision and practice of FOI and privacy regulation, review and case management. This requires expertise to be recognised and built across the agency. In doing so, the Commissioners recognise the multiple complementary forms that expertise can take. To enable its core FOI and privacy regulatory work, the OAIC needs to also build legal, intelligence, regulatory strategy and corporate expertise, balancing each to ensure they all contribute to the strategic, operational and tactical decisions of the organisation.

This means:

- Entrusting FOI and privacy regulatory and operational staff in OAIC to make sound decisions and progress their work without over-reliance on multiple layers of review, legal advice (both internal and external), or use of consultants and external experts.
- Taking regulatory action in ways that are informed by an assessment of impact, or that are novel or less likely to succeed, where the possible benefits justify the risk.
- Being confident to not spend time and resources on particular issues where the benefit to the community does not justify this, even in the face of pressure from external stakeholders, the public, or strongly-invested individuals.
- Applying resources to OAIC's corporate compliance obligations in a manner that is fit for size and purpose (e.g., security, risk management, procurement) and proportionate.

**Ensuring transparent information sharing across the organisation:** ensuring the OAIC's expertise is shared across the organisation is critical to enabling the change to risk posture. It supports a unified approach to identifying and mitigating risks and enabling swift and informed responses. Going forward the OAIC hopes to foster collective vigilance and a deeper understanding of regulated entities, enhancing the effectiveness of regulatory interventions aimed at harm reduction. Likewise reporting publicly and being an accountable regulator will inform our future operations.

This transparency and unity also builds public trust, affirming that the OAIC actively protects privacy and information rights.

This might mean:

- Ensuring that as many staff as possible can access and benefit from professional advice received by the OAIC.



- Creating informal and formal mechanisms for staff to exchange knowledge.
- Building our information systems to support information and data being as accessible as possible to as many relevant OAIC staff as possible.

**Fostering greater collaboration:** collaboration across diverse functions is not just beneficial; it's imperative to achieving OAIC's strategic aims. Knowledge exchange across compliance, enforcement, policy, and teams, will drive a holistic understanding of privacy and FOI matters. Insights from frontline enforcement can inform policy development, while policy teams can guide compliance officers on the latest frameworks and thresholds, ensuring a unified, effective regulatory approach.

When different functional areas work in concert, they amplify their collective insights, leading to more nuanced risk assessments and targeted interventions. This unified force anticipates industry shifts and pre-emptively address potential harm before it materialises. The Commissioners are driving towards a collaborative culture that builds OAIC resilience and enhances credibility and capacity to safeguard public interests.

This might mean:

- Building formal and informal opportunities for OAIC staff to work together and get to know each other socially, especially across team lines.
- Organisational structures that support cross-functional teams and working, and mobility of staff between different roles.

**A focus on the core regulatory role of the OAIC:** the OAIC oversees the regulation of privacy and information rights. This includes a variety of functions including case management, investigations, policy and guidance development and support and education of regulated entities. Going forward the OAIC hopes to foster a culture whereby resources are balanced according to the regulatory priorities of the agency. At this stage this requires a shift of resourcing towards case management functions and an associated shift in focus of legal and corporate functions to supporting roles.

This might mean:

- Empowering staff across the OAIC to engage in new and different aspects of their regulatory focus
- Rebalancing resources across the agency from leadership or management functions to frontline staff
- In the context of a likely more constrained financial situation moving forward, focus on those activities that directly protect and uphold the information rights of the community, with less focus on strategically non-core activities.

**Responding to a changed authorising environment:** the Commissioners' vision is informed by, among other things, the authorising environment of the organisation which is encompassed in:

- the regulatory legislative instruments across privacy and FOI,
- other legislative and whole of government requirements, and
- the Government's expectations of the OAIC.

The May 2024 budget reflected a shift in the authorising environment, as the cessation of terminating measures that funded major investigations and privacy work relating to social media and online platforms. This signalled a change in expectations that requires a shift in how the OAIC operates. More specifically, it signals an expectation of where the OAIC does, and does not, spend its time.

OAIC needed to reduce its staffing profile from around 200 full-time equivalent staff (as at July 2024) to around 162 FTE, a reduction of approximately 38 FTE, at the same time as substantially reducing its external expenditure; especially legal expenditure. This requires the OAIC to work more efficiently, but also mean some activities that were funded by terminating funding (and related or enabling activities that were supported by that funding) must be scaled back or ceased.

The budget outcome signals a requirement for the OAIC to efficiently deliver on its regulatory mandate. This efficiency driver is not the primary force for change but is an important element that must be considered in designing the future OAIC.

## OAIC's Guiding Principles

The Commissioners have distilled their strategic intent in a clear set of guiding principles that outline the vision for the agency. These have been outlined in the agency's 4 Pillars (4Ps). These principles articulate the OAIC's strengths and the Commissioners' expectation that will inform the activity of the agency. These principles support the agency to regulate in a risk-based and strategic manner.

### OAIC's Four Pillars

#### OAIC Guiding Principles



## Statement of regulatory approach

These principles are supported by the statement of regulatory approach, which provides a central reference point for how decisions are to be made and the prioritisation of regulatory matters. The statement is as follows:

*The OAIC's regulatory approach uses both encouragement and deterrence to promote and protect privacy and information access rights. We apply a proactive and harm-focussed approach to prioritise our efforts. We take regulatory action to encourage and support compliance by regulated entities and to address high-risk matters with the greatest potential for harm.*

*We will be more likely to take regulatory action in response to issues:*

- *that create a risk of substantial harm to individuals and the community, especially to vulnerable people and groups*
- *that concern systemic harms or contraventions*
- *where our action is likely to change sectoral or market practices, or have an educative or deterrent effect*
- *that are subject to significant public interest or concern*
- *where our action will help clarify aspects of policy or law, especially newer provisions of the Acts we administer.*

*We take regulatory action in a consistent, transparent and proportionate manner. When deciding on which regulatory tools to use, and how to use them, we:*

- *identify the risks of harm we are responding to, and the likelihood and possible consequences of those risks*
- *respond in ways that are proportionate, consistent with the expectations of the community and the Government, and manage risks to adequately protect the public*
- *take timely and necessary action*
- *seek to minimise regulatory burden and cost.*

## OAIC's strategic priorities

The OAIC priorities for FY25 outline the activities that have been identified by the OAIC as best supporting the OAIC to meet government requirements and effectively regulate privacy and information access. These priorities are not intended as an exhaustive list of the activities to be completed by the OAIC, rather they outline how the activities to be completed will be prioritised.

The priorities, outlined below, reflect both the unique priorities of FOI and Privacy functions alongside the priorities that will have an impact on the OAIC as a whole.

## Commissioners' strategic priorities FY25

### FOI

1. Promote Open Government to better serve the Australian community
2. Increase OAIC FOI regulatory and case management effectiveness
3. Uplift agency capability in the exercise of FOI functions
4. Make FOI compliance easier

### PRIVACY

1. Promote privacy in the context of emerging technologies and digital initiatives
2. Increase OAIC privacy case management effectiveness
3. Develop a cohesive regulatory and enforcement strategy
4. Improve compliance through articulating what good looks like

### ENTERPRISE

1. Design and build the future OAIC
2. Implement priority recommendations from the tech systems review
3. Ensure the OAIC maintains international and domestic commitments
4. Reform our approach to delivering legal services and reduce legal spend
5. Promote timely legislative reform and ensure it is informed by regulatory expertise

Our priorities will guide our approach to BAU work across the OAIC.  
We will deliver all of our work in line with our 4 pillars.

# OAIC's Future Structure

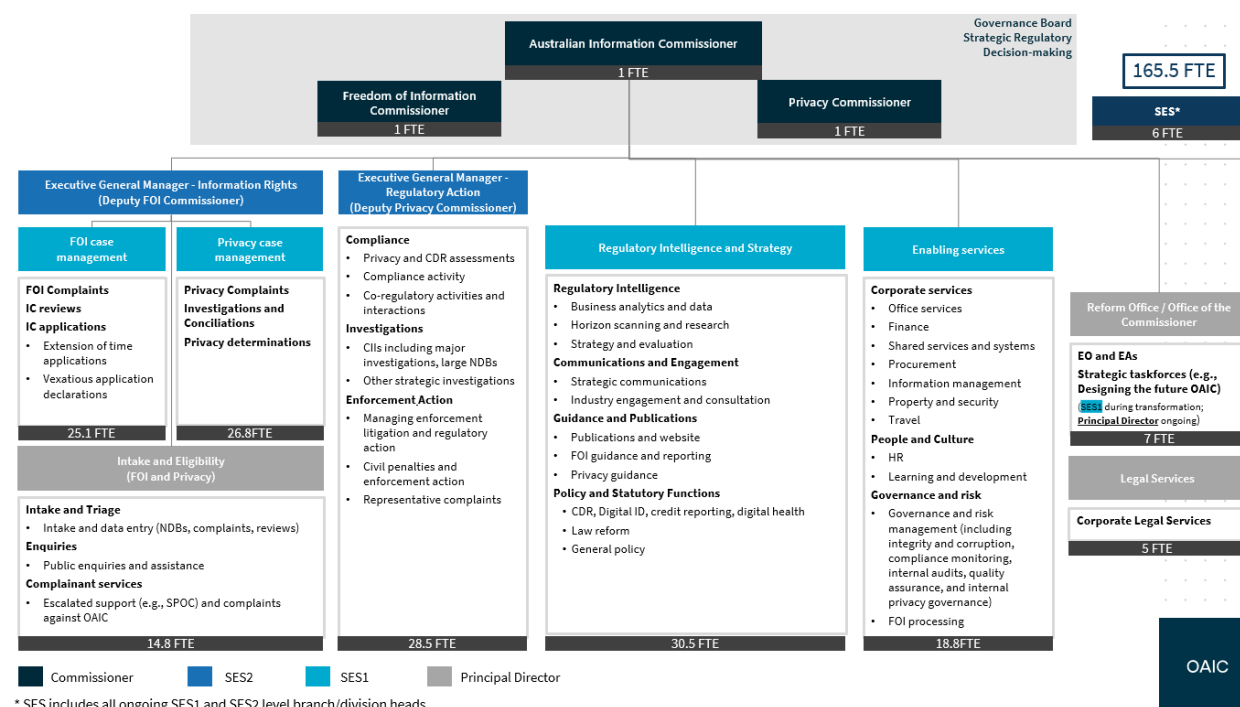
The future structure is designed to support the OAIC to achieve its regulatory objectives. This structure seeks to combine elements of privacy and FOI where practicable while retaining and highlighting regulated area expertise.

The structure outlines the divisions, branches, and teams for the OAIC. Teams represent a grouping of functions to be completed by a group of OAIC staff. The operational structure of each branch or team will be further defined by branch leadership and staff through the transition, supported by the Transformation Office and Commissioners.

There is variance in the level of leadership across branches which reflects the level of risk and workload associated with different branches. The structure designates the level of leadership for each branch and in the case of the Information Rights division, grouping of branches. This structure includes two SES2 Executive General Managers, who in addition to their management and leadership role over their division/branch, have a dual role working as deputy to the FOI Commissioner or Privacy Commissioner. The structure also implements a number of principal directors to lead smaller branches (and possibly larger or more complex functions within branches) where appropriate.

Communities of practice will be developed to support cross-branch information and process sharing across the agency.

## Future Structure of the OAIC





The following FTE allocations are indicative and may vary slightly depending on which staff are mapped to roles (e.g., due to part-time arrangements).

		FTE
<b>Information Rights</b>		
	Intake and Eligibility	14.8
	FOI Case Management	25.1
	Privacy Case Management	26.8
<b>Legal Services</b>		5
<b>Regulatory Action</b>		
	Enforcement Action	3.6
	Investigations	14.4
	Compliance	10.5
<b>Regulatory Intelligence and Strategy</b>		
	Regulatory Intelligence	5
	Communications and Engagement	4
	Guidance and Publications	8
	Policy and Statutory Functions	13.5
<b>Enabling Services</b>		
	Corporate Services	9
	Governance, Risk and Compliance	5.8
	People and Culture	4
<b>Reform Office / Office of the Commissioner</b>		
	Executive Support	3
	Strategic Transformation	4
	(Reform Office)	
<b>Executive</b>		6
<b>Commissioners</b>		3
<b>TOTAL</b>		<b>165.5</b>

## Changes to structure in response to consultation

This section of the report describes what structural decisions the OAIC Governance Board decided to make to the proposed structure to respond to issues arising in feedback. The following changes have been decided:

1. Adjust staffing levels to address areas of greatest need
2. Rebalance staffing towards operational and frontline staff
3. Maintain specialist expertise via SMEs
4. Clarify role of deputy commissioners
5. Minimise disruption by direct appointment
6. Provide incoming teams and leaders flexibility to refine team roles
7. Clarify team roles and responsibilities
8. Create new roles to add required capabilities

### Adjust staffing levels to address areas of greatest need

Numerous pieces of feedback suggested that additional staffing resource should be applied in various areas. Due to the OAIC's limited budgetary envelope, most of these could not be accommodated. However, it is proposed that the following changes be made to the Structure Proposal in response to this category of feedback:

- **Governance, Risk and Compliance:** An additional 1 FTE at the APS 3 or APS 4 level be added to the GRC team to support all activities of the team (FOI, privacy management, and other GRC work).
- **Regulatory Intelligence and Strategy Branch:** An additional 2 FTE at the APS 4 to APS 6 level be added to the RIS Branch to support the team to manage OAIC's various specialist statutory functions (e.g., Digital ID, CDR, consumer credit) and its law reform work, within a proposed Policy and Statutory Functions team.
- **Rebalancing determinations and case management:** To rebalance resourcing within the privacy case management team, 2 FTE that were proposed to be placed in the determinations function will instead be placed in the investigation and conciliation function. This is intended to maintain the current balance of resourcing between those functions, which includes some staff who are completing case management (rather than determinations work) reporting to the determinations director.

### Rebalance staffing towards operational and frontline staff

Many responses noted the importance of retaining and bolstering staff at the APS levels (and reducing the proportion of staff at the EL1, EL2 and SES levels) to ensure the OAIC can work efficiently. To respond to this, while filling roles in the new structure the OAIC will seek to reduce senior roles to maintain operational staffing levels. This is intended to maximise the ability of the OAIC to retain and recruit frontline and operational staff at the APS levels by reducing or combining senior roles. In

mapping roles to the future structure, where staffing needs to be reduced, wherever possible OAIC will seek to preserve roles at operational levels by reducing senior roles instead.

## Maintain specialist expertise

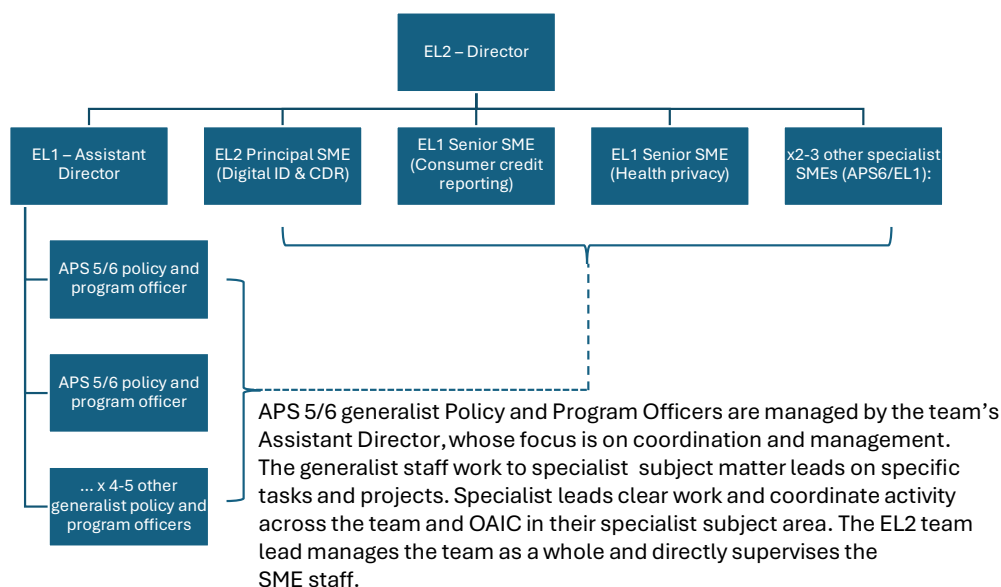
The structure of the RIS branch is proposed to be significantly modified to support the retention of specialist expertise:

- **Assign SMEs to preserve and enhance expertise in policy and specialist statutory functions:**  
Specific EL2, EL1 and APS6 roles are created as subject matter leads in a proposed new **Policy and Statutory Functions** team. These roles' responsibilities would include, for their specific areas of expertise, managing external stakeholder engagement, establishing and leading communities of practice (as required), coordinating OAIC activities in connection with their area of speciality, and managing generalist staff (individuals or teams) on a temporary or taskforce basis on specific projects and tasks, and developing strong subject matter expertise in their area. The specialist roles are:
  - Principal SME (Digital ID and CDR) – EL2
  - Senior SME (Consumer credit) – EL1
  - Senior SME (Health privacy) – EL1
  - Senior SME (Privacy legislation and reform) – EL1
  - Senior SME (FOI legislation and reform) – EL1
  - Senior SME (Data breach and security) – EL1
  - SME (EDR schemes) – APS6

*The levels indicated in the list above and diagram below are indicative only and may vary as individuals are appointed to roles.*

- To provide these staff with sufficient time to take on this range of responsibilities, it is proposed that they have limited direct line management responsibilities, and the team operate in a matrix structure. The team's Director (EL2) and Assistant Director (EL1) would be responsible for coordination and management of the team to ensure the SMEs have capacity to focus on their subject areas. This approach balances the need to respond to terminating funding and embed a BAU approach whereby expertise and resourcing is retained and shared as distinct from the discrete allocation of resourcing which has not served the OAIC well. This is summarised in the following diagram:

### Legislation and statutory functions



- **Ensuring appropriate expertise in guidance development team covers FOI and privacy:**

Respondents raised concerns about ensuring an appropriate range of specialist expertise in the RIS guidance team, especially ensuring that both FOI and privacy expertise was retained. The specialist structure of the proposed **Legislation and Statutory Functions** team detailed above will ensure this. For the **Guidance and Publications** team this will be achieved by ensuring that the following specialist roles are included in that team

- **Senior SME, FOI Guidance (EL1):** Responsible for coordinating OAIC's FOI guidance, including the FOI Guidelines.
- **Senior SME, Privacy Guidance (EL1):** Responsible for coordinating OAIC's privacy guidance, including the APP Guidelines.
- **Policy and Program Officers (APS 5/6):** It is expected this team will contain approximately three APS 5/6 Policy and Program Officers who are generalist staff able to work on both FOI and privacy guidance. However, in mapping staff to this team, OAIC will ensure that one of the three staff will have a primary background in FOI guidance and the balance will have a background in privacy guidance.

