



Speech by

**BILL FELDMAN**

**MEMBER FOR CABOOLTURE**

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### **FREEDOM OF INFORMATION AMENDMENT BILL**

**Mr FELDMAN** (Caboolture—CCAQ) (10.41 p.m.): It is with pleasure that I rise to speak on the Freedom of Information Amendment Bill introduced by the honourable Mr Borbidge on 25 May 1999. It is interesting to note the background to the introduction of this Bill. Far be it from me to be commenting that this Bill is another example of political posturing. The Premier introduced an identical Bill into this Parliament in March 1998. The Bill lapsed in May 1998.

It is interesting to note that both major parties introduced very similar legislation into this House. We do not know whether they really want to introduce the legislation or not. The aims of the two pieces of legislation were exactly the same. The accusations levelled at the Borbidge Government were similar to those that, I suppose, the coalition now throws at the Premier.

The fact is that freedom of information is not an issue which ought to be thrown around in politics. The clauses that this Bill amends have far reaching ramifications. These provisions relate to some exemptions from freedom of information in relation to the Cabinet and to the Executive Council. When one understands the power of the Executive Council and the Cabinet and the ability those institutions have to hide information, one can see the reasoning behind the introduction of a Bill such as this.

I agree with the concept of the Bill. I also agree that the Cabinet and the Executive Council should not be excluded from the Freedom of Information Act to such an extent that secrecy and, indeed, corruption, are promoted. The Premier, as the then Opposition Leader, referred in his second-reading speech in 1998 to his scepticism of the Borbidge Government over dishonest means which could be used. He discusses wheeling documents through the Cabinet room so that they would then be covered by the exemptions to the FOI. That is an act that I am sure would shock and disgust many Queenslanders.

I have no doubt that the Opposition, whilst in Government, used many dubious tactics behind closed doors that the people of Queensland would not consider to be becoming of people supposedly representing their interests and their needs. I doubt very much, however, that this type of behaviour occurs only with coalition Governments. Labor Governments also have some issues with regard to secrecy in Cabinet. Naturally, we are sceptical of both sides, as both sides have been in Government and both have shown clear signs of playing your-turn, my-turn politics and of focusing on the benefits of Parliament rather than the reason for Parliament. We are sceptical on behalf of the people of Queensland. I guess it is in their interests that we bring these matters to the attention of the House.

When the member for Brisbane Central produced the first version of this Bill and introduced it into the House back in 1998, he promised that a Labor Government would launch an inquiry into freedom of information. The Labor Government did this. In fact, the Legal, Constitutional and Administrative Review Committee began a review of the Freedom of Information Act in March 1999. That review, however, is still ongoing.

This review has called for submissions, has received and analysed submissions and has examined New Zealand's unique approach to accessing Government-held information first-hand. The committee has now released a discussion paper in order to stimulate a second round of public

input—this time on particular issues with regard to which the committee is considering making recommendations. I have some concerns about that level of commitment because I know certain people would love to speak to that committee about some of the recommendations and some of the issues. I do not believe that Mr Lindeberg was invited to speak to the committee.

The Premier did start the review. Submissions on the new discussion paper were due on 7 April this year. It is unlikely that the result of this review, together with the recommendations, will occur any time this year. The wheels of bureaucracy and government turn relatively slowly. If the review is being undertaken correctly, appropriately and with propriety, I guess no-one would be upset about how slowly the wheels were turning. People become a little sceptical when things move so slowly that it is impossible to see the wheels moving at all.

The Premier introduced an identical Bill in 1998. In view of his Government's commitment to reviewing the Freedom of Information Act, one would assume that this Bill would pass through the House with the support of the Beattie Labor Government.

**Dr Prenzler** interjected.

**Mr FELDMAN:** I take that interjection from the honourable member for Lockyer. I guess no-one in Government would be very keen on having Cabinet documents accessed. Some Cabinet documents need to be made somewhat more public than the Government of the day would like. There is no reason why the documents should not be made public.

The Premier believes that his Government already practises the purposes of this Bill. He has made several statements in the House to that effect. Surely, then, making that change in the law should not be a problem. If the Premier is already doing what this Act would put in place, I cannot see why he would be against putting those things into the legislation.

Unfortunately, together with others on this side of the House, I am doubtful that this particular Bill will ever be enacted. I hope that the Labor Party will not use the Legal, Constitutional and Administrative Review Committee review to justify why this Bill should not be passed. If this Bill provides the answer to improving these particular clauses, why has the Labor Government not already introduced a similar Bill—a Bill it wanted introduced whilst it was in Opposition—and made the changes, even if it were only a small Bill to amend those relevant sections, whilst more thorough changes to legislation followed later, based upon the completed report of the Legal, Constitutional and Administrative Review Committee?

Those are questions that any reasonable person would want answered. When one looks at what has occurred and why it was brought up by the Premier, one sees that they are relevant questions that everyone in the community would expect answers to, and would expect an open, accountable Government to address.

