



Australian Government

Australian Law Reform Commission

# Media Release

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## ALRC's FOI Inquiry deferred pending Government reforms

Australian Law Reform Commission (ALRC) President, Professor David Weisbrot, said today that the ALRC had been informed by the Attorney-General that an inquiry into Freedom of Information (FOI) laws was being suspended as part of the FOI reform process announced by Cabinet Secretary John Faulkner this morning.

Professor Weisbrot said: "We understand that the Federal Government is planning to move ahead with its commitments to reform FOI, including examining the recommendations from the ALRC's 1996 joint report with the Administrative Review Council, *Open Government* (ALRC 77).

"The ALRC welcomes two key initiatives adopted as Government policy during the 2007 election—the establishment of a Federal Information Commissioner to oversee the operation of the system and the abolition of conclusive ministerial certificates".

The *Open Government* report emphasised the importance of FOI and a culture of openness to the health of our democratic institutions:

The effective operation of representative democracy depends on the people being able to scrutinise, discuss and contribute to government decision making. To do this, they need information ... the FOI Act has an important role to play in enhancing the proper working of our representative democracy by giving individuals the right to demand that specific documents be disclosed. [ALRC 77, para 2.3]

However, Professor Weisbrot noted that the *Open Government* report also cautioned against viewing legislative change alone as a panacea.

"It is critical to get the law right, of course—but even more importantly, we need to nurture a strong 'pro-disclosure culture'.

"The starting point must be that citizens have a right to obtain requested material, absent genuinely compelling reasons to the contrary, and public servants should be looking to facilitate that right rather than seeking loopholes to preserve secrecy. This is why we need a Federal Information Commissioner, to provide continuing oversight and education".

Professor Weisbrot stated that, given the Government's moves in this area, the ALRC agreed that it would be a better use of the Commission's time and resources to defer the current inquiry into FOI laws.

"The ALRC can make a much more effective contribution by conducting a review of the operation of the new FOI system a few years down the track, when we will be in a position to assess how well the new laws and institutions are working".

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Further information on the work of the Commission can be found at [www.alrc.gov.au](http://www.alrc.gov.au)