

1955732

L

# Freedom of Information 35

UNSW LIBRARY 1997

UNSW

25 AUG 1997

LIBRARY 2

Law Library  
Q/K1/F780

Review

ISSN 0817 3532

ISSUE No. 64

## Contents

### Articles

National government level Fol law for Japan in near future by Julie Greenall	42
Freedom of Information Bill 1996 (Trinidad/Tobago) by Helen Townley	44
Annual Report of Canadian Information Commissioner 1995-1996 by Imogen Goold	46
<b>Victorian AAT decisions</b> Knight 49, Mildenhall 49, Deltaline 50, Halliday 51	49
<b>Federal AAT decisions</b> Toren 53, Sime 54	53
<b>Book Review</b>	56

## Credits

The *Freedom of Information Review* is published six times a year by the Legal Service Bulletin Co-operative Ltd.

**Editor:** Rick Snell

**Reporters:** Alexis Hailstones (NSW), Kim Rubenstein (Vic.), Jason Pizer (Vic.), Bev Kennedy (Vic.), Cathy Mitchell (Vic.), Helen Townley (Tas.), Ron Fraser (Cth), Robert Altamore (Cth)

**Editorial Co-ordinator:** Elizabeth Boulton

**Typesetting and Layout:** Last Word

**Printing:** Thajo Printing, 4 Yeovil Court, Mulgrave

**Subscriptions:** \$35 a year or \$25 to *Alt LJ* subscribers (6 issues)

**Correspondence to Legal Service Bulletin Co-op., C/- Faculty of Law, Monash University, Clayton 3168 T I. (03) 9544 0974**

Copyright © Legal Service Bulletin Co-operative Ltd. 1996

Print Post approved  
PP:338685/00011

This issue may be cited as (1996) 64 *Fol Review*.

## Comment

This issue has an international focus and recognises the importance that international trends will have in the way we view and respond to Australian Fol legislation. I await, with resigned apprehension of few positive outcomes, the responses to the plethora of reviews into Australian Fol during 1995 — the Commonwealth review, the Western Australian Commission on Government recommendations, and reviews in Queensland and Tasmania.

The article on Fol in Japan reminds us that the pressures and necessity for access to government information, which include accountability and a check on abuse of public and private power, prevail in jurisdictions outside of the Westminster arena. The moves towards Fol in Trinidad and Tobago are a government's response to continual press criticism of government secrecy.

The latest Annual Report of The Canadian Information Commissioner maintains his tradition of administering soft rebukes in whimsical tones while emphasising the importance of achieving the goals set by the *Access to Information Act*. An interesting point raised in his report is the possible need to link Fol legislation with whistleblowing to combat agency, or individual, malpractice. This linkage reinforces the ALRC/ARC recommendations for a Commonwealth Fol Commissioner to offset a number of the shortcomings associated with the normal process of agency self-regulation in the field of Fol.

In this issue we also have a case summary of the Victorian AAT decision *Mildenhall and Department of Premier and Cabinet*. One of the issues raised by this case is the increasingly important point of what constitutes 'information in the possession' of an agency. In the next issue, Helen Townley and I will explore the ramifications of the privatisation of government records both directly as a result of privatisation of government business agencies and indirectly as a result of outsourcing and decisions to allow records to remain in the private sector rather than copies being retained in the public sector.

Reading through recent newspaper clippings on Fol from Western Australia has brought to my attention the move by private/independent school associations to prevent access by the press and consumers to secondary school results. I am aware of similar moves in NSW and Tasmania and wouldn't be surprised if this is a nationwide effort to restrict the use of Fol to access this type of comparative educational information. The *West Australian* (7 August 1996) reported on moves by the Secondary Education Authority to scrap its 1995 policy of publishing tertiary entrance examination details that allowed for a comparison between academic performance in WA schools. I would be interested in hearing about the position in Victoria, South Australia and Queensland.

**Rick Snell**

tel 002 20 2062 fax 002 20 7623

e-mail: r.snell@law.utas.edu.au

World Wide Web site: <http://www.comlaw.utas.edu.au/law/foi/>