



Speech by

DIANNE REILLY

MEMBER FOR MUDGEERABA

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FREEDOM OF INFORMATION AMENDMENT REGULATION [No. 1] 2001

Mrs REILLY (Mudgeeraba—ALP) (5.51 p.m.): Tonight I rise to oppose the motion to disallow Freedom of Information Regulation (No. 1). I am happy to speak to this motion in relation to the regulation tonight because I have a fond memory of being a young public servant, a journalism graduate, in 1992 at the time of the introduction of the FOI Act. One of my tasks within the Office of Disability on behalf of Queenslanders with a disability, their carers and their lobby groups and advocates was to review and report on the raft of rights based administrative and legislative reform introduced by the Goss government. This legislation included the Equal Opportunity in Public Employment Act, the Disability Services Act, the Electoral Act, the Peaceful Assembly Act, the Domestic Violence (Family Protection) Amendment Act, the Anti-Discrimination Act, the Judicial Review Act and the Freedom of Information Act. I remember being very excited and proud at the time to be working for a government that was so committed to open and honest government and to extending and protecting the rights of every Queenslander. The fact that it was the Labor government which undertook this mission of law reform obviously was not lost on me at the time.

Today I am still proud and I am still happy and my faith has not been shaken one bit by this regulation. Why would it be? This regulation does not contradict the original intention of the FOI Act as it was introduced in 1992. As stated by the then Attorney-General, Mr Dean Wells, in his second reading speech in December 1991—

The object of this Bill is to extend as far as possible the right of the community to have access to information held by Queensland Government agencies.

One of the reasons—and I argue the original and true intent of the FOI Act—was to ensure that members of the community could have access to information held by government in relation to their own personal affairs and should be given the ways to ensure that that information is accurate, complete, up to date and not misleading—information about their own personal affairs. This regulation does not in any way endanger that right. It protects the original intent by not applying fees to personal FOI requests and applications.

What it does do is apply a \$20 processing fee for non-personal affairs applications to protect taxpayers from underwriting fishing expeditions by politicians, lawyers, journalists and corporations. That was never the intent of the act. The FOI Act has been misused and abused by the likes of former members of parliament and lazy journalists. I was a public servant in the Office of Workplace Health and Safety in the Department of Employment, Training and Industrial Relations prior to the long-awaited departure of the former minister, Santo Santoro, and I had to sit there and deal with his extensive, ridiculous and overblown—

Mr Johnson: Say something nice!

Mrs REILLY: I cannot say anything nice about Santo Santoro, because he did not do anything nice for anyone I ever knew or met. He just made everyone's life a misery, and he continued to do so after he left by requesting every bit of paper available throughout the entire department on every single thing that he either had no knowledge of or interest in. He should have had that knowledge; he was the minister for long enough. Had he not stayed awake for 24 hours after he was deposed—and quite rightly deposed—shredding every piece of paper in his office, he might have had a clue as to what was going on.

Opposition members interjected.

Mrs REILLY: I am not here to have an argument about those things.

The regulation ensures that individuals and non-profit organisations in financial hardship will not be disadvantaged. I have sought assurances from the minister that individuals and members of organisations will still have access to FOI if they are facing financial hardship. I have been given those assurances. I am confident, having read the regulations, that the hardship provisions are adequate to cover those in genuine need. When FOI was introduced in 1992, these types of fishing expeditions that I have referred to made up less than 25 per cent of all applications. Now it is over 50 per cent and the cost of administering them has risen to nearly \$8 million. I do not think it is fair to expect taxpayers to fund that or for the government to take money from other areas to fund that. I would much rather see that money spent on housing or disability services in my electorate.

Mr Mickel: What about more police in Logan?

Mrs REILLY: And on police in Logan.

In 1991 the Attorney-General flagged the possibility of fees being introduced at a later date. It was in his second reading speech. This is no secret. It was never a secret. Almost 10 years after the introduction of the FOI Act, none of this would be necessary if former members of government—those opposite and their friends—did not go on these ridiculous fishing expeditions.

In December 1991, in his second reading speech, the then Attorney-General stated—

The Bill further provides that applications for access are to be made in writing and, where access is sought to a document which does not concern the applicant's personal affairs, applicants may be required, by regulation, to pay an application fee at the time the application is made.

That makes sense. It now also makes sense to attach charges for the searches that will be undertaken. People have the opportunity to decide whether or not they can afford to have an enormous search undertaken or whether they can narrow their requests. If they have paid a deposit and they decide that they do not want to continue with their search, that will all be refunded. There is nothing hidden here. There are no giant hoops to jump through, just regular, necessary and reasonable expectations.

Tonight I have been flabbergasted at the level of hypocrisy, particularly from the Leader of the Opposition. When he was Health Minister he used to take waiting lists to cabinet to hide them so that no-one could get at them. He has asked us what we were trying to hide. What was he trying to hide? The worst waiting lists when he was Health Minister were at the Toowoomba Hospital. Category 2 patients were the worst. Now he wants honesty! Waiting times are now readily available and no FOI is needed for those. The Opposition Leader talks about honesty. I am satisfied and overjoyed to be a member of this government in which honesty, accountability and democracy are its cornerstones and are upheld for all to see. To expect some reasonable regulations to be put in place to ensure that legislation is used for its true intent and purpose is reasonable, and I strongly oppose the disallowance motion.
