

Freedom of Information

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Comment

The recent proposal by the Kennett Government to 'update' or 'improve' the FoI Act in Victoria has a sense of déjà vu about it. It seems that governments around Australia are keen to update their FoI Acts but prefer to have the process undertaken in-house and in an atmosphere of 'we are the government — trust us'. If the sudden appearance of a 'reform' bill does not result in immediate parliamentary passage (the position in Tasmania) or if the slow progress of an internal review becomes public (Queensland) or the floating of an option provokes a strong reaction then the movers and shakers are prepared to allow FoI to limp on for a few more steps. Yet when positive reforms are advanced — Australian Law Reform Commission, NSW Ombudsman, Commission on Government (WA) — governments of all political persuasions are happy to see the proposals become mere esoteric entries on library databases. In one of a series of very good articles about the recent Victorian proposals, the *Age* quoted from a newspaper column written by Mark Birrell in 1991 (then in Opposition but now in government) when he stated:

Of special concern to secretive mandarins and thin-skinned Cabinet members are people who seek policy documents or files that shed light on the reasons for government actions. Of course it was just this sort of information that FoI was designed to elicit, a point which is lost to opponents of open government, who have recently described any politically embarrassing request as an 'abuse' of the act, 'voluminous' or simply too burdensome.

On the 7 October 1997 the New Zealand Law Commission released its *Review of the Official Information Act, Report 40*. In the next issue of the *Fol Review* there will be a detailed analysis of this review. Some of the key findings and recommendations are set out below.

The *Official Information Act* generally achieves its stated purposes but a number of factors inhibiting its effective operation were identified, including:

- the burden caused by large and broadly defined requests,
- tardiness in responding to requests,
- resistance by agencies outside the core state sector, and
- the absence of a coordinated approach to supervision, compliance, policy advice and education regarding the Act and other information issues.

The Law Commission considered that in terms of systematic review and oversight 'The notion of a stand-alone body has its attraction, and was recently proposed in Australia'. However the Law Commission recommended that the Ministry of Justice be given more responsibility for co-ordination, and adopt a systematic approach to questions of oversight, compliance, policy review, and education in relation to the Act. However the Commission wanted this matter, due to its importance, to be reviewed by the Government in three years.

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