

Please quote: 127786/KP01/EM

5 March 2008

Dr David Solomon AM  
Chair  
FOI Independent Review Panel  
GPO Box 5236  
BRISBANE Q 4001

Dear David

Thank you for your letter dated 30 January 2008 and the opportunity to provide comment on the discussion paper relating to the *Review of the Freedom of Information Act 1992*.

I wish to make the following comments for your consideration.

1. It is suggested that greater use be made for “administrative” access rather than under FOI legislation. If more information was made available in the public domain, it would reduce the number and complexity of FOI requests. An example would be inquiries relating to official overseas travel undertaken by public servants. This information is ultimately able to be accessed through agencies’ annual reports.

Further, many FOI requests arise because government is reluctant to make information publicly available in the first place. Even by taking action not to make information public, this action can also attract media attention and give rise to FOI enquiries seeking information that was limited for access.

2. The receipt of frivolous enquiries or “fishing expeditions”, should be discouraged. There should be some legitimacy and focus around FOI requests. Applicants requesting access to information under FOI should be requested to provide a reason justifying their request or indicate what they are seeking. This would also assist agencies in providing the relevant information to the applicant.
3. The embargo times could be shorter. The 30 year rule (discussed in paragraph 6.2.4) should be considerably reduced.
4. Strong support should be given to protecting privacy, personal details and material that is ‘commercial in confidence’ as well as ‘political in confidence’.

5. Increased "freedoms" should not be at the price of public servants not being able to communicate or "be heard".
6. The FOI Act should continue to provide for an applicant to be declared vexatious (discussed in paragraph 9.3).

Should you have any further queries, please contact Kim Poiner, Manager, Cabinet Liaison and Legal Services, on telephone (07)32475647, or email [kim.poiner@opsc.qld.gov.au](mailto:kim.poiner@opsc.qld.gov.au)

Yours sincerely



David Douglas  
**Acting Public Service Commissioner**