

Freedom of information: Alive and, well...

A report by
David J. Jones

Freedom of Information legislation, which federally at least seems to have gone off more with a whimper than a bang, is back in the news. On the Commonwealth front, amending legislation is likely to be passed later this year. In New South Wales the initiative is delicately poised between a preemptive strike by the Opposition and internal government deliberations which one reporter has characterised as 'low priority'.

The interest for librarians in FOI legislation is, or should be, manifold. There is the philosophical commitment to the belief 'that freedom can be protected in a democratic society only if its citizens have access to information and ideas through books and other sources of information'.¹ There is also the pragmatic view, not simply altruistic, that librarians are well-trained and equipped to guide the enquiring public to the information, or the sources of information, which they need. The archives profession is similarly placed.

In 1978, when the Senate Standing Committee on Constitutional and Legal Affairs was considering proposed FOI legislation, both the LAA and AACOBS presented substantial submissions.² Enterprisingly, the AACOBS submission suggested making agency libraries the focal point for requests for information from unpublished government documents. This did not, alas for the profession, eventuate.³

A flurry of activity

The coming into operation of the Freedom of Information Act 1982 was accompanied by a flurry of activity in Commonwealth government departments, a little akin, I guess, to the frenetic preparations in libraries precluding the Copyright Amendment Act 1980. Officers were specially designated FOI contact persons, forms were printed, guidelines were drawn up, lists of charges were published as Regulations, lists of addresses were prepared - elaborate precautions, one would agree, to deal with the expected onslaught of the multitudes. In their submissions to the Senate Committee individual departments had forecast (predicted; a better word; divined still better) thousands of requests a year. The Department of Immigration and Ethnic Affairs estimated that it might receive as many as 100,000 requests for information a year. The 'best guess' of the Department of Health in 1978 was that 16,000 additional requests would be received at their head office alone.

In the event? Immigration and Ethnic Affairs has received 282 requests in the first four months of the Act's operation. Health has had 39.



Too early to tell

It could well be that public use of the FOI legislation will grow markedly, once it becomes better known (publicity has not been at all pervasive), and when with time more and more material becomes potentially available. Some people have the misapprehension that *all* Commonwealth government files are now fair game, save a number of well-known and some less-well-known exceptions. The fact is that, in the words of a low-key publicity sheet from the Commonwealth Attorney-General's Department:

You have a right to ask for documents which come into the possession of an agency or Minister after 1 December 1982. You may also ask for documents relating to your personal affairs which go back five years and for prior documents which are reasonably necessary for a proper understanding of another document to which you have lawfully had access.⁴

Requests made under the Act may also increase the amendments introduced on June 2 this year become law. The 1982 cut-off date may be extended to 1978; factual Cabinet documents may become available; and the response time allowed to departments may be shortened. There may, however, be some tightening up of procedures relating to security agency documents which find their way into other departments.

Patchy progress in states

The development of FOI legislation in the states is generally less advanced. Victoria now has its Freedom of Information Act, which became law last year. Training courses for public servants on the principles and practices of the new legislation are under way.

The South Australian Government has established a working party on FOI which is expected to report later this year. A Bill may be introduced next year, depending of course on the working party's recommendations and

the Government's response.

Another state in which there is perceptible FOI activity is New South Wales. A spokesperson commented recently that New South Wales has no FOI legislation at present; that FOI is Labor Party policy; but that beyond that the spokesperson could give no information.

Better-informed sources recall that the second report of the Review of NSW Government Administration (the Wilenski Review) dealt in part with the thorny question of FOI. A model FOI Bill formed an appendix to the report. It is understood that the model Bill has been circulated to ministers for comment. Meanwhile, a Freedom of Information Bill was introduced by an Opposition front-bencher last year, but lapsed with the end of the Parliamentary session. Press reports indicate that the Opposition Bill, couched in the same elegant terms as the Wilenski model, will be reintroduced shortly. With the very real possibility of bi-partisan support, however unaccustomed and Trojan horse-like that may seem, the prognosis is reasonably bright.

Trying the back door

One less obvious feature of the Commonwealth legislation is that, in theory at least, it may permit access to state government documents in the possession of the Commonwealth. Many state departments and instrumentalities routinely send reports to their Commonwealth counterparts, and it might seem a good ploy to go on a fishing expedition in a relevant Commonwealth department if the information cannot be obtained from the state.

It is unlikely that such an expedition will land many prize specimens. The Commonwealth has undertaken to consult states when requested to release a document which

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might adversely affect that state's interests. It remains to be seen whether the Commonwealth interpretation of 'adversely affect' and that of the states are appreciably different. Whether indeed the back door is ajar, has a burglar alarm fitted, or is securely bolted.



What librarians can do

Reference staff may like to look upon the serried ranks of unpublished government documents now potentially available as a right, rather than as a favour, as if they form a new, unseen and unplumbed adjunct to their collections. The 'instructions for use' are the relevant acts and subordinate legislation. The 'index' to the collections could be one of the government directories. A 'catalogue' of the collections will be longer in coming, until the hoped-for publication of substantial guides to the current records of departments, which seems a logical extension of FOI legislation.

