

GOVERNMENT INFORMATION (PUBLIC ACCESS) AMENDMENT (REMOVAL OF APPLICATION FEE) BILL 2012

25 October 2012

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Bill introduced on motion by Mr John Robertson, read a first time and printed.

Second Reading

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [10.11 a.m.]: I move:

That this bill be now read a second time.

This is a very simple bill but it is an important bill. It is a bill that keeps this Government to one of its fundamental promises before the last election, a promise it has since slithered away from. At present an application for government information under the Government Information (Public Access) Act costs \$30. This private member's bill abolishes the requirement to pay a fee. The bill also provides that if any processing charge is imposed the first hour of dealing with the application will be free.

It is time for New South Wales to lead the way when it comes to accountability, transparency and scrutiny of government. The bill is a step towards that goal. Extraordinary times call for extraordinary measures. The State of New South Wales is in uncharted waters. Never before has a Government come to office promising that a State needs more public servants, not less, and then initiated savage savings cuts to public services. The Government promised to improve health. Instead, \$3 billion is being slashed from hospitals right across this State—3,600 jobs gone. Front-line worker Karyn Jarvie, who bravely came to Parliament yesterday to tell her story, is one of those people: she has lost her job. The Government promised to improve education. Instead, \$1.7 billion is being cut from our public schools, our Catholic and independent schools and our TAFE colleges. The Government promised to care for the most vulnerable people in our community. Yet a shocking document came to light during budget estimates which detailed savage cuts of \$500 million across the Department of Community Services. Programs in the firing line include child sexual assault programs, anti-domestic violence programs and funding to non-government organisations such as the Liverpool Women's Resource Centre.

This Government's cuts have placed the State of New South Wales in uncharted waters. Put simply, the public needs this bill. The people of New South Wales have a right to know exactly what this Government is slashing. The first step towards this is being able to initiate a freedom of information request without the existence of a cost deterrent. The bill that I introduced waives the \$30 application fee, exactly as the O'Farrell Government promised but has so far failed to deliver. It will allow every man, woman and child in New South Wales to demand answers from the Government as to how services are being delivered and how taxpayer dollars are spent. It will allow media organisations and political parties to hold this Government to account. It will shame the most secretive government in our State's history into tossing out a few more crumbs of information and being a bit more honest with the people of New South Wales. The Government should have no problem supporting this bill, given its promise before the last election. I quote from the Liberal-Nationals campaign document entitled "Restoring your right to know—Improved FOI in NSW". It states:

The NSW Liberal/Nationals Coalition believes that the community has a right to openness, accountability and transparency when it comes to Government

decision making and information.

The NSW Liberal/Nationals Coalition commits to open government through the highest standards of public access to Government information, including best practice in Freedom of Information (FOI) processes.

Citizens should not need to be forced into the position of having to demand information from Government—it should be freely available.

Key reforms under a NSW Liberal/Nationals Government will be ... Abolish FOI application fees.

Where is this reform after 18 months into the O'Farrell Government? Why has this Government slithered away from its promise? This is a government doing everything humanly possible to shield itself from scrutiny, a government chronically averse to transparency—even as it cuts billions of dollars from public services that will affect this State for generations to come. At a time when cynicism about the O'Farrell Government is at an all-time high, we need a better system of public access to government information as the last line of defence, because this is a government trashing every alternative mechanism, every check and balance to ensure transparency. One obvious example was the budget estimates process that was turned into a joke by Ministers stonewalling, running out the clock and hiding behind their bureaucrats. This year the Government delivered the most secretive batch of budget papers ever seen in the history of this State. The Government has suggested \$1.24 billion-worth of cuts to services and programs, but they were not broken down by department. All of those cuts are buried in the fine print.

The Government has gone out of its way to stop the release of the Booz & Company consultants report into RailCorp and it has attempted to claim privilege on WorkCover documents in a section 52 motion. This a farcical stance that was only overturned after the Opposition challenged the decision. You would have got more information out of the Soviet Union under Nikita Khrushchev than you do under Barry O'Farrell in New South Wales.

In recent weeks the Labor Opposition has literally asked hundreds of questions about government spending on important matters such as the amount of taxpayer dollars being wasted on advertising, the use of consultants, and the number of departmental staff and media advisers. But does this Government ever provide any answers to these questions? No. Instead we get obfuscation and lame answers that refer the Opposition to some dusty year-old report. Under the previous Government the number of staff in each department was there for everyone to see in the budget papers, but not anymore—not under Barry O'Farrell. This Government fobs off all of the questions it is asked with weasel words such as "the employee numbers change from time to time". Well, no kidding! When 15,000 jobs are slashed across New South Wales it is a pretty drastic change.

The point is that every person in New South Wales who relies on a Government service and every front-line worker delivering a vital service deserves to know what this Government has

in store for them. Instead this Government is slashing staff across government departments and trying to cover it up.

I now turn to the Government's approach to Government Information (Public Access) Act requests. We see the same sorry track record of obfuscation. Agencies deliberately overcharge for processing requests, desperately trying to block the release of information in politically sensitive documents relating to the Star casino and the closure of Grafton Correctional Centre. The Labor Opposition requested the Infrastructure NSW board minutes. Eventually we received a letter saying that they were Cabinet-in-confidence and requesting more information. That was a lame excuse to drag out the process. Frankly, the average person would give up. The Opposition also requested access to a copy of the visitors book for Governor Macquarie Tower. Apparently 35,000 people are listed in that book. What was the Government's response to that request? It said that the request could be granted only after 35,000 people had been interviewed to ascertain that they did not object to their name being revealed. What is the Government trying to hide? Is it trying to hide the fact that Michael Photios regularly visits all the offices in Governor Macquarie Tower, or is it trying to hide someone else? One simply cannot make up this sort of thing.

The Premier promised a new era of openness, transparency and accountability and that he would abolish fees for freedom of information requests. However, after 18 months we see yet another failure and another broken promise. He has done absolutely nothing to fulfil that promise. He and his colleagues should be ashamed. The Labor Opposition has introduced this legislation to ensure that the Government finally keeps one of its promises. It is a small but symbolic step to shed greater light on the most secretive government in this State's history. This Government has shamefully sought to hide the extent of its savage cuts from the people of New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Paul Toole and set down as an order of the day for a future day.