

## FREEDOM OF INFORMATION (FEES) AMENDMENT BILL – 16 Sept 2010

Adjourned debate on second reading.

(Continued from 27 May 2010.)

**Mr PEDERICK (Hammond) (11:24):** I rise to support the member for Bragg and the Freedom of Information (Fees) Amendment Bill 2010. I think it is a bill that we need so that we can get access, or at least some more access, to information that we should be able to get, even at this stage.

The South Australian access to information held by government is provided under the Freedom of Information Act 1991. This provides a legally enforceable right by members of the public to have access to documents held by government, restricted by public interest exception and a preservation of personal privacy. There is a schedule of exempt documents including cabinet, Executive Council, intergovernmental documents and those affecting law enforcement and public safety.

There are government guidelines that are effective from 1 January 2005, which are on the State Records website, which include notifying the minister of any application which is 'significant and/or sensitive'. You have to question where the independence is with this.

Cabinet submissions and documents, pursuant to the Premier's announcement on 12 August 2009, can now be disclosed after 10 years. This came into effect on 1 October 2009, under schedule 1 of the act. A cabinet document less than 20 years old is an exempt document and, under section 20 of the act, the agency may refuse access solely on that basis. The announcement was a policy change only and there has been no legislative amendment to enforce this change. When the federal parliament amended their legislation to effect the release of cabinet documents between 20 and 30 years of the exempt protection, they did so by legislative amendment.

Almost contemporaneous with the Premier's claim to be in charge of an open and transparent government, and by publication in the gazette on 20 August 2009, minister Gago introduced regulations to exempt agencies in respect of the investigation of the Burnside Council. Under protection of this regulation are the investigator Ken MacPherson, the PIRSA department, the Minister for State and Local Government Relations and the Department of Planning and Local Government—regardless of whether the information was created and/or received before or after the commencement of the appropriate regulations.

Pursuant to an FOI application to ascertain who made the request for this regulation—as ministers Gago and Weatherill have claimed it was by Ken MacPherson, to protect people who may wish to give evidence to the inquiry but were fearful of retribution—no documents have been produced confirming this. As the inquiry, after approaching nearly \$1 million in costs, is apparently closing, I will monitor the lifting of this regulation—according to the member for Bragg—for the broad exemption of these departments and offices.

On 27 May 2010 the member for Bragg introduced this bill to fulfil an election promise from the Liberal Party. The bill provides for the removal of fees for freedom of information applications submitted by journalists, if the application can be dealt with in less than five hours. The debate has been adjourned. Surprise, surprise! We believe the government will remain opposed to this bill.

In relation to the federal government approach to freedom of information, the Rudd Labor opposition claimed it would reform the Freedom of Information Act 1982 (Commonwealth) to promote a pro-disclosure culture and more openness in government. There was a small legislative reform in late 2008, which was more about process than openness. The state legislation was modelled on the commonwealth legislation passed in 1982 and all Australian states and the Australian Capital Territory have adopted similar legislation.

A national consultation was undertaken for the release of a draft Freedom of Information Amendment (Reform) Bill 2009, which was ultimately introduced and passed in the federal parliament. Additionally, a separate bill providing for the Information Commissioner was also passed. I seek leave to conclude my remarks.

Leave granted; debate adjourned.