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I am very pleased that the Australian Government is finally acting to improve FOI federally.

Please accept my 2003 Bill the EM that accompanied it and the second reading speech for consideration by the Committee in the context of the Government's Bill. As far as I am aware my Bill is still on the notice paper.

No doubt my Bill can be improved, particularly in the light of the impressive recent 'Solomon report' on FOI in Queensland and Queensland's subsequent new FOI legislation, but my intention in referring my Bill to the Committee is that they may find elements in it relevant and worth considering when trying to improve the Government's proposals.

- [Freedom of Information Amendment \(Open Government\) Bill 2003: Second Reading](#)
- [Freedom of Information Amendment \(Open Government\) Bill 2003](#)

The *Freedom of Information Act 1982* established a regime for people to access government documents. At that time there were few limitations on what could be accessed and the stated purpose of the legislation was "to give members of the public, rights of access to official documents of the Government of the Commonwealth and of its agencies".

In the last 25 years the ability of individuals and organisations to access information held by Government departments has been slowly eroded. Many agencies are less than supportive of an open approach. As you know, Senator Faulkner made pertinent remarks on that front when he was the Minister responsible.

It is accepted in mature and progressive liberal democracies around the world that unless citizens have the power to access and independently scrutinise government information, there is little prospect of having a genuinely deliberative responsive and participatory democracy.

FOI opens up the government's activities to scrutiny, from the individual and from the media on behalf of society as a whole; it promotes discussion, comment and review, all of which are essential in a robust democracy.

As Accountability spokesperson on behalf of the Australian Democrats I introduced the *FOI Amendment (Open Government) Bill 2003* to address the concerns of the Australian Law Reform Commission and the Commonwealth Ombudsman about the effectiveness of the operation of federal FOI legislation.

My proposals included to

establish an independent FOI Commissioner to oversee and monitor the Act with the role to be conferred on the Commonwealth Ombudsman;

• broaden the scope of information that can be accessed under the Act;

• create a fairer, more reasonable fee structure, abolishing unnecessary fees;

- reduce the time limits for the processing of FOI requests to 21 days;
- require education strategies be developed and implemented to inform government agencies of their FOI responsibilities;
- set up internal review systems and processes to enable audits of agencies;
- amend the FOI legislation to eliminate Ministerial discretion to issue conclusive certificates (which thankfully has now been done by the Government); and,
- amend the FOI legislation to ensure that there is a role for the Administrative Appeals Tribunal or the Courts to properly investigate the issues surrounding the issuing of conclusive certificates (no longer necessary in the light of the above).

Kind regards and my compliments to the Committee

Former Senator Andrew Murray

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