

Jurisdiction	Number of matters	(Total)
<u>Information</u>		
Freedom of information	102	(102)
<u>Personal and professional qualifications</u>		
Air navigation	3	
Customs agents	1	
Tax agents	2	(6)
<u>Postal</u>		
Loss, damage and delay	3	(3)
<u>Primary industry</u>		
Fisheries	14	(14)
<u>Social welfare</u>		
Home owners' assistance	7	
IPTAAS	25	
Social security	151	
Students' assistance	2	
Veterans' entitlements	84	(269)
<u>Miscellaneous</u>		
	2	(2)
<u>Total</u>		544

Freedom of information

Commonwealth/State relations

Documents relating to wood-chipping, which had come into the respondent's possession from Tasmanian State authorities, have been held to be exempt from disclosure in Re Angel and Department of Arts, Heritage and Environment & Ors (13 November 1985). Most of the documents were correspondence between wood-chipping companies and Tasmanian departments or authorities, and the applicant, a director of the Total Environment Centre, argued that disclosure was in the public interest as it would enable comprehensive submissions to be made to the Federal Government on a forthcoming environmental

impact statement required before the renewal of wood-chipping licences in 1988. The AAT held that disclosure would damage Commonwealth/State relations and would divulge information communicated in confidence by a State to the Commonwealth. In assessing the public interest, the AAT had regard particularly to a threatened screening of all documents being given to the Commonwealth in the future, and the damage this could cause in Commonwealth/State relations, the breach of confidentiality, the possible damage to the companies involved, and the objects of the FOI Act.

Legal professional privilege

In Re Dwyer and Department of Finance & Ors (11 November 1985) the AAT affirmed a denial of access to legal opinions of senior counsel and officers of the Attorney-General's Department relating to the legal status of the Superannuation Fund Investment Trust (SFIT). The SFIT is not subject to the FOI Act but copies of the legal opinions were held by the Department of Finance to which the request for access had been made. As the documents were copies of professional communications between legal adviser and client, they were prima facie exempt on the grounds of legal professional privilege. The AAT rejected an argument that the documents were privileged only in the hands of the SFIT and held that a document that would, of its nature, be privileged, retains that nature whether proceedings in which that privilege may be claimed are on foot or not. The applicant also submitted that he had a right in equity to inspect the opinions, but the AAT ruled that if such a right existed, it could be enforced in the general courts and was not relevant in the context of an FOI proceeding.

Amending personal records

The FOI Act allows a person to request amendment of a record of "information relating to [that person's] personal affairs" where the information is incomplete, incorrect, out of date or misleading, and is or has been available for administrative purposes. In Re Wiseman and Department of Transport and Department of Communications (22 October 1985), where the applicant sought to amend various personal records held by the respondent departments, the AAT has given further guidance as to the kind of information that can be amended in this way.

The AAT ruled that "information relating to [a person's] personal affairs" includes information relating to the applicant's work performance and capacity for employment,

whether or not the respondent agency is an employer of the applicant. In addition, it ruled that it includes not only factually erroneous assertions but also information conveyed by innuendo. Interpreting the relevant section (section 48) in accordance with the objects and intent of the FOI Act tended towards a broad interpretation, the AAT said, and it emphasised that the question was not whether the document being examined related to the applicant's personal affairs but whether the actual information, the record of which was sought to be amended, so related.

With reference to the extensive "process of continuous alteration" of records carried out by George Orwell's Winston Smith in the Records Department of the Ministry of Truth in Nineteen Eighty-Four, the AAT warned against the danger of the artificiality that could arise as a consequence of wholesale amendment and updating of information relating to personal affairs, as well as the enormous administrative burden that it could impose, and said that the addition of a notation to a record might often be the appropriate way of giving effect to the interest of the individual in the accuracy of records.

Commonwealth Ombudsman

Annual reports

The annual reports of the Commonwealth Ombudsman and Defence Force Ombudsman were tabled in the Parliament on 5 December 1985. In his report, the Ombudsman points out the increase in the number of approaches to his office each year. This should not be regarded as evidence of unimproved public administration, he remarks, but rather as the result of increasing awareness of the existence of his office and the positive results achieved. Experience of several Ombudsman offices in Australia and overseas is that after a decade or so, the number of complaints received each year levels off, although this has not yet occurred with the Commonwealth Ombudsman. The Ombudsman highlights a concern that his increasing work has not been matched by increases in staff, and adds that he regards it to be wrong in principle for levelling of his operations to be achieved by the executive policy process of providing insufficient staff to meet the public demand for his services.

The report also discusses the Ombudsman's freedom of information role which continued to be severely restricted in the past year by staff shortages. His office is involved in