

MEDIA RELEASE MEDIA RELEASE MEDIA RELEASE MEDIA RELEASE

Tuesday 22 April 2008

NSW Ombudsman to review the FOI Act and report to Parliament

Today I wish to announce that my office will conduct a comprehensive review of the New South Wales *Freedom of Information Act 1989*.

Background

Freedom of Information legislation is one of the cornerstones of good governance. It ensures that government decision-making is open and transparent, and that decision-makers are held accountable for their actions.

The NSW FOI Act was drafted thirty years ago. The way in which government departments operate and do business has altered dramatically since then. The Act has been the subject of more than sixty amendments. This has only made it more complex and difficult to navigate. Both applicants and agencies continually voice their frustrations with the Act.

For almost 14 years, each NSW Ombudsman, including myself, has called for an independent and comprehensive review of the FOI Act.

There have been a number of encouraging developments in other Australian jurisdictions in the last twelve months. The Queensland government appointed an independent review panel in September. It was provided with particularly broad terms of reference. This panel recently released its discussion paper, and a final report is expected by the middle of the year. Elsewhere, both the Victorian and Western Australian governments have demonstrated a commitment to ensuring their FOI Acts remain relevant and effective.

In the absence of the NSW government initiating a review of the Act, I have decided to conduct my own independent and comprehensive review. I welcome the Government's recent advice to Parliament that it supports my review.

Media Contacts: Tom Millett, Project Officer. Ph: 9286 0951 or 0400 230 249

Lisa Du, Public Relations Officer. Ph: 9286 1008 or 0417 233 320

Investigation

In order to gain the most complete picture possible of the FOI landscape in NSW, I am proposing to conduct simultaneous investigations into the FOI practices of a number of government agencies, local councils, universities and area health services. These comprehensive investigations will involve audits of FOI files held by the various agencies and interviews with FOI practitioners. This process will allow us to assess the day-to-day operation of the Act, what is working well and what could be improved. The investigations will commence in two weeks.

Discussion Paper

A review of FOI legislation is clearly a matter of significant and broad public interest. As part of the investigation process, my office will be releasing a public discussion paper to provide all interested parties with an opportunity to contribute to our review. This will be a detailed document reflecting my office's experience in dealing with a wide range of challenges and difficulties related to FOI in NSW.

I hope to receive well-informed and honest comment on the Act, both from those who regularly use the Act and those who deal with it on a day-to-day basis. We will release the discussion paper in the coming months.

Final report to Parliament

The findings from our investigation will inform our final report and recommendations to Parliament.

Bruce Barbour
NSW Ombudsman