

Review of Freedom of Information Act 1982

Twelve years on...

The Australian Law Reform Commission (ALRC) and the Administrative Review Council (ARC) are reviewing the Commonwealth's Freedom of Information Act 1982. The FOI Act was intended to increase government accountability, to improve the quality of decision making by government agencies and to enable individuals to have access to information about them held on government files. This review provides an opportunity to examine its success. Much has been learned since 1982 and most States and the ACT have introduced FOI legislation, some aspects of which could provide models for improving the federal FOI Act.

Timetable

An issue paper was released in early October. Complementary copies are available from the ALRC (02.2846333). Submissions close 16 December 1994. A discussion paper setting out any proposals for reform will be released around May 1995. A report is due in December 1995. The ALRC and the ARC are keen to hear from any individual or organisation about

aspects of the FOI Act that need to be improved.

Some of the issues being looked at...

Objectives:

One of the main issues this review will deal with is whether the objectives of the Act have been achieved. Has the Act resulted in more open and accountable government and enabled people to participate more fully in government? If not, why not? What can or should be done about it?

Exemptions:

The right of access to information held by the government is not absolute. The Act sets out quite a few exemptions, including for documents affecting national security, Cabinet documents, internal working documents, documents affecting personal privacy and documents relating to business affairs. Do these exemptions achieve an appropriate balance between the objectives of the Act and the protection of legitimate government and third party interests?

Application of the Act:

The ALRC's terms of reference ask whether the Act should be extended to apply to Government business Enterprises

(GBEs) and private sector bodies. This issue will involve consideration of what information, if any, held by such bodies might reasonably be subjected to freedom of information and with what exemptions. In addressing this issue, account will be taken of the ARC's current work on administrative review of GBE's.

External review of FOI decisions:

An unsuccessful FOI applicant can ask the agency that made the decision to review the decision. Further appeal lies to the Administrative Appeals Tribunal and a complaint may be made to the Ombudsman. The review will consider whether these means of external review are working satisfactorily and will examine other options including an independent person, similar to the WA and Qld Information Commissioners, and a specialist tribunal.

Fees and charges:

Unless it relates to the applicant's income support, an application is subject to a fee of \$30. Time spent and search and retrieval and decision making can be charged. An internal review attracts a fee of \$40 and an appeal to the AAT a filing fee of \$300. This review will examine the current costs structure and its effect on the Act's ability to service its purpose.

Further details of the review can be obtained from Margaret Ryan at the ALRC (02) 284 6309.

Letter to the Editor

To Whom It May concern

It is my desire to form an incorporated charitable organisation or public company known as *Excellence For Our Children Foundation (EFOC) Australia*. I am seeking the donation of either professional legal services, advice or financial contributions in order to establish the legal framework necessary to begin this very worthwhile project. I am presently preparing a Business Plan in relation to this matter. The following are extracts from the Executive Summary of this Business Plan which will inform you of the global aims and help you assess the worthiness of EFOC.

General Aim

To advance our children to a level of excellence in family values, education, personal and vocational success; and in the realization of the joy of life.

Goal

To see *Excellence For Our Children Foundation (EFOC) Australia* grow to a position of influence, and to begin to have a positive impact on the social attitudes of

all Australians so as to advance our children, and Australia as a nation, to a position of excellence.

Mission Statement

Excellence For Our Children Foundation (EFOC) will strive to operate with the utmost integrity, excellence, compassion, generosity, sincerity and accountability with the goal of *advancing* the children of Australia to a position of excellence by creating in them a positive attitude, an appreciation of normal family values; and a sense of love, grace, joy, identity, purpose, respect, integrity, compassion, diligence, patriotism and tolerance, which will not only benefit them personally, spiritually and vocationally, but foster within them a recognition that their individual contribution really does matter and that it will benefit and advance our Nation as a whole.

Excellence For Our Children Foundation is the catalyst for a positive change, a drive for excellence. Dr Dennis Waitley, a behavioural scientist and author said: "*Plant apple seeds and you get apple*

trees, plant acorns and you get great oak trees, plant weeds and you will harvest weeds, plant the seeds of great ideas and you will get great individuals".

The above is but a short extract of what the foundation is about. If you have children (0-16 years), or are concerned about the decline of standards of behaviour and social values in our school system and society in general, and you desire change for the long term benefit of your children, then I hope you can assist me in this matter. It may seem like an impossible task to change behaviour and attitudes on such a grand scale, but it has been said: "*Every great journey begins with a single step*". Author David McNally gave us another important rule: "*The past cannot be changed, but you can change tomorrow by your actions today*".

Further details, including the 25 aims of EFOC, personal resume, and Business Plan are available to interested persons. Please telephone me on 324939 or mobile 018 894769 if you wish to know more, or if you can assist me in any way. I thank you very much and look forward to your assistance.

Yours sincerely,
Nigel Vidler
B.ED., Dip.T.