

INTEGRITY AND OTHER LEGISLATION AMENDMENT BILL 2023

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Committee Secretary
Economics and Governance Committee
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Dear Secretary

SEQ Community Alliance response to the Integrity and other Legislation Amendment Bill 2023.

The South East Queensland Community Alliance Inc. (SEQCA) is an umbrella organisation for various community groups. Our focus is on planning and governance issues at all levels of government.

We welcome the reforms set out in the Integrity and other Legislation Amendment Bill 2023 which are intended to implement some of the recommendations made by:

- Let the sunshine in: Review of culture and accountability in the Queensland public sector (Coaldrake Report); and
- Strategic Review of the Integrity Commissioner’s Functions (Yearbury Report).

We also note that other recommendations from these reports have already been implemented in the Integrity and Other Legislation Amendment Act 2022, passed by Parliament in November 2022.

Sunshine and darkness

While these various reforms may let a little more sunshine in, much of state and local government in Queensland still operates in darkness.

The Coaldrake Report discussed Queensland’s Right to Information (RTI) laws and the role of the Information Commissioner, and noted that:

“Decisions ultimately determined by the Information Commissioner influence the information available to citizens who themselves are a valuable check on accountability of government”¹.

However, the Coaldrake Report also noted that the “level of apprehension, even fear, within departments about the consequences of being ‘caught’ by an RTI request” fosters a “culture predisposed to nondisclosure”².

The Coaldrake Report recommended that:

“Cabinet submissions (and their attachments), agendas, and decisions papers be proactively released and published online within 30 business days of such decisions”³.

¹ Review of culture and accountability in the Queensland public sector | Final Report | 28 June 2022 p. 27

² Ibid

³ Ibid p. 3

The Coaldrake Report also says that: “agencies should not be quick to agree to confidentiality clauses which are proposed by sophisticated commercial parties to protect their own interests”⁴.

The need for restraint in using confidentiality and commercial in confidence clause is then explained:

An agency can exercise its discretion to disclose information even where that information qualifies for an exemption, but the RTI process cannot overcome a lack of transparency if expectations are not clear in the procurement process about the openness and accountability to the community that is required when dealing with government. Government procurement policies provide that confidentiality and commercial-in-confidence clauses should not ‘be used as a matter of course and only included where there is strong justification for confidentiality’. As was noted in a 2018 report of the Queensland Audit Office, ‘the public has a right to know how much public money government is spending, on what, and with which vendors’⁵.

The Coaldrake Reports advocates a cultural shift to more openness in government, saying:

“It is to be hoped that acceptance of this Review’s recommendations, particularly the more ready release of Cabinet documents, and its comments on the need for greater scrutiny over what is deemed commercial-in-confidence, will provide the impetus for a cultural shift toward much more openness in government”⁶.

Government response to the Coaldrake Report

We note that in responding to receipt of the Coaldrake Report on 28 June 2022, the Premier said:

“We will accept all of his recommendations and we will implement them lock, stock and barrel”.⁷

The Premier also said that once these reforms were implemented, “Queensland will have the most transparent and accountable government in Australia’.

But a year later there seems to be no progress in ensuring that cabinet decisions will be made public within 30 business days. Nor has the Government explained what measures it is taking to ensure that commercial in confidence clauses will only be used “where there is strong justification for confidentiality”.

Vey recently, the Government said that more than \$180 billion in procurement opportunities are estimated to be available in the lead-up to the Brisbane 2032 Olympic Games.⁸

Before this spending spree gets underway, the community should be given confidence that it will be done with exemplary transparency. The community and media should have genuine rights to obtain information about “how much public money government is spending, on what, and with which vendors”.

⁴ Ibid p. 65

⁵ Ibid

⁶ Ibid p. 29

⁷ “Lock, stock and barrel” Premier embraces Coaldrake Review, Government media release 28 June, 2022

⁸ Queensland businesses the big winners in lead-up to Brisbane 2032, Government media release, 20 July 2023

We suggest that greater transparency (and integrity) should be achieved through Parliament amending Queensland's RTI laws to ensure that they better meet community expectations.

Current RTI exemptions such as 'commercial in confidence' should be reviewed and clarified legislatively to ensure that the community can find out about matters of public interest occurring at both the state and local levels of government.

Local Government laws

On the subject of local government, we note that despite many worthwhile reforms legislated in recent years there is still too much scope for local governments to act secretly by declaring matters to be confidential, thereby restricting access to reports and discussions at Council meetings.

So, reforms to Queensland's RTI laws should be accompanied by amendments to local government laws which significantly curtail the ability and proclivity of some local councils to keep matters secret from their residents and ratepayers.

Thank you for the opportunity to make this submission.

Chris Walker
President
South East Queensland Community Alliance Inc.