Index

References in the index are to the paragraph

numbers of the Report. Where a paragraph contains a recommendation, references have been grouped at the end of the relevant entry and are followed by the abbreviation 'R'. For the sake of brevity the abbreviation 'FOI' for Freedom of Information has been used extensively in the index. Aboriginal Affairs, Dept of, 6.16 Aboriginal tribal secrets, 25.13-14 'accelerated' access, 33.8, 34.5 access: decisions on, 9.1-49, (authority to make) 9.13-20, (consultation with authors) 25.22-32 deferment, 10.20-3 forms of, 10.1-8, 34.2 to personal files, 3.3; see also personal records predominance of interest in, 16.16 procedures, 3.35-7, 8.1-43, 27.19, 34.2-11 refusal of, 9.21-6, 13.1-11, 32.6 requests, form of, 8.21-7 retrospective, 14.19; see also prior documents accountability: public service, 3.4, 3.8, 3.20-3, 4.40-3, 30.9 of statutory bodies, 12.16-21 Acts Interpretation Act 1901, 12.9 Administrative and Clerical Officers Association, 4.57, 6.21, 8.38, 8.40 Administrative Appeals Tribunal, 2.6, 3.38, 3.40, 5.5, 6.42-3, 8.31, 8.35, 9.9, 9.11, 9.22-3, 9.25, 9.32-4, 10.25, 13.9, 15.7, 15.9, 15.11, 15, 19, 15, 22, 15, 24-6, 16, 25, 26, 31, 17.9, 19,23, 19,25-6, 20.8, 23.8, 24.10, 27.2, 17.11R, 19.30R Administrative Appeals Tribunal Act 1975, 4,28, 9.4, 9.22-3, 22.22, 30.7-8, 30.22, 30.24, (s, 26 (3)) 12.6, (s, 28) 15.25, (s, 29) 30.2-5 and archival matters, 33.7, 34.15-19, 34.17R and Cabinet documents, 18.10-15, 18.12R costs of procedures, 27.26, 30.6-20 and deferment of access, 10.21-2 and exemption decisions, 16.36-8, 16.38R and fees, 11.1, 11.43-5, 11.45R, (archives) 34.3, 34.4R and internal review procedures, 27.3 judicial power, 18.17-20 Re Palmer and the Minister for the Capital Territory, 19.7 and personal documents, 24.17 powers, 27.14, 27.22, 33.49-51 procedures, 27.25, 30.1-31 and Reverse-FOI, 25.31-2, 25.32R review role, (under 1978 Bill) 27.6-10, (proposed), 27.12-22 States rights of appeal, 17.19 administrative burdens of FOI, 2.14, 3.26-8, 13.1–11, 20.4–7 Administrative Decisions (Judicial Review) Act 1977, 4.28, 6.29, 21.3-6, 27.13

Administrative Discretions, Committee on (Bland Committee) 1973, 29.21, 30.6

administrative law, new, 3.20 administrative review, 4.28, 29.3 Administrative Review Council, 19.26, 23.4, 30.4 Administrative Services, Dept of, 6.16, 10.20, 14.14, 23.16 on 1976 FOI IDC, 2.11 staff training, 6.23 Advertiser, The, 8,40, 14.3, 17.3 advice: letters of, 7.29, 7.32R. quality of, 19.4-14; see also, ministers and public servants advisers, to inquiry, 1.7 Advisory Council on Australian Archives, 33.3, 33.47-8, 34.3, 34.10-11, 34.19, 34.21, 34.23 - 7functions listed, 34,24 Agricultural Research Unit, ANU, 34.7 Aickin, Justice, 5.2 Anisminic v. Foreign Compensation Commission, 15 16 annual reports; see reports appeals, 3,35, 3.38 Cabinet documents, 18.10-15, 18.12R in Denmark, 2.27 in France, 2,30 in New Brunswick, 