



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

Hansard Wednesday, 10 August 2005

FREEDOM OF INFORMATION AND OTHER LEGISLATION (APPOINTMENT ACCOUNTABILITY) AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (9.02 pm): I rise to support this legislation. I strongly support this principle. I need to awaken some government members to recent history. The protocol outlined in this bill used to be the protocol for selecting the Ombudsman and the Information Commissioner in Queensland. It has only been in recent history that the Premier of this state backtracked on that protocol and made it a process in which only the government chair of the Legal, Constitutional and Administrative Review Committee was invited to sit in on the selection process for the new Information Commissioner—not the deputy chair, a non-government member, to provide the opportunity to ensure bipartisan support and to overcome what we have seen in recent times in the turmoil related to the appointment process of the Information Commissioner, Cathi Taylor. As we have said, this Information Commissioner may undertake her role in a fair and honourable way, but the process has been tainted because the Beattie government—this Labor government—walked away from the principles of accountability and the principles of bipartisan selection of this officer.

I say to all those members on the other side of the House who pontificate about how accountable they are, who say that they are going to have a review process and that we should trust them as everything is lovely that they are the ones who have walked away from bipartisan selection of the Information Commissioner of Queensland.

Freedom of information legislation is extremely important. As other members on this side of the House have pointed out, we are a unicameral parliament. It is important that we have a process whereby the public can access information that needs to be put into the public arena. There is an accountability mechanism to make sure that that legislation is not just on the books but is, in fact, enforced and has some independent scrutiny; that is, the statutory office-bearer of the Information Commissioner. That person must be above reproach. Their appointment process must be a bipartisan one where there is no doubt about their background and they must have support from across the political spectrum.

Unfortunately, that was not the case in this instance. It has been well documented in this House—we have tabled backgrounds about the Information Commissioner—that there were strong ties to the Labor Party in this state. There were strong ties to some of the people on the selection panel. As we know, the people on the selection panel were close acquaintances and also referees of the person who was bumped up the list and eventually given the top job.

In relation to the investigation undertaken by the CMC, further information has come to light that strong concerns were expressed about this person and that this person was not the top choice of all those who were on the committee. What has been lost from this process is the opportunity for bipartisan support. It is an important aspect because under this Beattie government freedom of information has been wound back. It has been restricted, with costs being put against people who have made applications. It has been made a very expensive process for those in the opposition or the media who seek information of this government.

I know full well that this government also breaks the law with regard to freedom of information. It has deliberately withheld information which it is legally required to release. It has not even bothered to use the cabinet exemptions or other exemptions which can apply if it wants to stop information being leaked. I personally sought information from the previous state development minister and he deliberately did not bring it to this House. I have raised that issue and I will continue to pursue that issue through the independent umpire. There must be a process so that we know that the laws are upheld. There must be an independent monitor in place to ensure that the government of the day does not break its own laws with regard to this important legislation.

I remind the House that freedom of information laws have been wound back by this government. One of the most concerning aspects is the new exemption that applies to information that has gone before the Crime and Misconduct Commission. This is a damnable exemption when one considers that it does not just apply to current investigations; it also applies to information that has been sent to the CMC that is no longer part of a current investigation. As we in the National Party have raised in this House before, we have grave concerns about information concerning the former Attorney-General who put those amendments to this House. The former Attorney-General is now the education minister, Rod Welford. Matters that were investigated by the Crime and Misconduct Commission that should have been made available are now forever locked away—they will never see the light of day—because of the amendment over which he presided in this parliament which wound back the FOI laws. If that is not corrupt, what is? That exemption process is even more extensive than the cabinet exemption process, because cabinet documents are available after 30 years. Now, thanks to the Beattie government, documents that have been before the CMC are locked up forever. I think that tells a lot about the nature of this government and its true colours with regard to accountability.

The Information Commissioner is there to uphold the letter of the law and to preside over appeals against rulings that may have been made at the departmental level to hold back information. That is a very important statutory position. I believe that the principle that previously applied with regard to putting this person in place needs to be reinstated. This legislation seeks to do that. Interestingly, I actually sat on the selection panel for the combined Ombudsman-Information Commissioner role before it was split. There was no problem with its being a bipartisan process.

The chair and the deputy chair of the Legal, Constitutional and Administrative Review Committee sat on that selection panel and selected that person. However, the Beattie government decided to change the process. When I heard that they were moving away from that process, I raised issue with the Premier. He had a chat with me and explained why he did not want to do what is now proposed in this legislation. I disagreed with him. These matters are a matter of public record and he has to wear the cost and the odium of the fact that it has blown up.

What is unfortunate is that the Information Commissioner, who may in fact be a very fine person, is tainted by the process that was put in place by this Beattie government. The government could have avoided it but it did not. It brought these laws into further disrepute and that was unnecessary. We need these laws to work and we need some of the exceptions wound back because they are being abused. We need a process for the appointment of the Information Commissioner that is above reproach and does not bring the office or the process of this law into disrepute.