- **Allocation of specialist corporate roles to designated personnel:** Respondents raised concerns about the absence of several specialist roles in the structure. Due to OAIC's size, it is not possible for the OAIC to have all key specialist corporate roles assigned to individuals, as would be the case in larger agencies. Carrying out the responsibilities of these roles will need to

be one of multiple responsibilities individual staff hold. The roles that were highlighted by staff during consultation are proposed to be assigned in the following manner (though this may be revised as individuals are placed in roles and role descriptions are fully developed):

- **General Counsel** (as described in the AGLS General Counsel Charter): role carried out by Head of Legal amongst other responsibilities
- **Chief Operating Officer**: role carried out by General Manager, Enabling Services amongst other responsibilities.
- **Chief Security Officer**: role carried out by General Manager, Enabling Services amongst other responsibilities.
- **Chief Financial Officer**: this role may be progressively transitioned to the General Manager, Enabling Services amongst other responsibilities.
- **Chief Information Security Officer/Chief Information Officer**: roles carried out by Director, Corporate Services amongst other responsibilities.
- **Privacy Champion**: role carried out by General Manager, Enabling Services amongst other responsibilities.
- **Privacy Officer**: role carried out by Director, Governance Risk and Compliance amongst other responsibilities.

## Clarify roles of Deputy Commissioners

The roles of the Deputy Commissioners will be amended to make clearer that their primary responsibility is leading and managing their divisions. While they will retain a role of supporting one of the Commissioners, their primary titles will reflect their leadership role. This will be achieved through the following changes:

- **Change of title:** The titles of the Deputy Commissioners will be amended to:
  - Executive General Manager, Information Rights / Deputy FOI Commissioner
  - Executive General Manager, Regulatory Action / Deputy Privacy Commissioner
- **Reporting to Information Commissioner:** The Executive General Managers / Deputy Commissioners will report to the Australian Information Commissioner in relation to the leadership of their division. While they will support one of the other commissioners as their deputy, this will not be a direct reporting or supervisory relationship.

## Minimise disruption through the transition

Multiple staff raised concerns about the effects of adjusting team structures within the OAIC's case management functions. To minimise disruption, it is proposed that FOI Branch and Dispute Resolution Branch be translated to the new structure with their existing team and reporting lines unchanged to the greatest extent possible. The optimum team structures for these areas will need to be further considered and developed by the incoming leaders of those teams, working with staff in those teams and supported by the Reform Office over the next 3-6 months. The parts of those branches which cannot be mapped directly are:



- **FOI Branch:** The current FOI team will be directly appointed in its current structure to the proposed case management team, subject to the following exceptions:
  - **Monitoring, Guidance & Engagement team:** functions moved to Regulatory Intelligence and Strategy branch.
  - **FOI Intake & Early Resolution team:** portion of functions (associated with staffing of approximately 5 FTE) moved to Intake Branch.
- **Dispute Resolution Branch:** The current DR team will be directly appointed in its current structure to the proposed privacy case management branch, subject to the following exceptions:
  - **NDB team:** functions move to Intake, Regulatory Action and RIS branches.
  - **Conciliation team:** functions move into other teams in Privacy Case Management branch.
  - **CII team:** functions move to Regulatory Action branch.
  - **Enquiries and early resolution:** Functions of the Enquiries Team moves to Intake Branch (Enquiries) and portions of the function of the Early Resolution team (associated with staffing of approximately 2 FTE) move to Intake Branch (Complainant Services).

## Empowering appointed leaders and teams to define team functions

Feedback from numerous respondents identified concerns about specific details within the proposal. This has highlighted that further work is required to fully define team roles. To provide appointed leaders and teams an ability to consider the team descriptions and lists of functions in greater detail, the detailed team descriptions have been streamlined and it will be the responsibility of the incoming team leaders and staff to further develop the descriptions of their teams. This should occur over 3-6 months, with the teams involved working with Commissioners and other internal stakeholders, with support from the Transformation Office/Reform Office.

## Clarify team roles and responsibilities

Respondents provided a range of suggestions about specific changes to team roles, functions, and names, which are proposed to be addressed through the following changes:

- **Communications and engagement team:** The proposed Stakeholder Engagement team has been renamed to **Communications and Engagement** to reflect its important communications role.
- **Division of communications and publication work:** To provide clarity between the Communications and Engagement and the Guidance and Publications teams, roles responsible for publications (e.g., annual reports) and the website have been moved into the Guidance and Publications team. This provides the Communications and Engagement team a focus on

industry engagement and communications; and the Guidance and Publication team a focus on published guidance material, including how it is presented.

- **Legal team advisory role:** The proposal suggested the legal services team would focus on particular areas of law (e.g., contract, HR, procurement), and staff queried if this was the intention. The proposal has been amended to clarify that the legal services team will be OAIC's general in-house legal practice. That means it may sometimes advise on (or support staff to seek external advice on) regulatory matters and questions of statutory interpretation.
- **Legal team advocacy role:** Several respondents noted concerns about OAIC lawyers being asked to have advocacy roles in administrative proceedings, and that this should be a longer-term aspiration. The proposed structure retains a function of legal team lawyers appearing for the OAIC in administrative matters as appropriate, but it is noted that this will likely not be feasible in the short term due to existing staffing and expertise. In the medium term is likely only possible for a proportion of straightforward matters due to expected workloads within the team at its reduced staffing level.
- **Focus Transformation Office on reform:** Responsive to feedback regarding anticipated reform in a number of areas including privacy and FOI, the Transformation Office will focus on both internal operational transformation, and over time shift to a focus on OAIC's technical support for external reform agendas. Accordingly it will be renamed the Reform Office.

## Create new roles to provide additional capabilities

Based on feedback, several specific roles have been identified as needing to be created to support the development of new capabilities. These are:

- **Regulatory Intelligence team:** Within the proposed regulatory intelligence team within existing FTE allocations, two new roles responsible for **Strategy and Evaluation (EL1)** and **Horizon Scanning and Research (APS 6)** will be created.
- **Communications and engagement:** Within the proposed Communications and Engagement team within existing FTE allocations, a new EL1 role responsible for Industry Engagement and Consultation will be created.
- **Responsibility for representative complaints:** One of the roles in the proposed Enforcement team within existing FTE allocations will be directly responsible for managing and coordinating OAIC's representative complaints work and other casework requiring cross-branch coordination.
- **Administrative support to GRC and FOI:** As noted above, an additional administrative staffing resource is proposed to support OAIC's GRC and FOI processing work.

## Commitments to Staff

It was not possible to implement many of the suggestions made by staff during consultation on the structure.

To address the concerns raised in the consultation, OAIC makes the following **commitments** to staff to address concerns raised in the feedback and address potential negative effects of the move to the new structure. The proposed eight commitments are shown in the following table, as well as actions that could be taken to address the commitments.

More work needs to be done to make these commitments concrete, with specific actions, timeframes, responsibilities, and mechanisms for measuring and reporting success. This level of detail will require input from the incoming leadership team, so will be developed following the appointment of leaders to SES positions in the structure.

Commitment	Possible actions
<b>Provide certainty and stability as soon as possible through fair and transparent decision-making</b>	<ul style="list-style-type: none"> <li>• Expedite processes to assign staff to roles and provide certainty</li> <li>• Provide a factsheet to OAIC staff about how roles will be filled in the new structure demonstrating a fair and transparent process</li> </ul>
<b>Ensure continuity and support through the transition to OAIC's new structure</b>	<ul style="list-style-type: none"> <li>• Transformation Office/Reform Office to develop continuity plan in October working with branch leadership</li> </ul>
<b>Implement strategies to ensure appropriate workloads</b>	<ul style="list-style-type: none"> <li>• Enhanced reporting</li> <li>• Clarification of priorities</li> <li>• Fewer clearance points</li> <li>• Increased guidance and support</li> <li>• Appropriate escalation</li> <li>• Clearer internal KPIs</li> <li>• A robust learning and development program</li> </ul>
<b>Bolster OAIC's culture to be more open and collaborative</b>	<ul style="list-style-type: none"> <li>• Commissioner expectations on leaders to drive positive culture change</li> <li>• Building on a culture of sharing expertise</li> <li>• Consider enhancing OAIC's knowledge management approach</li> <li>• Cross team collaboration initiatives</li> </ul>

<b>Support remote work and explore opportunities for in-person collaboration</b>	<ul style="list-style-type: none"> <li>• Whole-of-office in person collaboration and planning event in early 2025.</li> <li>• Exploring opportunities for in-person working including (if and when budget permits) work spaces in population centres other than Sydney.</li> </ul>
<b>Continue direct communication and engagement between OAIC Commissioners and staff</b>	<ul style="list-style-type: none"> <li>• Commitment to regular all staff engagements and the use of a range of mechanisms to communicate</li> <li>• Continuing support to Weekly Wrap</li> <li>• Governance structure and commissioner lead projects allowing for direct working between staff and commissioners</li> </ul>
<b>Provide staff development to support transition to new roles and continuing career growth</b>	<ul style="list-style-type: none"> <li>• For staff moving into new or modified roles at the OAIC: training and development to support their move.</li> <li>• For staff whose roles may be excess to the OAIC's requirements in a reduced budget environment: support in seeking other roles (such as targeted training on job applications and CV writing for those affected staff).</li> <li>• Support staff to take up temporary opportunities to work in other agencies.</li> </ul>
<b>Support staff, including legal staff, to meet their professional obligations</b>	<ul style="list-style-type: none"> <li>• Support OAIC staff to engage with professional organisations to manage their obligations</li> <li>• Learning and development supporting continuing professional accreditations</li> </ul>
<b>Continue to enhance OAIC's processes and systems</b>	<ul style="list-style-type: none"> <li>• Transformation Office/Reform Office support for process reform</li> <li>• Prioritisation of systems improvements as soon as budget allows</li> </ul>

## Team descriptions

One of the outcomes of the consultation with staff was that branches and teams would be given greater flexibility to define the scope of activities of each section. To provide that flexibility, the level of detail below is less than in the consultation proposal that was sent to staff. Staff may still refer to the more detailed descriptions in the consultation report as a starting point.

### Executive team

Implementing the Commissioners' strategic intent and responding to the OAIC's changed operating environment requires an adjustment to the staffing profile and roles of its executive teams, as well as reducing the overall size of the executive.

Two SES2 roles are designated in the future structure:

- Executive General Manager - Information Rights
- Executive General Manager - Regulatory Action

These roles will be responsible for managing a division of the OAIC and will also each serve as a deputy to one of OAIC's Commissioners.

The EGMs report to the Australian Information Commissioner in relation to the leadership of their division. While they will support one of the other commissioners as their deputy, this will not be a direct reporting or supervisory relationship. The Privacy Commissioner retains primary oversight for privacy activities (regardless of which division they occur in) while the FOI Commissioner retains primary oversight of FOI activities, regardless of which division or team these activities occur within.

Other branches are led by either an SES1 General Manager or a Principal Director (an EL2 whose responsibilities and remuneration sit at the mid-point between an EL2 and SES1 role).

The change in title of SES1 employees from Assistant Commissioner to General Manager signals a realignment from subject-matter (FOI or privacy) and operational decision-making, towards leadership and strategic management for these roles.

Executive support arrangements sit within the Office of the Commissioner.

### Information Rights division

The information right division oversees the management of all FOI and privacy cases from pre-intake enquiries to resolution. It is also responsible for the OAIC's interactions with members of the community, for example the OAIC's public enquiries function. This division includes three branches:

- Intake and Eligibility (14.8FTE)
- FOI Case Management (25.1FTE)
- Privacy Case Management (28.5FTE)

Regulated areas are combined in the intake and eligibility branch, with complicated and extended case management served by a distinct branch for each regulated area. These Branches support and oversee



process innovation for the completion of case work and share learnings across all teams in this division, regardless of regulated area.

This division is overseen by the Executive General Manager - Information Rights (Deputy FOI Commissioner). Each team is overseen by either an SES1 General Manager or Principal Director depending on the nature and scale of work and level of risk associated with the branch.

To minimise disruption as the agency transitions to the new structure, the FOI Branch and Dispute Resolution Branch will be translated with their existing team and reporting lines unchanged to the greatest extent possible. The optimum team structures for these areas will need to be further considered and developed by the incoming leaders of those teams, working with staff in those teams and supported by the Transformation Office.

## Legal services

The Legal Services team (5 FTE) provides expert legal advice and supports the OAIC's Commissioners and Executive, specifically on high-priority matters related to statutory obligations, administrative law, and broader regulatory enforcement. This team plays a critical role in managing litigation brought against the Commissioner. Supporting external legal representation for complex, high-risk cases, and handling court-based litigation. The Legal Services team concentrates on corporate legal matters, including industrial relations, contract management, procurement, and administrative law ensuring that the OAIC's operations are compliance with relevant legislation and regulations. This branch also serves as the point of legal expertise in supporting OAIC's Information Commissioner in tribunal appearances, providing critical legal input, though where necessary supported by external advocates.

## Regulatory Action

The Regulatory Action branch oversees the management of compliance, investigation and enforcement to promote adherence to the FOI Act and Privacy Act. This includes the management of Commissioner-initiated and some high-risk complaint investigations, complex NDB matters, general and funded assessments (including those for CDR and digital ID), and the enforcement of privacy and FOI legislation through legal action. This division is expert in enforcement, investigations, and litigation, and ensures the OAIC can regulate proactively and strategically.

This team is overseen by an SES2 Executive General Manager – Regulatory Action (Deputy Privacy Commissioner) and contains three core teams: Enforcement Action, Compliance, and Investigations.

### Enforcement Action (3.6FTE)

The Enforcement Action team supports the proactive regulation of information rights through the strategic court action against non-compliance and violations; this team is also responsible for the coordination of representative complaints. This team is directed by the work completed by the Investigations and Compliance teams to guide activity and make strategic decisions about the conduct of litigation and investigations, informed by legal and regulatory expertise. This team contributes to legal strategy and the use of enforcement tools and supports the Commissioner to pursue civil penalties

and take other enforcement action. This team supports Commissioners to deliver the ongoing strategic regulation approach of the OAIC.

## **Compliance (10.5FTE)**

The Compliance team focuses on promoting adherence to the Australian private and public sector to the APPs, FOI Act and associated legislation through monitoring and assessment of practices. This includes privacy and CDR assessments as well as co-regulatory activities with partners across regulatory schemes. This team is responsible for supporting the Commissioners to select the most appropriate regulatory tool to address compliance issues.

## **Investigations (14.4FTE)**

The Investigations team oversees large and high-risk investigations as directed by the Commissioners. This branch investigates significant policy breaches and recommends suitable regulatory action including civil penalty proceedings, determinations and enforceable undertakings. It works in partnership with the Enforcement team to resolve cases if litigation is, or is likely to be, required. This section also oversees FOI own motion inquiries.

## **Regulatory intelligence and strategy branch**

The Regulatory Intelligence and Strategy (RIS) Branch is responsible for gathering intelligence and engaging with stakeholders to support the Commissioners to make informed decisions about regulatory action, and shape the OAIC's regulatory strategy and posture. It works with OAIC's operational teams to coordinate the development of guidance, operational policy, and public communications.

This branch operates as a central hub for policy innovation, knowledge dissemination, and relationship management to align regulatory objectives with stakeholder expectations and legislative requirements.

This branch is led by an SES1 General Manager and is comprised of four core teams: Regulatory Intelligence, Communications and Engagement, Guidance and Publications, and Policy and Statutory Functions.

## **Regulatory Intelligence (5FTE)**

The Regulatory Intelligence team supports the OAIC by performing horizon scanning, research and analysis. The team undertakes analysis of OAIC information holdings and open-source intelligence to analyse industry and operational trends to identify risk and potential targets for regulatory action. The team supports the Commissioners to shape the strategic direction and regulatory strategy for the OAIC, for example providing evidence to support the selection of regulatory priorities. This team is also responsible for data analytics and reporting across the OAIC.

## **Communications and Engagement (4FTE)**

The Communications and Engagement team focuses on the OAIC's external communications strategy, which includes media relations, public relations, and stakeholder engagement activities. The core focus of the Communications and engagement team is to cultivate strong relationships with stakeholders,

respond to media enquiries and effectively communicate key policy decisions and the OAIC's strategic direction to the broader community.

## **Policy and Statutory Functions (13.5FTE)**

The Legislative and Statutory Functions team serves as a key centre for the OAIC's subject matter expertise, ensuring the agency delivers on its statutory obligations while shaping the law reform agenda in key regulatory areas. This team provides authoritative policy advice and leadership across critical domains including consumer credit reporting, the Consumer Data Right (CDR), digital health and DigitalID.

## **Guidance and Publications (8FTE)**

The Guidance and Publications team is responsible for the development, production, and dissemination of both internal and external guidance materials, as well as OAIC publications, including the website and Annual Report. This team is also responsible for managing the OAIC website. This team plays a critical role in delivering targeted guidance and educational resources that help stakeholders navigate key regulatory areas and statutory requirements.

## **Enabling Services Branch**

The Enabling Services Branch provides a suite of corporate services including HR, IT, information management, governance, and risk management, ensuring operational support and strategic enablement across the OAIC. The Enabling Services Branch underpins the regulator's capabilities, managing essential functions that allow for effective governance, risk and operations across the OAIC. The Enabling Services Branch has a strong customer-service ethos, focused on supporting other areas in the OAIC to deliver the Commissioners' strategic priorities.