2.41 in Norway, 2.41 in Nova Scotia, 2,41 in Sweden, 2.25 see also Administrative Appeals Tribunal; review Applegarth, Peter, 23.18 applicant: costs of inspection by, 11.25-6, 11.26R interest in document, 5.5; see also 'need to know' Archives, Australian, 13.6, 16.25 appeal and review procedures, 34.12-22, (US practice) 34.18, 34.14R destruction of material, 34.24-8 Director General of, 33.22, 33.46, 34.12, 34.15, 33.29R fees for access, 34.3, 34.4R guidelines for exemptions, 33.34 open access, 33.7, 34.2-4, 34.14R special access, 33.8, 33.43, 34.6-11, 34.24, 34.8R, 34.11R Swedish practice, 2.25 Archives Bill 1978, 1.1-2, 2.16, 14.17, 33.1-51, 34.1-30, 14.19R certificates under, 16.23 exemptions, 33.18, 33.31-48, 33.29R review of operations by Parliament, 34.29, 34.30R Argyll v. Argyll, 25.9, 25.12 Aristotle, 3.8 Armstrong, Lord, 4.56 artistic assessments, 22.10, 25.13-14; see also expert opinions assistance of applicants by agencies, 8.8 Atomic Energy Act 1953, 21.3, 21.11

Atomic Energy Commission, 21.11 Austria, FOI measures, 2.28 Attorney-General, 5.7, 14.5, 14.18, 23.15 authors of material, protection for, 9.35-49, report by, 32.5-11, 32.7R, 32.9R, 32.11R 10.11, 9.49R on secrecy provisions, 21.4 Bain, Andrew, 15.21 see also Durack, Senator P. Baldwin, Gerald, 2.38 Attorney-General's Dept, 3.43, 6.15-16, 14.14, 17.17, 20.8, 22.1, 22.4, 25.2, 31.5, 31.7, Bell, Griffin V., 30,19 Berne Convention for the Protection of Literary and Artistic Works, 10.13-14, 10.18 background notes on FOI, 2.16-17, 5.10 biographical research, 33.43 co-ordinating and supervisory role, 6.18, Bjelke-Petersen, J., 3.2, 4.8 8.29 - 30to prepare FOI Handbook, 8,19, 8,20R Bland Report: see Administrative Discretions, Committee on, 1973 and secrecy provisions, 21.3 Attorney-General v. Jonathon Cape (Crossman Booker, M. 4.35 Diaries Case), 5.28 Bowen, Lionel, 8.40, 23.11 breach of confidence, 9.35, 9.41-2, 15.8, 25.7-19, Audit Amendment Act 1978, 8.32 Auditor-General's Dept, 6.16 25.19R exemption under Archives Bill, 33.37, 33.41, Australia Council, 12.15, 12.27, 19.7, 19.9, 22.10, 22.12, 23.6 33,45R Australian Advisory Council on Bibliographical Britain; see United Kingdom Services, 6.45, 8.12, 11.3, 33.5 British Columbia, 29.4 Broadcasting and Television Act 1942, 9.1, 21.3-5 Australian Agricultural Council, 17.5 Australian Apple and Pear Corporation, 17.5 Bubner, D., 10.21, 14.4 Australian Broadcasting Commission, 10.7, 10.12, Bury, L. E., 4.13 19.9, 19.25, 20.11, 23.14 Business and Consumer Affairs, Dept of, 25.18, exemption for program material, 12.12, 12.15 business records, 21.1-27; see also commercial Australian Broadcasting Commission (Staff) Regulations, 21.7 information; trade secrets Australian Bureau of Statistics, 8.39, 14.14 Australian Canned Fruit Board, 17.5 Cabinet: advice to, 4.20 Australian Conciliation and Arbitration Comdecisions, 4.16, 18.3-4 discussions, 2.7, 4.15-21, 5.28, 18.13 mission, 