My observations are that it is not the release of information which causes the problem; it is the failure to release the information. In many cases it is the thrill of the chase that gets the media and others going. Frankly, if a lot of the information were routinely put out there in the first place on the internet and made available, then there would be no thrill of a chase and the government would not be accused of a cover up.

I have been to New Zealand and spoken with the ombudsman responsible for its freedom of information regime. Basically, its regime is that virtually all information is available including cabinet information unless it meets some criteria with regards to national security, genuine commercial in-confidence, or personal private information.

The other thing we need to be concerned about is that the release of information does not guarantee that people are going to be more informed. You can have oodles of information but be far less knowledgeable. It gets caught up in the rhetoric and the spin. We have seen this done particularly well by this government. I give it 100 out of 10 with regards to being able to construct a narrative where it can blame every single thing on something else occurring in the world or some other circumstances rather than elucidating that which is an internal issue.

Ms Jones: Is that the global financial crisis, Lawrence?

Mr SPRINGBORG: A classic example is the blaming of a global financial crisis for the fact that the government has actually gone broke in a boom. The first tragedy of war, they say, is the truth, and we see it so much from the Labor Party.

Let us look at the Labor Party's record when it comes to the issue of grants. Previously they sought to cover up information that should have been publicly available by abusing the cabinet exemption. I have expressed my principle concerns. I do support very strongly the Leader of the Opposition in the amendments which he is proposing. I do understand the issue of the 24-hour rule and why there is a need to give the person who has spent the time and effort to uncover that information the opportunity to be able to utilise that information in the way that they would seek.

I will conclude on this point. I have seen a practical expression in the last few years where you seek information from the government, it refuses to provide it in this parliament by way of questions on notice, and then a couple of days before it puts an exclusive drop out to the media so you do not have access to that information the government seeks to dampen it down and put a spin on it in its favour. So there is some merit in extending that 24 hours out to a longer period.

This legislation should be good. It will very much depend upon its interpretation and the way that the culture develops around it with regard to the release of that information. Certainly I and many others will be watching it with interest.

Sitting suspended from 1.01 pm to 2.30 pm.

022 Debate, on motion of Mrs Miller, adjourned.

CRIMINAL CODE AND OTHER LEGISLATION (MISCONDUCT, BREACHES OF DISCIPLINE AND PUBLIC SECTOR ETHICS) AMENDMENT BILL

First Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (2.30 pm): I present a bill for an act to amend the Criminal Code, the Public Service Act 2008, the Police Service Administration Act 1990 and regulations under that act, the Crime and Misconduct Act 2001, the Misconduct Tribunals Act 1997 and the Public Sector Ethics Act 1994 for particular purposes and to amend other acts mentioned in the schedule to update references to the Public Service Act 2008. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Bill.

Tabled paper: Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Bill, explanatory notes.

Second Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (2.30 pm): I move—

That the bill be now read a second time.

I am committed to ensuring that Queensland has an open and accountable government. I expect, as the public expects, everyone who holds public office in Queensland, including ministers, chief executives and public servants, to adhere to appropriate standards of behaviour. In a group of almost 225,000, there may be individuals who choose not to meet the high ethical standards expected by the public. It is these people that this bill is aimed at.

This bill strengthens Queensland's public sector ethics regime in three main ways. Firstly, it implements recommendations made by the Crime and Misconduct Commission in its recent report concerning the investigation of a former director-general of the Department of Employment and Training. Secondly, it introduces new measures into the Public Service Act 2008 and the Police Service Administration Act 1990 to allow investigations to continue against former public servants who abused or breached their public obligations whilst employed in the public sector. Finally, the bill makes important amendments to the Public Sector Ethics Act 1994. Most importantly, the amendments will allow all members of the Legislative Assembly, including non-government members, to seek advice from the Integrity Commissioner about conflict of interest issues.

In terms of the CMC report, this bill introduces a new offence of misconduct in public office in the Criminal Code. This will complement the existing suite of offences in the Criminal Code which relate to misconduct. The new offence will prohibit any public officer from using their position to dishonestly obtain a benefit for themselves or another person, or cause a detriment to another person. The new offence will also extend to former Public Service officers. The offence will prohibit former officers from using any information gained, because of their former positions, to dishonestly gain a benefit for themselves or another person or cause a detriment to another person.

The definition of 'interest' in the Public Service Act 2008 will be repealed. Amendments will ensure that the term will capture all interests which can lead to a conflict of interest under that act. The act will provide that the terms 'interest' and 'conflicts of interest' will have their meaning under general law and will apply to all situations in which someone's private interests could conflict with their public obligations and duties.

In addition to the above amendments, the bill also makes important changes enabling investigations to continue against public servants who move departments or where public servants or police officers cease employment before an investigation is finalised or undertaken. Queensland public servants and police officers are already governed by stringent legislative and regulatory controls. However, under existing provisions, disciplinary action can only be initiated and continued against a Public Service officer or a police officer who continues to be employed in the Queensland public sector. If an officer's employment ends, disciplinary action ceases.

Of course, criminal investigations can continue even after a Public Service officer or police officer has left the public sector. This bill will allow investigations against individuals to continue despite their employment ending. These changes will bring public servants and police officers into line with the regulations that already apply to registered teachers.

