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NSW Ombudsman **Review of the Freedom of Information Act**

Ombudsman releases final report

The NSW Ombudsman today reported to Parliament on his review of the NSW *Freedom of Information Act 1989*.

The Ombudsman has recommended a radical overhaul of how access to government information is handled. **'The current FOI regime is not working well and is frustrating for both users and administrators'** said the Ombudsman. **'We need a simpler system and a significant cultural change from within government in its attitude to information disclosure'** Mr Bruce Barbour said.

The report documents many of the difficulties faced by those attempting to access information in NSW, as well as providing some practical solutions.

As part of the review, the Ombudsman investigated the FOI practices of 18 agencies, auditing their files and interviewing 70 of their staff who deal with FOI applications. The Ombudsman also considered submissions on a public discussion paper he released, as well as identifying best practices in various national and international models for accessing government information.

The Ombudsman's 88 recommendations are built around three key changes:

- a greater level of proactive disclosure of information
- the drafting of a new, clearly worded and simplified Act
- the appointment of an independent Information Commissioner

Proactive disclosure

‘Many of the problems we have identified can be overcome by simply requiring government to be more pro-active, by making more information available without the need for a formal application’ the Ombudsman said. The Ombudsman recommends agencies produce and maintain publications schemes and disclosure logs, similar to those operating in the United Kingdom.

A new Act

‘Many problems with the Act and proper access to information can only be fixed with a fresh start’ the Ombudsman said. **‘This means a new Act, written in plain English which we recommend be called the Open Government Information Act.’**

An Information Commissioner

‘FOI has for far too long been without a champion’ the Ombudsman said. **‘I am recommending the creation of an independent Information Commissioner, who would encourage agencies to release more, provide them with guidance, help them when they fall short, hold them to account when they fail to release, and protect the public’s right to access information.’**

Culture change

‘A genuine shift to open and accountable government must be led from the top’ the Ombudsman said. **‘The Premier, all Ministers, the Department of Premier and Cabinet and department heads will need to provide clear and ongoing support for the system to work effectively.’**

‘Now is the time for government and opposition to demonstrate a bipartisan willingness to fix a broken system, setting the foundation for proper, easy and fair access to information and as a consequence greater openness and transparency of our government’ the Ombudsman said.

‘This report provides the foundation for change’ the Ombudsman said. **‘It is now up to the government to make this change a reality.’**