

Media Release



Federation of
Community Legal Centres
VICTORIA

Wednesday 18 April 2012

Community lawyers call for FOI reform

Community legal centres around Victoria welcomed today's Auditor-General report on Freedom of Information in Victoria. The Auditor-General's findings on apathy and delay within government agencies dealing with freedom of information requests reflects the front-line experience of community lawyers with the Victorian FOI regime.

"Delay, misapplication of the law and wasted government expense on legal costs have featured in many of the FOI applications lodged by community legal centres. Information is often routinely and unfairly withheld. There is much to be done to improve the system," said Hugh de Kretser, Executive Officer at the Federation of Community Legal Centres, the Victorian community legal centre peak body.

The Environment Defenders Office (EDO) has sought documents on issues such as the reintroduction of cattle into the Alpine National Park, coal allocations in the Latrobe valley and proposals for a new port facility in Westernport Bay. "We've helped numerous clients lodge FOI requests with various government agencies. Only a very small minority of these have been dealt with in the 45 day period", said Felicity Millner, Principal Solicitor at the EDO. "And, even once we receive documents, in almost all cases, decisions need to be appealed to VCAT because of refusal to provide documents and claims for exemptions. In many cases these claims don't stand up to scrutiny and documents are eventually released. It's a huge waste of everyone's time and money."

In one extraordinary matter, after initially being informed that the relevant Minister had no documents within the scope of the FOI request by an EDO client, the Minister released 1350 pages of documents during a VCAT hearing. Ms Millner further stated "we think this is unacceptable, since these decisions have the potential to have serious impacts on communities and important natural environments."

Youthlaw also experiences delays in having their requests dealt with. Katrina Wong, Community Lawyer at Youthlaw stated "Youthlaw routinely helps young people access information from Victoria Police through FOI processes. It is our experience that these requests are never actioned before the 45 day period. This systemic failure of processing requests in a timely manner is unacceptable and impacts directly on our clients and their rights. This is particularly the case in victims of crime of matters where statutory time limits apply and where police documents are crucial in assisting a claim".

Community legal centres have also found reviewing agency decisions on FOI requests difficult and expensive. For example, Western Suburbs Legal Service (WSLS) sought a Corrections Victoria document which scrutinised high security prison units in 2006 through FOI, which ended up becoming lengthy legal battle. It is estimated that fighting to keep this document secret cost the government \$200,000. WSLS recently had to withdraw from a 5 year battle in VCAT and the Supreme Court because the risk of costs was too great for their client. "Legal costs like this, make any suggestion that there is the opportunity for judicial scrutiny of FOI a complete farce", said Amanda George from WSLS.

Community legal centres urge government agencies to address the problems highlighted in the Auditor General's report. The report notes that the recently created position of the FOI Commissioner can recommend reforms to the new FOI Act. "The FOI Commissioner's powers to recommend reforms are particularly important given this damning report. It is critical that the government commit to giving the Commissioner the resources and mandate to fix Victoria's broken FOI system," said Hugh de Kretser.

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