

Freedom of Information

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Review

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Comment

At a time when Freedom of Information legislation is under intense scrutiny and attack in Australia, it is heartening to report that New South Wales is slowly moving towards greater accountability. True to its electoral promise, the Greiner Government has recently introduced a Freedom of Information Bill in the New South Wales Parliament. We applaud the Government for initiating this measure but sound a word of caution. Newly elected governments have often shown themselves to be enthusiastic about Fol early in their first term and thereafter become increasingly secretive. It is for this reason that it is crucial that the legislation be enacted in the first session of Parliament in 1989 as Mr Greiner has indicated in his Second Reading speech on the Bill.

The next six months will provide an ideal opportunity for the Government to recognise and act on the many criticisms that have been made about the Bill.

Many of the exemption provisions are drawn a great deal wider than their Victorian or Federal counterparts. Of particular concern is the 'secrecy provisions' exemption which has the potential to exempt large quantities of government records. Conclusive certificates have been renamed 'evidentiary certificates' in the Bill and can be applied to cabinet documents, Executive Council documents, documents exempt under interstate Fol legislation and law enforcement documents. It is our view that the exemption provisions in the Bill are more than adequate to protect these categories of documents. To confer an overriding discretion on Ministers to issue evidentiary certificates only serves to undermine the spirit and intent of the legislation.

The proposed system of fees and charges is also open to abuse. Apart from allowing agencies to impose open-ended advance deposits before Fol requests are processed, the Bill appears to adopt full cost-recovery principles subject to ministerial guidelines. The Commonwealth experience has shown that high fees and charges are a serious impediment to access rights and encourage agencies to place a substantial price tag on sensitive documents.

We hope that the New South Wales Government rectifies the major weaknesses currently existing in the Bill to ensure that the birth of Fol in that State leads to greater accountability and openness in government.

Our feature article in this issue written by The Age's Denis Muller examines Fol from a journalist's perspective.

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