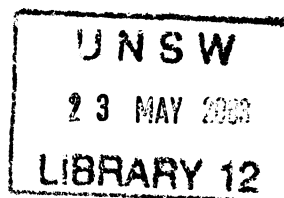


Freedom of Information

21

Review



ISSN 0817 3532

ISSUE No. 104

Contents

Articles

- Ontario's freedom of information access process: 'a view from the inside'*
by Christopher Berzins 18
- Excluding prisoners from Fol in Victoria
by Craig Minogue 26
- A review of the Annual Reports of the Office of Information Commissioner in Queensland 1999-2002
by Anita Madden 30

◇ ◇ ◇

*Articles in the *Fol Review* that are refereed are marked by an asterisk.

Credits

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

International Editorial Board

Thomas B. Riley
Harry Hammitt
Maeva McDonagh
Ulf Öberg
Melissa Poole
Alasdair Roberts

Australian Editorial Board

Jason Pizer
Anne Cossins
Kim Rubenstein
Bill Lane
Peter Wilmshurst
Helen Townley
Chris Finn

Editor: Rick Snell
tel 03 62 26 2062 fax 03 62 26 7623
email: R.Snell@utas.edu.au
Website:
<http://www.foi.law.utas.edu.au/>

Reporters

Peter Wilmshurst (NSW), Dannielle Evans (Vic.), Emma Sundborn (Cth)
Print Post approved PP:338685/00011

This issue may be cited as
(2003) 104 *Fol Review*

© LSB Co-operative Ltd 2003

Comment

I have just finished reading *Dark Victory* by David Marr and Marian Wilkinson, published by Allen & Unwin, which examines the Tampa rescue, Children Overboard Affair and SIEV X in the context of the 2001 election campaign. This book is a strong testimony to Matthew Ricketson's plea in 'Freedom of information and authors: an unsung treasure trove', in (2001) 94 *Fol Review* for a greater use of Fol by journalists producing books. The authors have made extensive use of material collected under the Commonwealth *Freedom of Information Act*. Wilkinson reported in the *Sydney Morning Herald* (28 October 2002) that their use of Fol had, however, been a drawn out and fairly costly exercise. *Dark Victory* is a disturbing book in terms of how information management and governance at a federal level in Australia is more than ever hooked into the political needs of the governing party.

The themes and episodes outlined in *Dark Victory* resonate with the ideas and arguments presented in two other books I have recently read. These books are Nicholas Jones, *The Control Freaks: How New Labour Gets Its Own Way*, Politics, 2002 and George Pitcher, *The Death of Spin*, Wiley and Sons, 2003. Nicholas Jones argues at page 7 that 'Downing Street has exercised unprecedented authority over the flow of information to the news media from across Whitehall; this level of control, combined with a deep-seated urge within New Labour to control and manipulate what is said on the party's behalf, raises important ethical and constitutional questions, which need to be addressed'. Pitcher takes spin-culture and looks at it in a context beyond politics and argues that it has infected the way we do business and how the media and our institutions operate. Pitcher sees spin-culture as a 'triumph of presentation over content, that values how we are perceived rather than how we behave or what we believe' (inside fly leaf).

The paradox of the last decade in countries like Great Britain, Canada and Australia is the extent to which Fol (or codes of access in Great Britain) have failed to offset the concentration and cynical manipulation of public information. How have the ethics and values of the public service been consumed and reforged to create such zealous followers of spin-culture? The stage management of public information, depicted in *Dark Victory*, during the Australian 2001 federal election campaign, would impress even Tony Blair's spin masters. The challenge, for supporters and users of Fol, is to demonstrate how presentation and perception can be reigned in to support values and content in public life and discourse.

Changes in news management, production and techniques have compounded the difficulties faced by those in the media in dealing with a more sophisticated, co-ordinated and attentive government media team. In the terms depicted by Terrill in his article 'Individualism and freedom of information legislation' (2000) *Fol Review* 87, governments have extended their structural advantage over an increasingly under-resourced, under pressure and inexperienced media. The pursuit of a story that is independent of the favoured government line is harder in terms of finding alternative voices and reliable information, free from spin and control, from within the government's ranks be it parliamentary or bureaucratic. Yet the clear portrayal, and the careful outlining, of the extent and nature of this manipulation as in *Dark Victory* or *The Control Freaks* offers some support for Pitcher's claims about *The Death of Spin*. Pitcher argues that the Internet is forcing global communications and world business to 'concentrate on dialectical engagement, rather than assertion, image-presentation and obfuscation'. There exists an urgent need to rebuild trust and confidence in institutions, the professions and between key elements of our civic culture.

Rick Snell