



# Media Statement

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**18 June 2024**

**Report on the *Culture of Freedom of Information in Australia*, published by Monash University on 18 June 2024.**

The report captures and analyses how State and local government freedom of information (FOI) practitioners, agency executives and government ministers in Western Australia, Victoria and South Australia view information access and the factors that shape their attitudes towards implementing FOI. The findings, based on surveys and interviews, have led to eleven recommendations being made in respect of the three information access jurisdictions and four recommendations being made that are specifically directed to WA.

The report was launched on 18 June with an online event to discuss the study and importance of improving the culture of FOI in Australia. Speakers included lead researchers Associate Professor Johan Lidberg and Adjunct Professor Moira Paterson, Victorian Information Commissioner Sean Morrison, Western Australian Information Commissioner Catherine Fletcher, and South Australian Ombudsman Emily Strickland.

## **Comments to be attributed to the Catherine Fletcher, Information Commissioner WA**

This report recognises FOI officers have a deep knowledge and understanding of the purposes, functions and challenges facing the FOI system in WA and they have ideas about how to make it work better. My office is supportive of the findings and recommendations of the report. We will be exploring how the Office of the Information Commissioner can best respond to the recommendations over the next twelve months.

## **Background**

In 2021, the Office of the Information Commissioner WA, together with the Office of the Victorian Information Commissioner and the South Australian Ombudsman (the project partners), engaged independent researchers at Monash University to conduct a major research project exploring the culture of administering freedom of information (FOI) legislation and access to government-held information in Western Australia, Victoria and South Australia. The three-year project culminates in the attached report, which outlines the findings and recommendations of the Monash University researchers.

The project was jointly funded by the project partners, Monash University and a significant linkage grant from the Australian Research Council.

## Recommendations from the report

Based on the research the following eleven recommendations have been across the three jurisdictions:

*FOI Legislation - The following aspects of drafting of FOI laws have been identified as relevant to improving the culture of FOI administration:*

- 1. Making explicit that proactive information release should operate as the default rather than the use of FOI applications as a means for providing access to information.*
- 2. Ensuring that terminology and procedures are reflective of modern digital environments, rather than the paper-based environments that prevailed when the FOI Acts were first enacted.*
- 3. Streamlining consultation requirements to ensure that consultation is required only where it is reasonable and practicable and that it does not unduly extend decision-making timelines.*
- 4. Ensuring that legislative timeframes are realistic having regard to the processes involved and based on working days, rather than calendar days.*
- 5. Including within the legislation clear and adequate procedures for dealing with vexatious applications.*

*FOI administration - The research highlights the need for and potential benefits of:*

- 1. Supporting agencies in developing proactive release policies relevant to their specific needs.*
- 2. Ensuring that any ministerial noting processes are structured to ensure that FOI officers can process requests within required timeframes.*
- 3. Providing recurring sector-specific FOI training.*
- 4. Providing recurring records management (RM) and FOI education for wider agency employees, including executives.*
- 5. Ensuring that RM rollout is consistent with both with RM best practice and FOI efficiency.*
- 6. Working with state public record offices regarding agency adherence to RM policies and strengthening the knowledge and understanding between RM best practice and FOI efficiencies.*

*There are also four WA specific recommendations:*

- 1. Review and reform of the Freedom of Information Act.*
- 2. Update OIC WA website to be user friendly to both applicants and practitioners.*
- 3. Provide sectors with more bespoke education and examples.*
- 4. Examine how proactive release could assist sectors by releasing commonly requested documents by default.*

The report is available on the OIC website at: <https://www.oic.wa.gov.au/en-au/Useful-Resources/Publications/FOI-Research>

**ENDS**

**For further information, please contact:**

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**About the Western Australian Information Commissioner**

The Information Commissioner is an independent officer who reports directly to Parliament. The position is established by the Freedom of Information Act 1992 (the FOI Act) and is supported by staff of the Office of the Information Commissioner (the OIC).

The main function of the Information Commissioner, in response to complaints by applicants, is to provide independent external review of decisions made by agencies on access applications and requests to amend personal information under the FOI Act.

The Information Commissioner's other responsibilities include:

- ensuring that agencies are aware of their responsibilities under the FOI Act;
- ensuring that members of the public are aware of the FOI Act and their rights;
- providing assistance to members of the public and agencies on matters relevant to the FOI Act; and
- recommending to Parliament legislative or administrative changes that could be made to help the objects of the FOI Act to be achieved.