



Speech by

Mrs J. SHELDON

MEMBER FOR CALOUNDRA

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FREEDOM OF INFORMATION AMENDMENT BILL

Mrs SHELDON (Caloundra—Lib) (10.06 p.m.): I would like to contribute to this debate on the Freedom of Information Amendment Bill, but I really think that it is 'freedom from information'. Tonight, basically we have heard an argument from members opposite that money should not be put into giving information to the citizens of the state because it is costing us too much. In point of fact, we have a unicameral parliament; we have a government with a very large majority and it is very arrogant about that majority; we have a government that is becoming more secretive and does not believe that it should be questioned by anybody—the media, the opposition or people in the community. So, as a means of stopping any information getting out, the government is putting up the fee for FOI to the point at which it is pretty prohibitive for most people and organisations, particularly community organisations, which really do not have a lot of money but often need information about government processes.

I think that it would be fair to say that if the government was more open about what it is doing there would not be nearly the number of requests for freedom of information that there are. Day after day, week after week we sit in this House and the opposition and the Independent members ask questions to which no answers are given. How do people gain information from this government? They have gone through the legal procedures, at a cost to them—although not as prohibitive as this legislation will make it—to find out the facts. However, the Beattie government is pretty good at making sure that those facts are not available for freedom of information officers in the various departments.

I think the absolute nonsense that we have seen about the pedestrian bridge, the so-called Goodwill Bridge over the Brisbane River, exemplifies that. Today the Premier was asked how many of the thousands of documents that he said the Cabinet Budget Review Committee needed he had actually read. He would not answer the question. I bet he had not even sighted any of them except in a bundle sitting in the corner of the room. It beggars belief to say that any Cabinet Budget Review Committee is going to look at thousands of documents. Indeed, the government has good and trained bureaucrats who go through documents and brief cabinet on them. If a particular document is required by a minister, the minister can ask for it and get it. The documents come to the Cabinet Budget Review Committee before cabinet actually deliberates on the issue. That is an absolute nonsense and the Premier knows it. I would say that paranoia was riding high. The government was wondering what documents were there, what could be found showing the inefficiencies of this government in regard to that bridge, and it made sure that no document about it could get out or, indeed, be leaked from any department. That is not open and accountable government, it is a government running scared, trying to protect itself and feeling that it should not be in a position to be questioned at all.

The Goss Labor government enacted the Freedom of Information Act in 1992. However, it was amended in 1995 and that made it much more draconian than when it was first introduced following the recommendations of Fitzgerald. The benefits of the process as they stand are that, if freedom of information is properly enacted, it is a good check and balance against what can be, and in this case is, a closed and secretive government.

As a society, we have public funding for elections and we fund our parliaments. As the state has a budget of approximately \$20 billion, \$7 million is a drop in the bucket when one looks at the information that people can access or should be able to access through the legislation. Of course, that has become a waste of time because the documents are not there to be accessed. The public also needs to see that government decisions are made in the people's best interests, and not necessarily in

the political interests of the government of the day. Without that access and without the ability to pay for that access, people are going to be very disadvantaged. Saying that the costs have increased and that we have to meet those costs is just a cynical exercise. That is not fair on the taxpayer, as it is the taxpayers who want the information and who have every right to have it.

Undoubtedly, this is happening because the opposition parties, the *Courier-Mail* and the other media outlets have exposed a number of things that have been embarrassing to the government; for instance, understaffing in the Families Department, the continuing practice of police evading speeding fines and the use of a 1940s fire engine by volunteer fire brigades. It was interesting to hear the minister's comments about volunteer fire brigades. I have some very good fire brigades in my electorate and I know of their continuing need for equipment. Also, there is the continued and previously unreported extent of the Queensland fire ant problem. Those are a few of the things that have come to light. We also managed to get some information from the Health Department, although I must admit that it was not much. Again, we were told that it would not be in the public interest for that information to be released. This government is not talking about the public interest; it is talking about its own interest.

It is also very important that environmentalists have said that they were refused access to documents about a proposed dam near Bundaberg. They wanted to know the effect that that development would have on the environment. Unless there was a negative there, why could the papers not be released? There was no reason why the documents should have been exempted under the cabinet rules.

