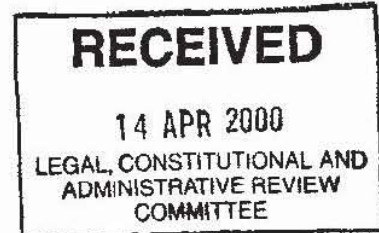




DEPUTY LEADER OF THE OPPOSITION

Parliament House • Alice Street • Brisbane Q 4000 • Telephone: (07) 3406 7997 • Facsimile: (07) 3221 1496
Email: opposition@parliament.qld.gov.au

7 April 2000



Submission No 152

The Research Director (Ms Kerryn Newton)
Legal, Constitutional and Administrative Review Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Ms Newton

**SUBMISSION: Legal, Constitutional and Administrative Review Committee
Review of the Freedom of Information Act 1992 (Qld)**

I have much pleasure in forwarding to you a short submission for the Committee's consideration.

Mr Richard Laidlaw, Senior Political Adviser, Office of the Leader of the Opposition, is the contact officer for the purposes of this submission. He may be contacted on telephone 340 67899 or by e-mail at richard.laidlaw@parliament.qld.gov.au.

With my best wishes.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. J. Springborg'.

Lawrence Springborg MLA
Member for Warwick
Deputy Leader of the Opposition
Shadow Minister for Justice and Shadow Attorney-General

**SUBMISSION to the Legal, Constitutional and
Administrative Review Committee
Review of the Freedom of Information Act 1992 (Qld)**

By

**Lawrence Springborg MLA
Member for Warwick
Deputy Leader of the Opposition
Shadow Minister for Justice and Shadow Attorney-General**

1. The legislative base of Freedom of Information facilities is now firmly entrenched in the Queensland environment. This is generally beneficial to both the public and to the parliamentary system of government, but is in need of some improvements.
2. Chief among the improvements necessary, and the aspect of the LCARC review of FOI that this submission addresses, is that of limited exemptions to access acquired by the process of Ministers taking material to Cabinet.
3. The Opposition has no objection to the principle of Cabinet secrecy. This is a vital function of parliamentary government, since the executive must be free to make decisions the detail of which should not necessarily become public knowledge. FOI reform should not attack this principle, or seek to open Cabinet discussion to public scrutiny.
4. However, the scope for Premiers and Ministers to avoid disclosure of matters that are within the public interest and legitimately within the ambit of information that should be public has broadened considerably from the tight limitations on this escape clause envisioned by pioneering FOI legislation in the Westminster-derivative systems of government of which Queensland forms a part.
5. FOI reviews should look closely at eliminating or at the very least placing tight limitations on Cabinet secrecy covering:
 - Material that is primarily of a political nature. *(Potential political or administrative embarrassment of the government of the day should not be a legitimate reason to deny public scrutiny of or access to material.)*
 - Commercial-in-confidence material. *(The FOI laws should strictly define what constitutes commercial-in-confidence matter. Generally speaking, otherwise open concessions to private or public sector entities designed to encourage particular investments – payroll*

and land tax concessions and the like - should fall within the ambit of FOI-accessible information.)

- Every government (public) expense, whether by actual expenditure or by means of revenue forgone.
 - Economic impact studies conducted by the government of the or on its behalf.
6. Review of the FOI laws applying in the Queensland jurisdiction should also canvass the range of options available to speed up delivery of and reduce the cost of access to material released under FOI.

7 April 2000