

education to promote this valuable right which FoI has created. Second, the fears of some when the legislation was enacted that business information would be almost immune from the effect of FoI have been realised. The decision of the AAT in *Gill v Department of Industry, Technology and Resources* (reported in this issue) confirms that the s.34 exemption can operate to deny access to virtually any document containing supplied business information to the government irrespective of whether the disclosure of such information would have a detrimental effect on the supplier of the information.

Whilst the Victorian Government appears eager to strengthen the exemption and exception provisions — limiting judicial review of conclusive certificates and introducing a voluminous requests exception — it would appear not so keen to strengthen access rights. With the first major review of the Victorian legislation currently being undertaken, it is essential that particular emphasis be given to promoting the Act (especially the right to amend personal records), expanding access rights and achieving more balanced exemption provisions.

P.V.

FOI-RELATED DEVELOPMENTS

FoI access network

The *FoI Act* has operated federally for some three years. Victoria, the only State government to have legislation to complement the Federal *FoI Act*, implemented its legislation on 5 July 1983. In a number of other States, particularly NSW where FoI has been promised for years, the respective governments have gone in for a deliberate policy of delay.

Despite some inadequacies both the Federal and Victorian FoI Acts are generally working well and providing significant benefits to the community. Regrettably, however, 1985 saw growing hostility by the Hawke and Cain Governments to FoI and concerted attempts have been made by both to close down access. For example, the Hawke Government brought into effect new FoI (Charges) Regulations on 13 June 1985, which operated harshly on applicants for five months until disallowed by the Senate on 13 November 1985, by a combined vote of Liberal, National Party, Australian Democrat and Independent Senators.

As a result of such events and in the interests of those concerned with the success of FoI, meetings of interested people were convened in Melbourne, Canberra and Sydney during October and November to establish a Freedom of Information Access Network. The Network is modelled on the US FoI Access Professionals Society which has, for years, been concerned with the protection and promotion of FoI in that country. Support for the formation of the Network has come from various users of FoI legislation, including journalists, lawyers, public interest groups and representatives of all political parties.

The aim of the Network is to provide a focus for efforts already being made on a variety of fronts to monitor the

operation of FoI legislation, to promote its use and to assist in the process of legislative development. Specifically it is envisaged that the Network will:

- provide a forum for the exchange of views, experiences and practical ideas about the operation of FoI at both State and Federal levels, if possible involving not only users but administrators of FoI;
- provide an avenue for participation by individuals or groups in the legislative review processes currently under way at State level and shortly to commence at the Federal level, both by making or transmitting submissions and by functioning as a consultative body for government; and
- disseminate information about relevant court and tribunal decisions, developments in FoI administration and other matters affecting users.

During January the committees of the Networks in the various States are arranging their organisational set-up to continue operations in 1986. It is hoped that there will be a meeting of representatives of the various State committees early this year so that a loose Federal organisation can be established.

The *FoI Act* offers a great challenge for those seeking to disclose inefficiency and the waste of public moneys. It is hoped that the FoI Access Network will play a positive and valuable role in this process. The Network welcomes the participation of any person with an interest in FoI. Further details can be obtained by telephoning my office on (03) 62 2521.

Alan Missen
Senator for Victoria

IN BRIEF

At present there are a number of government reviews of FoI both at the State and Federal level:

- The Federal Attorney-General, Mr Bowen, has ordered a review of the operation and administration of the Federal FoI legislation.
- The Victorian Law Department is conducting a review of the Victorian legislation and has issued a detailed questionnaire to departments, public interest groups, journalists and regular FoI requesters.

The Victorian Department of Property and Services is engaged in a review of Public Records policy; part of the review is examining the possible extension of access rights

to 'prior documents'. The creation of a '30 year rule' for Victoria is also being considered.

There have been several significant legislative developments recently:

- On Wednesday, 13 November 1985 the Senate voted to disallow the Freedom of Information (Charges) Regulations. The effect of the Senate's action means that the amending regulations ceased to have effect as of 13 November 1985 and the previously existing regulations are now in effect again. The Victorian Government introduced a Bill to amend the *FoI Act* in a number of respects. The Bill, on which debate was adjourn-

ed by the Legislative Council, sought to —

- enable an agency to refuse a request for access where to comply with it would substantially and unreasonably interfere with the operations of that agency;
- to amend the publication requirement in Part II of the Act;
- to broaden the definition of Cabinet documents for the purpose of the Act; and
- to provide for review by the Premier of decisions of the Secretary of the Department of the Premier and Cabinet made in relation to conclusive certificates.