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## 30 reedom of Information

Review

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## Comment

When the Victorian Government enacted the *Freedom of Information Act* in 1982, it was persuaded to exempt local councils from the operation of the legislation until a more appropriate model could be implemented. In a letter advising municipalities of this in August 1982, the then Minister for Local Government, Mr Wilkes stated:

As an alternative a separate *Freedom of Information (Local Government) Bill* will be drafted to meet the special circumstances of municipal administration. The principles will remain the same as for the present Bill, but with simplified publication and record requirements. If the draft legislation can be prepared in time I propose to introduce the Bill towards the end of the coming Spring session in order to allow it to be held over until the 1983 Autumn sitting.

Despite these assurances, an Fol Bill for local government has not been forthcoming. While the new *Local Government Bill* to be considered by the Parliament in the Spring session does contain limited access rights to specific categories of documents, it does not create a general right of access to documents in the possession of municipalities.

We acknowledge that local councils are in many respects more open than their State or Federal counterparts in providing members of the public with access to documents on request. This is usually done promptly with a minimum of expense and it would be expected that such a practice would continue even if Fol access rights were established. Sadly, however, maladministration and, in a few instances, corruption do exist at a local government level. Furthermore, accountability through Fol is necessary not only to assist in the prevention (hopefully) of the worst abuses of power by local government officials but also more importantly to enhance the administration and decision making process of municipalities. Indeed the benefits attributed by the Victorian and Federal Governments to the introduction of Fol, namely; the improvement in management of information and records management, a greater understanding of the decision making process by members of the community and improved personnel management would, if adopted by municipalities, only strengthen their reputation for openness.

It is not too late for Fol procedures to be incorporated into the *Local Government Act*. Ideally the Bill currently before Parliament should be amended to incorporate Fol access rights. Failing this we hope that the Legal and Constitutional Committee currently reviewing the *Fol Act* considers and reports favourably on introducing Fol for local government.

Moira Paterson  
Paul Villanti

#### FOI SEMINAR Protecting Government Secrets Fol legislation in Australia

This seminar is being organised by the Law Institute of Victoria and the Fol Access Network.

**Date:** 27 July 1988

**Time:** 5.30pm — 8.00pm

**Venue:** The Law Institute,  
470 Bourke St, Melbourne.

**Inquiries:** Paul Villanti,  
Tel: (03) 617 4638

#### LEGAL AND CONSTITUTIONAL COMMITTEE Review of Victorian Fol Act

The Legal and Constitutional Committee has released a Discussion Paper on its review of the Victorian Fol Act. Copies are available from:

The Secretary,  
Legal and Constitutional Cttee,  
19th Floor, Nauru House,  
80 Collins St, Melbourne 3000.