

Freedom of Information

Review

UNIVERSITY OF N.S.W.
10 NOV 1992
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ISSUE No. 41

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Credits

The *Freedom of Information Review* is published six times a year by the Legal Service Bulletin Co-operative Ltd.

Editors: Paul Villanti, Rick Snell

Reporters: Alexis Hailstones (NSW), Dominic McGann (Qld), Moira Paterson (Vic.), Glenda Waghorn (Vic.)

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Typesetting and Layout: Last Word

Printing: Thajo Printing, 4 Yeovil Court, Mulgrave

Subscriptions: \$35 a year or \$25 to *Alt. LJ* subscribers (6 issues)

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Post — Publication No. VBG 7600

This issue may be cited as
(1992) 41 *FoI Review*.

Comment

In 1988 Mark Birrell, then Shadow Minister for Health in Victoria and leading FoI advocate, outlined Liberal Party policy on freedom of information (see (1988) 17 *FoI Review* 46). He noted that the Liberal Party was 'not afraid' of FoI legislation and that his party was 'committed publicly and privately, to its existence because it meets our objective of improving public administration in this State'. He announced that Liberal Policy included:

- acceptance of the AAT as an appropriate body to review the status of cabinet documents;
- amendment of the *FoI Act* to include those agencies made exempt by the Cain Government's FoI Exempt Offices regulations;
- not using secrecy regulations as a backdoor means of amending the legislation.

In a later speech to the Law Institute of Victoria, he also indicated that local governments would be brought within the FoI regime.

While it is of course easy to make such promises when in Opposition, the real test is always when power is assumed. The recent landslide victory of the Kennett Liberal Government provides a testing opportunity to see whether the Liberals are true to their word of being publicly and privately committed to FoI — especially with a majority in both Houses of Parliament. As perhaps the most vigorous and effective pro-FoI campaigner in Australia, it would be pleasing to see Mark Birrell play a key role in strengthening FoI legislation in Victoria.

Also worthy of brief comment are the recent amendments to the New South Wales *FoI Act*. These amendments, pushed strongly by the Independents, expand the access period to documents in the possession of government by removing the five-year restriction, and also remove the Minister's power to issue a ministerial certificate in relation to documents exempt under FoI legislation in other States. Both measures are positive developments. It is disappointing that the amendments did not extend to making local councils completely subject to FoI, in view of such a proposal being included in the Independents' 'Memorandum of Understanding' with the New South Wales Government.

In this issue David Roden reviews the operation of the New South Wales *FoI Act* and Bruce Smith continues his quest for annual reports in New South Wales.

Paul Villanti