



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

Hansard Tuesday, 22 February 2005

INFORMATION COMMISSIONER: APPOINTMENT

Miss SIMPSON (Maroochydore—NPA) (7.43 pm): In speaking to this motion of the Attorney-General's, I do so with a great deal of disappointment because I cannot fully endorse the government's choice of the Information Commissioner, not because she may not be eminently qualified but because the selection process is flawed and is open to perceptions of political bias. Cathi Taylor has strong ties with this government, serving in senior roles such as Acting Director-General of the Department of the Premier and Cabinet and also as a leader of Premier and Cabinet's freedom of information and ministerial correspondence teams. As the new Information Commissioner, it seems somewhat ironic that she will now determine appeals against government decisions to withhold information under FOI laws. Ms Taylor has an outstanding curriculum vitae, which I table, including minor roles during the brief tenure of the National-Liberal government. However, it is the strength of her high-level ties with this government and the Queensland bureaucracy which means that questions will be asked about her ability to apply the spirit and letter of freedom of information laws.

These questions could have been avoided if the Premier had heeded my warnings prior to the selection process proceeding. The Premier knows that I strongly disagree with his decision not to have bipartisan participation in the selection panel for this important statutory office holder which was contrary to the process used for the selection of the previous Information Commissioner. At that time, as the deputy chairman of the Legal, Constitutional and Administrative Review Committee, I sat on the selection panel with the then chairman, Karen Struthers, and other panellists chosen by the Premier. The result was a person whose appointment to the combined role of Ombudsman and Information Commissioner was unchallenged, and there were no questions about this person's impartiality and political independence.

I believe in departing from this process it allows the excuse of the Premier to say that it does not happen with other office holders who report to the parliament. I believe it is time not only for the previous precedent used for the selection of the Information Commissioner and Ombudsman to be reinstated but also for it to be extended to other key statutory roles. Then I would not as the deputy chair of LCARC, a parliamentary committee, be questioning the process or the potential of comment in the public arena from others that the resulting appointee was the favoured candidate of the Beattie Labor government—a government which already has too much unfettered power.

Freedom of information laws have had a rocky road since they were first introduced. Both sides of politics have been criticised for how these laws have operated. However, it was this Labor government which introduced fees to try to stifle access to information, and now it is this Labor government which has opened the role of Information Commissioner to criticism because of a flawed selection process. This is unfortunate and unfair to the people of Queensland, the parliament and also the successful and unsuccessful applicants.

The role of the Information Commissioner is a vital one in that it provides an avenue of appeal against government and bureaucratic decisions to withhold information. In a parliamentary democracy we expect our statutory officers to protect the interests of the people in the face of the power of elected officials and large bureaucracies. Government and bureaucratic control over information creates a terrific power

imbalance with ordinary people, and that is why the freedom of information laws need not only to work but also to be seen to work with independence and impartiality.

I would also query the selection criteria for this role as I wonder if it takes into consideration the problem of appointing people with extensive working relationships at a senior level in the Queensland bureaucracy. It is not a crime to be married to another senior-ranking public servant, as is Ms Taylor's case, but I would appreciate the Premier advising this House how the new Information Commissioner will overcome the perception of conflict of interest in regard to dealing with FOI decisions involving her husband and the department of education, of which he is the director-general. By the way, the Premier invited me to ask that question on the floor of the parliament.

It is a matter of public record that LCARC recommended that the Ombudsman's role and Information Commissioner's role be split. This recommendation lay dormant for years, ignored by the Beattie state government until it was unhappy with some of the rulings of the previous Information Commissioner—rulings which recommended that information the government wanted to withhold be released. Then the Beattie Labor government decided to dust off the LCARC recommendation and move to separate the roles of Ombudsman and Information Commissioner with an acting information commissioner appointed to that role. Thus the reason we see before us the recommendation for the appointment of a new Information Commissioner.

And now my comments about the debacle and how the government proceeded to put a process in place to appoint that person. Our parliamentary committee, LCARC, was consulted only after the decision had been made to appoint Cathi Taylor. Our parliamentary committee did have our chairman, Lesley Clark, participate in that process, and I appreciate our chairman's comments in regard to future processes about looking at this issue of statutory office holders in the selection process, but I remind the Attorney-General that just a few moments ago he said that accountability and transparency were important. He tried to clothe himself in the blanket of purity by saying that his government was all accountability and all transparency, and then we saw this process which, due to its flawed nature, has unfortunately brought into question the outcome.

Cathi Taylor may carry out this role in an outstanding way and with the highest ethics. However, it was wrong of the government to initiate a process that has not only left her open to criticism; it has also left the important role of Information Commissioner open to criticism. It has damaged the perception of independence of that office, hence the concerns that I raise in this parliament.