

You're Right, You Have No Right To Know

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One of my oldest friends from school days goes by the nickname Byro, which is short for Byron, but not by much. Byro was not the most diligent student. In fact one of his claims to fame is that in our senior year he got what we think was the lowest Tertiary Entrance score in Queensland. Every year at our reunion lunch we toast Byro who proudly proclaims that his score didn't entitle him to enter any tertiary institution at all.

Byro has a point. It seems silly to me to give something a name when it can actually have the opposite effect to what the name indicates.

The laws concerning access to government information are like that. In Queensland these laws are contained in the Right to Information Act. In New South Wales it is the Government Information (Access) Act.

In my experience, governments and government entities hate giving proper disclosure when an application is lodged. In fact I don't think I have ever seen proper disclosure made.

I had a case once involving a local authority where over 2000 pages of documents were provided to us but about 1200 of them were completely blacked out.

I have seen a government body claim privilege over documents but refuse to say what sort of documents they were claiming the privilege over. This meant my client was not in a position to understand whether or not the privilege claim was valid.

I have also asked for documents on behalf of clients who have been directly harmed by a government decision only to be forced to make an application (which I think is wrong anyway), and then being told that it is not in the "public interest" for the documents to be supplied.

In such cases there are alternatives available such as making an application to the court or appealing the decision but citizens should not be put to additional expenditure when it is the system that is so broken.

I now routinely tell clients not to expect to get anything that might help their cause, whether it exists or not, and also not to expect to get information sufficient to understand whether they should challenge a refusal.

Sadly, the laws that are supposed to be about transparency are in fact being used to deny people access to information, and justice.

To quote Geoff Toovey, there needs to be an investigation.

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