

Recent Developments

STOP PRESS

Changes to freedom of information in Tasmania

On 19 October 1994 the Tasmanian Government unveiled its changes to the *Freedom of Information Act 1991*. The changes had been long rumoured but the reality revealed a series of amendments which caused an outcry by the media, including critical editorials in each of Tasmania's three regional newspapers, and condemnation from the ALP opposition and the five Green members of the House of Assembly.

The changes proposed in the *Freedom of Information Amendment Bill 1994* include:

- removing the necessity for a Minister to have contributed to the origin, subject or contents of a document before it can be claimed as a Cabinet document;
- conferring Cabinet document status on records prepared for the purpose of briefing a Minister in respect of a matter proposed to be considered by the Cabinet, whether or not the matter has been so considered;
- removing the ability of the Ombudsman to report to Parliament on the validity of Conclusive Certificates; removing the public interest test from the Internal Working Documents exemption;
- preventing the decision in *Sobh* from continuing to be used to access prosecution briefs before a Magistrate Court hearing;
- widening exemptions of commercial information;
- a \$25 non-refundable application fee;
- a minimum \$25 processing fee where the calculated cost of providing information is less than \$100. The full cost of processing is to be paid once the processing charge exceeds \$100;
- agencies can now charge a processing fee for time spent in determining whether information is exempt;
- introduction of charges for Members of Parliament; amending the objects section of the Act to place a strong emphasis on providing personal information to

applicants while 'guarding such information against unwarranted disclosure';

- exempting from Fol, information passed between local councils and between local councils and the State and Commonwealth Governments;
- increasing the maximum processing time for requests from 30 days to 45 days;
- imposing a \$25 fee to seek external review from the Ombudsman;
- extending the review period for the Ombudsman from a maximum 30 days to 60 days;
- attaching two schedules which exempt certain agencies totally from Fol;
- removing fee waivers for applicants who can demonstrate that it is in the public interest to release the requested information.

In all a total of 29 sections of the *Freedom of Information Act 1991* have been amended. In a full page advertisement headed 'Striking a Balance', the Tasmanian Government reaffirmed its strong commitment to the principles of the *Fol Act* and maintained that its amendments will improve the Act and protect personal privacy. The Government also pointed out the cost to taxpayers in servicing Fol requests including the following:

- between 1 January 1993 and 30 June 1994, the estimated cost of providing the service was almost \$700,000;
- only \$13,100 was collected in fees;
- relatively few Fol applications came from members of the public;
- more than half of the applications came from lawyers, politicians and academics;
- about 50% of all applications were directed to the police, costs were high, and police officers were kept away from community policing.

[R.S.]