12.33-4 Australian Consumers' Association, 30.7 operations, FOI and, 4.17, 4.21 Australian Council of Social Service, 8.40, 17.6, records, 5.10, 5.13, 9.34, 15.13, 15.7, 16.17, 18.1-20, 21.21, 21.26, 26.6, 27.12, 27.16, 19.13, 30.7, 32.15 16.18R, 30.31R (archives), 33.7, 33.18, Australian Council of Trade Unions, 26.9 33.21-7 (crown privilege), 23.19 (inspection Australian Council on the Ageing, 17.6 Australian Council on the Rehabilitation of the by Director-General of Archives), 33.27 Disabled, 17.6 (limits on exemptions), 18.9 (no appeal Australian Dairy Corporation, 17.5 against exemptions), 27.9, 27.18 (PM&C Australian Dried Fruits Control Board, 17.5 advice on), 31.12-13 Australian Egg Board, 17.5 Callaghan, J., 2.46 Canada, FO1 measures, 2.37-42, 4.3 Australian Electoral Office, 6.11, 6.13, 6.16, 14.14 Australian Ethnic Affairs Council, 17.5 Green Paper, Legislation on Public Access to Government Documents, 28.39-40, 29.4 Australian Government Publishing Service, 6.16 Capital Territory, Dept of, 6.16-17, 6.23, 7.23, Australian Government Retirement Benefits 8.6, 9.23, 10.20-1, 14.8, 24.11, 28.2, 29.17, Office, 6.15-16, 8.39, 14.14 30.20, 31.2, 31.9 Australian Historical Association, 33.5, 33.24 Capital Territory Health Commission, 23.6 Australian Journalists' Association, 9.6-7, 14.3, Carter, President, 16.5, 16.21, 16.24 categorical exclusions from access, 33.29R Australian Law Reform Commission, 6.7, 20.6-8, 24.3, 24.14 categorical requests, 13.1-11 Australian National Airlines Commission, 25.3 Caulfield, Justice 21.16 Australian National Line, 12.15 Central and Local Trades Committee, 12.35–6 certificates of exemption, 2.7, 3.31, 5.7, 5.10-15, Australian National Railways, 12.15 15.7, 15.17–19, 16.1–3, 16.7, 17.9, 17.14, Australian National University, 25.16 23.15–19, 27.9, 33.50 Australian Research Grants Council, 25.16 and archival access, 33.49-51, 33.51R Australian Security Intelligence Organisation, 12.15, 12.22 of Attorney-General under Ombudsman Act 29.10 Australian Security Intelligence Organisation Bill 1979, 9.4, 20.8 in Commonwealth-State relations, 17.1-2 Australian Society of Archivists, 33.5, 33.32 and Cabinet records, 18.10

Australian Taxation Office, 6.15-16

review of, 16.36-8, 16.38R

charges: see fees courts, exclusion from Bills, 12.29-30, 33.18, 33.21-2, 12.30R Chifley, Ben, 4.14 Chrysler Corporation v. Brown (US), 25.22, 25.29 government relations with, 5.6-9 classification of documents, 16.3, 16.7-13, Coward, Dr. 33,33, 33.50, 34.26 16.19-22, 16.27-9, 21.22, 16.29R Cowen, Sir Zelman, 24.1 Cabinet documents, 18.14, 18.16R Crichel Downs, 4,26 parts of documents, 16.19-22 Crimes Act 1914, 2.45, 21.3, 21.6, 21.26 Coal Industry Tribunal, 12.33-4 s.70, 2.2, 21.14-27, 21.27R Cole, R. W. (Chairman, PSB), 4,50, 19,4 Criminal Investigation Bill 1977, 20.8 collective ministerial responsibility, 4.9, 4.11-21 Criminal Investigation Bureau, 8.41, 30.22 criminal