

The Australian

Action urged on FOI flaws

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LOOPHOLES in the Rudd government's new freedom of information laws should be tightened and the onus of proof for appeals reversed to prevent officials from restricting access to sensitive documents, say lawyers and media representatives.

A Senate inquiry into the government's planned shake-up of FOI laws yesterday heard that exemptions included in the legislation could be used to keep secret information that could otherwise inform public debate and improve the transparency of government decisions.

The laws had also been drafted so applicants had next to no chance of succeeding in appeals of FOI decisions to the Administrative Appeals Tribunal.

Special Minister of State Joe Ludwig introduced the new laws late last year with the aim of ensuring freer access to government information.

The reforms include cutting fees for FOI requests and appointing a new information commissioner to oversee FOI requests and help drive a pro-disclosure culture.

However, the Right to Know coalition of media organisations, including News Limited, publisher of The Weekend Australian, yesterday told a Senate committee that a broad exemption for cabinet documents should be narrowed so that officials could not refuse access to factual or statistical information attached to, or included in, cabinet submissions.

The coalition's Michael McKinnon also raised concerns that if applicants decided to appeal against decisions of the FOI commissioner, they would bear the onus of proving a decision to refuse access was unjustified.

Those concerns were backed by the Law Council of Australia's Mark Robinson, who said applicants would have almost no chance of succeeding in this task, because they would not know what was in the document they were seeking.

However, Senator Ludwig said the government was open to fixing this problem. He said when appeals were first heard by the commissioner, the agency or minister would have to prove they had made the right decision.

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