This branch is led by an SES1 General Manager and is comprised of 3 sections: Corporate Services, People and Culture, and GRC (Governance, Risk and Compliance).

## **Corporate Services (9FTE)**

The Corporate services team delivers many of the key corporate functions required for the smooth operation of the OAIC. This team provides expertise in finance, procurement, office facilities management, travel, knowledge management, management of IT and information systems, and other administrative supports.

## **Governance, Risk and Compliance (5.8FTE)**

The Governance, Risk and Compliance team is responsible for supporting the OAIC to understand and respond appropriately to its corporate compliance obligations, including through maintaining organisational governance structures and enabling teams across the office to engage effectively with risk. This section supports the OAIC's compliance with legal and ethical standards of integrity and assist the OAIC to identify and act on operational risks. It also has the role of ensuring the OAIC meets its own corporate FOI and privacy obligations.

## People and Culture (4FTE)

The People and Culture section is responsible for engaging and supporting the engagement and development of the OAIC's human resources. This section's focus would be attracting, developing, and retaining skilled talent, fostering a culture that aligns with the OAIC's values, and implementing human resource strategies that advance OAIC's objectives and well-being.

## Reform Office / Office of the Commissioner

The Office of the Commissioner includes the Executive Assistants (supporting Commissioners and the executive) and an Executive Officer for the Information Commissioner. This branch supports the Commissioners in their day-to-day activities and facilitate interactions between the Commissioners and the branches to ensure that Commissioner time is used in an effective, efficient and strategic manner. The office also provides secretariat support to commissioners upon request.

To support the OAIC to transition to the new organisational structure, this branch houses the Strategic Transformation team (Reform Office), led by a temporary SES1 for 12 months and supported by secondees from across the office.

In the future, similar strategic taskforces could be stood up in the Office of the Commissioners where there are projects with significant whole-of-agency impact. Specific teams may be moved to the Office of the Commissioner when needed to support priority projects. For example, the OAIC's people and culture function may be moved within the Office of the Commissioner during a transformation or workforce planning project.

## Executive Support (3FTE)

The Executive support section would support the Commissioners in the development of policy and strategic communications as well as ensure that the work or decisions that reach the Commissioners are appropriate to their level. They would also manage the Commissioners diaries and provide ad hoc administrative support as needed.

## Reform and transformation (4FTE)

The Reform and transformation team (Transformation Office) oversees the transition to the new structure and transformation initiatives. The team are change and strategic innovation experts deployed on change management and business improvement projects across the OAIC. They maintain strong relationships with stakeholders across the organisation. They are responsible for the implementation of the remaining recommendations of the Strategic Review and other strategic projects that support the Commissioners' vision for the future of the OAIC.





Australian Government

Office of the Australian Information Commissioner

FOIREQ25/00062 036



# Designing the Future OAIC

Our future structure and the  
path to it

9 October 2024



# Key points

- The Governance Board has decided a future structure for OAIC.
- We will move to it progressively: existing SES immediately, then EOIs for vacant leadership roles, direct appointments and finally EOIs for other staff.
- For most staff there is **no immediate change**. Staff will begin being placed in roles in the new structure or asked to make an EOI from **16 October 2024**. Staff who are not placed in a role following EOIs will be supported through redeployment or excess employee processes which will occur over the next 3-4 months.
- Our redeployment efforts mean that our predicted staffing level to the end of October is **177 FTE** compared to 200 FTE at the start of the year which reduces further staff reductions – well on the way to our target of 164 – though some more reductions are still needed to meet the 24/25 budget and ASL cap.
- This structure provides the best balance between competing priorities through a challenging financial position that was realised in July 2024.



# Outline of presentation

1. Summary
2. What you told us during the consultation
3. Changes to the structure and commitments to staff
4. Moving to the new structure
5. Where to get more information



**Australian Government**

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# Summary

# Changes to OAIC's environment make significant change essential: we can't keep working as we have been

- A changing regulatory environment, including our regulated sectors
- Community expectations heightening our need to respond effectively
- Recommendations of the OAIC Strategic Review accepted by the steering committee
- Government's decision to reimplement the 3-Commissioner model
- Termination of specific time-limited funding resulting in a reduction in the OAIC's budget (23% or \$11.1m) in 2024/25 and reduced ASL



# The cessation of terminating funding has required OAIC to rapidly reduce its expenditure

- The May 2024 Budget reduced OAIC's total operating budget by \$11.1m (23%) due to the cessation of terminating funding.
- OAIC did not immediately reduce staffing on the basis that additional activities were expected to be conferred in 2024/25, which would need staff to deliver.
- However, it became apparent in July 2024 that additional funding would not be available. Since then, we have needed to rapidly reduce OAIC's expenditure.
- If the OAIC's spending rates for July 2024 continued throughout 2024/25, we would post a **deficit of approximately \$14m** and be rendered insolvent.
- This has required us to make difficult decisions – including reducing staffing.

We have followed an extended process to respond to these imperatives and position the OAIC for the future



OAIC Strategic Review

**Oct 23 -  
Feb 24**



Engagement facilitated by Nous to develop structure

**Jul 24 -  
Aug 24**



Consultation to test structure and consider impacts on staff

**Sep 24**



# Addressing the feedback required Commissioners to examine a range of balanced considerations

- **Augment front line regulatory services with an enhanced staffing profile;** balanced with leadership to lead the significant change and advance a new regulatory approach.
- **Enhance our generalist skills so that we build and share capacity;** balanced with the need to retain specialist expertise.
- **Optimise a whole of OAIC approach;** balanced with the need to recognise jurisdictional domains.
- **Ensure our corporate activities support staff;** balanced with the essential corporate requirements we must fulfil.
- **Ensure we can access expert resources;** balanced with ensuring we act within our budget
- **Meet our regulatory and corporate obligations today;** balanced with our future needs.

## 52 survey responses and 54 pieces of other written feedback were received and analysed

Feedback was both positive and negative, and grouped into six themes:

- Recognition of a need for change
- Requests for support through the transition
- Concerns about resourcing and workload
- Feedback on the balance between specialist and generalist roles
- Questions about leadership structures
- Refinements to the proposal or requests for clarification



# While the Governance Board has decided to move to the proposed structure, it has made changes and commitments to staff

Some significant changes include:

- Additional staffing in areas of greatest need
- Dedicated SME roles proposed in response to feedback
- Steps to minimise immediate impact on FOI and privacy case management by keeping team structures intact during initial transition (except for functions that were proposed to change branches or reduce)

Commitments to staff include:

- Leadership will positively and proactively lead change, support staff and implement solutions
- Developing new processes, guidance and strategies to ensure workloads are manageable
- Working to enhance ways of working, OAIC collaboration, including planning a whole office in-person planning session
- Support through continuing learning and development both on the job and specific

*The changes and commitments are detailed further in this slide pack and in the accompanying updated structure document*



# We are confident this structure will set OAIC up for success

We need your help to build it.



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# Summary of feedback received

# OAIC consulted with staff on the proposed structure as a 'major change' under the OAIC Enterprise Agreement

- Between **July and August 2024**, Nous Group developed a proposed structure for the OAIC
- On **26 August 2024**, Nous Group recommended a structure to the OAIC, and on 27 August, OAIC's Governance Board decided to consult staff about it
- Consultation occurred between **3 and 20 September 2024**
- **52** survey responses and **54** pieces of other written feedback were received and analysed

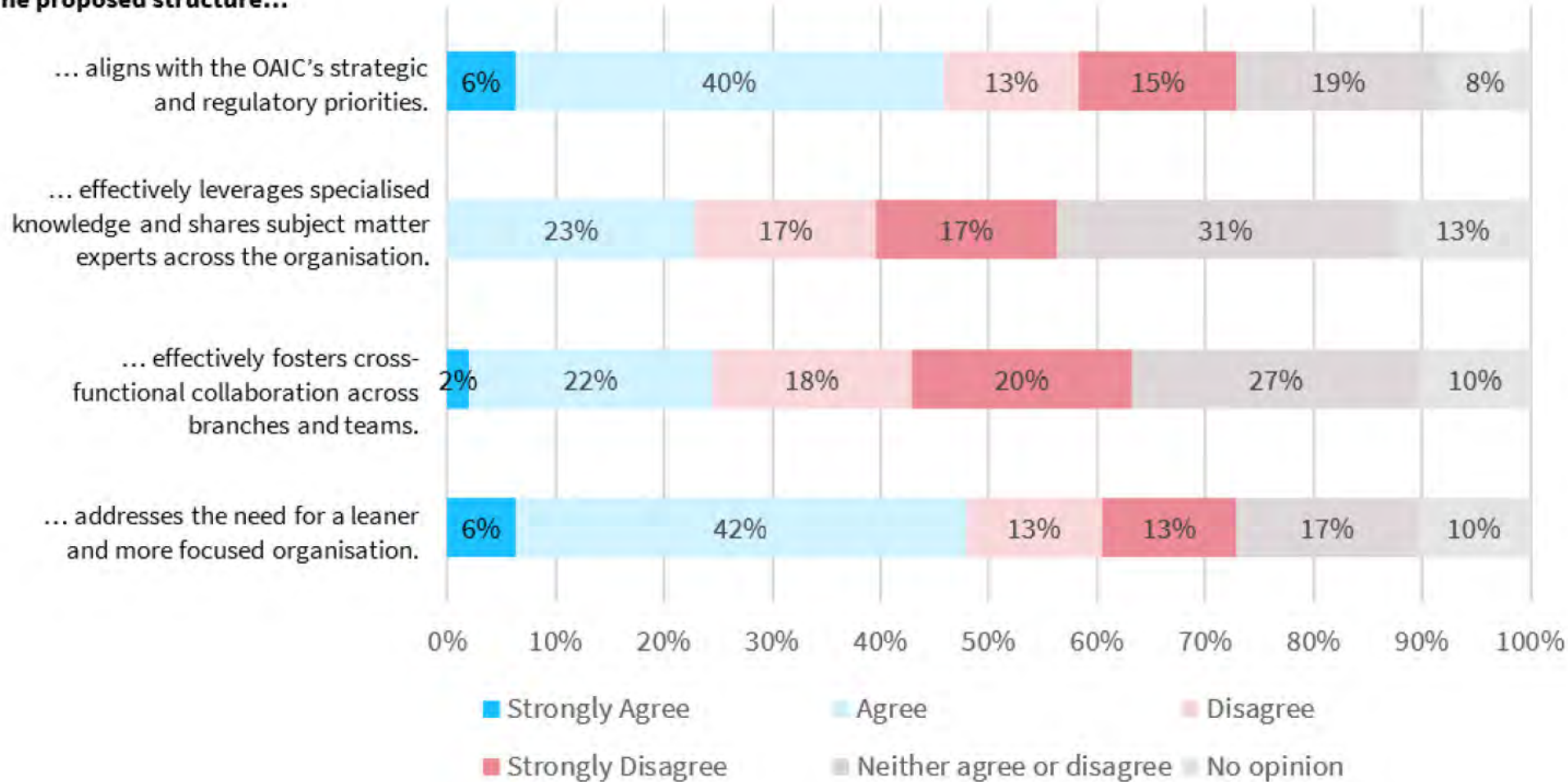
## Consultation included:

- discussions between OAIC Commissioners and each branch
- meeting of the OAIC Consultative Forum
- three CPSU organised paid-time meetings
- an anonymous staff feedback survey
- an invitation for written submissions



# There was a balance of positive and negative views on the proposed structure, which suggests areas for improvement

## The proposed structure...



## Six main themes emerged through the Consultation

- Recognition of a need for change
- Requests for support through the transition
- Concerns about resourcing and workload
- Feedback on the balance between specialist and generalist roles
- Questions about leadership structures
- Various refinements to the proposal or requests for clarification



# Examples of requests for support through transition

Issue	Response
Staff want more detailed information about the future structure and roles in it (e.g., mapping of teams, staffing of teams, team and role descriptions).	<b>Agreed.</b> The OAIC commits to provide staff information as early as possible about this detail, noting that much of the detail will need to be developed by teams and managers when placed in the new structure.
Staff want the process expedited so they can have information as soon as possible about job security and impact of the change on their individual roles.	<b>Agreed.</b> The OAIC is committed to expediting the process to provide certainty and stability to staff as soon as possible. It also commits to continuing frequent commissioner communication between staff and commissioners.
Staff seek assurance that continuity planning (especially staff retention, managing critical work, and providing a safe workplace) and effective communications will occur through the transition.	<b>Agreed.</b> The OAIC is committed to developing a continuity plan to meet this need during October.
Staff want to see the structure drive positive changes to the OAIC's culture (e.g., collaboration, communication, effective delegation), with suggestions including social initiatives, training, and guidance.	<b>Agreed.</b> The OAIC will make commitments to staff to enhance OAIC's culture and ways of working, including through setting clear expectations on leaders. It will also explore opportunities for in person interaction in line with staff suggestions.

*Examples of issues considered by Governance Board*



# Examples of concerns about resourcing and workload

Issue	Response
<p>OAIC should take steps to ensure sustainable workloads for staff, especially in areas where staffing is reducing. Ideas for how this could be achieved include better prioritisation and communication of priorities, project management practices, and being selective in what initiatives to advance in the near-term.</p>	<p><b>Agreed.</b> This will be achieved through the commitments to staff in Part 3, with concrete measures to ensure reasonable and balanced workloads across the OAIC to be developed by the incoming SES team.</p>
<p>FOI processing requires additional resources, for instance through additional staffing or by establishing a 'surge team' to support peak FOI requests.</p>	<p><b>Agreed.</b> The proposal changes staffing levels to address areas of greatest need by providing an additional 1 FTE of administrative support to supplement resourcing of the Governance, Risk and Compliance team (which will include FOI processing). It is acknowledged this is less resourcing than submissions indicated was required but is the most that the OAIC can accommodate at this time. If it proves insufficient, further strategies can be explored including those discussed in the proposal or raised in the consultation.</p>
<p>More resources should be put towards digital systems improvement and these functions should be combined with BARD.</p>	<p><b>Noted.</b> Commissioners considered this proposal, but did not consider that in OAIC's reduced funding environment it was possible to allocated additional resources towards digital systems improvement or analytics.</p> <p>The commitments to staff are intended to address concerns about workload and lead to enhanced ways of working.</p>

*Examples of issues considered by Governance Board*



## Example of feedback about role structure (generalist/specialist)

Issue	Response
Specialist policy and coordination functions (e.g., CDR, Digital ID, credit reporting policy) should be maintained and sufficiently resourced, for instance by keeping specialised areas in separate units and teams rather than merging into broader policy areas (i.e., organise by subject, not function) or by establishing specialist roles.	<b>Agreed.</b> OAIC proposes specific SME positions be created that are responsible for coordinating specialist functions highlighted through the consultation. Commissioners remain committed to moving to a more generalist or functional model of delivery of OAIC's activities within the new budget environment.
Need to maintain and resource policy expertise in the OAIC, for reasons including breadth of mandatory work, upcoming law reform, and importance of the work to the OAIC's objectives.	<b>Agreed.</b> Considering the feedback and expected upcoming work of the OAIC, it is proposed that two additional FTE be added to OAIC's policy and guidance functions. This will be further supplemented by the proposed SME positions to carry subject matter expertise.
Key elements of the existing legal team structure should be maintained (e.g., a dedicated General Counsel role; structural independence of OAIC legal; SES with responsibility for legal; legal team management of regulatory litigation, oversight or clearance of certain administrative or regulatory actions). Some of these elements may be necessary to allow OAIC lawyers to meet their professional obligations.	<p><b>Noted.</b> Extensive submissions were put forward by OAIC's legal team on this topic. These were carefully considered throughout the engagement and the consultation process. However, the Board remains of the view that the final structure is the best way to deliver legal services at the OAIC within a reduced budgetary environment, and in line with the strategic direction communicated to the legal team by Commissioner Kind on 7 August 2024.</p> <p>OAIC does commit to support its lawyers to meet their professional obligations and continue their professional development (including those who move to legal roles outside the Legal Services team), and to examine/revise processes and ensure reasonable workloads across the office.</p>

*Examples of issues considered by Governance Board*



# Queries about leadership structure

Issue	Response
Concerns about reporting of FOI functions to a Deputy Privacy Commissioner, and privacy functions to a Deputy FOI Commissioner.	<b>Agreed.</b> The proposal clarifies the roles of the Deputy Commissioners to make clear that for the purpose of reporting and staffing, the Deputy Commissioners report to the Information Commissioner, not the Privacy or FOI Commissioner. The Privacy Commissioner will remain primarily responsible for all privacy related regulatory and complaint activity, and the FOI Commissioner for FOI matters.
Concerns about the creation of SES2 roles or the size of the SES cohort, due to risks of excessive levels of clearance and cost of these roles.	<b>Noted.</b> The proposal provides a considerable reduction in total SES staffing and costs, but the Governance Board considers that in the context of reducing OAIC's executive overall, having two Deputy Commissioners is important for the model to be successful. OAIC's experience has been that a single Deputy Commissioner role is insufficient to cover the associated workload, and this will be exacerbated by the OAIC having three Commissioners, increasing the demands on one officer. Two Deputy Commissioners are needed to support the work of three Commissioners and provide the leadership and expertise to staff.

*Examples of issues considered by Governance Board*



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# Our new structure and commitments to staff



# OAIC's Governance Board have decided to move to the proposed structure, but with targeted refinements

Some significant changes include:

- Additional 1 FTE to GRC/FOI to address workloads
- Additional 2 FTE to policy/guidance areas to maintain resources and expertise needed for anticipated reform work
- Dedicated SME roles identified for some significant areas
- Minimising immediate impact on FOI and privacy case management by keeping team structures (except for functions moving/reducing) initially

Significant commitments to staff include:

- Implement strategies to ensure appropriate workloads
- Support staff, including legal staff, to meet their professional obligations
- Support remote working and opportunities for in-person collaboration

And six further commitments.



