



Speech by

**Hon. R. E. BORBIDGE**

**MEMBER FOR SURFERS PARADISE**

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Hansard 23 August 2000

**FREEDOM OF INFORMATION AMENDMENT BILL**

**Hon. R. E. BORBIDGE** (Surfers Paradise—NPA) (Leader of the Opposition) (8.43 p.m.), in reply: I thank honourable members for their contributions to this debate. The Freedom of Information Amendment Bill we have debated in this place over a lengthy period of some four months and a year after its introduction is a good piece of legislation. We know it is a good piece of legislation because the Premier told us so. He was all in favour of it. He thought it was the ant's pants. If he had gone on about it any more, we would have expected him to nominate himself for a Nobel Prize just for having the idea in the first place, or perhaps more appropriately an Oscar for acting. But, of course, that was when it was his idea. When he became Premier and suddenly found reasons to hide things, his own legislation became a very bad idea. It became political opportunism. It became interference in the process of government. It became Opposition mischief. It became Opposition whingeing. Of course, chiefly, it became a gross embarrassment.

That is why, apart from the honourable member for Yeronga, who was sent in here to bleat like a sacrificial lamb, all we have heard is deafening silence from the benches opposite. This Bill is the same Bill that the Government introduced when it was in Opposition. When we come to vote on it, if the Government is genuine Labor members will surely have to vote for it. To do otherwise would be to expose themselves to uncontested charges of hypocrisy. I am sure that the Premier, who has turned the business of promoting himself and his Government as paragons of virtue into an art form, would actually like to vote for this legislation of which he was once the principal proponent. After all, he tells us frequently—in fact, he tells us constantly—that with him what one sees is what one gets. It is that simple. If he can bring himself to vote for this Bill tonight, the people will be able to give him a tick in the "not a hypocrite" box. However, he will not get a tick. Unless he is travelling on the road to Damascus tonight and suddenly sees a blinding light, he will not vote for the Bill. But, nonetheless, I commend the Bill to him.

It is a good Bill. It is a Bill that will put in place a legislative mechanism to proscribe the process of hiding the Premier's political embarrassments behind the out clauses of the FOI laws. He really does not need to get a tick in the "not a hypocrite" box, because he has had some dreadful problems he would like to put out of people's minds. He has a lame duck Treasurer in his Cabinet who owes his political life to the fact that the Premier was not sufficiently attached to the principle of probity in office to sack him over the net bet scandal. He has a trade commissioner in Los Angeles who owes his job there to the fact that he needed a bolthole and the Premier wanted him out of Bundamba, not to mention away from Lang Park. He has a huge political problem in Townsville due to the fact that a Labor candidate took him at his word when he was breathlessly writing his own little book on how to get away with murder in politics and decided, along with others, to engage in a little electoral malpractice.

The Premier has a new member for Woodridge who, if official corruption inquiries into Labor's bent way of conducting politics find what everyone knows there is to find, will be forever besmirched by a reputation as a party secretary under whose nose passed disgracefully smelly electoral irregularities, if not illegalities. I do not expect Mr Deputy Speaker Kaiser to comment on that. The Premier has a Public Service which is again in revolt against the rule-by-apparatchik approach from which it was rescued by the coalition in 1996.

**Mr Foley:** He won't say anything about Carruthers, either.

**Mr BORBIDGE:** The honourable member who interjects knew all about the Cedric Hampson legal opinion that was locked in the safe. He knew all about it, did he not?

We have a Premier who presides over a Government that has kneecapped the Legislature—and the recent Estimates committee sessions have re-proved that fact—and that governs with an arrogance that is simply amazing from a political party in power on 38% of the ballot and that is able to stay afloat in this place on many contentious issues only on the casting vote of the Speaker. He presides over a Government that made solemn commitments to the honourable member for Nicklin in return for the favour of his support and he has spent the past two years using the honourable member as a doormat. He presides over a Government that obtained power on the basis of promises it clearly never intended to keep. The Premier's promissory note to the member for Nicklin will never be honoured. We always knew it would not be. Now the member for Nicklin and the Queensland people are finding that out, too. He presides over a Government that constantly claims the moral high ground, yet continually wallows in stench and then employs its oversized and hyperactive publicity machine to run around with the air freshener.

I dare say nothing will save the Premier from ultimately facing up to the facts, but if he votes for the Freedom of Information Amendment Bill he will at least be able to claim that he tried to be genuine. I do not expect him to vote for this Bill—for his Bill, his legislation, of 1998. I expect instead for him to find another excuse to flash his media smile and tell his publicity team to pump out even more smoke to hide the pyre where his conscience lies—dumped and doused with petrol along with all his other suddenly expired expediences. I expect him to argue that black is white—that what he argued for in 1998 has not been delivered yet for all sorts of reasons, none of which are his fault. I expect him to argue that he was right in 1998 and I am wrong in 2000 because he is the very rock upon which political probity is built.

