

CHAPTER 4

Concluding Comments

4.1 Effective freedom of information legislation is a cornerstone of good governance. It helps to ensure that government decision making is transparent and that decision makers are held to account. Conversely, the legislative right of access to government information facilitates public participation in government decision-making.

4.2 The primary purpose of the bill is to repeal the power to issue conclusive certificates. This initiative goes beyond the recommendations of the Australian Law Reform Commission and Administrative Review Council. The committee recognises this initiative as an important step in ensuring greater openness and accountability in government decision-making.

4.3 The effect of the repeal of the power to issue conclusive certificates is that the Administrative Appeals Tribunal will have the power to undertake full merits review of all exemption claims under the FOI Act and Archives Act. Thus, passage of the bill will ensure that decisions are fully tested by an independent review process.

4.4 Whilst ensuring greater transparency in governance, the bill seeks to establish a balance between the public's right of access to government information and legitimate claims of protection in the national interest.

4.5 To abolish conclusive certificates and empower the Administrative Appeals Tribunal full merits review power, the committee supports the passage of this bill.

Recommendation 1

4.6 The committee recommends that the Senate pass the bill.

Senator Helen Polley

Chair