*You will receive an updated version of the structure report, incorporating these changes, immediately after this meeting*



# The Governance Board has made a wide range of changes to the proposal after considering feedback. Summary of changes (1/2):

1	Adjust staffing levels to address areas of greatest need	Many pieces of feedback suggested additional staffing resource should be applied in various areas. Due to the OAIC's limited budgetary envelope, most of these could not be accommodated. However, additional APS level staffing proposed for areas of greatest need (1 FTE for GRC/FOI; 2 FTE for policy/guidance).
2	Rebalance staffing towards operational and frontline staff	Many responses noted the importance of retaining and bolstering staff at the APS levels (and reducing the proportion of staff at the EL1, EL2 and SES levels) to ensure the OAIC can work efficiently. It is proposed that in filling roles in the structure, APS level staffing be maintained wherever possible to support this change.
3	Maintain specialist expertise via SMEs	The structure of the RIS branch is proposed to be significantly modified to support the retention of specialist expertise, including through assigning SME specialists in key areas.
4	Clarify role of deputy commissioners	The roles of the Deputy Commissioners will be amended to make clearer that their primary responsibility is leading and managing their divisions, and to clarify reporting lines.



## Summary of changes (2/2)

5	Minimise disruption by direct appointment	Multiple staff raised concerns about the effects of adjusting team structures within the OAIC's case management functions. To minimise disruption, the FOI Branch and Dispute Resolution Branch be translated to the new structure with their existing team and reporting lines unchanged to the greatest extent possible, with further changes applied progressively.
6	Provide incoming teams and leaders flexibility to refine team roles	Feedback from numerous respondents identified concerns about specific details within the proposal. To provide appointed leaders and teams an ability to consider the team descriptions and functions in greater detail, the detailed team descriptions have been streamlined and it will be the responsibility of the incoming team leaders and staff to further develop the descriptions of their teams over 3-6 months with support from the Reform Office.
7	Clarify team roles and responsibilities	Respondents provided a range of suggestions about specific changes to team roles, functions, and names. Changes included to the name of the Communications and Engagement team, division of responsibility for guidance and strategic communications, clarification of legal team advisory and advocacy roles, and repositioning the Transformation Office as the Reform Office.
8	Create new roles to add required capabilities	Several specific roles have been identified as needing to be created to support the development of new capabilities identified during the consultation.



# To address themes in feedback, OAIC's Governance Board has made commitments to staff

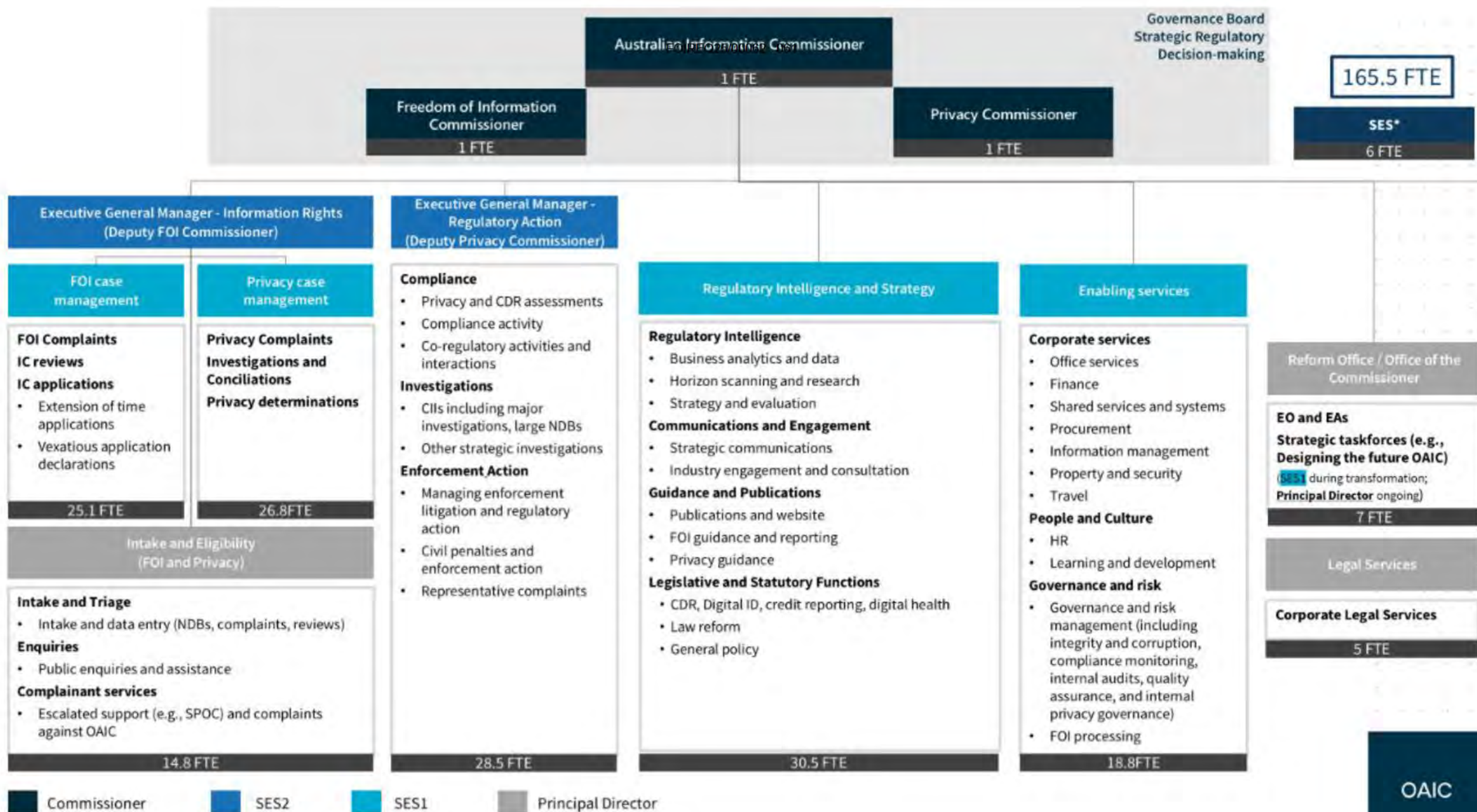
1	<b>Provide certainty and stability as soon as possible through fair and transparent decision-making</b>	<ul style="list-style-type: none"> <li>• Expedite processes to assign staff to roles and provide certainty</li> <li>• Factsheet to OAIC staff about how roles will be filled in the new structure demonstrating a fair and transparent process</li> </ul>
2	<b>Ensure continuity and support through the transition to OAIC's new structure</b>	<ul style="list-style-type: none"> <li>• Transformation Office/Reform Office to develop continuity plan in October working with branch leadership</li> </ul>
3	<b>Implement strategies to ensure appropriate workloads</b>	<ul style="list-style-type: none"> <li>• Enhanced reporting</li> <li>• Clarification of priorities</li> <li>• Fewer clearance points</li> <li>• Increased guidance and support</li> <li>• Appropriate escalation</li> <li>• Clearer internal KPIs</li> <li>• A robust learning and development program</li> </ul>
4	<b>Bolster OAIC's culture to be more open and collaborative</b>	<ul style="list-style-type: none"> <li>• Commissioner expectations on leaders to drive positive culture change</li> <li>• Building on a culture of sharing expertise</li> <li>• Consider enhancing OAIC's knowledge management approach</li> <li>• Cross team collaboration initiatives</li> </ul>



## Summary of commitments to staff (2/2)

5	<b>Support remote working and opportunities for in-person collaboration</b>	<ul style="list-style-type: none"> <li>• Whole-of-office in-person collaboration and planning event in early 2025</li> <li>• Exploring opportunities for in-person working including (if and when budget permits) workspaces in population centres other than Sydney</li> </ul>
6	<b>Continue direct communication and engagement between OAIC Commissioners and staff</b>	<ul style="list-style-type: none"> <li>• Commitment to regular all staff engagements and the use of a range of mechanisms to communicate</li> <li>• Continuing support to Weekly Wrap</li> <li>• Governance structure and commissioner-led projects allowing for direct working between staff and Commissioners</li> </ul>
7	<b>Provide staff development to support transition to new roles and continuing career growth</b>	<ul style="list-style-type: none"> <li>• For staff moving into new or modified roles at the OAIC: training and development to support their move</li> <li>• For staff whose roles may be excess to the OAIC's requirements in a reduced budget environment: support in seeking other roles (such as targeted training on job applications and CV writing for those affected staff)</li> <li>• Support staff to take up temporary opportunities to work in other agencies</li> </ul>
8	<b>Support staff, including legal staff, to meet their professional obligations</b>	<ul style="list-style-type: none"> <li>• Support OAIC staff to engage with professional organisations to manage their obligations</li> <li>• Learning and development supporting continuing professional accreditations</li> </ul>
9	<b>Continue to enhance OAIC's processes and systems</b>	<ul style="list-style-type: none"> <li>• Transformation Office/Reform Office support for process reform</li> <li>• Prioritisation of systems improvements as soon as budget allows</li> </ul>





# The incoming leadership team will be responsible for driving implementation with support from all staff

- Teams in the structure document have been described in more general terms to give greater flexibility to incoming managers and staff
- The incoming leadership team is responsible for positively and proactively leading change, supporting staff and finding solutions
- Staff at all levels are encouraged to apply their expertise and creativity to keep improving how the OAIC works.
- We are seeing and will see more:
  - Collaboration, development and guidance
  - Effective and timely regulatory action
  - Sharing of better practice





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# Moving to the new structure



# We will be moving to the new structure in three phases

- Phase 1 (October – November 2024): **Provide certainty and stability.** Move to the new structure by appointing branch leadership. Make direct appointments within structure wherever possible. Begin processes to fairly and transparently place staff who cannot be directly appointed into roles and undertake excess employee processes if needed (including supporting staff through redeployment).
- Phase 2 (November 2024 – February 2025): **Forward planning and changed ways of working.** With branch and divisional leadership in place and teams staffed, each branch and team will embed new ways of working. Team and whole-office planning activities will produce OAIC and branch plans, and more fully define team roles and responsibilities and ways of working together.
- Phase 3 (February – September 2025): **Transform the OAIC.** This phase will see the Reform Office shift to a focus on responding to external reform and embedding a BAU approach to implementation of the OAIC Strategic Review, continue process reform and deliver on the OAIC commitments to staff.

# The new structure will commence tomorrow (10 October 2024) with appointment of SES and EOIs commencing

**Thursday 10 October 2024:** The new structure formally commences with SES filling General Manager (GM) roles as we transition as follows:

- Privacy case management – Andre Castaldi
- Regulatory Intelligence and Strategy – Sarah Ghali
- FOI case management – Rocelle Ago
- Special Advisor, Major Investigations (temporary role) – Rob Ghali
- Reform Office / Office of the Commissioner (temporary role) – Annan Boag
- Enabling Services (short term oversight, pending EOI) – Brenton Attard
- Enabling Services, Legal Services, Intake and Eligibility, EGM Regulatory Action, EGM Information Rights - EOIs



# What changes for me when the new structure commences?

- Nothing changes immediately.
- Temporary reporting lines will connect teams in the current structure to appointed leaders on an interim basis until staff at all levels are appointed in the structure.
- Staff will continue to report to the same person from 10 October or if that person has departed, to the Australian Information Commissioner, until further notice (likely 16 October onwards).
- Staff other than branch heads will be placed in the structure from Wednesday 16 October.

## Appointing staff in roles in the new structure

- From **16 October 2024**, people and Culture will inform non-SES staff if they have been directly appointed to a role in the new structure.
- Staff whose roles are not directly appointed (e.g., where there are more people than roles available) will be notified as soon as possible, and invited to take part in an EOI for available roles.
- **We expect the large majority of staff in this process to be appointed to roles. Only those who are not appointed will continue through the 'excess employee' process.**



*You will receive a fact sheet about this appointment process before 16 October*



## Staff who are not appointed to roles

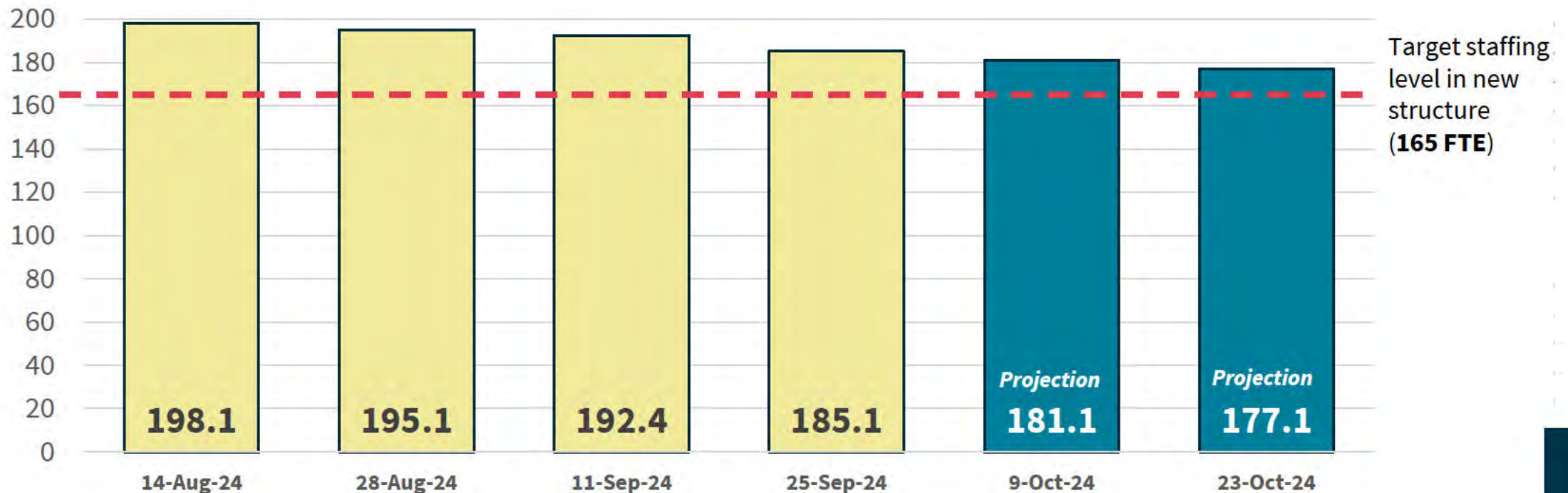
- Ongoing staff who cannot be placed in a role (either through an EOI or otherwise) may be given notice that they are an 'excess employee'
- This commences a period of consultation where OAIC will take all reasonable steps to place these staff in roles. OAIC will consult with the employee on an individual basis.
- After one month, staff can either decide to voluntarily depart the OAIC (receiving a redundancy benefit) or continue to seek redeployment support for a full three months (and receive a reduced redundancy benefit at the end).
- The enterprise agreement provides a mechanism for discretionary incentive payments for early departures. Due to OAIC's budgetary position, OAIC will not be able to offer discretionary additional payments.



*You will receive a fact sheet about 'excess employee' processes by 16 October*

## OAIC's staffing level has continued to reduce towards a sustainable level via departures and redeployment

- OAIC's staffing level has significantly reduced since we began consultations, and we continue to get closer to our target staffing level.
- This means fewer staff will be declared excess. We expect to have 177.1 FTE by 23 October 2024, compared to a target level of 165 FTE in the new structure.





## Other operational implications

- We will need to progressively transfer our operations to the new structure.
- Some of the issues being addressed are delegations, information and system access, SAP structures.
- This work starts immediately but will take several months.
- Two working groups will be established, operating from next week, to manage this change at strategic and operational levels.



# Looking forward

- We will transition to the new structure over the next three months
- We will continue to refine processes to streamline and better target our regulatory efforts for maximum impact
- The next six months will see us embed new ways of working and the new structure
- We will hold a whole-of-office in-person session as early as we can in the new year to engage you with our new ways of working



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More information and support available

# How you can find more information and what's next

After this meeting you will receive:

- An updated version of the Structure Report, incorporating changes made in response to feedback
- Copies of these slides

By 16 October you will receive:

- A fact sheet on the appointment process
- A fact sheet on the excess employee process

People and Culture will be working with newly appointed branch heads to map positions to the new structure and coordinate EOI processes, commencing **16 October 2024**.



# Assistance available

## Our Employee Assistance Program (EAP)

- Converge International is the OAIC's EAP provider and provides OAIC staff with access to a variety of areas of support (including Manager Assist, Career Assist and Employee Assist).
- The Converge International intake team can be contacted by phone on 1300 687 327 or by email at [eap@convergeintl.com.au](mailto:eap@convergeintl.com.au).

## People and Culture

- Mark Smolonogov is available on 02 9942 4243 or s 47E(d) for any questions, support or to have a confidential discussion. Alternatively, you can email Mark to schedule a time to talk ([mark.smolonogov@oaic.gov.au](mailto:mark.smolonogov@oaic.gov.au))

## Assistant Commissioners are available

- You can work with your General Manager/Assistant Commissioner to share your thoughts over the coming weeks.



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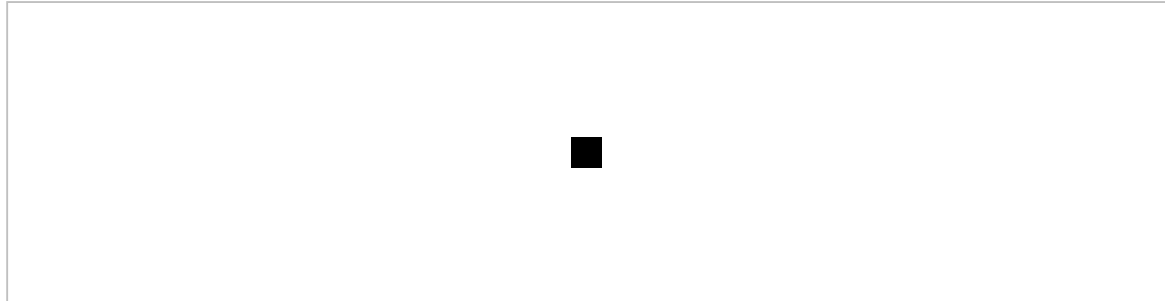
**Office of the Australian Information Commissioner**



# Questions?

**From:** [TYDD,Liz](#)  
**Subject:** [FOR ACTION] Staff Appointments and Commencement of Confirmed Structure [SEC=OFFICIAL]  
**Date:** Thursday, 21 November 2024 3:52:32 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image006.jpg](#)  
[Overview of Appointments from 3 December 2024.pdf](#)  
[image004.jpg](#)

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Dear Colleagues

I am pleased to tell you that the Expression of Interest (EOI) process for staff appointments has now been finalised. Thank you for your patience and resilience in the last few months. Your cooperation and understanding together with your expert input have been instrumental in ensuring we can move ahead to the new structure.

