

Freedom of Information

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Comment

In this issue there are two very different articles. One is an outsider's perspective on the way French journalists have struggled to come to terms with their *Fol Act* and their preference, in face of considerable difficulties, to access information by more effective informal networks. The other article is an attempt to provide a starting platform for the redesign of Fol legislation in Australia. The concept was to provide those individuals and groups, like the Queensland parliamentary review, an opportunity to contemplate how to reconfigure Fol legislation. The objective was to avoid the Victor Perton approach of completely abandoning the legislation in favour of a refurbished, hotwired and full bore parliamentary system cruising on an information superhighway completely neutral in its delivery of information to computer-literate citizens.

At the start of a new decade and century it is clear that John Ralston Saul's 'systems men' still hold the position of gatekeepers in our governmental schemes — where decisions about access to information are not made on the basis of determining an individual's rights to access but where such access is granted as an act of grace or the careful allotment of a favour. Saul wrote:

Knowledge is one of the currencies of systems men just as it was for the courtiers in the halls of Versailles. They require a position in the structure that provides some ability to deny access to others and gain access for themselves. Then they require currency or chips. That is information.

Governments and senior bureaucrats, in the Saul cynical vision of life, use Fol laws to preserve rather than share or disperse the power of official information. A rejigged and IT-enhanced parliamentary system only removes the 'systems men' to cyberspace and does little to allow citizens immediate access to information as of right.

What has struck me about the GST debate in Australia, before and since its passage, was the absence (I could have missed something) of commentary or debate enhanced by those participating in the analysis of this policy having access to a level playing field of information. I would like to see someone evaluate the use of Fol in that policy debate. What was requested, what was released, by whom and how was it used? The same with East Timor — a comparative study that looks at the type and result of requests for US/Canadian military information about involvement in Somalia compared with requests relating to Australia's military involvement in East Timor.

The art of the secret in politics is not the paranoid control of every simple byte of information (like China's latest controls of Internet use) but the timing and degree of access allowed to information. The Royal Commission into the ambulance services tendering in Victoria may well find examples of information shredding and deliberate contraventions or manipulations of the *Fol Act* in that State but the advantage has been in the delay of that access to information.

The Queensland Parliament's Legal, Constitutional and Administrative Review Committee has released a very interesting Discussion Paper on Fol. See <<http://www.parliament.qld.gov.au/committees/lcarcFOI.htm>>.

Rick Sn II