The bill provides that, if the investigation results in an adverse finding, a declaration can be made stating the finding and the action that would have been taken had the person's employment not ended. The intent of a declaration will provide a warning mechanism to prospective government employers. The amendments also create a disclosure regime to enable chief executives to make appropriate assessments of the suitability of persons who seek employment in the Public Service or Police Service or where public servants seek to transfer departments.

The bill provides chief executives with the authority to require a person to disclose any serious adverse findings following an investigation, prior to appointment or secondment. If a person fails to disclose the information, without a reasonable excuse, this may be a ground for action under the Public Service Act 2008. Furthermore, the bill enables chief executives to request and provide investigation findings between departments where it is reasonably necessary for the chief executive to determine the person's suitability for employment.

The bill also ensures that appropriate appeal mechanisms will be available to former public servants and police officers who may wish to appeal findings made by their former employer following an investigation. The Public Service Commission's appeals jurisdiction will be extended to ensure that former public servants have a right of review in relation to findings made following an investigation. Former police officers will have appeal processes reflective of those that apply to serving police officers.

The bill will also amend the Crime and Misconduct Act 2001 to ensure that the CMC can call to account former public servants and members of the Police Service who may have committed official misconduct and subsequently attempt to avoid scrutiny by resigning or retiring. The jurisdiction of the misconduct tribunals will also be expanded to ensure that relevant former public servants and members of the Police Service can be dealt with, including making a declaration of the penalty that the tribunal would have applied had the relevant officer not resigned or retired. The bill sends a strong message to the public sector workforce and the broader community that those who hold public positions cannot expect to break the rules and get away with it.

Finally, the bill amends the Public Sector Ethics Act 1994 to allow all members of the Legislative Assembly to seek advice from the Integrity Commissioner about conflict of interest issues. All members can be confronted with potential conflicts of interest and, in my view, should be able to seek the Integrity Commissioner's advice on how best to handle such situations. The bill also corrects an oversight in schedule 2 of the Public Service Act 2008 by including the Office of the Integrity Commissioner as a statutory office holder who may not be removed from office by the Governor in Council. I commend the Bill to the House.

Debate, on motion of Mr Langbroek, adjourned.

RIGHT TO INFORMATION BILL

INFORMATION PRIVACY BILL

Second Reading (Cognate Debate)

Resumed from p. 610, on motion of Ms Bligh—

That the bills be now read a second time.

Dr FLEGG (Moggill—LNP) (2.38 pm): In rising to speak in the debate on these cognate bills, I support the comments made by the Leader of the Opposition. The LNP supports a move to greater openness. Those in the opposition as well as those in the media have been frustrated by the growing culture of obturation and blockage in obtaining documents under FOI. Previous FOI provisions have been twisted and distorted in such a way as to prevent access to information rather than facilitate it and to protect government rather than the community by making that information available. Naturally, with that philosophy, we would be supporting bills brought into the House whereby the stated intention is to improve openness and accountability.

023 I turn to the Solomon report. Mr Solomon was quite adamant that FOI should in fact be a last resort and that governments should be open and should be providing information to members of the community as a matter of course, not keeping information non public and forcing people to guess what information may exist and proceed through a difficult, lengthy and costly FOI process. I hope that the government has framed this bill with the intention of making FOI a last resort. I suspect that the fear of releasing information that this government appears to have had is not well founded and that in actual fact the release of information is likely in the best interests of the government as well as the community.

Solomon makes the point that the commitment of the public sector, and in particular the government, to FOI over time has waned and he has recommended sanctions and incentives to FOI officers to enter into the spirit of it—that there should be a culture of releasing information wherever possible, that it should be a pro-disclosure culture. He also makes the point that decisions, particularly decisions to refuse access, should be made only by senior officers. He says in relation to the Right to Information Bill that there should be much more information available outside of FOI.

One of the particularly important aspects of these bills and of Solomon's recommendations is in fact in relation to GOCs which, as we all know, are effectively extensions of the government and effectively extensions of ministers' departments. In one piece of legislation after another that comes through this place we see the overriding powers that ministers have in relation to their GOCs. It appears to me to be a strength of this legislation—one which I hope in practice plays out to live up to the promise that it has—that the government, in its response to Solomon, has included access to documents that are held in GOCs. There are of course quite a number of restrictions on what might be accessed from GOCs, particularly in relation to the competitive nature of some of the activities that they indulge in. One might expect, reasonably, that there would be some commercial-in-confidence aspects in that GOCs would need protection if they are in a competitive situation. But I hope that it is not a case that these sorts of protections become an excuse not to allow access to information.

To a significant extent, this bill is simply a measure to close a number of loopholes that have been gradually opening up that allow government to avoid release of information and public scrutiny. I hope—and I hope sincerely—that the spin doctors are not out there working, even as we speak in this place, on new ways of opening loopholes under this legislation to again prevent access to information.

In my view, there are three critical areas in an effective FOI regime—and I approach this subject very much as a nonlawyer but certainly as a member of this parliament who has used FOI more than most. I will set out the three elements that I would identify as being critical to an effective FOI regime. The first is speed. Members of the public will not know, unless they have had an indication from somebody, what documents may exist, but for members of parliament and for members of the media the attempt to uncover information under FOI is prompted by events of the day and is prompted by shortcomings in the administration of the state as they arise, and the speed with which an FOI application is processed is critically important. There are a number of loopholes, even within this bill,