

Freedom of Information

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Contents

Article

- Victoria's new Fol Bill: some long overdue reforms but still room for improvement
by *Moira Paterson* 90
- NSW Fol Decisions** 94
Gilling 94, Freeland 96, Neary 99, Wagner 101, Morgan 102
- Victorian Fol decisions** 106
Elsing 106, Woodford 107
- Federal Fol Decisions** 107
Peake 107, Sharples 108
- Recent Developments** 109
- Index** 111

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Comment

The last 12 months have marked a significant change in the profile freedom of information holds in Australian public life. This is in stark contrast to the picture at the start of 1999. Law reform efforts around the country seemed to have run out of steam and journalists continued to rank Fol as a tool, and even as a topic, of least preference. The 'Coulston affair' (see the article by Moira Paterson in this issue) had allowed the Victorian Premier Jeff Kennett, in the middle of the summer holiday season, to launch a no-holds barred onslaught even on the general legitimacy of Fol.

Yet it was from the shambles of Kennett's onslaught that a resurgence in interest, support and commitment to Fol started to surface. The Public Interest Advocacy Centre and, later in the year, the Communications Law Centre held conferences on Fol which drew large audiences and, in the latter case, considerable publicity. Roy Eccleston writing for the *Australian* showed that the combination of unnecessary secrecy, excessive use of confidentiality clauses and the construction of league tables of the most secretive States was a strong mixture. A number of journalists, whilst still cynical from previous experiences, started to try and find a niche for Fol in their day-to-day operations.

The Commonwealth Attorney-General still fiddles whilst the Act he is responsible for rusts away from neglect. On the other hand, the Commonwealth Ombudsman's Report *Needs to Know* reminded agencies that they still have a legal, administrative and ethical duty to keep the legislation operational. The NSW Ombudsman's performance audits have now been joined by a more demanding external review system and NSW agencies have started to feel the need to lift their performance.

Tasmania produced a rare forward step in positive change. A Private Member's Bill, introduced by the lone Green member of the Lower House, removed conclusive certificates from the Cabinet exemption section, with the total support of all parties including the majority ALP, and passed in the Upper House. The Bracks government has delivered on its agreement with the Victorian Independents although, as Moira Paterson argues in this issue, they could have, and ought to have, gone further in these reforms.

It is my hope that the positive legislative reforms in Tasmania and Victoria in conjunction with the adoption of a number of key positive administrative changes in NSW, Commonwealth and Western Australia will set the conditions for a more comprehensive rethink about Fol in Australia.

In the light of these developments — a resurgence of journalists' interest, law reform initiatives, public interest and a series of important cases in NSW and Victoria — the Queensland Legal, Constitutional and Administrative Review Committee inquiry into Fol has the potential to set the hallmark of best Australian design and practice in the next 12 months.

Rick Sn II

