



Speech by

STUART COPELAND

MEMBER FOR CUNNINGHAM

Hansard 1 November 2001

FREEDOM OF INFORMATION AMENDMENT BILL

Mr COPELAND (Cunningham—NPA) (12.50 p.m.): This has been an interesting debate. We have had person after person from the other side of this parliament get up and say, 'Isn't it terrible that the *Courier-Mail* can get so much information about us?' Let us make no bones about this. There is one reason for this legislation and one reason only, that is, to stop critics both inside and outside this parliament, including the media, getting information about the government. We have seen member after member attack the media and, in particular, the *Courier-Mail*—even the member for Cairns. I thought she would have been pretty happy with the *Courier-Mail*. It said that she was going to be a future Premier of the state. But no, she got up and said what an awful organisation it is, as well.

It is not unforeseen for the *Courier-Mail* to print a bad story. Now that we have seen one or two about the Premier, all of a sudden he says, 'Let's do what we can to put every possible roadblock in the way of the media and any other critic that might want to find out something about us,' and tries to delay, dissuade or discourage anyone from getting that information.

Can members imagine the caucus meeting when this issue was discussed? 'We've got another bad story in the *Courier-Mail* today. What can we do to try to stop this? Let's put a charge on it. Let's try to charge everyone who wants some information about our parliament.' The self-confessed media tart believed it when the media told him that they would respect him in the morning. But all of a sudden he has woken up one morning and found out that when you do sleep with the media sometimes your reputation will be tarnished. And that has happened well and truly with this Premier, and it is happening well and truly with this sham of legislation that is trying to close down legitimate access to FOI by all critics and all people interested in information held by the government—whether they are inside this parliament, whether they are a media organisation, whether they are a residents group, or whether they are individuals. Whoever they are, they should have access to that information.

It is said that we will save approximately \$7 million by this move to charge for FOI requests. Government revenue for this financial year is expected to be \$19.261 billion. That is a huge corporation. That is a huge budget in anyone's terms. And we say that \$7 million is money well spent. If it is going to put scrutiny on the application of taxpayers' money, then we should be preserving the right of every single person to access information about how that money is spent and how the government is operating within its own decision-making processes.

We have seen time and time again the massive PR machine that this government has swing into action and try to put a positive spin on absolutely everything. So to say that the *Courier-Mail* should not be able to access this information and should not be able to print negative stories starts to ring a bit thin. That has certainly been the inference from member after member of the Labor government. When one looks through *Hansard* one can see what comments have been made and the roadblocks that the government wants to put in here.

The Premier said, 'I am not going to let the \$7 million be taken away from the battlers of Woodridge.' The battlers of Woodridge have not had a very successful history in terms of the Labor government, and it is pleasing to see that their current representative is a very nice, hardworking person. It is about time that this Premier had a good look at some of the things he says. The government argues that these charges will not be applied to any individuals seeking personal information. Of course, as other members have said, the real question is whether information is going to be determined to be about the individual or whether it is going to be determined to be information that is generated in the normal course of government business.

Many members have quoted from a letter from Mr David Bevan, the current Information Commissioner, and a report—ironically delivered this week—which was put together by the previous

Information Commissioner, both of which are very, very critical of this legislation before the House. It is reflective of some of the attitudes of members opposite that they get stuck into us on this side of the House about politicking, so I am going to use the Ombudsman's words. We have another bill regarding the Ombudsman before us, and I am sure that we are going to hear testament after testament about just how good and worthy this is and what a terrific job the Ombudsman does—and he does. So I am going to use his words, because that is the damning information that stands this legislation condemned.

The first letter to which I wish to refer was sent to the Hon. Rod Welford MP, Attorney-General and Minister for Justice, on 29 October—

I note that, although the explanatory notes to the FOIA Bill state that there has been consultation within Government on the Bill, the Office of the Information Commissioner ... was not afforded the opportunity for consultation.

One would have thought that someone who is so highly regarded by certainly our side of politics—and I am sure by the other side of politics; and no doubt we will hear about that high regard later when we do debate the other bill—would at least have been consulted about a major change to the Freedom of Information Act with which they are so intimately involved.

Mr Bevan went on to say—and this is a point that I wanted to make about individuals and individual information—

Unfortunately, many members of the public who use the FOI Act have considerable difficulty in understanding or accepting:

- (a) that the courts have distinguished between documents relating to an individual's 'personal affairs' (as that term is used in the context of the FOI Act) and those relating to the other affairs of the individual such as business or employment related matters; and
- (b) the fact that a document of general application, which has been applied in such a manner as to affect an individual's affairs, does not thereby become a document that concerns that individual's personal affairs.

Understandably, many applicants believe that if a document is about any aspect of their affairs, or is a document of general application that has been applied in a way that has personally affected them, they should be entitled to access the document free of charge.

To my understanding that certainly will not be the case with this legislation. Individuals already feel that the \$31 perhaps can be excessive when they feel wronged by the department or the government in any way and are trying to access that information. The member for Gladstone put together an extremely good case for those sorts of people who may be so affected and the sorts of ratepayer groups that do in general struggle for funds and will be hit with this expense when there can be—and there are quite often—very real concerns about the way that the decision-making process has proceeded.