law, breaches of, 9.35, 9.43 commencement of the Bill, 6.27-33, 6.33R Criminology Research Council, 17.5 commercial information, 3.40, 12.16-21, 25.1-32, 12 21R Crocker, W. R., 4.35 Croham, Lord, 2.46-7, 3.25, 4.20, 4.42, 4.59 common law standards, 15.26-7, 23.7 Commonwealth Administrative Review Committee Crossman, Richard, 4.18, 4.38 (Kerr Committee) 1971, 29.21, 30.6 Diaries, 33.10 (Case), 2.45, 4.18 Crown privilege, 3.24, 5.4-5, 5.13-15, 5.25, 15.8, Commonwealth Electoral Act 1918, 12.7 Commonwealth Employees Compensation 19.27, 23.15-21 Curtis, Lindsay, 4.6-7, 4.44, 4.46, 4.59, 19.9, Tribunal, 12.15, 12.35-6, 24.9 19.23, 19.26, 21.6, 21.12, 22.2, 24.12, 25.8 Commonwealth Employment Service, 14.10 Commonwealth Grants Commission, 17.5 Commonwealth Legal Aid Commission, 17.5 declassification, 16.23-9, 16.26R Commonwealth Reporting Service, 12.35-6 defamation, 9.35-40, 12.27, 22.10-11, 25.15, 9.40R Commonwealth Scientific and Industrial Research Defence Act 1903, 21.3, 21.6 Organisation (CSIRO), 21.9 Defence, Dept of, 2.5, 6.16, 14.6, 16.3, 19.4 Commonwealth-State relations, 15.7, 16.30, defence, documents relating to, 16.1-38, 27.18, 17.1–24, 26.5, 27.16, 17.11R archival exemptions, 33.38, 33.45R delays in dealing with access requests, 27.4-5, Company Directors Association, 11.3 27.8; see also time limits Compensation (Commonwealth Employees) Act delegation and internal review, 28.2 1971, 30.9 Denmark, 2.20, 2.27, 26.10 computer information, 7.4-6, 8.31-4, 11.16, Denning, Lord, 25.11 13.10-11departmental operations, reports on, 22.1-8 Conciliation and Arbitration Act 1904, 12.35 destruction of archival holdings, 34.24, 34.28R Confederation of Australian Industry, 12.15, 12.35 Dillon, L., 34.7 confidence, breach of: see breach of confidence directories of information, 7.1-34 confidentiality, determination of, 25.17; see also Directory, Commonwealth, 7.7-17, 7.14R, 7.16R privacy; secrecy disclosure, presumption in favour of, 9.1-2 consumer reporting agencies, records of, 2.36 discovery of documents, in FOI actions, 30.22-4 Constitution, s.75, 5.12 US experience, 30.23 Conway v. Rimmer, 4.17, 15.16, 23.17 discretionary powers, 7.18-28, 9.1-12 Coombs Commission; see Minority Report Bill; Divisions, public service, 9.14 Royal Commission on Australian Government documents: acknowledgment of existence, 9.27-Administration 34, 20.15, 30.28-31, 9.34R, 20.17R, 30.31R copying and materials, charges for, 11.27-9, 11.29R identification of, 3.35, 7.2 copyright, 3.41, 9.35, 9.44-9, 10.9-19, 9.49R, meaning of, 7.4-6 10.19R production of, 5.1-30; see also discovery of Copyright Act 1968, 9.44, 9.46, 4.48-9, 10.10, documents; exempt documents 10.14, 10.16 costs of FOI, 6.1-30 Douglas, Justice, 16.4 Doyle, R., 4.57 of access in different form, 10.5, 10.8R of Administrative Appeal Tribunal proceedings, Duncan v. Cammell Laird & Co. Ltd, 5.8 Durack, Senator P., 4.3, 4.58, 5.10, 6.1; see also 29.18, 