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RTI and Privacy Review
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Dear Department

Submission to review of Right to Information Act 2009 and Information Privacy Act 2009. 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 in ensuring accountable governance and better quality decision making, and the government’s commitment to proactively releasing information unless there is a good reason not to. These principles are part of the ‘*push model*’ suggested by the Solomon Report, a Report undertaken by an independent panel, chaired by Dr David Solomon Am to review the previous *Freedom of Information Act 1992* (Qld) which the RTI Act replaced in response to the Solomon Report.

- *I am a private citizen and I work for an environmental organisation mostly voluntarily. In fact I put in hours of work to try to educate children adults about our wonderful natural world.*
 - *In order for me and all like minded citizens to do our work properly and to get correct information, I need access to material that government choose to hid away as if it is theirs and not belonging to the citizens they represent.*
 - *This is not the democratic way to run a country. Information is absolutely necessary for people to form accurate opinions and to act in the best possible way for the good of our country.*
 - *I realise that governments like to keep certain actions away from public scrutiny, but this is only to protect themselves and their party. This is wrong and if the information is damaging to that p arty then we should know about it and be able to act according to our own opinions.*
 - *It is a mark of dictatorships and other forms of repressive government that certain information is hidden from the people in order for those governing to retain power and often absolute power.*
 - *We in Australia as ordinary citizens do not want this. We want to control our own destinies as far the horribly globalised and corporatised world allows.*
1. Why should we citizens have to apply for information that should be in the public domain in the first place? I’m sure no politician can honestly answer this unless it is to reveal his/her political protectiveness to guard the job and the party in question.
 2. **All departments of government should automatically make public any and all information freely.** In fact most people are so disengaged and lazy that they

wouldn't bother searching for information even if it was out there, so why hide it away and force us to pay for the "privilege"? It would only be those hardy souls who are already engaged in trying to right the wrongs of governments who would be interested in any material.

3. If information in the government's possession is a public resource, why isn't it freely disseminated?
4. Why then do we have to apply for any information and why do we have to pay such a high price for it? I can understand that a small fee for administration purposes could be charged, but to have to pay by the page make it an extremely expensive exercise. Of course this is to deter people from that information and it is very hard for struggling environmentalist and NGOs to find the money for such information that should be in the public domain freely available if it is a public resource.
5. This necessity just proves that governments are not transparent in their dealings with the people they are supposed to be **servicing, and they are paid very well while doing so.**
6. It is also a fact that not only do we have to apply for our own material, but we have to do so repeatedly, while departments dilly dally to put off the time when they reluctantly give out OUR information.
7. These delays often mean that governments have gone ahead with actions that we citizens deplore simply because we didn't have enough information to prove that the actions taken or being proposed by government are simply not in the public's interest and so the time for action has passed.
8. Another ploy of governments is that the right to information is refused on vague notions of confidentiality, to whom might I ask? If it's confidential then it's secret and it's wrong for it not to be disclosed. If it' The only exceptions would be in case of war and not even this at times e.g. the Howard fiasco of going to war in Iraq on non legitimate unproven grounds, or in the case of biological hazards where information could be used for weapons against the people by those seeking to gain their own power.
9. If such an example of withholding information is said to be Commercial-in-Confidence one wonders what shady deals are being done with developers who have altogether too much power and use it in their own interests and not for the public good. **An example of this is the ASF with their attractively portrayed visions of 50 storey towers or the development they wanted on Wavebreak Island in the Gold Coast Broadwater. There are never any plans, just these pictures, which to the uninitiated and uninformed look oh so good. We of the public are not given any idea of dealings with governments that have gone on with this conglomerate. This information should be in the public domain freely accessible.**
10. **All the information relating to mining should be available freely before any permissions are given.** As it is this is secret and we end up paying for the mess and pollution that these mega rich mining corporations leave behind. What a disgrace! Not only do they take our resources, pay few dollars in royalties, but

they leave us with billion dollar remedial bills, if it is ever possible to do successfully. What are we thinking, in laying waste to our prime farming lands, especially considering the situation in the South China Sea which could well escalate into war and we would need all our productive food for our own people?

11. All essential documents, such as copies of environmental licences and monitoring data, need to be made available to the public by legislation on a public register to avoid need for RTI applications

12. 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.

13. Documents need to be in an easily accessible form and frequently the applicant is required to actively pursue a department to obtain the documents.

14. There should be no gaps in registers where essential documents aren't listed, such as monitoring data undertaken by a proponent in compliance with their environmental authority, however which was not required to be provided to the Department except if the Department requests it. All monitoring data generated by a proponent to determine whether they are complying with their relevant permits must be accessible by the public as it is in the public interest to understand the impact proponents are having on the public's health and the environment.

15. A central website for which all permits, authorities etc for each company/ project are listed to assist the public in understanding would be helpful and assist in a watchdog role in the compliance with relevant permits, authorities etc.

16 Too much weight is put in favour of non-disclosure, more weight should be provided to the public interest of disclosing information, as committed to in the Preamble to the Act:

17. There needs to be an big improvement in the balance of weight given in favour of disclosure in the public interest, to ensure this is given sufficient weight in decision making; and

18. There should be far fewer considerations for when non-disclosure should be favoured

19. These things should be disclosed 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.

20. The ability to refuse documents due to potential implications to commercial interests and deliberative processes must be better defined and restrained to ensure they are not abused, for example confidence of commercial interests should be limited to 'trade secrets', particularly for major projects effecting the environment and community

21. There should be less weight given re the private commercial interests of proponents or also broadly-considered ‘deliberative processes’ and only intellectual property should be allowed for exemption.

21. Given the importance of access to information to ensuring open, accountable governance, free of corruption, more consultation should be undertaken as part of this review.

22. Decision-makers must remember that the government is acting on behalf of the public, and in the interest of the public, with public tax money; any commercial activities and deliberations of the government are inherently in the public interest and should be open to the public.

We commend the Government for undertaking this statutory review. It is unfortunate that it has been undertaken over a period including the festive season, when many people are on leave and unable to provide the review the attention it deserves. It is also unfortunate that there were not more proactive attempts to inform the public the review was being undertaken, including contacting all those who have previously made applications under the RTI and IP Acts.

We recommend that public hearings be undertaken as part of the review. Meaningful consultation requires diverse forums for the public to convey to the government their experience with the legislation under consideration, including opportunities for further discussion to support written submissions as this will garner far more insight to inform improvements to the Acts.

23. To decrease the processing time of applications, a higher threshold should be applied to consultation with third parties and third parties should not have ability to pause the time for considering an application.

I haven't used the service myself because it's too expensive and difficult and I guess this is the whole point to stop people from accessing information.

Yours sincerely,

Dereka Ogden