

I commend the Bill to the House and, in so doing, seek leave to table the following papers -

The Consolidated Revenue Fund Estimates 1992-93;

Economic and Financial Overview 1992-93;

Program Statements;

Supplementary Budget Information;

The Budget Outlook.

[Applause.]

[See papers Nos 327-333.]

Debate adjourned, on motion by Mr Bradshaw.

BILLS (2) - MESSAGES

Appropriations

Messages from the Lieutenant Governor and Deputy of the Governor received and read recommending appropriations for the purposes of the following Bills -

1. Appropriation (Consolidated Revenue Fund) Bill
2. Appropriation (General Loan and Capital Works Fund) Bill

FREEDOM OF INFORMATION BILL

Second Reading

MR D.L. SMITH (Mitchell - Minister for Justice) [3.05 pm]: I move -

That the Bill be now read a second time.

The Government introduced the Freedom of Information Bill 1991 in November last year. At the time it was stated that the Bill would lie on the table over the Christmas break to allow the community to consider it and comment on it. As a result of submissions and discussions since then, including discussions with the Opposition, a number of amendments have been made to the Bill. Those amendments have been consolidated in the Freedom of Information Bill 1992, and the Freedom of Information Bill 1991 has been withdrawn. Explanatory notes on the amendments are available for distribution to members.

The Freedom of Information Bill 1992 retains the key features of the Freedom of Information Bill 1991, namely: The creation of a right of access to documents held by State and local government; unlimited retrospectivity; and provision of a comprehensive means of review, including the creation of the independent office of Information Commissioner. The most significant amendment is the inclusion in the Bill of a new part which provides a means to ensure that personal information held by the State and local government is accurate, complete, up to date and not misleading. This part was to be left for the proposed privacy legislation. However, due to the Government's very full legislative program the privacy legislation will not be ready for introduction this year; therefore, the provisions have been included in the Freedom of Information Bill 1992.

Part 3 is the new part of the Bill. Clause 44 gives people the right to apply for amendment of personal information which is inaccurate, incomplete, out of date or misleading. The agency may make the amendment by altering, striking out, deleting or inserting information, or inserting a note in relation to information. The agency is not to make the amendment by obliterating or removing information, or destroying a document, unless the prejudice or disadvantage to the person outweighs the public interest in maintaining a complete record and the agency has notified the Library Board of Western Australia. If the agency does not agree to the amendment, applicants can have a notation or attachment containing their claims added to the information. The applicant's claims are to be passed on to anyone to whom the information is disclosed. There will be no fees or charges for applications for amendment of personal information. An applicant can seek internal review of decisions of an agency and can complain to the commissioner. Appeals to the Supreme Court are allowed on some grounds. A number of amendments have been made throughout the Bill as a result of the

addition of this new part. For example, the objects clause now includes an object relating to amendment of personal information.

Other amendments in the Freedom of Information Bill include: Requiring agencies to give effect to the Act in a way that allows access to documents to be obtained promptly and at the lowest reasonable cost; allowing the Information Commissioner to reduce as well as extend the 45 day time limit within which agencies must decide applications for access; requiring agencies to notify applicants of the basis of their estimate of charges as well as their estimate; allowing applicants to seek a review of charges before an agency completes the work; allowing consultation with someone representing the interests of the child of a deceased person; requiring the Information Commissioner to make decisions within 30 days of a complaint unless it is impractical to do so; allowing the Commissioner to award costs against a party whose conduct is exceptionable and unreasonable; allowing the Information Commissioner to refer questions of law to the Supreme Court without the agreement of all parties, but allowing a party to opt out of such a reference, avoiding any associated cost; allowing the Supreme Court more flexibility in dealing with references of questions of law; restricting applicants to the mechanisms of review, complaint and appeal provided in the Bill; extending the law enforcement exemption to matter that has originated with or been received from a Commonwealth intelligence or security agency; and exempting for 12 months matter which is the subject of three specified secrecy clauses in other Acts.

In addition, a number of drafting amendments have been made to ensure consistency of terms used throughout the Bill and to clarify the meaning of clauses. I commend the Bill to the House.

Debate adjourned, on motion by Mr Bradshaw.

APPROPRIATION (GENERAL LOAN AND CAPITAL WORKS FUND) BILL

Second Reading

DR LAWRENCE (Glendalough - Treasurer) [3.08 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to appropriate sums from the General Loan and Capital Works Fund to finance items of capital expenditure. The capital works expenditure program proposed for this year amounts to \$1 512 199 000. Of this amount, \$472 941 000 is to be appropriated by this Bill from the General Loan and Capital Works Fund. The works program of \$1 512.2 million compares with actual expenditure of \$1 145.6 million last year which included \$102.8 million transferred to the Consolidated Revenue Fund for redundancy payments. I have already outlined the major features of our capital works program in the Budget speech. The program will stimulate economic activity by generating work for the private sector, especially the home building industry, as well as providing the infrastructure necessary to facilitate growth. Financial details of projects and programs are contained in the Estimates and further descriptive information is provided in the document "Supplement to the Capital Works Estimates" which I will seek leave to table at the end of this speech. Members will also have the opportunity to obtain additional information from Ministers during debate on the Estimates.

I now turn to the main purpose of the Bill which is to appropriate, from the General Loan and Capital Works Fund, the sums required for the works and services as detailed in the General Loan and Capital Works Fund Estimates of Expenditure. An amount of \$472.941 million is sought from the General Loan and Capital Works Fund as part of the total financing arrangements required for the Government's planned works program. The amount to be provided from the General Loan and Capital Works Fund, which is subject to appropriation in this Bill, is clearly identified in bold type on pages 6 and 7 of the Estimates.

The Supply Act 1992 has already granted supply of \$200 million and the Bill now under consideration seeks further supply of \$272.941 million. The total of these two sums, namely \$472.941 million, is to be appropriated for the purposes and services expressed in schedule 1 of the Bill. As well as authorising the provision of funds for the present financial year, this measure also seeks ratification for amounts spent during 1991-92 in excess of the Estimates for that year. Details of these amounts are provided in schedule two of the Bill. I commend the Bill to the House and, in so doing, request leave to table the General Loan and Capital