



Speech by

Mr R. QUINN

MEMBER FOR ROBINA

Hansard 7 November 2002

FREEDOM OF INFORMATION ACT

Mr QUINN (Robina—Lib) (6.00 p.m.): I move—

That this House requests the Attorney-General introduce amendments to the Freedom of Information Act, during this term of Parliament, consistent with the recommendations of the Legal, Constitutional and Administrative Review Committee's (LCARC) Report No. 32 relating to Cabinet exemptions and notes that these recommendations not only had the support of Independent and Opposition MPs, but also had the support of Labor MPs Karen Struthers, Peter Lawlor, Ronan Lee and Rachel Nolan on the Committee.

Tonight we have a motion before us which really is about two very important principles that are at stake in this state. The first principle is about the integrity of FOI laws in this state. They have been subject to criticism up hill and down dale by all political parties in this parliament over a long period of time. I think it was appropriate that it was a LCARC committee that was entrusted to review the FOI laws and make recommendations to the government to adjust them as necessary. That report of some 300 pages was a comprehensive report and was forwarded to the government. I will talk about the outcomes of that in a moment. First of all, this is about the integrity of the FOI system in this state.

The second principle is the integrity of our parliamentary committee system—whether or not members of that committee are prepared to stand up in this House and support the recommendations to which they put their name in this committee document. It is a question of whether they have the integrity to come in here and support this motion which mirrors exactly what they wanted to see in legislation through their own committee process. It really is a test to see whether all members of LCARC are willing to stand up and identify these recommendations as their own and support the motion that they then be put into legislation, a course which they profess to support within the committee document itself. If they truly believe in the veracity of their recommendations, even tonight when the political heat is turned up they will be voting for this motion.

I was very disappointed that when I made the offer to the chair of LCARC to second this motion she politely refused. I note that she is speaking in the debate tonight, which is to her credit.

Ms Struthers: Couldn't you find anyone else?

Mr QUINN: We had others. We thought in the spirit of bipartisanship we would offer the honourable member the chance because she is the chair of the committee. We thought we would offer her the opportunity to come on board and support her own recommendations. She championed these in the public arena by putting out the committee report. Now we find it somewhat puzzling that she is not prepared to second this motion which supports her all the way down the line. I was very disappointed. I note that she claims it was politically motivated. I never thought I would see the day when we would be accused of political motivation when we are asking people to support an all-party parliamentary report.

For too long this government has been carting documents in their thousands into the cabinet room to prevent their release, whether they be documents relating to the Goodwill Bridge or the Lang Park stadium. It has been going on for far too long. At page 25 of his report the Information Commissioner noted—

Thousands of documents, most of them of a technical nature, were put before a cabinet sub-committee and thereby rendered exempt under s.36(1) of the FOI Act. Disclosure of the great bulk of them was not likely to have revealed anything about the Cabinet process.

These documents have not been part of the formal cabinet submissions. They were of some potential embarrassment to the government, and to save the government that potential embarrassment, whatever it may have been, the government decided to take them through the cabinet by the truckload. As a result, the cabinet process in this state has certainly been abused in an effort to prevent the release of those documents.

There are more glaring examples. I wanted some information on Lang Park and I lodged an application on 11 April last year to the Department of Local Government and Planning requesting all material in relation to the Lang Park stadium since October 2000. I referred to documents received by the director-general of the department, the state's senior planner, the general manager of planning, and south-east Queensland's most senior planner: the manager, South-East Queensland Regional Planning Division. On 13 August, two months after the original due by date, some 756 pages—80 to 90 per cent of all the material—were taken to cabinet as part of the budget review committee and are therefore now exempt. These documents were exempt even though they had been taken to cabinet after the application was lodged and after the application was due to be responded to. That is the extent of the abuse that this government is indulging in as it tries to keep shrouded in secrecy any documents that may have the potential to be of some political embarrassment.

The material that could have been released contains the following items which are of a technical nature but do not involve consideration by cabinet ministers in any shape or form: the Lang Park redevelopment financial scenario analysis; the Lang Park stadium redevelopment—anticipated time frames, a cute one to exempt after the bridge fiasco because no doubt the government did not want another one to see the light of day; design budget reviews; the memorandum of understanding between the development group and Queensland Rugby Union; minutes of meetings; meeting agendas; and status reports. Hundreds of those documents went to cabinet to prevent their release to anyone, such as myself, who made an application.

That is why the LCARC committee, which comprised a majority of Labor members, looked into the issue of FOI reform and made specific recommendations to prevent ministers from bypassing FOI requirements by abusing the cabinet process. Those recommendations would have tightened the cabinet-exempt provisions so that only genuine cabinet submissions would be exempt, not documents that may have had some potential political embarrassment. There is no secret that the LCARC recommendations focused on the purpose for which the documents were prepared; that is, that there was some sort of test about them. It was not possible to walk documents through cabinet simply to avoid political embarrassment. Documents had to be prepared for the purpose of consideration by cabinet. The thousands of documents in relation to the Goodwill Bridge that were wheeled through cabinet would not, under LCARC's recommendations, have been exempt from FOI applications. That is the difference.

Even though these recommendations were put forward by LCARC, the government refused to adopt them. Only yesterday the state's own independent watchdog, the Information Commissioner, said it was unfortunate that the Beattie government had not only refused to implement the recommendations but had also failed to put forward its own alternatives. On page 26 of his report the commissioner said quite clearly—

Unfortunately, the Government response rejected those recommendations and did not address the significant issues raised by LCARC about the exemptions. Specifically, it did not address why documents not initially prepared for the purpose of submission to Cabinet, but subsequently attached or proposed for attachment to a Cabinet submission for information purposes, deserved blanket exemption from disclosure under the FOI Act. This is presently the case irrespective of whether disclosure of their contents would reveal anything about the substance of Cabinet discussions or deliberations, or otherwise be contrary to public interest.

There was no response by government in terms of why they would not move to implement the recommendations as proposed by LCARC. The government simply ignored giving a response in terms of their reasons or what else they proposed as an alternative. They simply ignored the recommendation and consequently we are in the House tonight.

It is worth noting, as the Information Commissioner said, that even if LCARC's recommendations had been implemented Queensland would still have had FOI legislation that would have been tighter than that of the Commonwealth. The Commonwealth has been using its FOI legislation for some 20 years. We are still 20 years behind the Commonwealth in terms of moving in this direction.

As I said in my opening comments, it is a test tonight of whether or not we are genuine about seeing FOI reforms in this state in terms of bringing us into line with most other Australian states which have that purpose test built into their cabinet exemption criteria. This is also a test as to whether or not Labor members of LCARC have the fortitude to stand up in this place and support the

recommendations that they made through the committee process and not bow to any political pressure that may be placed on them by the government. If that happens, it will be a sorry day when members on a committee publicly walk away from their own recommendations. That will set a precedent. In the past when members of committees have made recommendations they have stood by them. If members of that committee walk away from their own recommendations that will be a sorry state. It will send out the message that these members are not genuine when they issue a report with a series of recommendations; rather, it will show that they are simply there because they want to take the money.

Time expired.