Debate on this Bill has been singular. Apart from the Rumpole of this place, the artful dodger from Yeronga, none of the luminous public spirits opposite have spoken on the Bill. Anyone who might be tempted to regard this as rather strange given Labor's frantic enthusiasm for exactly the same legislation when it was on the Opposition benches just over two years ago obviously requires re-education. "Labor think" is the required standard today. Free thinking is not in the public interest. Contrary thinking is a political offence. It is whingeing. It is being negative. It is being anti-Queensland. For these reasons it is a little difficult to sum up—the proposer's final task in a second-reading debate—in the customary way. The silence opposite has been eloquent. It has been deafening. There is nothing to respond to apart from the Attorney-General's contribution, and I will come to that in a moment.

We on this side would like to think this silence is the call of conscience or at least embarrassment, but we know it is not. We know that it is arrogance. We know that it is a complete lack of interest in propriety. That silence, however, has been very instructive for the people—for the voters, for those who on election day will be passing judgment on the Beattie Labor Government. It speaks volumes. It says that the party machine and the 15th floor run the 45 Labor MPs who comprise the Government in this place. It says that the we-know-best brigade is in charge, and we all know who they are. They are easily identifiable by the fact that they never know best. It says that rule by dictate and Government by apparatchik is still what the Labor Party is all about, for all its rhetoric of inclusion. It says that having access to the spoils of office is what drives them all—not what is best for accountability, for openness, for democratic principle, for parliamentary rules or for the people.

That silence says that running roughshod over the Parliament, that engaging in expensive public relations stunts, that sacrificing forests to feed their press releases, that running a parliamentary timetable like some pre-Mussolini Italian railway, that using the guillotine to kill debate, and that staying one step ahead of the bailiffs is what the Beattie Labor Government has delivered. It says that Labor believes that Queensland is its fiefdom and Queenslanders are its serfs. It says that the member for Brisbane Central will do anything—that he will spin any line, attend the opening of any envelope—to keep his feet under the big desk at the Executive Building. It is that simple.

Let me remind the House what this Bill proposes, as was proposed in an identical Bill by the current Premier when he was Leader of the Opposition. It is so long since it was introduced under this Government's much-vaunted but wholly deficient rules for private members' Bills that I think revisiting that detail is warranted. The objectives of this legislation are clear. They are simple. They are straightforward. Its principal objectives are to ensure that ministerial expenses documents do not attract Cabinet exemption from FOI access and to ensure that Cabinet exemption from FOI access applies only for proper Cabinet purposes and not for the improper purpose of merely evading FOI access.

The reasons for these objectives are also clear, simple and straightforward. Cabinet confidentiality is a cornerstone of good government under our Westminster system. However, this confidentiality should not be used as a mere device to escape public scrutiny of matter that should properly be accessible under freedom of information. This legislation provides specifically that ministerial expenses do not attract Cabinet exemption from freedom of information. It provides more broadly that

Cabinet exemption does not apply to matters submitted predominantly for the purpose of making it exempt matter. It is not anticipated that the changes proposed in this Bill will result in significant costs for Government. In fact, costs against the people's account may be reduced, as any expenses incurred after its passage into law will be fully scrutinised by the people.

When the Attorney-General put a contrary argument on this Bill to the House when debate was resumed in May, more than a year after the Bill's introduction, he was forced to plead the Mandy Rice-Davies defence—a point well made by my honourable friend the member for Burnett in the resumed debate on 19 July. As the member for Burnett said, the Attorney-General seemed to be saying that our Bill to compel Government honesty in relation to freedom of information was a political stunt. Well, he would say that, wouldn't he? Yet this is the same Attorney-General who has reduced access to documents under freedom of information to 52% of requests—the second-lowest rate in this Government, outbid only by the Deputy Premier, who apparently believes that he has even more to hide. The Deputy Premier's record is 50% release.

How does this commitment to accountable Government compare with the National/Liberal coalition? Under the coalition, 70% and more of FOI requests were met. This was the record that Labor in Opposition said it wanted to improve on. Yet under Labor in Government—I am indebted to the member for Warwick for contributing these statistics to this debate—the people get 20% less disclosure. Do those opposite have a hide? They certainly have! Do they have a conscience? They certainly have not!

I acknowledge the thoughtful and well-argued contributions to this debate from those on this side of the House and from other members on the non-Labor benches. Even though the people have been deprived of any contributions from Government members, except the Attorney-General, I believe we have had a good debate. The issue is one of importance. It is one, moreover, that goes to the very heart of this failed Government's increasingly insupportable claims to legitimacy. It has been tried and found wanting, but it can still do the right thing. It can at this 11th hour vote for legislation that proposes to put in place arrangements it has argued for in this very place. I commend the Bill to the House.

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