I believe that certain documentation must go to cabinet and must be kept sacrosanct to government. A government has to make decisions based on information. At times, the release of that information would not be helpful to important government decisions. That is very different to sending truckloads of information to cabinet so that it cannot be accessed. The information would probably never be looked at by a cabinet minister anyway, because they would not have the time to go through it.

I would like to comment on the report of the Queensland Information Commissioner. As the member for Callide said, no government member has actually referred to that report. If one reads it, one can see why. In the executive summary on the very first page, Fred Albietz, the former Information Commissioner, spoke about the increased output that was achieved by his office, notwithstanding a decrease in professional and full-time staff over the course of the reporting period. He went on to say that more and more demands are being put on the office, because obviously more and more cases are unresolved and more and more people are asking for advice on appeal against government decisions not to release documents under FOI.

Mr Albietz made some general observations on the operation of the FOI Act in Queensland. He draws attention to deficiencies that he perceives with the cabinet and executive council exemption provisions, and the potential for agency decision makers to remedy those deficiencies by exercising the discretion that they have to grant access to matters that technically qualify for exemption but the disclosure of which would not prejudice the public interest. That point is very valid.

It is in chapter 3 that he makes comments that are very damaging to this government. He says that he feels that there is a great lack of sympathy demonstrated towards the FOI Act and open government principles generally by some segments of the public sector. He states—

While it is fortunately still the exception rather than the norm, hostility is not infrequently manifested (sometimes by officials who have spent a large part of their careers enforcing laws against citizens) ...

One has only to look at some of those bureaucratic decisions to see what he is talking about—

... towards the use by a citizen of a legal right to enforce access to information from and about a government agency or official.

He goes on to quote the case of the Gardens Point campus bridge. He said—

A senior officer in the Department of the Premier and Cabinet appears to have given instructions to junior staff ...

In fact, today on the ABC the Premier said that he had directed that junior officer—

... to co-ordinate the collection and delivery to the Cabinet Secretariat of every document relating to the Southbank pedestrian footbridge from all agencies that had had any involvement with it. The Cabinet Budget Review Committee (the CBRC) was scheduled to review and discuss the problems encountered with the footbridge. It was perfectly proper and legitimate that it should do so. What appears to have been more contrived was the addition to the submission prepared for the CBRC of a schedule describing by file/folder all the documents collected from agencies, which were to be made available for inspection at the relevant meeting of the CBRC. On a conservative estimate, they must have numbered many thousands of documents, most of them technical in nature, and duplicates of many documents would appear to have been held by more than one agency. It appears that no attempt was made to cull the documents for particular relevance or value to the deliberations of the CBRC.

I think that is fairly indicative of what is happening across-the-board generally when questions are asked and often documents have been taken to cabinet subsequent to information requests being made.

Mr Albietz speaks about the *Cabinet Handbook* that this morning the Premier said he had written. No doubt he had a large input into it, but certainly when we were in cabinet that book was sent to all ministers for their approval. They were asked if there were any questions that they felt should be added to it and a review took place. It was not autocratically written by the Premier of the day with a full stop at the end.

Mr Albietz quotes the *Cabinet Handbook*, which states—

Where an attachment is longer than 10 pages, departments should critically examine whether the full attachment is required and if it could more appropriately be attached in summarised form or merely cited if readily available.

That makes commonsense. Indeed, a cabinet or, indeed, a cabinet committee would not be able to function if they had to have the full documentation of every decision that was being made in front of them to go through. That is why there are large and expensive bureaucracies, often with very able people who help advise the ministers of the day. Obviously, it is open to the minister to ask for more information, but that is why they are there.

Mr Albietz mentions a few cases where he feels every document has been taken, such as the South Bank bridge and the Lang Park redevelopment. I notice that the government is very skittish about answering any questions on that project. He points to the issue of credibility. He says that, to his mind and to the mind of the public, it is quite ridiculous to have all of these things dragged into cabinet. It is purely a farce that the government says that it is open and accountable, while it is indulging in these practices.

The whole premise of this amendment that we are recouping moneys because it is costing the government too much is a nonsense. It is another example of secrecy being put in place by an executive arm of government that controls the parliament. There is no doubt about that. That is not the way that a democracy should be run, and it is a very sad day for Queensland that that is the way that this place is run. I will certainly not be supporting this sham of an amendment.