Familiarisation with the legislation and with the administrative structures involved will enable librarians to refer enquirers intelligently and confidently. Librarians can thus play their part in the acclimatisation and propagation of this very worthwhile legislation.⁵

We've come a long way

It seems like only yesterday that we heard parliamentarians referring, with Freudian slippage, to 'Freedom from Information legislation'. And news reports of senior public servants refusing to talk to newspapers about freedom of information. Progress has been made, and should be exploited by all the public information agencies. Further progress is inevitable. The adequacy of that progress depends not a little on the interest and involvement of the public, including concerned librarians.

1. This is from the LAA Statement on Freedom to Read, adopted in 1971 and amended in 1979. The LAA Information Policy Statement: the Need to Know, adopted in 1976, is also relevant.

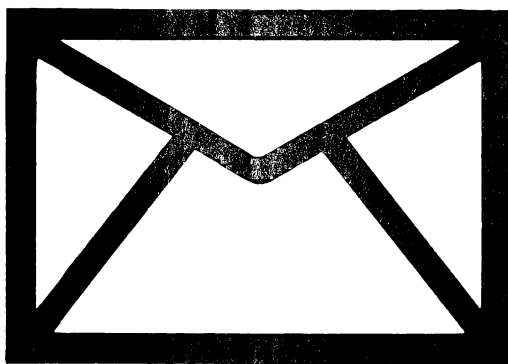
2. A summary of the AACOBs submission and the full text of the LAA submission are reprinted on pages 323-331 of volume 1 of the *Australian librarian's manual*. All 106 recommendations of the report of the Senate Standing Committee on Constitutional and Legal Affairs are reprinted on pages 334-345 of the same work.

3. Some librarians have pursued this cause since then. In Victoria, for example, Barbara Hammett of RMIT is studying the possible involvement of municipal libraries in facilitating access to documents under FOI legislation. See *Australian Library News*, vol 13, no 1 January 1983, pp1-2.

4. *Freedom of Information Act 1982: Looking at Commonwealth Government documents: a guide to the Freedom of Information Act*, prepared by the Attorney-General's Department. Canberra: Government Printer, 1982?

5. The text of the Commonwealth and Victorian statutes will form part of the second volume of the *Australian librarian's manual*, which is due for publication in December this year. Some Commonwealth regulations will also be included.

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The manpower issue

I am writing in response to Neil Radford's letter (*InCite*: April 29, 1983) concerning manpower.

I believe that by arguing for schools of librarianship reducing their intake of students, Dr Radford is advocating a 'Catch 22' situation. While I know that unemployment in librarianship is very high, assigning the blame for this to poor government funding and too many new librarians ignores several key issues.

First, if we reduce the numbers of trained librarians, then we can face the situation that if a utopian world exists where institutions reliant on public funding have sufficient funds then the needed staff will not be available.

Further, many employment opportunities for librarians have been in the non-government sector. Here, there has also been a reduction in positions available — not due to the lack of government funding but to the severe recession in which we are trying to survive.

I believe propositions which advocate reduction in any training programme lead to a

bigger pool of unskilled and untrained people who find it even harder to obtain work in present circumstances. In the past these people were used as factory and/or cannon fodder, and even in the present they face the new technology scrapheap.

We now have a new federal government three fairly new State Governments and the recent National Economic Summit also placed considerable emphasis on information collecting, sharing and dissemination. It is vital that we as librarians, information scientists, vendors or brokers (I am not particularly concerned about titles — more about training!) be perceived as the appropriate providers of that information, urgently needed to ensure democratic decision making.

Finally, while I realise that I have in no way provided a total solution to unemployment amongst librarians, I believe that what I have outlined is preferable to other possible scenarios, such as those repeated in Australia's manufacturing sector where during an economic downturn apprentices were not trained. During an upturn labour is imported, thus ensuring Australian citizens do not have the opportunity to be employed in a rewarding and stimulating position.

Del Cset

National Research Information Office
Amalgamated Metal Workers and
Shipwrights' Union

And more...

Members reading Dr Radford's letter (*InCite* v. 4 no. 7) might be excused if they were to gain the impression that he had never walked the corridors of power in the LAA and that therefore, on the manpower issue his hand are clean. The facts, however, are different.

Dr Radford is a former chairman of the Association's Board of Education and of the LAA Executive. His term of office coincided with a period of significant growth in the number and output of schools of librarianship. Some of us who were at that time members of the General Council remember that when the threat of over-supply was raised in the General Council, Dr Radford adopted the view, which he argued strongly and successfully, that this was not the concern of the Board of Education. His view then was that the Board was concerned only with educational issues and that the size and number of the schools of librarianship was not a matter for the Board.

With these recollections it was with a emotion which I will politely characterise as astonishment that I read Dr Radford's letter. For him now to regret the manpower situation is analogous to the lament of the drowning sailor who only yesterday refused to help build a liferaft.

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