

MINISTER FOR TRANSPORT — ANSWERS TO QUESTIONS ON NOTICE

702. Hon KEN TRAVERS to the Minister for Finance:

My question is without notice. I refer to the minister's recent answers, in his capacity as the minister representing the Minister for Transport, to questions on notice 4307 and 3959 during August in which he advised me to use the freedom of information process to obtain the information I was requesting.

- (1) Does the minister acknowledge the long-held right of Parliament to be able to seek information from the executive?
- (2) Can the minister explain to the house why it is more appropriate to seek this information through freedom of information?
- (3) Will the minister undertake to revisit his answer and ensure that the information is provided to the Parliament; and, if not, why not?
- (4) Is the minister satisfied that section 82 of the Financial Management Act has been complied with in respect of the information he did not provide?

Hon SIMON O'BRIEN replied:

If I cannot have the courtesy of some notice of such a lengthy question, at least provide me —
Several members interjected.

Hon SIMON O'BRIEN: No, the member wants the answer. I will give it to him. Give me a copy of that diatribe and I will give it to the member.

Several members interjected.

Hon SIMON O'BRIEN: The question is a full page.

Hon Ken Travers: It's in big type for you.

Hon SIMON O'BRIEN: That is so that Hon Ken Travers can read it, presumably.

The member has asked me a question without notice, which is his right, and I thank him for it. They are answers I have given in a representative capacity to questions on notice 4307 and 3959 during August. I would have to refer to copies of those questions and the answers provided to know the context, and that is why it is counterproductive to ask a question like this without giving some notice.

Hon Adele Farina: If he can get it through FOI, why won't the minister provide the information to the Parliament?

Hon SIMON O'BRIEN: Hang on. I am answering this question; the member is not.

Several members interjected.

The PRESIDENT: Order! We have had four unruly interjections on the minister, who I invite to direct his comments through the Chair, and I promise I will not interject.

Hon SIMON O'BRIEN: One tries to deal with a question by pointing out how one might meet the member's needs, and his colleagues start wanting to shout one down. However, as I was saying, if Hon Ken Travers had given me some notice of this question, I could have made those simple references to those questions so that I was better informed.

Hon Sue Ellery: Do you think it's reasonable to say, "Use FOI"?

Hon SIMON O'BRIEN: Will you belt up? I am trying to answer a question.

Hon Sue Ellery: No, I won't. Do you think it's reasonable to say, "Use FOI"?

The PRESIDENT: Order! That may well be another question, but it is not accepted as an interjection.

Hon SIMON O'BRIEN: Mr President, I am willing to persevere if you are.

- (1) The first part of the question is: do I acknowledge the long-held right of Parliament to be able to seek information from the executive? The answer to that is yes.
- (2) The next part of the member's question was —
Can the minister explain to the house why it is more appropriate to seek this information through freedom of information?

I refer to my earlier remarks that I would have to see the context of the question and the answer if I was then, Mr President, to provide opinion, which I do not know whether you would want me to provide. But, certainly, if I was able to contemplate the questions, I could give a view on why I think it is appropriate, or less appropriate, to use that way of seeking information. I do not know what the questions were.

- (3) The member also asked: will I undertake to revisit my answer and ensure the information is provided to the Parliament? I will go back to the questions the member mentioned and re-examine them, seeing as the member has asked me to do so—no problem.
- (4) Finally, a last-minute part to the question that the member has written on the end, and he probably did not think it through, was: is the minister satisfied that section 82 of the Financial Management Act has been complied with by the government in not providing this information? I think this shows a fundamental difference of views about what section 82 of the Financial Management Act says and where it should be employed, and that is something that we need to look at.

I think I have demonstrated to this member and others, specifically in relaying questions from the particular minister whom I am representing in this matter, that I have always bent over backwards to make sure that I provide appropriate answers to the questions that the member has asked, and I have done so on my own initiative. I do not need to be hectored by the member's colleagues about this. Indeed, yesterday I declared that I did not think an answer was up to scratch. Whenever question time concludes, I will be tabling a further response that I have received. That is my actual record, so perhaps some of the opposition's colleagues need to acknowledge that.

Hon Ken Travers: I was just pointing out to you that you are getting bad advice. I am concurring with your earlier comments that the previous minister was better than the current minister.

Hon SIMON O'BRIEN: Okay. Mr President, I know that you and other members are keen for me to continue, but I will conclude by just pointing out, without prejudice to anything else that has been discussed, that one of the things that FOI processes do is to provide a protection for third parties. That might well have had something to do with the way that the minister I represented chose to offer an answer to those questions. I do not know. I will have a look at them, but I hope that comprehensive answer meets the member's needs today.