

AUSTRALIA'S RIGHT TO KNOW

November 5, 2007

IRENE MOSS RELEASES NATIONAL AUDIT OF FREE SPEECH

Australians are being denied vital information about how they are governed and how justice is dispensed, a new report launched today has found.

The Moss Report, an independent audit into the state of free speech in Australia has delivered comprehensive evidence of a culture of secrecy across all levels of government.

The report has revealed a litany of problems including:

- more than 1000 court suppression orders in force across Australia at any one time, many granted on flimsy grounds;
- more than 500 legal restrictions on journalists including 335 specific secrecy provisions withholding vital information from the public;
- regular rejections of FOI applications;
- charging exorbitant amounts for FOI applications including one for \$1.25 million for a report into travel expenses of MPs.

Irene Moss, AO, presented her report today to Australia's Right to Know, a coalition of major media organisations which formed earlier this year to examine growing restrictions to freedom of speech.

In a joint statement today, the heads of the coalition described the Moss Report as "a comprehensive, independent, compelling and deeply troubling study of the limitations on free speech that now confront all Australians".

The coalition commissioned Mrs Moss to conduct independent research into whether Australians are being denied information that should be public.

Mrs Moss, a former NSW Ombudsman and former chair of the Independent Commission Against Corruption (ICAC), said she had found a "general, subtle shift... towards secrecy" in Australia.

"What we have is a set of official and unofficial practices which together are whittling away the notion of free and easy access [to information]," she said.

The audit team discovered more than 500 legal prohibitions which prevent the release of information in Australia.

The Moss Report concludes that: "Unfortunately there is mounting evidence that the lure of political advantage increasingly trumps principles of democratic transparency."

In an open letter introducing her report, Mrs Moss said: "Many of the mechanisms that are so vital to a well-functioning democracy are beginning to wear thin. Their functioning in many areas is flawed and not well maintained."

She added: “Freedom of Information laws and regulatory tools that are meant to facilitate the flow of information do not serve the public well on matters of government accountability.”

The audit was designed to comprehensively and methodically analyse facts to determine whether concerns based on anecdotal evidence were valid.

“The report shows that the media’s concerns are warranted and that something needs to be done to reform the system,” said Mrs Moss.

In response the media coalition has called on governments and the judiciary to “lift their game”.

“We believe it is time for legislative reform, but also for clear leadership in government and the courts to bring about change in culture to improve openness, transparency and accountability for decisions that affect all Australians.”

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