

FOI Act, ie

- a general right of access to documents held by the State government and its agencies and by local government, subject only to the restrictions necessary to protect essential public and private rights
- the opportunity for individuals to be able to correct information held by government that is incomplete, incorrect, out of date or misleading
- require agencies to publish information concerning their structure and function.

In addition

- exemption of bodies from the operation of the Act is only to be made by statute so that exemption will attract parliamentary scrutiny
- FOI access by an individual to his or her personal information is to be free, and
- there is to be internal and external review of decisions to refuse or restrict access.

### The 1991 Administrative Law Forum 1989 – 1990

This forum, with the theme 'fair and open decision making' was held in Canberra between 29 and 30 April. It was organised by the Royal Australian Institute of Public Administration and the Australian Institute of Administrative Law. The conference was opened by the Commonwealth Attorney-General, the Honourable Michael Duffy and heard from a variety of administrators, legal practitioners, academics and members of Courts and Tribunals. The main addresses were made on the following subjects

- administrative law: the state of play
- lessons and insights from other common law countries
- the cost of it all
- who is in charge?
- can review bodies lead to better decision making?
- the role of advisory bodies
- future directions for Australian administrative law.

A number of interesting workshops were held on the following topics

- freedom of information
- administrative law and commercial litigation
- rule making by Commonwealth Agencies
- whistle blowing

- administrative law advocacy
- ACT administrative law
- the Parliamentary review of the Office of the Commonwealth Ombudsman

The papers from the conference are to be published in the Canberra Bulletin of Public Administration shortly.

### Senate Committee on Regulations and Ordinances - Annual Report

The Senate Standing Committee on Regulations and Ordinances recently published its Annual Report for the year 1989-90. The Committee scrutinises delegated legislation to ensure

- a) that it is in accordance with its statute
- b) that it does not trespass unduly on personal rights and liberties
- c) that it does not unduly make the rights and liberties of citizens dependant upon administrative decisions which are not subject to review on their merits by a judicial or other independent tribunal, and
- d) that it does not contain matter more appropriate for parliamentary enactment.

In the year under review the Committee considered 1258 instruments and received 47 undertakings from Ministers and others to amend legislation or to take other action to meet the concerns of the committee.

Each instrument considered during the year is listed in the report as are all instruments made under Acts which are currently subject to disallowance by either House of Parliament. The report lists examples of instruments falling within its terms of reference and notes instances of instruments which

- fail to effect legislative intent
- have uncertain expression or effect
- make legislative instruments not subject to tabling and disallowance
- have inappropriate levels of delegation and limits on powers of officials
- have inadequate explanatory material
- infringe on human rights.