

AUSTRALIA'S RIGHT TO KNOW

Freedom of Speech problems

Many examples of problems are highlighted in the report. Here are a few:

Freedom of Information

The Freedom of Information Act has become unworkable for many journalists seeking to inform their audiences about matters of public interest. They include:

- The government refuses to release an opinion poll on the success of its \$32m advertising campaign on WorkChoices until after the election
- Documents in both NSW and SA showing which hotels and clubs make the most money through poker machines were denied on grounds the information would “endanger lives”
- Fees for a request for an auditors’ report into the travel expenses of Victorian State MPs were quoted at \$1.25 million
- A request for documents about the effect of global warming on the Great Barrier Reef included fees for 538 hours of “decision-making time” at a cost of \$12,718
- The National Tertiary Education Union was quoted \$455,000 to release details of workplace agreements entered into by the university sector
- Journalists requested information from the Queensland Treasurer relating to Jupiter’s Casino in 1993. The response came in June 2005
- A government-appointed panel assessment of AGL’s proposal for a \$144m wind farm in South Gippsland was refused twice

Secrecy

There are 335 Australian Acts of Parliament which have specific secrecy provisions. Under these laws, information from government departments can be withheld from the public for no other reason than that the Act allows for secrecy. (See Annexure A, Chapter 5).

Laws with secrecy requirements include:

- Gaming Machines Act 2001 (NSW)
- Casino Control Act 1984 (WA)
- Renewable Energy (Electricity) Act 2000 (Commonwealth)
- Port Statistics Act 1977 (Commonwealth)
- Wool Legislation Act 1993 (Commonwealth)
- First Home Owner Grant Act 2000 (ACT)
- Mineral Royalty Act (NT)
- Police Powers and Responsibilities Act 2000 (QLD)
- Dangerous Substances Act 1979 (SA)
- Livestock Disease Control Act 1994 (VIC)
- Grain Marketing Act 1991 (NSW)
- Food Act 2001 (ACT)

Public servants who reveal certain information under these Acts can be prosecuted. In some cases information cannot even be revealed to a court or tribunal.

The Justice system

At any one time, more than 1000 court suppression orders are in force across Australia. Some are imposed on flimsy grounds or are too broad.

The courts' discretion to make suppression orders is being used excessively, hampering the ability of journalists to report court proceedings fully. For example:

- When gangland killer Carl Williams was found guilty of murder the media was not allowed to report it for almost two years
- In a trial involving terrorism-related offences, the name of an American witness was suppressed – even though his plea bargain with US authorities was public on the internet and his identity and evidence was known to the defendants – there was no safety issue
- The identity of swimmer Brooke Hansen's coach, charged with sexual offences, was suppressed
- The identity of a man squatting in the roof of a department store was suppressed on grounds of possible embarrassment to his son
- All evidence in the Tony Mokbel cocaine importation trial was suppressed despite the fact that this included evidence that had already been put before the jury and could not be prejudicial - the order was too wide

Open Government

Governments sometimes refuse to provide documents and information to their Parliaments, thereby ensuring they are never put on the public record for scrutiny by other politicians, journalists and the public.

Often, no reason is given, or simply that it "would be against the public interest." No further explanation is given.

At the Federal level, documents refused to the Senate (and therefore from public scrutiny) in the last two years (See Chapter 4, Annexure A and B) include:

- A report from the review of the Better Outcomes in Mental Health Initiative
- Documents relating to the Anvil Hill Coal Mine
- Documents relating to the nomination and appointment of Robert Gerard to the board of the Reserve Bank of Australia
- Documents relating to options for voluntary student unionism
- Documents held by Telstra relating to shareholder attitude surveys
- A report by the Australian Defence Force on the presence of uranium in the area where Australian soldiers were stationed in southern Iraq
- Figures about Australian Workplace Agreements from the Office of the Employment Advocate
- Information relating to works on the Gallipoli site

Journalists' experiences

Overwhelmingly journalists complain they are denied access to information, particularly background information on government decisions.

The flow of information is controlled largely by centralising the source through departmental and ministerial press secretaries and PR departments.

This leads to long delays, missed deadlines and strict limits on information available. For example:

- All media inquiries relating to the intervention into the NT indigenous communities had to be made through the Minister's press secretary
- Most states require inquiries to police to be funnelled through police media units. For example in Queensland journalists have to contact the police media department in Brisbane even for inquiries in, for example, Cairns
- Press conferences in Canberra are called with as little as 10 minutes' notice, giving journalists little time to prepare
- The Roads & Traffic Authority in NSW will only deal with journalists inquiries if submitted by email – they can't talk directly
- Local council meetings have been closed to the media and the public when dealing with matters concerning properties owned by the council
- Immigration Minister Andrews released selective information about the AFP's investigation of Dr Haneef

