



Speech by

# Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard Tuesday, 18 May 2004

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## MINISTERIAL STATEMENT

### Freedom of Information

**Hon. P.D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.48 a.m.): The annual Freedom of Information report tabled by the Attorney-General today reveals that in the last reporting period 2002-2003 the number of documents released rose by 6.6 per cent from 86.4 per cent to 93 per cent. This is proof of the fact that FOI is working. More than nine out of every 10 documents requested were made available.

The number of successful FOI applications rose by 1.1 per cent and 9,872 applications were made to state government agencies. Of these, 5,362 were personal applications and 4,510 were non-personal. For 93 per cent of applications, access was granted to all or some or the documentary matter sought. In fact, for 85 per cent of applications, there was a full release of documents.

Let us get down to the basics of what FOI should be all about. FOI is meant to be a constructive tool, not something which is designed to attack people personally or to indulge in character assassinations. The overwhelming majority of requests for information comes from members of the public who want to know what documentation the government holds on them and if it is correct. They want to be able to correct any misinformation.

FOI also enables people to discover more about what the government is doing and why. Unless it involves a document that was part of the cabinet process, that information will be made available, providing no other exemptions come into play under the act such as sections 44 and 46, which I table for the information of all members so that we understand those two sections and what exemptions they provide. There are other exemptions involving privacy and commercial-in-confidence matters which are taken into account when decisions on releasing information are made.

Does FOI work? The answer is—overwhelmingly. The *Courier-Mail* has written many stories based on information it has obtained through requests using Freedom of Information legislation. I table nine *Courier-Mail* stories from the past couple of years which rely on documents obtained under FOI.

Let me make it clear: FOI legislation was not designed to enable people to go muck-raking. It was not designed for people to follow every scurrilous rumour in order to embarrass an individual minister or private individual for cheap political gain. It was not designed for oppositions to go on vast fishing expeditions for cabinet documents which are exempt throughout Australia and elsewhere. It was not designed to give the media a seat at the cabinet table to help them access cabinet's innermost workings.

How do we compare to the mother of parliaments in the Westminster system? The *British Code of Practice on Access to Government Information* states that exemptions apply to information which disclosure would harm the frankness and candour of internal discussion, including: proceedings of cabinet and cabinet committees; internal opinion, advice, recommendation, consultation and deliberation; projections and assumptions relating to internal policy analysis; analysis of alternative policy options and information relating to rejected policy options; confidential communications between departments, public bodies and regulatory bodies.

This is remarkably similar to the situation in Queensland. The opposition may complain but I invite Queenslanders to consider my government's record and the facts and figures I have given today and those contained in the official FOI report. Expenses incurred by ministers and their staffs are tabled in parliament every six months, which has never been done before under any government in the history of Queensland.

Elective surgery waiting times are published for the first time. I table the latest list of elective surgery waiting times, along with those nine documents from the *Courier-Mail*.

Freedom of information is working for Queenslanders. I table the rest of that material and I would seek to incorporate more detail of my ministerial statement in *Hansard*.

Leave granted.

It is time for the National Party to stop its hypocritical behaviour when it comes to Freedom of Information legislation.

When the Nationals were in power for 32 years up to 1989 they refused to introduce FOI legislation.

It was the Goss Government that opened up access to information held by the government by introducing FOI legislation.

When the National Party was in power—between 1996 and 1998—it twice promised to conduct reviews of the legislation.

Instead of reforming FOI legislation, it abused it.

On February 10, 1998, The Courier-Mail reported: "The Borbidge Government, for no good reason, has used the secrecy provisions of the Freedom of Information Act introduced by the Goss Government, to prevent any examination by the public of any of the expenses incurred by ministers and their staffs."—I table a copy of that article (document A).

I was determined to be more open and accountable.

I now table this information twice a year. I refer members to page 33 of Hansard this year when I tabled those expenses for the period from July 1 to December 31, last year.

Mr Springborg was a Minister in 1998 when the quarterly waiting time statistics for Queensland public hospitals were wheeled through the Cabinet room so that his Government could hide its shameful record on elective surgery.

I was determined to be more open and accountable.

I promised we would not do this and that we would publish the figures, good or bad, four times a year.

I table the latest figures which are freely available on the Internet. (Document B).

In an unprecedented action, I have even released Cabinet documents to reveal everything that went to Cabinet about the Heiner controversy.

Then, as now, there were unfounded accusations that we were hiding material by using FOI exemptions.

Bearing in mind the years of unfounded allegations, I announced I would make a one-off exception to the legislation and release secret Cabinet documentation.

On July 30, 1998, I tabled Cabinet submissions Nos 100, 117 and 160.

In addition, I also tabled:

- a copy of a letter to the acting Director-General of the Department of family Services and Aboriginal and Islander affairs from the Crown Solicitor dated 18 January 1990;
- a copy of a letter to the Acting director-General, Department of Family services and Aboriginal and Islander Affairs from the Crown Solicitor dated 19 January 1990;
- a copy of a letter to the Acting Director-General, Department of Family Services and aboriginal and Islander Affairs from the Crown solicitor dated 23 January 1990;
- a copy of a letter to the Acting Secretary to Cabinet from the Crown Solicitor dated 16 February 1990;
- and a letter from the then Acting Cabinet secretary to the State Archivist seeking permission to destroy all documents obtained by Heiner during the inquiry.

That was every document we had.

And still it hasn't stopped the ridiculous allegations.

On August 2, 2000, former Premier Rob Borbidge admitted to The Courier-Mail that his Government had misused FOI laws. I table a copy of this article (document C).

He said that his government—of which the current Opposition Leader was a Minister—abused FOI laws to keep sensitive documents secret by claiming Cabinet exemptions.

Let me emphasise that Mr Springborg was a Minister in the government which Mr Borbidge has admitted misused the Cabinet exemption in order to keep documents secret.

Mr Borbidge said that documents that were never meant for Cabinet were taken to Cabinet for the express purpose of avoiding FOI.

I have never done that.

The only documents taken to Cabinet by my Government are there to ensure Ministers make decisions based on all the facts contained in those documents.

Last week I again released Cabinet documents—28 of them—because they had not been part of the decision-making process.

Now, listen to the sting in the tail of the Courier-Mail interview with Mr Borbidge.

Despite alleging that all governments had done as he did, he told The Courier-Mail that 'fair dinkum' documents should be kept secret to preserve government decision-making processes.

With no axe to grind now that he is out of politics, he agrees with me on the need for Cabinet exemptions.

These examples show that my Government is, indeed, the most open and accountable Government in Queensland's history.

