



Speech by

Miss FIONA SIMPSON

MEMBER FOR MAROOCHYDORE

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FREEDOM OF INFORMATION AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (5.09 p.m.): In rising to speak against this bill, I indicate that I think we just heard the real reason behind why this government is trying to push it through. We have just heard a media bashing exercise. We heard all sorts of excuses about why the media, and in particular one media institution, should not have access to information. It was stated that the government should be accountable, but at the same time this legislation makes it harder and more expensive to obtain information.

The previous speaker brought home the fact that this bill is more about trying to make it harder to get information. Ernest Titterton stated that in order for democracy to flourish the people must be properly informed. In order for the people to be properly informed they have to have relatively free access to information and they also need the fourth estate. They need an active media that has access to that information, as do members of the opposition, non-government members and community organisations. They are not covered under the definition of 'personal affairs'.

I can say from experience that when going after information on behalf of constituents about sporting organisations, freedom of information has been very important in looking at the assessment process, particularly with respect to sporting grants. This government has very dirty hands in relation to its allocation of sporting grants. On the basis of some of the documents that I have been able to access under FOI, we find that the government has either not released all of the information when it comes to why certain groups that have not performed as highly have received sporting grants while others with a higher assessment have lost out. We have to ask: if they have an excuse for that, why was that additional information and recommendations not contained in the information released under FOI?

Freedom of information is something that is far broader in need for the community than just that very narrow definition of 'personal affairs'. It is sporting organisations, community organisations and members of parliament who are trying to get that information, and it is also the media. That this government is trying to close down access by making the process more expensive is just outrageous. This will hang around the necks of Labor government members in the years to come. People will begin to find out that it will potentially cost them hundreds of dollars in order to access basic information from government. When they try to argue that this is personal information, they will find that the definition of 'personal information' is a narrow and incorrect definition and it will make it very hard for people to find out information pertaining to their affairs.

The recommendation of the Information Commissioner needs to be looked at in this regard. When dealing with personal affairs, a number of court precedents have been set where the lay person's understanding is very different from the legal interpretation. I am totally appalled that Labor members who speak about civil rights and about how they are a pure, open and accountable government can then bring this legislation into the parliament and say that it is for the betterment of Queensland. That is rank hypocrisy.

The Legal, Constitutional and Administrative Review Committee of the parliament is still reviewing the Freedom of Information Act under a reference from this parliament. That is still to be finalised. A letter released for publication by the Information Commissioner, David Bevan, recommended that LCARC bring forward this aspect of the report. Unfortunately, because of the rushed

time frame of this Labor government, there is no time to bring forward this aspect of the report in regard to the charging component that this government is proposing.

What charges will people face when submitting an application? For example, what would happen if somebody discovers that a road is to go through their area and the information is not covered under the technical definition of 'personal affairs'; that in order to obtain the information as to the process behind the decision making of government they will be up for potentially hundreds of dollars? There is a fat chance that this government will say, 'Hardship provision. You can have this information for a nominal amount.' I do not believe that will happen, because that is not the intention behind the drafting of this legislation.

Pre-eminent law reform commissions have said that they do not agree even with the existing charging regimes of other jurisdictions, and now we see the Beattie Labor government saying that, if it is good enough for the others, it will do it, too, except that it is not even putting in a provision in regard to unreasonable costs or providing any incentive to keep unreasonable costs to a minimum. So there is no incentive here for bad bureaucracies that want to deliberately lose information, that have lousy information storage practices and that just want to be downright unhelpful, to try to narrow their focus and not have unnecessary duplication of documents. There is no incentive for them to find an efficient way of bringing forward information into the public arena or to the individual who makes an application.

The point was well made in the outgoing Information Commissioner's report to the parliament tabled the other day. He stated that if we look at the cost to government of media people who put out the government's spin—that was not his word, but it is certainly my interpretation of what he said—we would find that it paled into insignificance; it would be far greater than the cost of running an open and accountable freedom of information service.

This government has been very good at trucking loads of documents into cabinet that never get to see the light of day. We know that thousands of documents supposedly go through the cabinet review process and are exempted. We know this government has actively tried to block access to documents by abusing the cabinet exemption. But in a more recent innovation it has decided that parliamentary privilege has extended over a wider range of documents than has previously been the tendency. That exemption has also been more widely applied in order to block legitimate access to documents that really are in the public interest.

There is a very strong argument that the information that is held by government, with a few exceptions, really belongs to the people of Queensland. They are custodians; they are not the owners of that information. While there are appropriate exemptions that must apply in relation to privacy and certain elements of cabinet documentation in order to allow appropriate decision making to take place, these exemptions have been abused. These exemptions have been used in a way that the original legislation was never intended to be abused. This government has made an art form of it.

I have mentioned before that I have had personal examples where FOI has been useful in getting behind the so-called decision-making process when it comes to sporting applications. Groups in my area have done far better on scoring than groups in other areas that have ended up receiving grants. That is the value of freedom of information to members of parliament, to members of the community and to the media. To potentially have to pay hundreds of dollars just to get basic information like that is outrageous and just another way of trying to block information.

This arrogant government is very keen to spend money on media advisers, community engagement exercises and spinning its own story about what it is doing for people. However, when it comes to people asking for information in relation to the affairs of state, when it comes to people having access to documentation so that they might be properly informed about the democratic processes or things that might be affecting their lives but not strictly captured by the 'personal affairs' definition, this government does not want them to have that. This is a bad move. It is a backward move. This is not the move of a progressive government, it is the move of a secret state. It is to the shame of all of the Labor members opposite who voted for this in caucus that they would allow this to go forward. It is a backward step that will see a lot of people denied justice, access to information and the opportunity to bring issues forward.

I heard the previous speaker talking in a self-righteous way about how terrible it was for media outlets to go after this information and that they are corporations with interests other than the public interest. I remind that member that information such as that about the hundreds of children who are waiting to be assessed and potentially get assistance from a department like the Department of Families and information about people and children at risk all came out through the use of the freedom of information legislation.

I have no doubt that this government will make it as expensive and as difficult as possible for that legitimate information, which is in the public interest, to come forward and will make it harder for media outlets, freelance journalists, members of parliament, whether it be individually or corporately, to try to get their hands on information that really belongs to the people of Queensland and in respect of

which there is no legitimate reason for it not to be released. It is a shame that these Labor members have put through this legislation and that the Labor Premier, Peter Beattie, could say that it is really in the public interest. That is a lie, it is wrong and it is not in the interests of Queensland.