30.7, 30.18-20, 30.15R, 30.17R anticipated, 6.16-19 Attorney-General of local access, 10.6 economic information, 26.1-13, 26.13R subsidy for, 11,3 US experience, 30.19 Ellicott, R. J., 4.13 Employees' Compensation, Commissioner for, see also fees 11.9 Council of Australian Government Employees Employment and Youth Affairs, Dept of, 6.11, Organisations (CAGEO), 2.2, 6.2, 8.38, 8.40, 6.14–16, 8.26 10.21, 14.3, 21.11, 31.14, 32.16 Emsellem, Irene, 11.2 Council of Europe, 2.31 Emy, Hugh, 4.28 court, contempt of, 15.8, 23.10-14 Encel, Professor S., 4.46

Environment Protection (Impact of Proposals)	Fisheries Council, 17.5
Act 1974, 7.13	flexibility in access procedures, 8.21-27
EPA v. Mink, 16.4-6	Flight Crew Officers Industrial Tribunal, 12.33-4
Evatt, H. V., 4.35	Foreign Affairs, Dept of, 2.5, 6.23, 8.39, 13.2,
Evidence Act, 1898 (NSW), 5.7	14.6, 14.8, 14.14, 16.3, 31.2
Evidence (Amendment) Act, 1979 (NSW), 5.8-9	
evidence, collection of by inquiry, 1.3-6 evidence on oath, 23.13-14	16.1–38, 27.18, 33.36, 33.45R
examination of documents by agency, 11.18–24,	Forestry Council 17.5 France, FO1 measures, 2.29
11.24R	Franks Committee (UK), 2.45, 3.12–13, 4.40,
examination papers, 2.12, 22.9	16.15, 21.16, 21.18-26
Executive Council: records of, 5.10, 9.34, 15.7,	Fraser, J. M., 2.11, 3.4, 4.14, 4.27, 4.33, 16.10
18.1–20, 27.18, 30.31, 33.7, 33.18	Freud, Clement, 2.47, 29.4
Secretary to, 18.10	Freedom of Information Bill 1978, 1.1-2,
exempt documents, 2.6-7, 15.1-27	2.14–15
deletion of parts, 10.24-5	relation to Archives Bill, 33.4
discretion to disclose, 9.2, 27.22, 34.16, 34.17.	R Freedom of Information <i>Handbook</i> , 7.13,
Ombudsman's power to inspect, 29.10, 29.111	
review process, 27.18	Freedom of Information Legislation Campaign
exemptions under FOI Bill, 3.29-34, 5.20, 5.26-	
by agency, 12.1-36, 12.14R, 12.21R, 12.25R,	8.38, 9.4, 9.6–7, 10.5, 14.4, 23.8, 23.11, 30.7
12.34R basic categories, 15.7	Fulton Committee (UK), 2.44, 3.11, 4.40, 4.46,
by categories, 3.32	4.56, 4.60
by classes, 12.1–36, 12.14R	Gartside v. Outram, 25.11
criticism of, 15.1–2	General Accounting Office (US), 2.33, 20.6
documents adversely affecting agency opera-	Gibbney, H. J., 33.24, 33.38
tions, 22.1–20	Gibbs, Acting Chief Justice, 4.55, 5.14, 18.2
French experience, 2.30	23.19
future claims to, 12.5-8, 12.14R	Goldring, J., 23.18
lack of appeal, 15.15–22	Gorton, Sir John, 4.13
and New Brunswick, 2.41	Government in the Sunshine Act 1976 (US), 2.36
and Nova Scotia, 2.41	Governor-General's records, 33.7, 33.18, 33.21–2
parliamentary scrutiny of, 12.1-9	Gradwell, R., 6.21
Swedish experience, 2.24–5 exemptions under Archives Bill, 33.17–48	Green, Karen, 4.29
existence of documents: see documents,	
acknowledgment of existence	Hailsham, Lord, 5.29, 19.27 Hasluck, Sir Paul, 4.35
expert opinions, 22.10-12, 22.16; see also artisti	Health, Department of, 6.11, 6.15–16, 8.6,
assessments	8.39, 24.10
	Heffer, E., 4.13
factual matter, 19.20	hierarchy, public service, 9.14
Fair Credit Reporting Act 1970 (US), 2.36	High Court, 5.1–30
Family Educational Rights and Privacy Act	historical material, 6.36-8; see also prior
1974 (US), 2.36	documents
Family Law Act 1975, 9.4 Federal Advisory Committee Act 1972 (US),	Holt, H. E., 4.25
2.36	Hope, Justice, 14.11
Federal Court of Australia Act 1976, 21.3	Home Affairs, Dept of, 6.16, 19.4, 23.6
Federal Investigation Bureau (US), 8.41	Horton, A., 34.26 House of Representatives, Committee on Govern
fees, 3.35, 8.33, 11.1–45	ment Operations (US), 32.17
deposits, 11.37, 11.39R	Housing and Construction, Dept of, 6.11, 6.16,
fixing, 11.10–31, 11.17R	6.37, 31.2
notification, 11.30-1, 11.31R	Howson, Peter, 4.25
standardisation, 11.4-5, 11.32-5, 11.35R	Hurley, C., 34.27
times for paying, 11.36–9, 11.39R	
US experience, 11.19–21	identification: of documents, 3.35, 7.2
waiving of, 11.40-5, 30.21, 11.45R	of person classifying documents, 16.29R Immigration and Ethnic Affairs, Dept of, 6.11-
film, records on, 7.4–6, 8.31–4 Finance, Dept of 6.10, 6.37, 19.4	12, 6.15-16, 8.4, 14.4, 24.9, 28.8
Finance, Dept of, 6.10, 6.37, 19.4 financial and property interests, of Common-	implementation, of the Act, 3.36
wealth, 22.15–20, 26.8, 33.39, 33.45R	Income Tax Assessment Act 1936, 21.3
Finer, Professor, 4.28	'in confidence' classifications, 16.17
Finland, 2.20, 2.26	indexes, 7.1–34, 13.7, 27.20

Mansfield, Professor B., 33.24 individuals, rights of access, 3.3, 3.35 industrial bodies, 12.33-4, 12.34R manuals, 7.1-34, 20.13, 27.20 Mason, Justice, 4.55, 5.16-17, 23.19 Industrial Register, 12.33-4 Industrial Relations Bureau, 6.16, 6.37, 12.35-6, Meacher, Michael, 2.47 medical records, 8.6, 24.10 14.14 Industries Assistance Commission, 23.14 Melbourne, Lord, 4.11 Industry and Commerce, Department of, 6.11, memoirs: ministerial, 4.19 public servants', 4.35-6 6.16, 14,13 Menzies, R. G., 4.13 information: compiling by agencies, 7.6 migrants, 8.17-20 costs to government, 6.46 Mill, J. S., 3.8 fundamental to democracy, 3.7-10 Millar, K., 8.17 non-documentary, 7.4-6, 8.31-4 ministerial responsibility, 2.13-14, 2.42-3, 3.18-21, resources, 6.47R 4.9, 4.22-32 systems, 6.44-6 ministers, 2.7, 2.13 Information Task Force, 6.46 in industrial relations role, 12.35 Initial Services Ltd v. Putterill, 25.11 Interdepartmental Committees on FOI: 1974, numbers of resignations since 1939, 4.24 personal action of, Ombudsman and, 29.12, 2.5-9, 14.2, 23.2, 26.1 29.13R (criticisms of), 2.8 1976, 2.11-13, 5.12, 6.10, 6.46, 9.9, 9.11, 11.6. public servants' relationship with, 15.18, 19.5-8, 11.37, 14.2, 14.5, 17.8, 23.2, 23.16, 25.8, 27.12 in Westminster system, 3.18-20 26.1 (criticisms of), 2.12 (differences from Minority Report Bill, 2.9-10, 15.9, 19.19, 21.24, 1974), 2.14 26.12 intergovernment communications, 16.33, 16.34R and points of difference from 1978 Bill, 2.10 'internal law' of agencies, 7.3, 7.18–28, 13.7, Missen, