



Speech by
**Hon. NITA
CUNNINGHAM**

MEMBER FOR BUNDABERG

Hansard 1 November 2001

FREEDOM OF INFORMATION AMENDMENT BILL

Hon. J. I. CUNNINGHAM (Bundaberg—ALP) (Minister for Local Government and Planning) (12.44 p.m.): I rise to speak briefly to the Freedom of Information Amendment Bill in support of Queensland's local governments, who have also faced the added costs of excessive FOI claims, and also to add some commonsense to the debate.

First, it needs to be clarified that there is no move by this government to restrict access to information by the residents of Queensland. The Freedom of Information Act was introduced into Queensland by the Labor government in 1992. It applies to state government departments, agencies and local governments and has served the people of Queensland very well. But nine years later problems have developed and those problems need to be addressed. The system is being exploited. Excessive requests and excessive costs are impacting on Queensland councils as well as government. Local governments will certainly welcome a tightening up of the system with a user pays regime for those commercial companies that are currently abusing the intent of the act and using it for commercial reasons.

Queensland councils debated this issue at the state local government conference held recently in Townsville. They expressed concerns not about having to provide the information, as was suggested a few minutes ago, but about the cost of collecting this information—the cost to their ratepayers, who were left to subsidise it. They passed a resolution at that local government conference that reads—

That the Local Government Association of Queensland make the appropriate representations on councils' behalf to the Attorney-General's Department for amendment to the Freedom of Information legislation to seek amendments to the Freedom of Information Act 1992 allowing a reasonable proportion of cost recovery from the applicant, given the increasing number of applications being received.

The LGAQ's policy statement on this issue reads—

The Freedom of Information Regulation 1992 should be amended to permit local governments to recover from applicants the actual cost of processing applications for access to documents under the Freedom of Information Act 1992.

For my Department of Local Government and Planning, in the 1999-2000 year 31,557 documents were considered in order to meet FOI requests. In August the member for Robina asked me in this House about an FOI application lodged by the office of the Leader of the Liberal Party. That application in fact requested all material prepared for or received by two directors-general, the general manager of planning services and/or the management of the South-East Queensland Regional Planning Division. I was advised at that time that a conservative estimate of the cost of that application was in the order of \$15,000, with one staff member working on this application for almost three months. All this for \$31, with the balance of the cost being passed on to Queensland's taxpayers! Earlier the member for Robina said in this debate that that application took too long and that the minister and the department fobbed him off. I remind that member that, as the applicant, he was entitled under the act to seek an internal review of the decision, but he chose not to exercise that right.

Of the five current requests before my department, two are from legal firms and one is from a major property developer. One of the legal firm applications has necessitated examination of 68 departmental files containing in the order of 14,000 documents, and the applicant has requested copies of more than 2,000 of those documents. Again, all this for \$31 plus the photocopying charges

for the documents requested, with the cost of research and processing of these 14,000 documents paid by Queensland taxpayers.

The application from the major property developer has requested all notes—diary notes, working papers, memoranda, correspondence, agreements, plans and other documentation, whether or not stored on computer disk or by other electronic means—relating to or connected with a particular development approval.

These changes to FOI are well overdue. The information will still be available, but if people want to use FOI for commercial reasons then they must be prepared to pay commercial rates. There is clearly a need to address the problems being caused through the misuse of freedom of information by professional groups. The act clearly needs to be changed, and on behalf of local government in Queensland I commend the minister for addressing their concerns.