You can view confirmed appointments in the structure in the attached document.

A total of 60 staff were invited to apply for EOIs; 48 staff have been placed in roles, and 5 have resigned or transferred to another agency. This means that there are 7 remaining staff who have not been placed in a role. The OAIC is having individual discussions with these staff to explore possible options and next steps, which may include placement in alternative roles at the OAIC or elsewhere. We are supporting them, and I ask that you remain considerate and mindful of these colleagues as we navigate this period of transition together. Your support and empathy are greatly appreciated. This has been a major undertaking, and I am extremely grateful for the tremendous effort from everybody to get us to this point.

I can confirm that the official start date for the new organisational structure and the commencement of your roles within that structure will be Tuesday 3<sup>rd</sup> December 2024 (though some areas are beginning to move to the new structure sooner, and your support with this is appreciated). From this date, everyone will begin operating within their new teams and positions. Next week, the People and Culture team will be reaching out to managers in the new structure to support them to prepare for 3 December.

As we move into this new structure, I acknowledge that there will be an additional period of transition. Your continued patience and flexibility will be key as we adapt to new ways of working together. We anticipate some overlap with reporting lines and the handover of responsibilities during this settling-in period. Please know that we are here to support you as we navigate these changes and will work collaboratively to ensure a smooth transition. The Operational Working Group and Leadership Working Group have been working diligently to prepare for this transition and minimise disruption wherever possible.

Changing our staffing level so quickly has not been easy and one result has been that we now have vacancies. We will shortly find ourselves needing to recruit to some roles to ensure teams are supported.

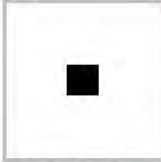
Looking ahead, I am confident that this new structure will position us well to meet our goals with renewed energy and a clear focus on our core principles. I look forward to embarking on this next chapter together, and building a shared sense of optimism, positivity and commitment to our agency mission.

Thank you once again for your support and dedication throughout this process. Let's look



forward together to a bright future for our agency.

Liz



**Elizabeth Tydd** (she/her)  
Information Commissioner  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
[E elizabeth.tydd@oaic.gov.au](mailto:elizabeth.tydd@oaic.gov.au)

*The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.*

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# Overview of Appointments in the Confirmed Structure

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21 NOVEMBER 2024

## How to Read this Document

This document provides an overview of the positions within the confirmed structure, detailing who has been placed in each role within teams. This information is indicative of the structure commencing on 3 December 2024. It represents the substantive positions staff have been appointed to and does not reflect any acting arrangements, except for SES acting appointments.

Please also note that there may be future variances due to natural attrition and staff movement as we continue through the transition process.

## Executive

<b>Title</b>	<b>Branch</b>	<b>Name</b>
Australian Information Commissioner		Liz Tydd
Privacy Commissioner		Carly Kind
FOI Commissioner		Toni Pirani
Executive General Manager	Regulatory Action	Rob Ghali (a/g)
Executive General Manager	Information Rights	Rocelle Ago (a/g)



## Enabling Services Branch

Title	Branch	Team	Name
General Manager, Enabling Services			§ 47F
Accounts Officer	Enabling Services	Corporate Services	
Corporate Support Officer	Enabling Services	Corporate Services	<i>vacant</i>
Corporate Services Officer	Enabling Services	Corporate Services	§ 47F
Finance Officer	Enabling Services	Corporate Services	
Technology Systems Program Officer	Enabling Services	Corporate Services	
Assistant Director, Finance	Enabling Services	Corporate Services	
CFO	Enabling Services	Corporate Services	
Director, Corporate Services	Enabling Services	Corporate Services	
Corporate Services Business Partner	Enabling Services	Corporate Services	
Legal Graduate	Enabling Services	Governance and Risk	
Assistant Director, Governance Risk and Compliance	Enabling Services	Governance and Risk	
Assistant Director, Governance Risk and Compliance (FOI)	Enabling Services	Governance and Risk	
Director, Governance Risk and Compliance	Enabling Services	Governance and Risk	
Director, Governance Risk and Compliance (FOI)	Enabling Services	Governance and Risk	
Governance Support Officer/Secretariat	Enabling Services	Governance and Risk	
Learning and Development Officer	Enabling Services	People and Culture	
People & Culture Officer	Enabling Services	People and Culture	
Director, People and Culture	Enabling Services	People and Culture	
Assistant Director, People and Culture	Enabling Services	People and Culture	<i>vacan</i>



## FOI Case Management Branch

Title	Branch	Team	Name
General Manager, FOI			s 47F
Assistant Review Advisor	FOI Case Management	Early Resolution	
Assistant Review Advisor	FOI Case Management	Early Resolution	
Assistant Review Advisor	FOI Case Management	Reviews and Investigations	
Assistant Review Advisor	FOI Case Management	Reviews and Investigations	
Assistant Review Advisor	FOI Case Management	Reviews	
Assistant Review Advisor	FOI Case Management	Reviews and Investigations	
Assistant Review Advisor	FOI Case Management	Significant Decisions	vacant
Review Advisor	FOI Case Management	Early Resolution	s 47F
Review Advisor	FOI Case Management	Early Resolution	
Review Advisor	FOI Case Management	Significant Decisions	
Review Advisor	FOI Case Management	Reviews	
Assistant Director Intake & Early Resolution	FOI Case Management	Reviews	
Assistant Director Reviews and Investigations	FOI Case Management	Reviews	
Assistant Director Reviews and Investigations	FOI Case Management	Reviews and Investigations	
Assistant Director Reviews and Investigations	FOI Case Management	Reviews and Investigations	
Assistant Director Reviews and Investigations	FOI Case Management	Reviews and Investigations	
Assistant Director Reviews and Investigations	FOI Case Management	Reviews and Investigations	
Assistant Director, Significant Decisions	FOI Case Management	Significant Decisions	
Assistant Director, Significant Decisions	FOI Case Management	Significant Decisions	
Director, Early Resolution	FOI Case Management	Early Resolution	vacant
Director, Reviews and Investigations	FOI Case Management	Reviews and Investigations	vacant
Director, Reviews	FOI Case Management	Reviews	s 47F
Senior Review Advisor	FOI Case Management	Significant Decisions	



Director, Significant Decisions	FOI Case Management	Significant Decisions	s 47F
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## Intake and Eligibility Branch

Title	Branch	Team	Name
Principal Director	Intake and Eligibility		s 47F
Enquiries Officer/Intake and Triage	Intake and Eligibility	Enquiries	
Intake & Triage Officer	Intake and Eligibility	Intake & Triage	
Intake & Triage Officer	Intake and Eligibility	Intake & Triage	
Intake & Triage Officer	Intake and Eligibility	Intake & Triage	
Enquiries Officer	Intake and Eligibility	Enquiries	
Enquiries Officer	Intake and Eligibility	Enquiries	
Enquiries Officer/Intake and Triage	Intake and Eligibility	Enquiries	
NDB Officer - Intake & Triage	Intake and Eligibility	Intake & Triage	
Intake & Triage Officer	Intake and Eligibility	Intake & Triage	
Intake & Triage Officer	Intake and Eligibility	Intake & Triage	
Intake & Triage Officer	Intake and Eligibility	Intake & Triage	
Intake & Triage Officer	Intake and Eligibility	Intake & Triage	
Complainant Services Officer	Intake and Eligibility	Intake & Triage	
Senior Intake & Triage Officer	Intake and Eligibility	Intake & Triage	
Assistant Director Intake & Triage	Intake and Eligibility	Intake & Triage	
Assistant Director, Enquiries	Intake and Eligibility	Enquiries	
Senior Intake & Triage Officer	Intake and Eligibility	Intake & Triage	
Assistant Director, Intake & Triage	Intake and Eligibility	Intake & Triage	

## Privacy Case Management Branch

Title	Branch	Team	Name
General Manager	Privacy Case Management		§ 47F
Investigations Officer	Privacy Case Management	Complaints	
Investigations Officer	Privacy Case Management	Complaints	
Investigations Officer	Privacy Case Management	Complaints	
Investigations Officer	Privacy Case Management	Complaints	
Investigations Officer	Privacy Case Management	Complaints	
Investigations Officer	Privacy Case Management	Complaints	
Investigations Officer	Privacy Case Management	Complaints	
Investigations Officer	Privacy Case Management	Complaints	
Assistant Director, Early Resolution	Privacy Case Management	Complaints	
Assistant Director, Privacy Case Management	Privacy Case Management	Complaints	
Director, Early Resolution	Privacy Case Management	Complaints	
Determinations Support Officer	Privacy Case Management	Determinations	
Assistant Director, Determinations	Privacy Case Management	Determinations	
Director, Determinations	Privacy Case Management	Determinations	
Privacy Determinations Officer	Privacy Case Management	Determinations	vacant
Investigations Support Officer	Privacy Case Management	Investigation & Conciliation	Vacant
Investigations Officer	Privacy Case Management	Investigation & Conciliation	§ 47F
Investigations Officer	Privacy Case Management	Investigation & Conciliation	
Investigations Officer	Privacy Case Management	Investigation & Conciliation	
Investigations Officer	Privacy Case Management	Investigation & Conciliation	
Investigations Officer	Privacy Case Management	Investigation & Conciliation	



Investigations Officer	Privacy Case Management	Investigation & Conciliation	s 47F [REDACTED]
Investigations Officer	Privacy Case Management	Investigation & Conciliation	Vacant
Investigations Officer	Privacy Case Management	Investigation & Conciliation	Vacant
Assistant Director, Privacy Case Management	Privacy Case Management	Investigation & Conciliation	s 47F [REDACTED]
Assistant Director, Privacy Case Management	Privacy Case Management	Investigation & Conciliation	
Assistant Director, Privacy Case Management	Privacy Case Management	Investigation & Conciliation	vacant
Director, Privacy Case Management	Privacy Case Management	Investigation & Conciliation	s 47F [REDACTED]

## Regulatory Action Branch

Title	Branch	Team	Name
Executive General Manager – Regulatory Action			s 47F
Assessments Officer	Regulatory Action	Compliance	
Privacy Assessment Officer	Regulatory Action	Compliance	
Privacy Assessment Officer	Regulatory Action	Compliance	
Privacy Assessment Officer	Regulatory Action	Compliance	
Director, Assessments and Inspections	Regulatory Action	Compliance	
Compliance Officer	Regulatory Action	Compliance	
Compliance Officer	Regulatory Action	Compliance	
Assistant Director, Assessments	Regulatory Action	Compliance	
Assistant Director, Assessments	Regulatory Action	Compliance	
Assistant Director, Assessments	Regulatory Action	Compliance	
Assistant Director, Assessments	Regulatory Action	Compliance	
Assistant Director, Assessments	Regulatory Action	Compliance	
Enforcement Officer	Regulatory Action	Enforcement Action	
Assistant Director, Enforcement Action	Regulatory Action	Enforcement Action	
Assistant Director, Enforcement Action	Regulatory Action	Enforcement Action	
Director, Enforcement Action	Regulatory Action	Enforcement Action	
Director, Regulatory Coordination	Regulatory Action	Regulatory Coordination	
Investigator	Regulatory Action	Investigations	
Investigator	Regulatory Action	Investigations	
Investigator	Regulatory Action	Investigations	
Investigator	Regulatory Action	Investigations	
Investigator	Regulatory Action	Investigations	vacant
Investigator	Regulatory Action	Investigations	vacant
Investigator	Regulatory Action	Investigations	s 47F
Senior Investigator	Regulatory Action	Investigations	
Senior Investigator	Regulatory Action	Investigations	
Senior Investigator	Regulatory Action	Investigations	

Assistant Director, Investigations	Regulatory Action	Investigations	§ 47F
Assistant Director, Investigations	Regulatory Action	Investigations	
Assistant Director, Investigations	Regulatory Action	Investigations	
Assistant Director, Investigations	Regulatory Action	Investigations	
Director, Investigations	Regulatory Action	Investigations	
Assistant Director, Investigations	Regulatory Action	Investigations	
Director, Investigations	Regulatory Action	Investigations	





Specialist (Data breach and security)	Regulatory Intelligence and Strategy	Policy and statutory functions	b (7)(F)
Specialist (Credit reporting)	Regulatory Intelligence and Strategy	Policy and statutory functions	
Specialist (Digital ID & CDR)	Regulatory Intelligence and Strategy	Policy and statutory functions	
Specialist (Health)	Regulatory Intelligence and Strategy	Policy and statutory functions	
Specialist (Privacy & FOI)	Regulatory Intelligence and Strategy	Policy and statutory functions	
Co-Director, Policy and statutory functions (CDR and Digital ID)	Regulatory Intelligence and Strategy	Policy and statutory functions	
Co-Director, Policy and statutory functions (Law Reform)	Regulatory Intelligence and Strategy	Policy and statutory functions	
Business Analytics and Data Officer	Regulatory Intelligence and Strategy	Regulatory intelligence	
Assistant Director, Business Analytics and Data	Regulatory Intelligence and Strategy	Regulatory intelligence	
Director Regulatory Intelligence	Regulatory Intelligence and Strategy	Regulatory intelligence	
Regulatory Intelligence Advisor	Regulatory Intelligence and Strategy	Regulatory intelligence	
Assistant Director, Regulatory Intelligence	Regulatory Intelligence and Strategy	Regulatory intelligence	

## Legal Services

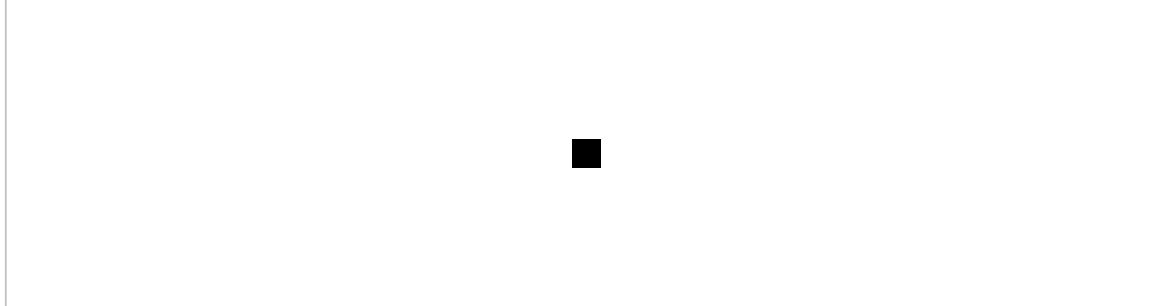
Title	Branch	Name
Lawyer	Legal	Vacant
Lawyer	Legal	Vacant
Lawyer	Legal	s 47F
Principal Director, Legal	Legal	
Principal Lawyer	Legal	

## Office of the Commissioner/Reform Office

Title	Branch	Team	Name
Executive Assistant	Office of the Commissioner	Commissioner Support	s 47F
Executive Assistant	Office of the Commissioner	Commissioner Support	
Executive Officer	Office of the Commissioner	Commissioner Support	vacant
Assistant Director, Reform Office	Office of the Commissioner	Reform Office	s 47F
Director, Reform Office	Office of the Commissioner	Reform Office	
General Manager, Reform Office	Office of the Commissioner	Reform Office	
Business Improvement Lead	Office of the Commissioner	Reform Office	vacant



**From:** [OAIC - People and Culture](#)  
**To:** [OAIC - Office Aus Information Commissioner](#)  
**Subject:** [Message from People and Culture] Designing the Future OAIC - important information  
**Date:** Tuesday, 3 September 2024 11:48:41 AM  
**Attachments:** [image001.png](#)  
[Internal presentation on proposed structure - 3 September.pdf](#)  
[Designing the Future OAIC - Structure proposal for consultation.pdf](#)  
[image005.png](#)  
**Importance:** High



Dear Colleagues

Thank you for your engagement with the *Designing the Future OAIC* process. As mentioned during the all-staff meeting, the consultation period on the proposed structure commences today. We have attached today's presentation, as well as the proposed structure report to assist you with providing feedback.

How you can provide feedback during the consultation period

The OAIC has several mechanisms in place to encourage genuine and effective consultation on the proposed structure. The consultation period commences today, 3 September and will conclude close of business 20 September.

We ask you to take time to thoroughly read all the information provided about the proposed structure.

You can provide feedback:

- via the [Proposed OAIC Structure Feedback Survey](#) (survey open from tomorrow Wednesday 4 September through until 18 September, 5:00pm AEST)
- to your Assistant Commissioner
- via [email](#) to People and Culture
- via any nominated representative which may include the Community and Public Sector Union (CPSU)
- via the CPSU through any meetings they may schedule with staff, or CPSU members, or directly with the CPSU Delegate, Carmela Calandra-Zamecnik
- through meetings with each Branch to discuss the change during the week of 9 September (see table below)
- via email to Annan Boag, as the nominated OAIC contact during consultation.

Proposed consultation meetings with Branches (9 – 13 September)

We will be holding discussions with each branch to speak about the proposal, answer questions, and hear your feedback. You will receive calendar invites for these consultation meetings once confirmed. The proposed timing is below.

Team	Date
Corporate	11 September, 3:30-4:00pm AEST
Corporate – Legal	12 September, 3:30-4:00pm AEST

Dispute Resolution	13 September, 2:00-2:30pm AEST
FOI	11 September, 11:30-12:00pm AEST
Major Investigations	12 September, 1:00-1:30pm AEST
R&S (Assessments and CDR)	9 September, 2:30-3:00pm AEST
R&S (Other) & Digital ID	9 September, 3:30-4:00pm AEST

#### How your feedback will be considered

The OAIC is committed to giving prompt and genuine consideration to matters raised about the proposed new structure by staff, relevant union(s) and/or other recognised representatives.