The member for Gladstone also said that some of these groups are seen as a pain by all levels of government. That is quite true. They would do absolutely anything they could to get those groups off their backs and not have to worry about them. So by putting this financial impost in the way, that is certainly what is going to happen on occasions, and it is certainly going to mean that the information that is coming out of the government and the scrutiny that those decision-making processes are put under will be lessened.

I now want to refer to a report that has been quoted quite extensively. I think that shows what is in this report. With the information in here, the government must have been unbelievably embarrassed when this report was delivered on Tuesday and was critical of the FOI process and any discussion to put costings on FOI applications. It must have been hugely embarrassed that that happened on Tuesday, when we were going to debate this piece of legislation this week. Here is a respected independent person who is saying that this is just a load of rubbish. I am not going to quote extensively from the report, but there are a couple of sections that need to be quoted. This will relate to some points I am going to make later, as well. Page 16 of the report states—

Of equal concern to the government's stockpile of information is the fact that it is the government that controls the form in which information is released and the timing of its release. Exclusive possession of official information enables a government to determine when and how it will lift the veil of secrecy. The scope for the manipulation of information by presenting it in a limited or sanitised form, or delaying its release to further the government's interests, is plain to see.

I wonder which media tart he had in mind when he wrote that.

I refer members to the Community Engagement Division Directions Statement which was delivered today. Page 5 states—

Information = Government—Citizens/Community

Information is a one-way relation in which government produces and delivers information for use by citizens. It covers both 'passive' access to information upon demand by citizens and 'active' measures by government to disseminate information.

In other words: 'You will get the information that we think you should have when we think you should have it.'

Sitting suspended from 1.01 p.m. to 2.30 p.m.

Mr COPELAND: Another issue raised in the annual report of the Queensland Information Commissioner and referred to previously by members is the use of cabinet exemption to remove documents from the reach of freedom of information. On page 14, at 3.10, the issue of the Goodwill Bridge is specifically referred to. That issue has been covered fairly well, so I will not deal with it except to quote the Information Commissioner, who states—

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.

Obviously that is a ploy to take documents out of the reach of freedom of information. As has been said before, there is no way in the world that all of those documents would have been looked at; neither would it have been necessary for all of those documents to have been at the cabinet's disposal. It was done simply for the purpose of removing that information from the public domain. That is another concern that the Information Commissioner has raised.

Mr Springborg: The Premier said he never did that.

Mr COPELAND: Oh, no. The Premier said he never did that. Earlier this year the director-general of the Department of Families overrode a decision of an FOI officer who was collating information to release to the *Courier-Mail*; he would not allow that material to be released. Subsequently, he had to do a backflip and was forced to release it because of the legal advice he received and the action taken in the Supreme Court by the *Courier-Mail*. There is no doubt in the world that the decision of the director-general was a deliberate ploy to attempt to remove that information from the public domain.

I have raised the issue of case loads with the minister on several occasions and on each occasion I have been refused access to that information. When the FOI release was made public, the reason that information had not been released became obvious—they were statistics so damning of the department. It was a deliberate ploy by the director-general and by the government to hide that information.

While on the topic of the director-general of the Department of Families, I refer to the issue of performance bonuses. This is another issue that is surrounded in secrecy and that remains out of the public domain. It raises questions about the accountability of this government and its desire not to be the subject of closer scrutiny. The Minister for Families has said several times that she was in no way involved with the assessment of the director-general for those performance bonuses; she said that it was a matter completely for the Premier. That raises this question: if the Premier negotiates directly with the director-general, sets the criteria for the performance bonuses and then measures against those criteria to see if the performance bonus is to be paid, who provides him with the information if the minister does not get involved? Obviously it has got to be the director-general. So, that raises some very real questions.

It is obvious from a lot of the things that have been said that the major target of this legislation is the *Courier-Mail*. We have had all sorts of other arguments; a whole heap of Labor Party members have spoken to this saying, 'Isn't it terrible that someone as big as the *Courier-Mail* can get all this information?' As I said before, the estimated savings from the passing of this legislation will be \$7 million. The government revenue for this financial year is \$19.261 billion—that is billion. If it costs us \$7 million to make sure that scrutiny is applied to this government to make sure that it is doing what it should be doing with taxpayers money and to ensure that it is undertaking the appropriate decision-making processes, it is money well spent. That is true of any government, whether it is Labor, the coalition or anyone else. We expect clarity within the decision-making process and we expect that anyone who wants to is able to access relevant information. Whether it is a media organisation, a member of parliament, a protest group or someone who feels that they have been disadvantaged or have been on the receiving end of some bad decisions of the government, they should be able to access information. The only thing this legislation does is try to put a roadblock in the way of those people getting the information that should rightfully be available to them.

Let us make no bones about this: this legislation is to dissuade critics, both inside and outside of the parliament, including the media, from placing the government under the scrutiny that it should be placed under and to ensure that there are fewer stories adverse to the government—highlighted by the *Courier-Mail* or in the media of any description—members of parliament or anyone else. Members of the government appear hell-bent on making sure that they are the ones who determine what information gets out to the public and when it gets out to the public in an attempt to bury as much of the adverse information as they possibly can.
