

Environment Council of Central Queensland
PO Box 1399
Mackay 4740

ph. [REDACTED]

1st February, 2017

RTI and Privacy Review
Department of Justice and Attorney-General
GPO Box 149
Brisbane Qld 4001
Sent via email: FeedbackRTIandprivacy@justice.qld.gov.au

Dear Department

Submission to review of Right to Information Act 2009 and Information Privacy Act 2009

I am the President of the Environment Council of Central Queensland (ECoCeQ) and it is important that the Right to Information Act lives up to its name and presumes the rights of organisations and individual members of the public to have free and easy access to information obtained and held by the Queensland Government that affects our lives and the environment in which we live, both for the present and the future.

The 'push model', a recommendation of 'the Solomon Report' proposed greater **proactive** and **routine** release of information, new right to information and privacy legislation, and **maximun** disclosure of non-personal information. The Government committed to sweeping reforms, and must proactively provide the public with information to avoid the need for RTI applications.

The preamble to the RTI Act specifically recognises that 'information in the government's possession or under the government's control is a public resource'. The benefits to a free and democratic society of releasing information ensures accountable governance and better quality decision making, and the Government is committed to proactively releasing information unless there is a good reason not to.

Under the current implementation of the RTI:

- There is a reluctance by government agencies and employees to disclose information that it is our right to have. The Act must favour disclosure of information to support the principle of open access.
- There is untimely delay in providing the information if and when it is eventually given, sometimes after repeated. Therefore, it is necessary to ensure that legislation requires that documents such as licences, permits, authorities and similar, and any monitoring data generated by proponents when undertaking their activities must be published by departments on their websites as part of their publication schemes, and on the Register in easily accessible and understandable format in the public interest. These should not need an RTI application.

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- Information is sometimes heavily redacted, without explanation as to why that is the case. 'Privilege' may be claimed and we are in no position to determine whether that claim is valid or not. 'Not in the Public Interest, or 'Commercial in Confidence' are also used without independent assessment of the merit of this claim unless through application to the court, which can be an unreasonable, unnecessary and expensive impost. The public interest should have paramount importance over other private considerations particularly for the protection of the environment; to reveal environmental or health risks; to contribute to promoting open discussion of public affairs and enhancing government accountability; or to ensure effective oversight of expenditure of public funds, for example for major projects.
- In some instances, small organisations or individuals may not know exactly what information is needed or what items to request, and inadequate support is given by the agency involved to provide the information necessary to give confidence in accountable and transparent government decision making, and company compliance. A publicly accessible website listing permits, authorities, monitoring, compliance etc of each project would enable public scrutiny of projects, and assist with the stated aim to 'make Queensland the most open and accountable government in Australia'.
- Currently, the laws that should be about transparency in Government are used to deny public access to information. Government should be for the people, not for protection of Government or big business.

Yours sincerely,

Christine Carlisle

President

Environment Council of Central Queensland