

AUSTRALIA'S RIGHT TO KNOW

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Media release

New Freedom of Information Act a big win for free speech

Australia's Right to Know today congratulated the Rudd government on fulfilling its election promise to introduce sweeping changes to the Freedom of Information Act.

The new regime, which passed into law today, is a complete overhaul of FOI which will make it much easier for Australians to get information about the federal government.

Speaking on behalf of Right to Know, a coalition of the country's 12 biggest media companies, News Limited chairman and chief executive John Hartigan called the new law "a substantial win for free speech".

Mr Hartigan has hailed the changes as: "not just quick policy fixes but profound shifts which I believe will, in time, have a substantial impact on the right of all Australians to access important information which was not available before".

Right to Know praised Special Minister of State, Senator the Hon Joe Ludwig and Defence Minister, Senator the Hon John Faulkner, who kick-started the process when he was Special Minister of State.

"Without their commitment to a more open, accountable and transparent government, this excellent new law would never have happened," said Right to Know spokeswoman Creina Chapman.

"We also thank the staff of Senators Faulkner and Ludwig, and a number of bureaucrats involved, for their incredibly hard work in getting the detail of this law right."

The highlights of the new Freedom of Information regime, which passed through the Senate today, are:

- The creation of an Information Commission to arbitrate FOI requests and for driving the changes throughout the federal government;
- A new system for pro-active publication of government information;
- The revision of fees charged for FOI (with a further review by the Commissioner within 12 months) to make information requests more accessible;
- Fewer exemptions from FOI;
- An improved exemption for Cabinet documents which allows only those documents created primarily for the Cabinet to be exempt from FOI;
- And, a new single public interest test weighted in favour of disclosure.

Today's Bills – the Freedom of Information Amendment (Reform) Bill 2009 and the Information Commissioner Bill 2009 are the second and more extensive tranche of FOI reform after the welcome abolition of conclusive certificates last year.

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Ms Chapman said the overhaul of the previous tired and unworkable Freedom of Information Act, introduced in 1982, was also a substantial win for Australia's Right to Know.

"When we set up Right to Know three years ago, one of our key concerns was the failure of FOI," she said.

"Until then, the media's howls of protest about the restrictions on us had been largely dismissed as self-interested and largely meaningless.

"However when Right to Know commissioned Irene Moss to conduct an independent audit of state of free speech, we began to be heard at last and Labor promised change if it won the 2007 election."

In their policy document before the election, Labor condemned the Howard government's "culture of concealment" with an FOI Act that was "sclerotic" with its objects ignored in favour of increasingly narrower interpretations of what could be released to the public.

"We have no doubt that these welcome changes would never have seen the light of day without the leadership and determination of Australia's leading media companies coming together – and working together – as Right to Know"

ABC managing director Mark Scott said Australia's Right to Know had worked hard to raise awareness of the issues. "We are pleased to have worked so closely with Government to bring about this legislative reform," he said.

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