**Dr Prenzler:** That's the Beattie Government.

**Mr FELDMAN:** I will take that interjection from the member for Lockyer. That is exactly what the Premier stated that his Government is all about: openness, transparency and accountability. I have actually lost count of the number of times that I have heard those words—openness, accountable and transparent—yet not a lot of legislation has been put into place to give that sort of indication to anyone outside Parliament. The Premier's own words are that his Government puts this Bill into practice, anyway. Why not give the people of Queensland a bit of reassurance in law? Why not force the accountability that the Premier was so keen to advocate whilst he was in Opposition?

I believe that the Beattie Labor Government cannot be taken seriously in its commitment to accountability, as proven by its failure to act in the interests of justice, especially over the Heiner affair. I have not received an interjection from those opposite. I was hoping for an interjection when I said the word "Heiner", because it always raises an interjection from those opposite. Obviously, the lateness of the night has not allowed that to occur. If the Labor Cabinet had not decided to shred evidence in relation to child abuse, when we first came into the House we would not have had to put the Government under so much pressure to actually force some Cabinet documents to be tabled in this House. At times, I do not think that the Premier's word is enough. We still see some of those Ministers from that Cabinet that shredded those documents sitting in this Parliament today—a Cabinet that could be legally functioning today under the amendments contained in this Bill.

The coalition has introduced this Bill with no changes to it. It is exactly the same as the Bill introduced by the Premier whilst he was in Opposition. That took a great deal of creativity. It must have been a wry smile on the face of the Opposition Leader as he introduced this Bill into the House—knowing that it was the very Bill that the then Premier, whilst in Opposition, introduced. I guess that would have been a wry smile indeed.

The Information Commissioner has recommended several times that sections 36 and 37 should be replaced with the provisions that were contained in the original legislation when it was introduced in 1992. The Information Commissioner listed several problems that he had with the Premier's Bill and

why he thought that it was unworkable. Yet the coalition took none of that on board and simply introduced the very same Bill. It makes one wonder about the Information Commissioner and the recommendations that he made back then. Is the office of the Information Commissioner politicised? That is a terrible aspersion to make but, when the Information Commissioner says one thing and then is suddenly expected to say something different, it makes one wonder.

The committee has received many submissions in relation to sections 36 and 37, the majority of them also calling for section 36 to be amended to restore it to its original form when the legislation was enacted in 1992. I wonder if the Opposition Leader took into consideration all of the recommendations and comments that were made about that issue since the Premier's Bill was introduced back in 1998. It appears that the Opposition Leader merely had the Bill reprinted with a different name attached.

However, we have always said that Labor and the coalition are very much two sides of the same coin. Now, in a not so small way, we see that, to a degree, that is perhaps proven. The closing words of the Opposition Leader's second-reading speech were—

"I commend the Bill, which was introduced by my predecessor, the current Premier, as Labor Party policy, into the House."

We know that the Nationals keep stealing our policies, but it appears that they might also be pinching Labor's. Perhaps the coalition leader is concerned about the number of private member's Bills that the City Country Alliance members have introduced into this House and the coalition's lack of action in that regard. Perhaps that is why he has decided to rehash the Premier's old Bill. That might be one argument to advance at this late hour of the night.

However, regardless of the politics of this Bill, the essence of the Bill is indeed something that the City Country Alliance Queensland members are keen to support. As all members of this House would be well and truly aware, my colleagues and I have always been concerned about the events surrounding the Heiner affair and the order by Cabinet to shred important evidence of child abuse in this State. It is no mean feat that the Forde inquiry was instigated following all that debate in relation to what occurred and what may or may not have been in those documents that were shredded by Cabinet. I think that in no small way we pushed that matter to the point at which the Forde inquiry was set up.

Perhaps the Forde inquiry did not go far enough with respect to a lot of the issues that surrounded the Heiner matter and what occurred with the evidence that was collected. The Premier makes it quite clear that he is sick of hearing about this issue. Well he might be! Unlike the Premier or the Opposition, the City Country Alliance Queensland is representative of the people of Queensland and considers allegations of Government cover-ups to be a very serious matter and a very serious concern to the welfare of this Parliament and the welfare of all Queenslanders.

In an awareness that recommendations arising out of the Government's current committee inquiries into amending those sections of the Freedom of Information Act may be a long time coming, and taking into consideration the fact that this Bill is indeed an improvement on the current situation, we certainly will be supporting the legislation. However, I would certainly like to see one day a House of Parliament in this State that truly does put the people of Queensland above party politics instead of the "your turn, my turn" style of Government.

It is interesting to note the opening comments of the Premier's second-reading speech, made whilst he was in Opposition. He actually stated—

"Labor will not wait until it is returned to power in order to start restoring some honesty and accountability to Government in Queensland. We are acting now with the Freedom of Information Amendment Bill to ensure that the National/Liberal State coalition Government cannot continue to hide ministerial expenses from public scrutiny."

The public of Queensland believes that many, many things are hidden from the public by the Cabinet process. Indeed, the Premier also said in that speech—

"This is an abuse of the freedom of information legislation that my Government will not tolerate.

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This Bill amounts to a legislative promise that my Government will not sneak documents into Cabinet meetings as a device to hide them from the public."

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