Please be respectful and considered when providing feedback. Thoughtful and focused input will help us process and respond more effectively. We value your insights and appreciate your cooperation in making the consultation process a positive and successful experience.

#### Reminder about your Representative Rights

As notified in August, you have the right to nominate a representative during this process. Please email [People and Culture](#) if you would like more information or if you would like to nominate a representative. Please note we already recognise the CPSU as a representative of its members and will be engaging with them on that basis. This does not preclude union members from also providing feedback directly.

We have been working diligently to ensure that we have appropriate measures in place to avert or mitigate the adverse effect of the proposed change on employees. A key measure will be the launch of the mobility register, including internal and external opportunities available to staff with further information to be released tomorrow.

#### Reminder of support available

##### Our Employee Assistance Program (EAP)

- Converge International is the OAIC's EAP provider and provides OAIC staff with access to a variety of areas of support (including Employee Assist, Manager Assist and Career Assist).
- The Converge International intake team can be contacted by phone on 1300 687 327 or by email at [eap@convergeintl.com.au](mailto:eap@convergeintl.com.au).
- If you would like to engage via the mobile app, please use this QR code below s 47E(d)



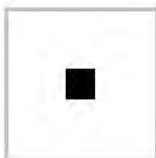
#### Other workplace support available

- Assistant Commissioners
- [People and Culture](#)
- [Health and Safety Representatives](#)
- Mental Health First Aiders (Carmela Calandra-Zamecnik, Mark Smolonogov)

Kind regards

People and Culture

People & Culture Team



Corporate Branch  
Office of the Australian Information Commissioner  
E [OAICpeopleandculture@oaic.gov.au](mailto:OAICpeopleandculture@oaic.gov.au)

*The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.*






Australian Government

Office of the Australian Information Commissioner

FOIREQ25/00062 006

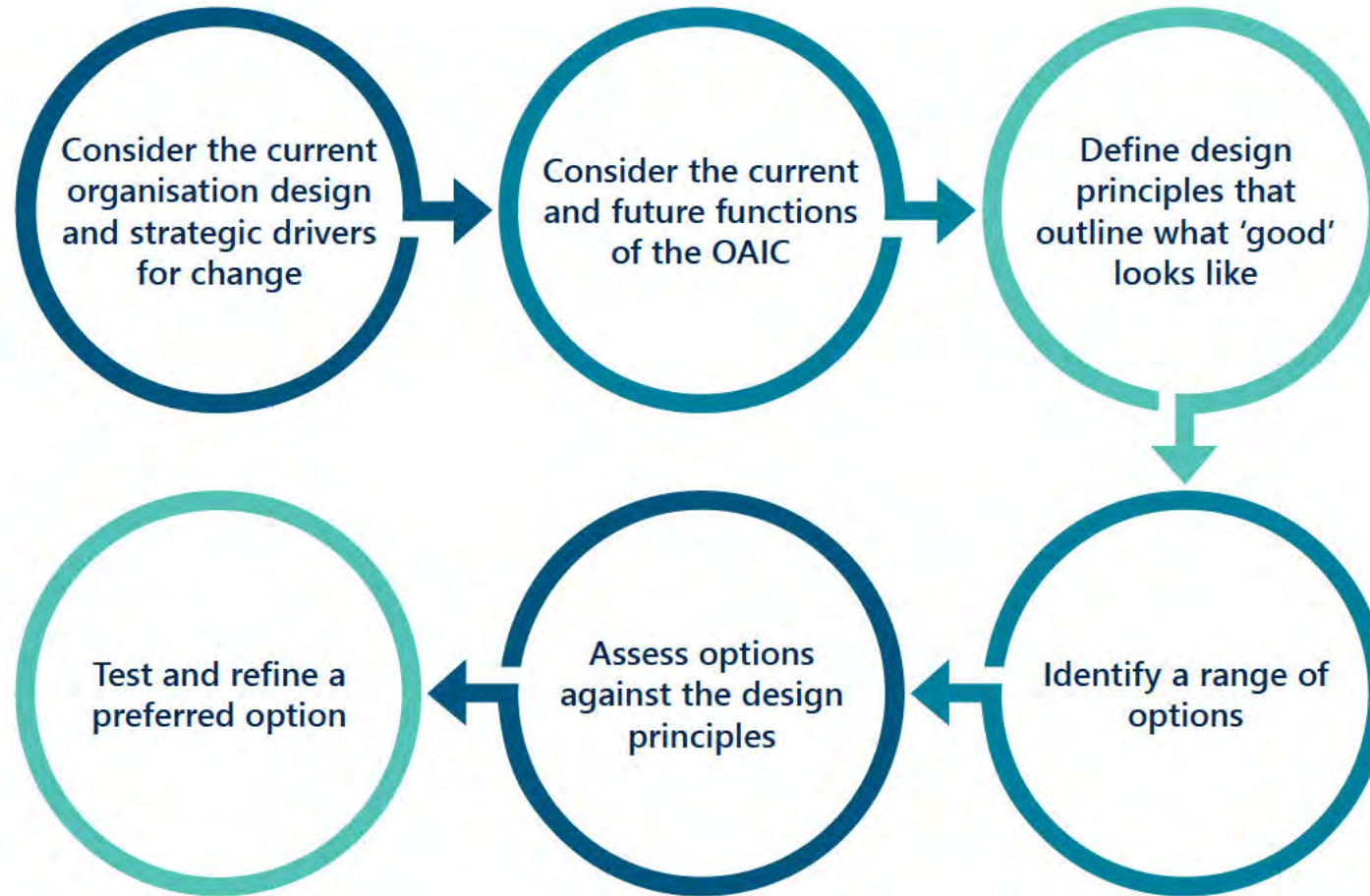


# Designing the Future OAIC: Proposed structure and next steps

3 September 2024



# The process for designing our future structure



For more detail see pp 11-24 of the Structure Proposal



# Intent of the proposed structure

- **Changing our risk posture:** shifting towards a more harm-focused approach that considers risk in a proportionate manner and is not risk averse.
- **Ensuring transparent information sharing:** ensuring expertise and information is shared across the organisation.
- **Fostering greater collaboration:** collaboration across diverse functions is not just beneficial, it's imperative to achieving OAIC's strategic aims.
- **Focusing on the core regulatory role of the OAIC:** the OAIC oversees the regulation of privacy and information rights. Resources need to be balanced according to the regulatory priorities of the Commissioners, and at this stage this requires a shift of resourcing towards case management functions.
- **Responding to a changed authorising environment:** the Commissioners' vision is informed by the authorising environment of the organisation, including its Budget. The May 2024 budget reflects a shift in the authorising environment, with the cessation of terminating measures funding major investigations and certain privacy work. The OAIC needs to reduce its staffing profile from around 200 FTE (as at July 2024) to around 163 FTE, at the same time as substantially reducing external expenditure.

For more detail see pp 15-19 of the Structure Proposal



# Examples of how feedback has been adopted

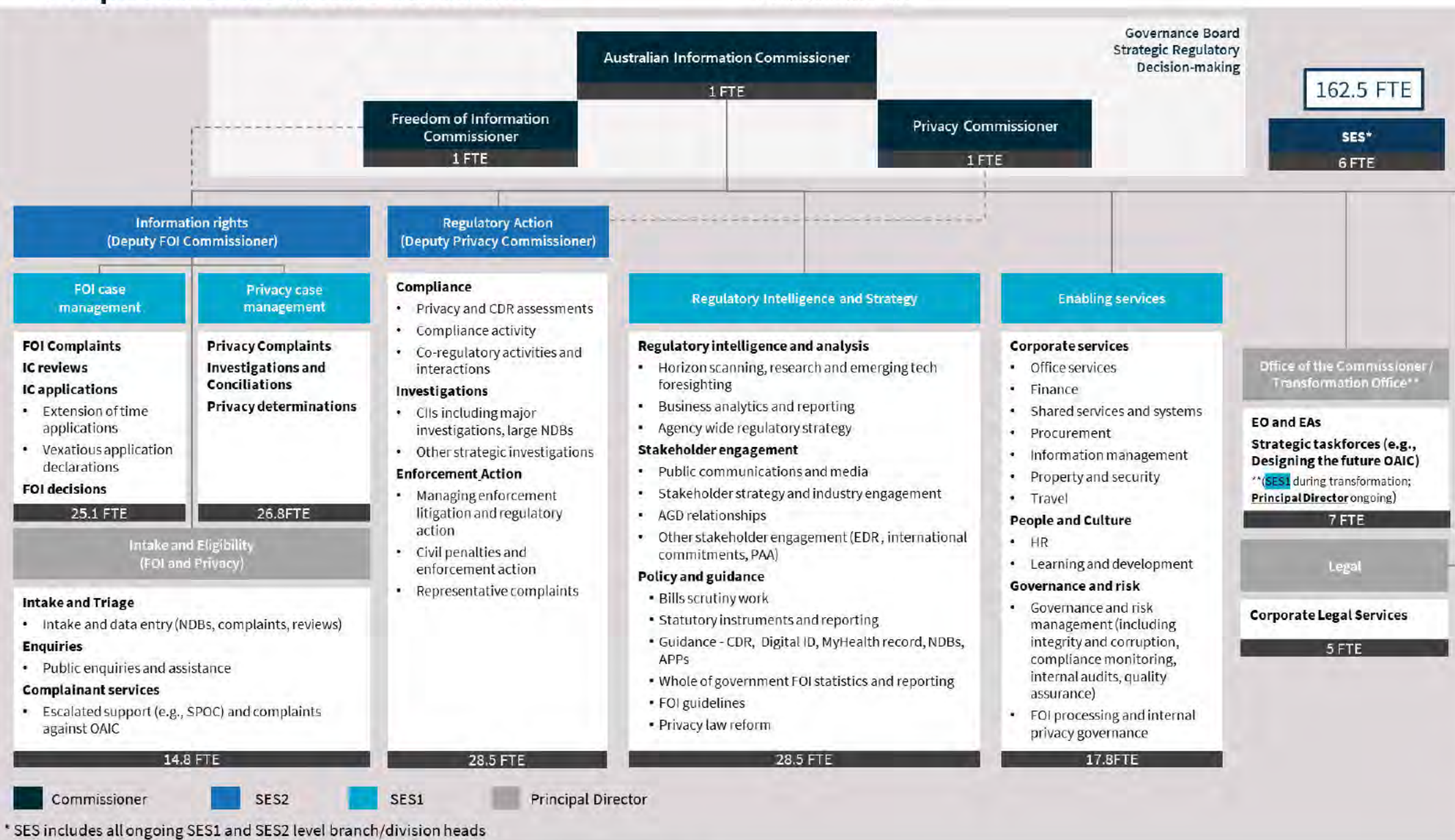
Themes from staff feedback	Result
Staff indicated a strong preference for all stages in the privacy complaints process (the ‘complaints continuum’) to be maintained in a single branch/team. They expressed that splitting the complaints continuum would result in silos as teams that work closely together in the current model will not be able to do so if split across branches.	<b>Partially adopted</b> – most substantive case management will occur in a proposed privacy case management branch, with intake work in a new team.
Staff indicated a strong preference that Privacy and FOI are not integrated. Reasons included: <ul style="list-style-type: none"> <li>• The breadth of expertise required for each is significant and it would be difficult to manage in a single branch.</li> <li>• That breadth would also make it difficult for staff to develop the expertise required across both domains.</li> <li>• Concerns that the FOI branch would be siloed or deprioritised if the regulatory areas are combined.</li> </ul>	<b>Substantively adopted</b> - dedicated privacy and FOI case management branches will allow for expertise to be retained and to address this concern.
Staff in the legal team expressed a desire for a distinct legal branch, where all legal functions are independently and centrally managed. However other staff outlined that the co-location of litigation functions may support the investigations and enforcement teams to make efficient use of legal expertise.	<b>Substantively adopted</b> – a central legal team will provide corporate legal services for the OAIC, with ownership of legal risk and legal decision-making spread through the agency.

For more detail see pp 25-28 of the Structure Proposal



# Proposed OAIC future structure

FOIREQ25/00062 099



For more detail see pp 29-57 of the Structure Proposal

# Mapping between current and proposed structure – an example

Current Branch	Current Team		Future Team	Future Branch
Dispute Resolution	CII	>	Investigations	Regulatory Action
	Conciliations	>	Investigation and Conciliation	Privacy Case management
	Determinations	>	Privacy Determinations	
	Enquiries and Early Resolution	>	Complaint Resolution	
		>	Public Enquiries	Intake and Eligibility
	Notifiable Data Breaches	>	NDB processing	
		>	Investigation	Regulatory Action
	Privacy Case Management	>	Privacy Complaints	Privacy Case management

For more detail see pp 62-64 of the Structure Proposal.



## Upcoming initiatives

- EOI to seek staff to fill transformation office roles
- Mobility register
- Feedback mechanisms including a staff survey, branch level meetings with executive and the ability to give your feedback to People and Culture, members of the OAIC Consultation Forum and through the CPSU

# Proposed consultation timeline and next steps

<b>3-20 Sept</b>	Consultation with all staff on proposed new structure
<b>4-18 Sept</b>	Structure feedback survey opens
<b>9-13 Sept</b>	Branch level meetings to discuss changes
<b>Around 30 Sept</b>	Confirmation of the new structure
<b>Around 3-16 Oct</b>	Map from current roles to new roles in the future structure, to determine which positions staff will be directly appointed to.
<b>16 October and onwards</b>	Begin working with individual staff whose roles are most affected by the change, especially where we have more employees performing a function than available positions, so will need to reduce our staffing
<b>November</b>	Positions in new structure confirmed
<b>November onward</b>	External recruitment for positions that cannot be filled internally



# How you can provide feedback

During the consultation period (3-20 September 2024) you can provide your feedback:

- via the [OAIC survey](#) (open from 4 September until 18 September)
- to your Assistant Commissioner
- via [email](#) to People and Culture at any time during the consultation process
- via any nominated representative, which may include the Community and Public Sector Union (CPSU)
- via the CPSU through any meetings they may schedule with staff, or CPSU members, or directly with CPSU Delegate Carmela Calandra-Zamecnik
- through meetings held with each branch to discuss the change during the week of 9 September

# Assistance available

## Our Employee Assistance Program (EAP)

- Converge International is the OAIC's EAP provider and provides OAIC staff with access to a variety of areas of support (including Manager Assist, Career Assist and Employee Assist).
- The Converge International intake team can be contacted by phone on 1300 687 327 or by email at [eap@convergeintl.com.au](mailto:eap@convergeintl.com.au).

## People and Culture

- Mark Smolonogov is available on 02 9942 4243 or s 47E(d) for any questions, support or to have a confidential discussion. Alternatively, you can email Mark to schedule a time to talk ([mark.smolonogov@oaic.gov.au](mailto:mark.smolonogov@oaic.gov.au))

## Assistant Commissioners are available

- I encourage you to reach out to your Assistant Commissioner to share your thoughts over the coming weeks.



Australian Government

Office of the Australian Information Commissioner



# Questions





**Australian Government**

**Office of the Australian Information Commissioner**

## Designing the Future OAIC

Proposed structure options for consultation



3 September 2024

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## Purpose of this document and how to read it

The purpose of this document is to share information with OAIC staff about a proposed new organisational structure for the OAIC. A move to the proposed new structure is likely to affect all OAIC staff, and we want to seek their views before OAIC's Governance Board makes a final decision about our future structure.

This document describes the proposed future structure of the OAIC, and the process followed to design it. It also outlines the strategic objectives the structure is seeking to achieve.

## Questions this document answers

This document is intended to address a number of questions OAIC staff are likely to have about this change, and to meet the consultation requirements for a major change as set out in the OAIC's Enterprise Agreement.

Issue	Relevant section(s)
What is the proposed change?	The proposed change is detailed in the section ' <b>The proposed future structure</b> ' below, which outlines the proposed structure and the function and staffing level of each section within the proposed future structure.
Why are we considering making the proposed change?	The reasons for the proposed change are set out in the section ' <b>Strategic Imperatives &amp; Commissioners' Vision</b> '.
What effect is the proposed change likely to have on OAIC staff?	The proposed change is likely to affect how OAIC staff in each team do their work due to the changed functions of OAIC sections. This is detailed in the section ' <b>The proposed future structure</b> ' below. Due to the OAIC's constrained fiscal environment, we also need to cease or scale down certain activities, and this will affect staff. This is described in the section ' <b>Activities to be scaled back</b> '.
What proposed measures are intended to mitigate adverse effects of the proposed change?	The scaling of activities described in the section ' <b>Activities to be scaled back</b> ' is intended to provide guidance about what activities the OAIC will scale back to operate within its reduced staffing level. This is to avoid staff needing to take on additional workloads due to a lower staffing level across the office. Throughout the document there are other sections that describe steps being taken to mitigate issues raised in consultations to date, especially in the section ' <b>Staff provided input through branch feedback sessions</b> ' which describes how the main points raised in feedback to date have been addressed.
What other matters are likely to affect OAIC staff?	After consultation is complete on this proposed structure and OAIC's Governance Board decides what the OAIC's future structure will be, we will start moving to it. This will likely involve making changes to some specific roles, and we will work with the affected staff directly about this.



## What we want to know from OAIC staff

In considering the proposed structure and supporting materials, we encourage you to reflect on some or all of the following questions in your feedback. These questions form the basis of the proposed structure consultation survey, which we encourage everyone to complete.

- How well does the proposed structure align with the OAIC's strategic and regulatory priorities?
- In what ways do you see the proposed structure enhance our ability to deliver on our key priorities?
- Do you have suggestions about how staffing and responsibilities are distributed across the proposed structure?
- What additional support or adjustments could improve cross-functional workflows under the proposed structure?
- Are there any areas where the proposed structure could be changed to further improve efficiency without compromising service delivery?
- What, if any, changes would you make to the proposed structure?

You can provide feedback:

- via the [OAIC Structure Feedback Survey](#)
- to their Assistant Commissioner
- via email to People and Culture
- via any nominated representative which may include the Community and Public Sector Union (CPSU)
- via the CPSU through any meetings they may schedule with staff, or CPSU members, or directly with CPSU Delegate Carmela Calandra-Zamecnik
- through meetings held with each branch to discuss the change during the week of 9 September.

Please be respectful and considered when providing feedback; thoughtful and focused input will help us respond most effectively. We value your insights and appreciate your cooperation in making the consultation process a positive and successful experience.

## Next steps

The anticipated dates for significant steps in the process to move towards our new structure are as follows.

Date	Step
3–20 September	Consultation with all staff on proposed new structure.
4–18 September	Structure feedback survey open.
9–13 September	Branch level meetings to discuss proposed change.
Around 30 September	Confirm new structure.
Around 3–16 October	Map from current roles to new roles in the future structure, to determine which positions staff will be directly appointed to.
16 October onwards	Begin working with individual staff whose roles are most affected by the change, especially where we have more employees performing a function than available positions, so will need to reduce our staffing.
November	All positions in new structure confirmed, where filled through internal appointment or mobility.
November onwards	External recruitment for positions that cannot be filled internally.

## Questions and answers

We expect staff to have many questions about this proposal. You are encouraged to direct questions to your manager or Assistant Commissioner, or the People and Culture team. The following table outlines some questions we think many OAIC staff will have upon reading this document.

Question	Answer
	The section ' <b>The proposed future structure</b> ' below provides an initial mapping between teams in the current structure and the future structure.
When will I know where I will be in the future structure and how my role will be affected?	<p>Once consultation on the draft structure has concluded and feedback has been considered, the final structure will be shared with all staff. After the structure is finalised, the OAIC will arrange for the SES and Principal Director positions to be filled as a priority. Once that happens, those leaders will work with People &amp; Culture to map individual roles into the new structure and this will most likely occur in the <b>week of 16 October</b>.</p> <p>This is to ensure that newly appointed interim branch SES and Principal Directors are able to inform, effectively initiate and support the transition to the new structure. We will continue to</p>

	operate under our existing structure at the team level until the transition to the new structure.
Legal Services only has 5 FTE. Does that mean there are only five roles for lawyers within the new proposed structure?	No. While Legal Services will be responsible for the delivery of independent and expert legal advice to the OAIC's Commissioners and executive, and managing the conduct of litigation brought against the Commissioner, some legal expertise such as privacy, FOI, and other litigation is proposed to be housed elsewhere in the agency. This is addressed in further detail below in the description of the proposed legal team, and in the description of how we have responded to the major themes raised in consultation.
There are a lot less teams in the new structure. Will we be reducing the number of EL2s to match the number of teams?	No. It is unlikely that every team will be led by one EL2. However, we do expect that over time we will need to rebalance our staffing profile away from senior staff, which will likely mean fewer SES and EL staff in the future. Which individual roles will be affected cannot be determined until a decision is made on the proposed structure and a mapping of roles from the current to the future structure is completed.
Is the proposed FTE within each branch/team final?	No. This is the proposed structure and is subject to change based on feedback obtained during consultation. We would welcome feedback from staff if they think there is a better way to balance resources between functions to achieve the objectives outlined in this document.
Why are we proposing to create new SES Band 2 roles in the structure?	These roles are intended to lead areas of high risk and high priority for the OAIC, namely case management and regulatory action. These proposed new roles also have the additional function of serving as Deputy Commissioner to the FOI Commissioner and Privacy Commissioner respectively.
There are 38 fewer FTE in the proposed new structure. Why is that more than the reduction in our staffing cap that was previously discussed (27)?	While the OAIC's staffing cap reduced by 13% (26.3 FTE), our total budget reduced by the much higher proportion of 23% (\$11.1m). This occurred at the same time as our staffing costs increased considerably due to changes to our enterprise agreement. The limiting factor for how many staff we can afford to employ in the new structure is therefore not our staffing cap, but our available funds. The proposed staffing level has been arrived at after planning for considerable reductions to our supplier expenses and legal expenses, as well as reducing our proportion of executive employees, to allow us to continue to employ as many staff as possible.
Does that mean that we need to reduce our current staffing level by 38 FTE?	No. The staffing levels described in the current structure are based on our payroll as at 17 July 2024. Since that date, the OAIC has already taken steps to reduce our staffing level, including returning secondees to their home agencies and making some other targeted staffing reductions. We have also seen some staff



depart the OAIC for other reasons. Together, this has already reduced our staffing level. After counting staffing departures that have already occurred or are pending, we need to reduce our staffing level by approximately 20 FTE more to get to the target level described in this proposed structure.

---

Which specific positions need to be reduced?

The OAIC is unlikely to be in a position to identify which staff are excess until after 16 October 2024. The process and identification of excess staff will only be known once the structure has been finalised and positions mapped into the new structure. The process for managing potentially 'excess' employees will be in accordance with the EA and affected employees will be consulted with and supported throughout the process.

# Summary of the structure proposal

## The OAIC is refreshing its organisational structure

The operating environment of the Office of the Australian Information Commissioner (OAIC or the agency) is changing as advancements in technology, artificial intelligence and the growth of the digital economy affect information management and personal privacy. Rapid growth in these areas creates an increasingly complex and faster-evolving operating environment for the agency to regulate. Responding to these changes requires the right operating model to support effective regulation.

## The OAIC underwent a Strategic Review which recommended that the structure be updated

The Attorney-General's Department (AGD) commissioned Nous Group (Nous) to conduct a Strategic Review of the agency (the Review) to ensure that it remains well positioned to deliver its functions into the future.

The Review concluded that despite recent reforms, the agency's regulatory posture and operating model do not support the OAIC to meet its future challenges as a regulator.

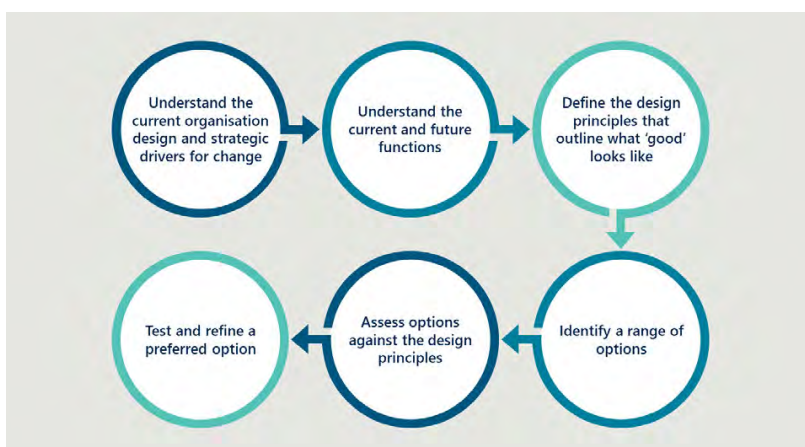
The Review recommended that the OAIC update its organisational structure to achieve its purpose and future functionality. It recommended this occur after the new Commissioners commenced in their roles to bring life to their identified strategic imperatives.

## OAIC has followed a six-step process to develop the proposed organisational structure

The OAIC engaged Nous to support them through a six-step process of organisational redesign. Through these six steps the Agency is undertaking a robust process that:

- builds on the work of the strategic review and the current state of the organisation,
- acknowledges the strategic intent of the new Commissioners, and
- articulates a proposed model to deliver on this vision.

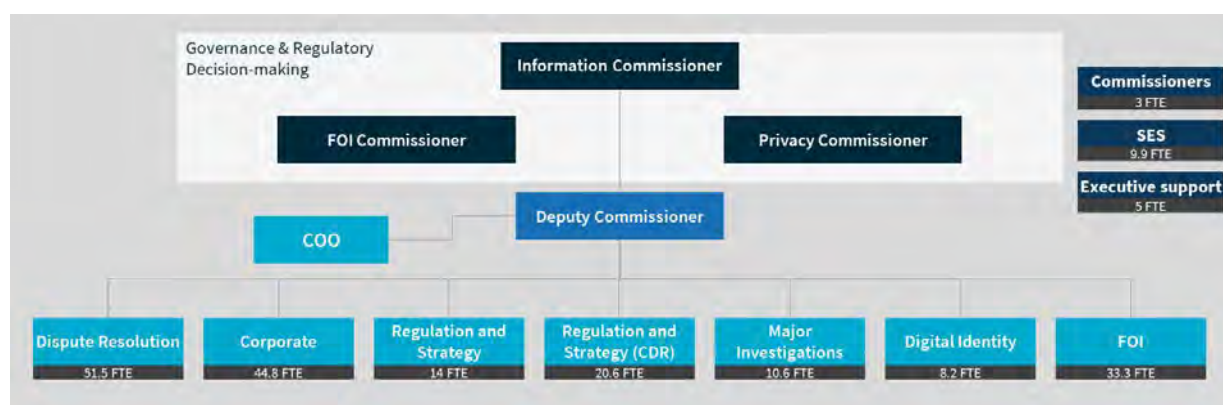
**Figure 1 | Six-step process for organisation design**



## The current organisational structure of the OAIC divides the agency into branches by regulated area and corporate functions

The current organisational structure of the OAIC divides the agency into branches by regulated area and corporate functions. The agency is divided into seven branches, each led by an Assistant Commissioner, with all branches reporting to the Deputy Commissioner. Figure 2 below outlines a high-level overview of the current organisational structure and the functions associated with each branch.

**Figure 2 | The OAIC's current organisational structure**



## The Commissioners are seeking to engender a fundamental change in how the OAIC works.

This change is aimed at driving a transition to a more effective, harm-focused regulator. There are several strategic aspirations underpinning this transformation, which include:

**Changing the organisation's risk posture:** shifting towards a more harm-focused approach that considers risk in a proportionate manner and is not risk averse. This shift will require all parts of the agency to reconsider how risk is approached across regulatory activities in the OAIC.

**Ensuring transparent information sharing across the organisation:** ensuring the OAIC's expertise is shared across the organisation. Going forward the OAIC hopes to foster collective vigilance and a deeper understanding of regulated entities, enhancing the effectiveness of regulatory interventions aimed at harm reduction.

**Fostering greater collaboration:** collaboration across diverse functions is not just beneficial; it's imperative to achieving OAIC's strategic aims. Knowledge exchange across compliance, enforcement, policy, and case management, will drive a holistic understanding of privacy and FOI matters. Insights from frontline enforcement can inform policy development, while policy teams can guide compliance officers on the latest frameworks and thresholds, ensuring a unified, effective regulatory approach.

**A focus on the core regulatory role of the OAIC:** the OAIC oversees the regulation of privacy and information rights. This includes a variety of functions including case management, investigations, policy and guidance development and support and education of regulated entities. Going forward the OAIC hopes to foster a culture whereby resources are balanced according to the regulatory priorities of the Commissioners.



**Responding to a changed authorising environment:** the Commissioners' vision is informed by, among other things, the authorising environment of the organisation. The May 2024 budget reflects a shift in the authorising environment, with the cessation of terminating measures that funded major investigations and privacy work relating to social media and online platforms. This signals a change in expectations that requires a shift in how the OAIC operates. More specifically, it sends a signal about where the OAIC does, and does not, spend its time.

### **The change is being guided by a strong set of principles and clear priorities**

The Commissioners have distilled their strategic intent in a clear set of guiding principles that outline the vision for the agency. These have been outlined in the agency's 4 Pillars (4Ps). These principles articulate the OAIC's strengths and the Commissioners' expectation that will inform the activity of the agency. These principles support the agency to regulate in a risk-based and strategic manner.

### **Options development was guided by design principles that give life to the strategic intent**

The OAIC articulated a set of design principles to assess potential models and ensure the new structure is fit-for-purpose. These principles were developed through engagement with OAIC Commissioners and staff. **'Design principles'** outlines the design principles aligned to the 4Ps to outline how they map with the larger vision for the OAIC.

### **Several models were developed and shortlisted, before two were initially circulated for engagement with staff**

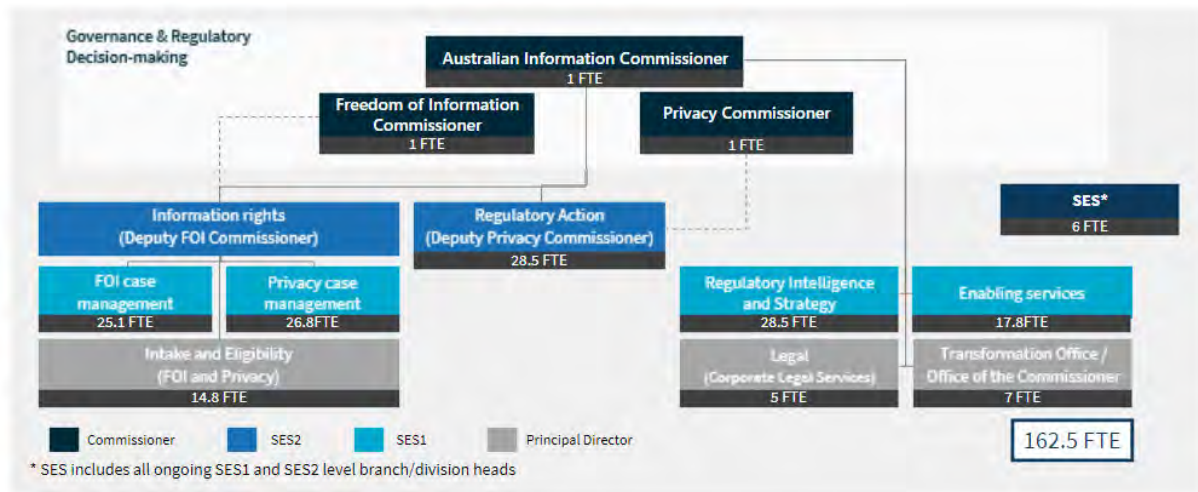
Various models were developed that reflect the current needs of the agency while ensuring that the structure could be scaled to address future regulatory challenges that the OAIC is likely to face.

The Commissioners reviewed the models and further refined and consolidated the models to arrive at two potential options. These models were designed down to the branch level.

Staff provided feedback on these two options. This feedback fed into the development of a proposed structure that was refined by the Commissioners ahead of consultation with staff.

### **Overview of the proposed structure**

The proposed organisational structure has been designed to support the OAIC to achieve its regulatory objectives. This structure seeks to combine elements of privacy and FOI where practicable while retaining and highlighting regulated area expertise. This structure also seeks to rebalance the OAIC towards core regulatory work through the inclusion of deputy commissioners for both FOI and privacy.

**Figure 3 | High level overview of the proposed structure**

The following sections of this report outline in detail the proposed structure, the process undertaken to design it, and the strategic environment that guided its development.

# Background

This section outlines the role and purpose of the OAIC and the context for redesigning the organisation.

## The OAIC is responsible for the regulation of privacy and information access across Australia

The OAIC (the agency) is the Australian national privacy and information access regulator. The OAIC regulates under the *Privacy Act 1988* (Privacy Act) and the *Freedom of Information Act 1982* (FOI Act) and plays a critical role in promoting, protecting and upholding the privacy and information access rights of the Australian community.

The OAIC was established in 2010 under the *Australian Information Commissioner Act 2010* (AIC Act), which outlines its key functions, including:

- freedom of information functions, which give the Australian community access to information held by the Commonwealth Government in accordance with the *Freedom of Information Act 1982* (and other Acts)
- privacy functions, which protect the privacy of individuals in accordance with the *Privacy Act 1988* (and other Acts)
- Information Commissioner functions, which are strategic functions concerning information management by the Commonwealth Government.

## The OAIC has undergone significant change

The OAIC's operating environment is changing as advancements in technology, artificial intelligence and the growth of the digital economy change how information is used and valued. The OAIC operates in an increasingly complex and faster-evolving operating environment. Responding to these changes requires the right capabilities, mindsets and structures to support effective regulation.

In recent years the agency has undergone significant changes. These include:

- The implementation of a three-Commissioner model for the first time in many years
- A shift in regulatory environment and posture
- The introduction of structural changes
- A period of significant growth
- A transition to a hybrid workforce.

Collectively, these changes have necessitated a refreshed approach to governance and strategic decision-making arrangements.

## The OAIC underwent a Strategic Review to ensure that it was fit-for-purpose

The Attorney-General's Department (AGD) and OAIC commissioned Nous to conduct a Strategic Review of the agency (the Review) to ensure that it remains well positioned to deliver its functions



into the future. The Review drew on a variety of data sources including stakeholder consultation across the agency and AGD, extensive document review and analysis of key budgetary, staffing and case load data.

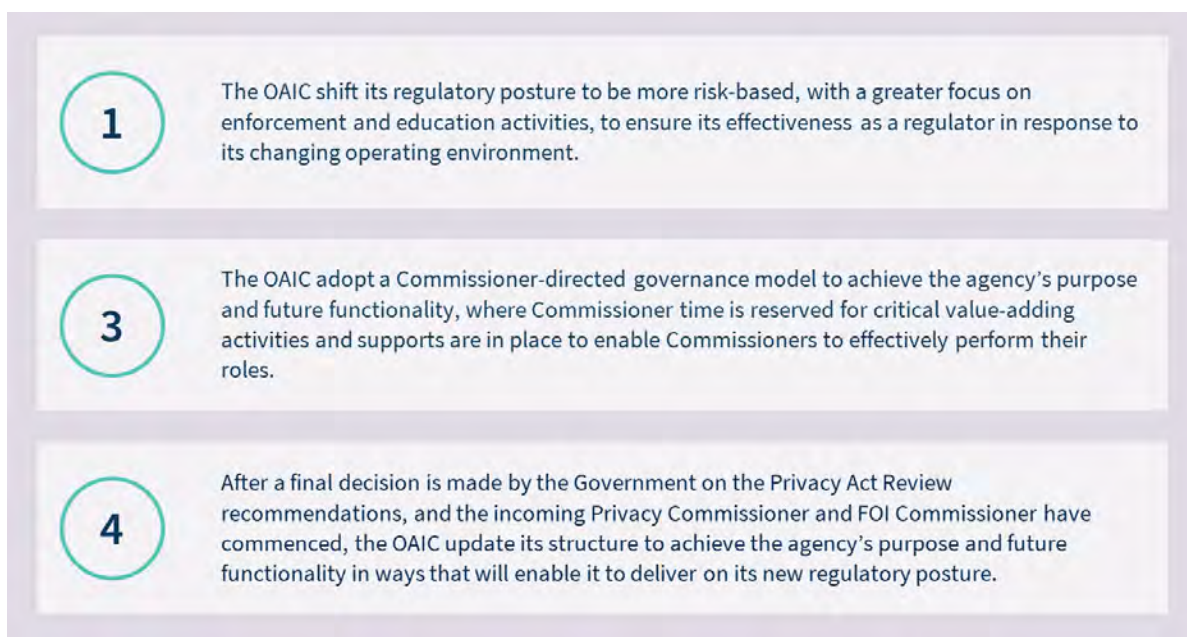
The Review found that the OAIC's approach to regulation, regulatory posture and some processes were not set up to meet the changing operating environment. The Review made a number of recommendations including an update to the structure of the OAIC to achieve the agency's purposes and functions as the regulator of information access and privacy rights in Australia.

### The Review recommended that the OAIC update its structure

The Review concluded that despite recent reforms, the agency's regulatory posture and operating model do not support the OAIC to meet its future challenges as a regulator.

Recommendations 1, 3, and 4, outlined in 4 below, highlighted the need for an updated structure to ensure that the OAIC could meet its strategic and regulatory priorities. The Review outlined that the updated regulatory posture and governance model should be built into any consideration or development of a new structure. It also recommended that further consideration on structure be deferred until after the new Commissioners commenced in their roles to bring life to their identified strategic imperatives.

**Figure 4 | Review recommendations related to structure**



### Some changes have been implemented to organisational structure since the completion of the Review

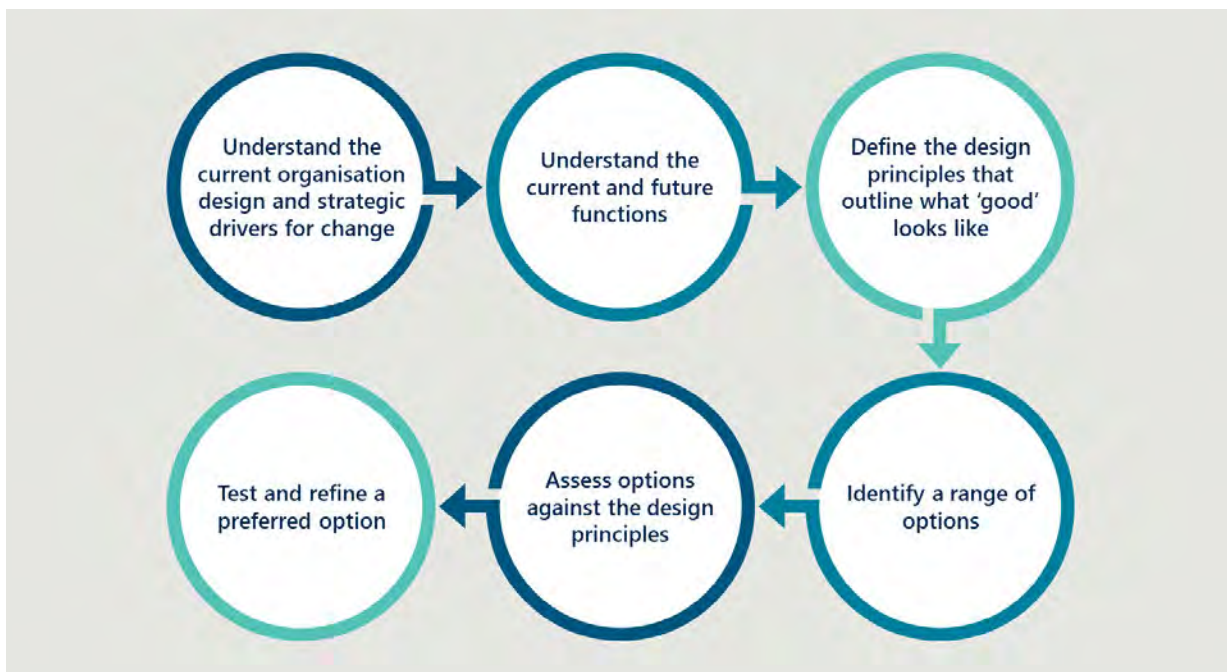
The OAIC implemented some changes following the Strategic Review. In doing so, they have made important progress towards implementing a more risk-based regulatory model. Despite this progress, there remain significant and important opportunities to shift the OAIC's culture and ways of working, and to realise additional efficiencies in how it operates.

The need for increased efficiencies is highlighted following the Government's recent decision to cease funding of some terminating funding measures, which has been applied across the agency's operations. This returns the OAIC to similar total funding levels of FY23 and equates to approximately a reduction of approximately \$11 million from FY24.

## Nous worked through a six-step process to develop the proposed organisational structure

The OAIC has engaged Nous to support the development of an organisational structure. The development of this new structure follows the six-step process outlined 5.

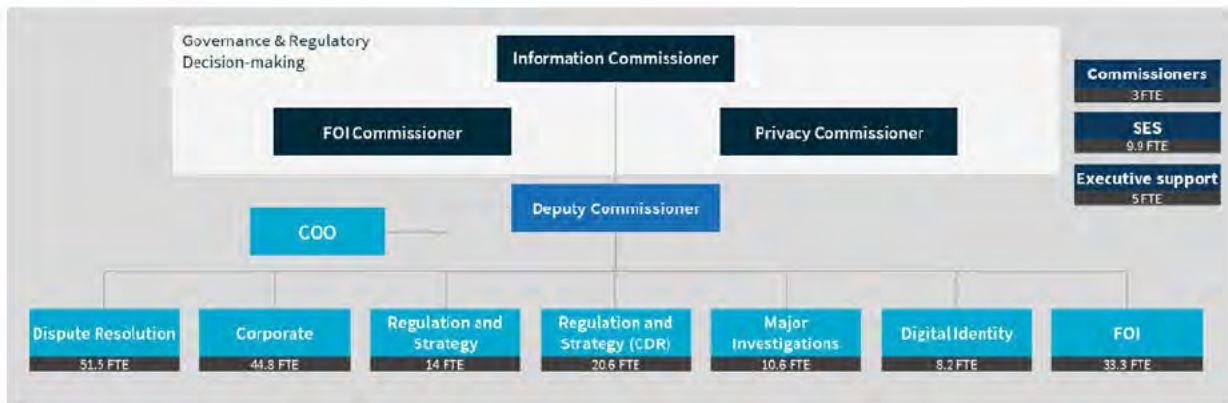
**Figure 5 | Six-step process for organisation structure design**



Each of these six steps is outlined in the following sections of this report.

## The current organisation design

The current organisational structure of the OAIC divides the agency into branches by regulated area and corporate functions. The agency is divided into seven branches, each led by an Assistant Commissioner, with all branches reporting to the Deputy Commissioner. Figure below outlines a high-level overview of the current organisational structure and the functions associated with each branch.

**Figure 6 | The OAIC's current organisational structure**

## Staffing and resourcing

Table below outlines the FTE of the agency across each branch (as at 17 July 2024, which was used as the baseline date for assessing the OAIC's current structure).

**Table 2 | FTE of the OAIC as at 17 July**

Branch	FTE
Corporate	27.4
Corporate (Legal)	17.4
Digital ID	8.2
Dispute Resolution	51.5
Executive	17.9
Freedom of Information	33.3
Major Investigations	10.6
Regulation and Strategy (Policy and engagement)	14
Regulation and Strategy (CDR and assessments)	20.6



# Strategic imperatives and Commissioners' vision

This section outlines the Commissioners' vision for the OAIC and the principles that will guide the transformation to a new organisational structure. This includes the 4 Pillars and strategic priorities.

The Commissioners are seeking to engender a fundamental change in how the OAIC works. This change is aimed at driving a transition to a more effective, harm-focused regulator.

There are several strategic aspirations underpinning this transformation, which include:

**Changing the organisation's risk posture:** Key to the implementation of this new vision will be the shift towards a more harm-focused approach that considers risk but is not risk averse. This shift will require all parts of the agency to reconsider how risk is approached across regulatory activities in the OAIC.

The Commissioners want the OAIC to be a leader in the provision and practice of FOI and privacy regulation, review and case management. This requires expertise to be recognised and built across the agency. In doing so, the Commissioners recognise the multiple complementary forms that expertise can take. To enable its core FOI and privacy regulatory work, the OAIC needs to also build legal, intelligence, regulatory strategy and corporate expertise, balancing each to ensure they all contribute to the strategic, operational and tactical decisions of the organisation.

This means:

- Entrusting FOI and privacy regulatory and operational staff in OAIC to make sound decisions and progress their work without over-reliance on multiple layers of review, legal advice (both internal and external), or use of consultants and external experts.
- Taking regulatory action in ways that are informed by an assessment of impact, or that are novel or less likely to succeed, where the possible benefits justify the risk.
- Being confident to not spend time and resources on particular issues where the benefit to the community does not justify this, even in the face of pressure from external stakeholders, the public, or strongly-invested individuals.
- Applying resources to OAIC's corporate compliance obligations in a manner that is fit for size and purpose (e.g., security, risk management, procurement) and proportionate.

**Ensuring transparent information sharing across the organisation:** ensuring the OAIC's expertise is shared across the organisation is critical to enabling the change to risk posture. It supports a unified approach to identifying and mitigating risks and enabling swift and informed responses. Going forward the OAIC hopes to foster collective vigilance and a deeper understanding of regulated entities, enhancing the effectiveness of regulatory interventions aimed at harm reduction. Likewise reporting publicly and being an accountable regulator will inform our future operations.

This transparency and unity also builds public trust, affirming that the OAIC actively protects privacy and information rights.

This might mean:

- Ensuring that as many staff as possible can access and benefit from professional advice received by the OAIC.
- Creating informal and formal mechanisms for staff to exchange knowledge.
- Building our information systems to support information and data being as accessible as possible to as many relevant OAIC staff as possible.

**Fostering greater collaboration:** collaboration across diverse functions is not just beneficial; it's imperative to achieving OAIC's strategic aims. Knowledge exchange across compliance, enforcement, policy, and teams, will drive a holistic understanding of privacy and FOI matters. Insights from frontline enforcement can inform policy development, while policy teams can guide compliance officers on the latest frameworks and thresholds, ensuring a unified, effective regulatory approach.

When different functional areas work in concert, they amplify their collective insights, leading to more nuanced risk assessments and targeted interventions. This unified force anticipates industry shifts and pre-emptively address potential harm before it materialises. The Commissioners are driving towards a collaborative culture that builds OAIC resilience and enhances credibility and capacity to safeguard public interests.

This might mean:

- Building formal and informal opportunities for OAIC staff to work together and get to know each other socially, especially across team lines.
- Organisational structures that support cross-functional teams and working, and mobility of staff between different roles.

**A focus on the core regulatory role of the OAIC:** the OAIC oversees the regulation of privacy and information rights. This includes a variety of functions including case management, investigations, policy and guidance development and support and education of regulated entities. Going forward the OAIC hopes to foster a culture whereby resources are balanced according to the regulatory priorities of the agency. At this stage this requires a shift of resourcing towards case management functions and an associated shift in focus of legal and corporate functions to supporting roles.

This might mean:

- Empowering staff across the OAIC to engage in new and different aspects of their regulatory focus
- Rebalancing resources across the agency from leadership or management functions to frontline staff
- In the context of a likely more constrained financial situation moving forward, focus on those activities that directly protect and uphold the information rights of the community, with less focus on strategically non-core activities.

**Responding to a changed authorising environment:** the Commissioners' vision is informed by, among other things, the authorising environment of the organisation which is encompassed in:

- the regulatory legislative instruments across privacy and FOI,

- other legislative and whole of government requirements, and
- the Government's expectations of the OAIC.

The May 2024 budget reflects a shift in the authorising environment, as the cessation of terminating measures that funded major investigations and privacy work relating to social media and online platforms. This signals a change in expectations that requires a shift in how the OAIC operates. More specifically, it signals an expectation of where the OAIC does, and does not, spend its time.

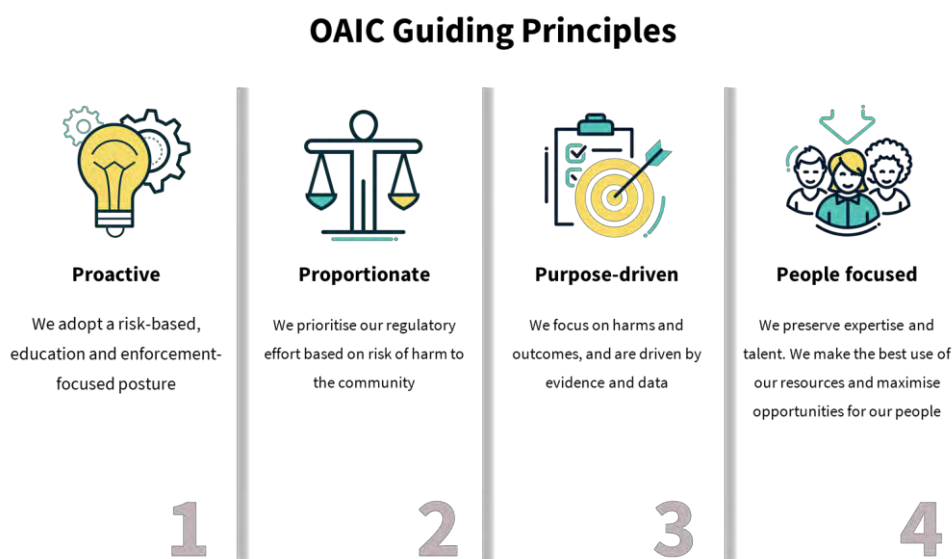
OAIC needs to reduce its staffing profile from around 200 full-time equivalent staff (as at July 2024) to around 163 FTE, at the same time as substantially reducing its external expenditure; especially legal expenditure. This will require the OAIC to work more efficiently, but it will also mean some activities that were funded by terminating funding (and related or enabling activities that were supported by that funding) must be scaled back or ceased.

The budget outcome signals a requirement for the OAIC to efficiently deliver on its regulatory mandate. This efficiency driver is not the primary force for change, but is an important element that must be considered in designing the future OAIC.

## OAIC's Guiding Principles

The Commissioners have distilled their strategic intent in a clear set of guiding principles that outline the vision for the agency. These have been outlined in the agency's 4 Pillars (4Ps). These principles articulate the OAIC's strengths and the Commissioners' expectation that will inform the activity of the agency. These principles support the agency to regulate in a risk-based and strategic manner.

**Figure 7 | OAIC's Four Pillars**





These principles have been supported by the statement of regulatory intent, which provides a central reference point for how decisions are to be made and the prioritisation of regulatory matters. In particular the statement reflects:

- Our approach to regulation, which means that we will direct our efforts towards the areas where we can reduce the most harm, or the greatest risk of harm, to the community
- The need to use both encouragement and deterrence in taking a harms-focussed approach
- That we will apply our regulatory tools in a consistent, transparent and proportionate manner.

The guiding principles will be key to the implementation of a new organisational structure that reflects the future vision of the OAIC that reflects the strategic vision set out by the Commissioners in the 4Ps.

## Statement of regulatory approach

The OAIC's regulatory approach uses both encouragement and deterrence to promote and protect privacy and information access rights. We apply a proactive and harm-focussed approach to prioritise our efforts. We take regulatory action to encourage and support compliance by regulated entities and to address high-risk matters with the greatest potential for harm.

We will be more likely to take regulatory action in response to issues:

- that create a risk of substantial harm to individuals and the community, especially to vulnerable people and groups
- that concern systemic harms or contraventions
- where our action is likely to change sectoral or market practices, or have an educative or deterrent effect
- that are subject to significant public interest or concern
- where our action will help clarify aspects of policy or law, especially newer provisions of the Acts we administer.

We take regulatory action in a consistent, transparent and proportionate manner. When deciding on which regulatory tools to use, and how to use them, we:

- identify the risks of harm we are responding to, and the likelihood and possible consequences of those risks
- respond in ways that are proportionate, consistent with the expectations of the community and the Government, and manage risks to adequately protect the public
- take timely and necessary action
- seek to minimise regulatory burden and cost.

## The OAIC's strategic priorities are guiding the development of a new structure

The OAIC has set out a clear set of strategic priorities for FY25. These priorities outline the activities that best support the OAIC to meet government requirements and effectively regulate privacy and information access. These priorities are not intended as an exhaustive list of the activities to be completed by the OAIC, rather they outline how the activities to be completed will be prioritised.

The priorities, outlined in Figure 8 below, reflect both the unique priorities of FOI and Privacy functions alongside the priorities that will have an impact on the OAIC as a whole.

**Figure 8 | Commissioners' strategic priorities FY25**

FOI	PRIVACY	ENTERPRISE
<ol style="list-style-type: none"> <li>1. Promote Open Government to better serve the Australian community</li> <li>2. Increase OAIC FOI regulatory and case management effectiveness</li> <li>3. Uplift agency capability in the exercise of FOI functions</li> <li>4. Make FOI compliance easier</li> </ol>	<ol style="list-style-type: none"> <li>1. Promote privacy in the context of emerging technologies and digital initiatives</li> <li>2. Increase OAIC privacy case management effectiveness</li> <li>3. Develop a cohesive regulatory and enforcement strategy</li> <li>4. Improve compliance through articulating what good looks like</li> </ol>	<ol style="list-style-type: none"> <li>1. Design and build the future OAIC</li> <li>2. Implement priority recommendations from the tech systems review</li> <li>3. Ensure the OAIC maintains international and domestic commitments</li> <li>4. Reform our approach to delivering legal services and reduce legal spend</li> <li>5. Promote timely legislative reform and ensure it is informed by regulatory expertise</li> </ol>

Our priorities will guide our approach to BAU work across the OAIC.  
We will deliver all of our work in line with our 4 pillars.