

## OVIC's response to Monash University's report: *Culture of implementing Freedom of Information in Australia*

OVIC welcomes the *Culture of implementing Freedom of Information in Australia* report (**the report**) led by Monash University's Associate Professor Johan Lidberg and Adjunct Professor Moira Paterson.

The report has been published following a three-year study that looked at the culture and practice of implementing freedom of information (FOI) in three Australian jurisdictions – Victoria, Western Australia and South Australia. The research team from Monash University conducted surveys and interviews with FOI practitioners, managers, executives and government Ministers.

The research was funded by the Australian Research Council, the Office of the Victorian Information Commissioner (OVIC), the Office of the Information Commissioner Western Australia, and the South Australian Ombudsman.

### Findings and recommendations

OVIC champions the important observations made by the report into the culture of FOI, which reflect the need for FOI legislation reform in all three participating jurisdictions.

OVIC fully supports all 11 recommendations and has made similar recommendations in its [submission to the Integrity and Oversight Committee's Inquiry into the operation of the Freedom of Information Act 1982 \(FOI Act\)](#).

Most notably, the report recommends:

- Broad FOI policy and legislative reform toward a proactive information release (push) model rather than a model that relies on the administration of FOI law (pull).
- Additional support for agencies in developing proactive release policies.
- Legislative reform that simplifies and modernises FOI laws to make them accessible to the public and easier for agencies to administer, including streamlining consultation requirements, legislated timeframes and procedures for dealing with vexatious applicants.
- Enhanced training offerings, including sector-specific FOI training and training on FOI and records management for wider agency employees, including executives.
- Greater collaboration between public record offices and FOI regulators to strengthen agency knowledge around records management best practice and FOI efficiency.

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OVIC remains optimistic the report's findings will bring attention to the inadequacies of the current FOI system in Victoria, particularly in the context of the Integrity and Oversight Committee's current Inquiry into the operation of the FOI Act. As the report notes, government Ministers have the most potential to drive legislative reform and implement the changes required to build an effective access to information system. Furthermore, the high response rates across jurisdictions among FOI practitioners and managers is evidence of the importance public sector staff place on establishing best practice FOI administration to promote and facilitate public access to information.

## OVIC's commitment to addressing the recommendations

Public access to information is a critical component of any democratic society. Strong FOI laws reflect that governments exist to serve their constituents and hold information not for themselves, but for the public good. While Victoria was the first non-federal jurisdiction to enact FOI legislation in 1982, changes in government administration have rendered this legislation outdated and not fit for purpose. OVIC is committed to continuing to advocate for legislative change, and to work with agencies to improve FOI practices.

The report discusses how a lack of agency resourcing for FOI and 'information bottlenecks' contribute to a 'spiral of FOI functionality'. To remedy this, OVIC is working to promote an access to information model based on proactive release of information by agencies. This model could ease the high administrative burden currently felt by agencies by making FOI requests a last resort, rather than the default mechanism for public access to information. It will also require agency executives to engage more regularly with FOI and support broader agency understanding of access to information obligations.

OVIC actively encourages the adoption of proactive release policies. Agencies are able to access a [Proactive and Informal Release Policy – Template and Guide](#) on OVIC's website, as well as [FOI Guidelines](#) that aim to provide clarity and guidance to agencies, Ministers and the public on the FOI Act. In direct response to the report findings, OVIC will work to provide more sector-specific guidance for agencies around proactive release of information, in particular, local government and the health sector.

The report will also inform the development of targeted training and stakeholder engagement programs to enhance FOI practices among agencies. OVIC provides free introductory training sessions for FOI practitioners on administering the FOI Act and hosts regular webinars on FOI in its Information Access Series, which delve into specific areas of FOI that are complex to administer. Recordings of Information Access Series webinars are available on [OVIC's Vimeo page](#). OVIC will plan for further sector-specific webinars in future and review its other training offerings for opportunities to incorporate more guidance around records management and proactive release.

OVIC will also seek to collaborate with the Public Record Office Victoria to harmonise guidance around recordkeeping and FOI to strengthen agency knowledge and improve records management practices within the public sector.

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OVIC invites agencies to tell us how we can further assist in supporting their efforts to release information proactively. Agencies are welcome to contact OVIC at [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au).

## Launching the report

To launch the report, Monash University and the partner organisations hosted an online event with a panel comprised of 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. The event was facilitated by Melissa Coade from The Mandarin and involved the panel members sharing their thoughts on both the report and FOI reform more broadly. A recording of the event will be available on [OVIC's Vimeo page](#).

OVIC recognises the substantial contributions of the Australian Research Council, Monash University, Associate Professor Johan Lidberg, Adjunct Professor Moira Paterson and the research team to advance access to information reform across Australia, and wishes to thank them, the Office of the Information Commissioner Western Australia and the South Australian Ombudsman for their contributions to and facilitation of this important study.

[A copy of the report is available on OVIC's website.](#)