



Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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Record of Proceedings, 24 February 2022

**LEGAL AFFAIRS AND SAFETY COMMITTEE**

**Report, Motion to Take Note**

 **Mr HART** (Burleigh—LNP) (3.40 pm): I too have feedback on the Information Commissioner's office. I rise to speak to report No. 18, *Oversight of the Office of the Information Commissioner*. I have had to use the Information Commissioner's office a number of times now because I have been denied access to documents under RTI by a number of departments, including the QBCC and TMR—documents that I should have had access to. When the RTI system was put in place the presumption was that information will be released to the public—it will be open and transparent—unless there is a very good reason for it not to be. There is a list of reasons that RTI officers can give for refusing your application.

In one instance, I put an RTI request to the QBCC around the member for Springwood meeting directly with Toni Bowler, for what he said were sporting meetings, but then taking action against the QBCC. I asked for emails that may have been sent between the board, the commissioner and the minister that mentioned Toni Bowler. I received some emails, but there were other emails that I did not receive, although they appeared in the *Courier-Mail*. I got onto the Information Commissioner and said, 'Okay, why is it that I have the response back from the RTI office but these two emails are missing?' The Information Commissioner asked the QBCC why the two emails were missing. Would you believe it: they suddenly found those two emails that had been on the front page of the *Courier-Mail* and were in the public domain but had been denied to me through the right-to-information process. When I received those emails they were redacted quite a lot. They had been printed in full on the front page of the *Courier-Mail* so I wonder why they bothered.

Another thing that I have been chasing quite heavily is information around best-practice industrial conditions, for which I have gone to TMR. Their RTI officers have come back to me with all sorts of reasons for why they will not release any of that information. They found about 10,000 documents. I had asked for any communication between the minister, the department and the relevant unions, that is, the CFMMEU and the ETU. Surprisingly enough, they completely blocked me from accessing that information. They said that it was because of cabinet in confidence. Basically, their explanation means that they will not release any information that resulted from a cabinet decision. Maybe some members on the other side can educate me about what isn't a decision of cabinet having been discussed by ministers. Basically, if that excuse is allowed we can be blocked from every RTI request that we make.

I said to the Information Commission, 'I don't think this is right.' To his credit he agreed with me. He went back to TMR and said, 'No, that is not right. Please review this. Have a look and give the member some of the emails because we are quite sure that cabinet in confidence will not apply.' I had even asked for any response back to the unions from the implementation of BPICs, because we all know that it costs an extra 50 per cent for implementing BPICs on government jobs. For light rail stage 3 on the Gold Coast, an extra 50 per cent means \$300 million. TMR came back to me and said, 'Okay, we will release 84 pages from those documents, but it is going to cost you \$2,000.' They had found

10,000 documents so I thought, 'Fair enough, I'll pay the \$2,000 to get those 84 pages because I'm sure there'll be something there.' Do you know what? I got 84 pages of redactions. There was nothing there. There was a word here and a word there, but otherwise absolutely nothing.

You have to ask the question: what is the government hiding around BPICs? They have made a shonky deal with the unions and they are completely hiding it. Unfortunately, the Information Commissioner seems to be muted because, even though he agrees with me, the departments are not releasing the information.

*(Time expired)*