



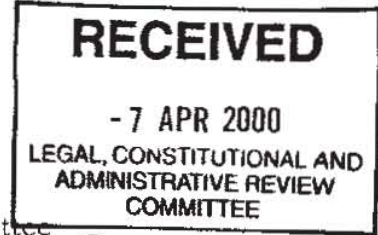
QUEENSLAND  
TEACHERS' UNION  
OF EMPLOYEES

**FAXED**  
7/4/00

IN REPLY PLEASE QUOTE: jjb:bah

7 April 2000

Mr G Fenlon MLA  
Chair  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
George St  
BRISBANE QLD 4000



Submission No 144  
Spec 1.4

Facsimile No. 3406 7070

Dear Gary

I refer to your letter dated 7 February 2000 addressed to Ms J McCullough,  
President, Queensland Teachers' Union.

Please find enclosed a copy of the Queensland Teachers' Union Submission to  
your Committee prepared in response to the Committee's Discussion Paper.  
The Queensland Teachers' Union appreciates the opportunity to respond to  
your Committee's Discussion Paper No. 1.

Yours sincerely

Jeff Backen  
Assistant Secretary

enc

Address all correspondence to:

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**QUEENSLAND TEACHERS' UNION SUBMISSION TO THE LEGAL,  
CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE**

**FREEDOM OF INFORMATION QUEENSLAND**

**DISCUSSION PAPER NO. 1**

**Introduction**

The Queensland Teachers' Union welcomes the opportunity to respond to the Committee's Discussion Paper No. 1.

The Queensland Teachers' Union supports the notion of having a Freedom of Information Act in Queensland. The Union and its members would generally support the proposition that such an Act enables members of the community to make governments accountable for their decisions, as well as enabling individuals to discover what information the government may hold about them.

Notwithstanding this general support for the notion of a Freedom of Information Act, the Union and its members, as stated in our previous submission, clearly concerned with the use of the current Act by certain individuals who appear to have the aim of harassing our members who are State Government employees.

Whilst the Union acknowledges this issue may be difficult to resolve in amendments to the Act, nevertheless we believe attempts should be made to restrict the activities of such individuals, where it appears they are not using the Act for the three purposes outlined in the three dot points on page 2 of the Discussion Paper. The Queensland Teachers' Union Submission will address some of the discussion points listed in Discussion Paper No. 1.

**Discussion Point 3**

The Queensland Teachers' Union believes points (a) and (b) should not be used in such a way so as to encourage the activities of individuals whose sole purpose in using the Freedom of Information Act is to harass and/or intimidate state government employees.

**Discussion Point 7**

The Queensland Teachers' Union believes in relation to its members dealings with the Department of Education that there is not a culture of secrecy in relation to FOI applications. The Queensland Teachers' Union has not had a significant number of concerns raised by QTU members concerned with the possible abuse of the FOI Act by the Department of Education to withhold release of documents relevant to their request.

### **Discussion Point 8**

The Queensland Teachers' Union supports an approach where government departments and agencies release on a regular basis certain information. The Union's support for this approach would be limited insofar as the Union and its members would not support the release of information regarding state schools and state school students which could be, in our view, abused by members of the community, and more particularly the media to engage in inappropriate comparisons of students and schools.

Therefore the Union would support the release of information about the activities of the department but would not support the release of information associated with the academic performance of individual students or groups of students.

### **Discussion Point 12**

The Queensland Teachers' Union would not be opposed to a change in name from the Freedom of Information Act to the Access to Information Act.

### **Discussion Points 14 and 15**

As outlined earlier in our introduction, the Queensland Teachers' Union is concerned to limit the activities of individuals who seek to use the current Act to harass or intimidate state government employees.

The Union believes the current exemptions should be extended to attempt where possible to stop access to information relating to an individual employee where such a request does not conform with the purposes of such legislation as outlined in the three dot points on page 2 of the Discussion Paper.

The Queensland Teachers' Union also supports the retention of the current exemptions which apply to student academic performance data.

### **Discussion Points 16, 17 and 18**

The Queensland Teachers' Union view in relation to the current harm test is that in some cases it is certainly not sufficient to prevent disclosure of information to individuals who have inappropriate motives for requesting such information. The Union certainly does not support any move to make the test more stringent, if anything the Union believes the harm test should be made easier so that FOI decision makers are in a position to prevent disclosure on a broad interpretation of the notion of harm.

### **Discussion Point 38**

The Queensland Teachers' Union supports the view that internal review not necessarily be a pre-requisite to external review, but only in the circumstance

cited in the Discussion Paper, i.e. where there is agreement by both the applicant and the agency.

**Discussion Points 48, 49, 50, 51 and 52**

The Queensland Teachers' Union supports no increase to any of the existing application fees. The Union does acknowledge the time, effort and resources taken up by some applications, but believes the state government needs to look at the resources provided to departments and agencies in order for them to meet the requirements of the Act.

**Discussion Points 53 and 54**

The Queensland Teachers' Union does not support the introduction of application fees for internal and/or external review.

**Discussion Point 55**

The Queensland Teachers' Union acknowledges the time, effort and resources taken in dealing with some applications. The Union does not support a change to the Act to rule out voluminous applications but believes that the right to refuse to deal with an application be linked with another reason other than the voluminous application reason, e.g. the application is a frivolous and vexatious one.

**Discussion Point 57**

The Queensland Teachers' Union supports inclusion of a general provision enabling the department or agency to refuse to deal with frivolous and vexatious applications. The Union believes such a provision would have to be carefully worded so as not abused by FOI decision makers.

**Discussion Points 60 and 68**

The Queensland Teachers' Union supports the current provisions in relation to the time periods for both dealing with applications and reviews.

**Discussion Point 69**

As stated previously in this submission the Queensland Teachers' Union believes there needs to be amendments to the Act as suggested in Discussion Point 69. The Union would also support the issuing of guidelines by the Information Commissioner which restrict the right of applicants to access personal information about employees where it is clear the purposes of the Act are not being met.

## **Conclusion**

As stated previously the Queensland Teachers' Union supports a Freedom of Information Act in Queensland. The Union and its members believe with the changes outlined in this submission, the Act can be improved to ensure that both members of the community and employees can use the Act in accordance with the three purposes for such legislation outlined on page 2 of this Discussion Paper. If such changes can be made, we believe the Act and its associated processes will be greatly enhanced.

Queensland Teachers' Union

7 April 2000