




Speech By
Michael Hart

MEMBER FOR BURLEIGH

Record of Proceedings, 10 November 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Mr HART** (Burleigh—LNP) (3.55 pm): I rise to contribute to debate on the report on the Information Commissioner. I am going to restrict my comments to the Information Commissioner's office and the process that it goes through. In the annual report of the Information Commissioner it said that 60 per cent of most inquiries are about access to or amendment of documents under the RTI and IP acts. The OIC reported that challenges to timely completion of external reviews included ongoing substantial demand relative to the available resources, the complexity in the matters, the delays from agencies in complying with the review process due to increasing demands—and I suggest that that also goes back to available resources—and the unreasonable and sometimes abusive behaviour from a small but time-consuming cohort of applicants. That is not acceptable in any way whatsoever.

I have a bit of experience with the Office of the Information Commissioner because I have been doing quite a few RTIs lately and quite frankly not getting back a great deal of information. I heard the member for Caloundra and other members in this place talk about some of the questions that the member for Scenic Rim asked at the committee's hearing around the availability of documents. I have had cause to talk to the Information Commissioner about the lack of documents flowing back from some of the RTIs that I have put in and I have been able to provide the Information Commissioner with copies of documents that did not show up in RTIs that should have and since that time I have then been provided with those documents. Miraculously, they showed up after I produced a copy of them. That is just bizarre. To say that the RTI job is not being done properly, whether it is a problem with its search capability or the number of staff who are there, there is a problem. There is a big problem.

With a lot of the RTIs that I have put in lately I am getting feedback from the RTI officer on the day that they are due that they cannot provide that information to me and then extending the time frame for another couple of weeks. This is happening now and delaying the process, and it is the job of the Office of the Information Commissioner to keep an eye on this sort of thing and to listen to feedback from members of parliament and other people putting in RTIs. These things are being delayed, and I have had RTIs that have been delayed for months and months and months. Eventually a decision notice is given to you and there will be an amount of money that has to be paid to the RTI office to provide that document. I always pay that money straightaway, but it takes three or four days somehow for the system to realise that it has been paid before I get that information, even though I send it a copy of the receipt.

For the benefit of the Labor members who have talked about cabinet-in-confidence, I have been trying to seek now for over a year—nearly two years—information on the best practice industrial conditions from the department of transport and every step of the way it has blamed cabinet-in-confidence. I accept that cabinet-in-confidence should be cabinet-in-confidence, but I have asked for feedback from the department as to what sorts of effects BPICs might have had after that cabinet-in-confidence decision was made and trying to access those documents.

Even those documents are kept from me, blaming cabinet-in-confidence. I was surprised that the Information Commissioner said they do not see very much of that because I have pointed to about five RTIs I have done around this one subject and I have not been able to get too much information back. The information I get back is completely redacted: cabinet-in-confidence.

On the subject of ministers interfering with the RTI process—and again we heard Labor members say during questions at the committee hearings that this was not happening much—I have produced a document in this place already about the minister responsible for the QBCC seeking access to my RTIs before they were given to me so that he could know what was going on and he could respond to the questions I put to him. There is ministerial control.