



Speech by

Mrs D. PRATT

MEMBER FOR NANANGO

Hansard 7 November 2002

FREEDOM OF INFORMATION ACT

Mrs PRATT (Nanango—Ind) (6.35 p.m.): I rise to support the motion moved by the Liberal Leader, Mr Quinn. I wish to quote what has been said about section 36(1)—

In its present form any document (even a bundle of thousands of documents) can be made exempt by placing it before cabinet. A minister or official with sufficient influence to have a document placed before cabinet now holds the power to veto access to any document under the Freedom of Information Act by adopting this mechanism. It does not matter that the document was not created for the purpose of submission to cabinet, or that disclosure of the document would not even compromise or reveal anything about cabinet process. It is not even necessary that the document be in any way relevant to any issue considered by cabinet. At any time, even at a time after an FOI access application has been made for that specific document, a document may be made exempt by placing it before cabinet.

Freedom of information and open and accountable government have become a true example of an oxymoron in our current society. There have been many examples of government expenditure or action or, in some cases, inaction in various situations that have been called into question. It is an acknowledged action of government that if things get a little touchy, if the media are delving a little too deeply, and if actions contrary to the intent of good, open and accountable government have occurred, then the offending material is immediately whipped into cabinet and the privileged cabinet exemption is claimed so that none of the documentation that may reflect badly on the government is accessible to scrutiny.

As soon as that occurs, suspicion is heightened in all and sundry. Regardless of the protestations by the minister or the Premier that nothing untoward is happening or has taken place in the past, the very lack of a willingness to appear open and embrace the opportunity to improve accountability is in itself a cloud hanging over the whole affair and the government. The intent of FOI legislation and the reason for its enactment were to make the government and the government bodies accountable when it was believed that action taken was contrary to that which should have occurred. Over the years, many ways have been used to reduce accessibility to information.

There was much consternation at the time of the introduction of the FOI Act because it was believed that the cost of procuring information would be prohibitive to most people. Many people have found this to be so and of late have not bothered to proceed. Others have had the choice and, if persistent enough, were prepared to pay for the information that they required. But when it comes to cabinet exemption, there is no choice; any information is locked away for 30 years.

It was suggested during the review of the FOI Act in 2001 that in 1993 and 1995, when suggested amendments were adopted, the cabinet exemption became so broad that it no longer represented any balance between competing public interest in protecting ministerial responsibility and ensuring the necessary openness and informed participation in government processes. LCARC was unanimous in its recommendation as to what it believed were appropriate actions for this government to adopt. The recommendations have taken into consideration the need to protect certain aspects of government. So the need was there; it was recognised and duly considered.

Most people who noted the size of the entire report would recognise the extent of the time, the effort and the serious investigation that was undertaken during the compilation of the recommendations and would realise that it was not done lightly and nor were the recommendations made lightly. The recommendation on the cabinet exemption, which is the part that we are debating tonight, was that the matter be exempt only if it had been prepared for submission to cabinet, whether or not it actually had

been submitted; if it had been prepared for briefing, or for the use of a minister or chief executive in relation to a matter for submission to cabinet, whether or not it had been submitted; if it is a draft of a matter mentioned in the above two matters or if it is, or forms, part of an official record of cabinet.

The committee was asked to review FOI in Queensland and to offer recommendations where it considered it appropriate. There were areas when considering FOI that members could not agree on, but the area of cabinet exemptions was one which received unanimous agreement. Labor, National and Independent members were united as one. The fact that the Liberal leader has moved this motion tonight indicates that the Liberal Party and the entire parliament are of one accord. There is no reason why an open and accountable government, as this one purports to be, should not adopt these most critical recommendations and support the motion before this House.