

Business Alert !

No. 26 of 2007

Moss Report indictment on Australia's culture of secrecy

Friday, 09 November, 2007

Irene Moss, the former NSW ombudsman, this week released her audit of the state of free speech in Australia, commissioned by a collection of media groups acting under the banner of *Australia's Right to Know Coalition*. She found a plethora of defects, including:

- Suppression of court verdicts for lengthy periods;
- inordinate delays in Freedom of Information (Fol) requests;
- Fol chases abandoned because of spiralling costs;
- Journalists dragged through the courts for not revealing sources.

As examples, she cites:

- The case of Melbourne newspaper the Herald Sun, which had to abandon a two-year Fol campaign about federal politicians' travel, after being quoted a fee of \$1.25 million for the information.
- The trial and subsequent contempt of court convictions for journalists Michael Harvey and Gerard McManus, who refused to name a source behind a leaked story about a federal government proposal to slash war veterans' benefits.
- The federal government's refusal to give access to an opinion poll on the success of the federal government's \$32 million Work Choices advertising campaign - at least until after the election.

Restricted, flawed, hindered by secrecy and mistrust are just some of the terms Ms Moss used to describe the state of free speech in this country.

The audit found 500 pieces of legislation and at least 1,000 court suppression orders, restricting media reporting in Australia, are still in force. There are 365 Acts of Parliament at both federal and state levels, with specific secrecy provisions blocking public access to information.

Fol requests were often used to withhold information, in contravention of their intention. Support for whistleblowers, sometimes fundamental to exposing corruption and maladministration, was "non-existent or flawed", Ms Moss said.

Shield laws protecting journalists were also inadequate, while the flow of information from the court system was "found wanting", stifled by a raft of suppression orders, she said.

Ms Moss, who is also a former chair of the NSW Independent Commission Against Corruption (ICAC), bemoaned the "growing culture of secrecy, defensiveness and mutual distrust" shown by governments and the courts. "The greatest loss in this battle is not to the media but to the Australian people and their right to know about important matters that affect them," she said.

Accepting the Moss Report on behalf of *Australia's Right to Know Coalition* - which includes Fairfax, the ABC, AAP and representatives from commercial television and radio - News Ltd chief executive, John Hartigan, said its findings were "deeply troubling", and presented a clear need for legislative reform in Australia.

Cameron Murphy from the NSW Council for Civil Liberties said the issues raised by the Moss Report echoed his organisation's experiences, particularly with FoI requests. "We've put in hundreds of freedom of information requests... and we simply can't get information out of them," Mr Murphy said. "They cite operational reasons and other reasons which are nothing more than dubious excuses to hide embarrassing information."

Mr Murphy said action was needed to reform the system, rather than further reviews.

Source: AAP

Need Assistance or More Information?

Contact our Legal Compliance experts on:

Tel / Fax: 02 9876 3672

E-mail: legal_compliance@croesusmgt.com

Website: www.croesusmgt.com

This publication is intended only to provide a summary of the subject matter covered. It does not purport to be comprehensive or to render legal advice. No reader should act on the basis of any matter contained in this publication without first obtaining specific independent professional advice.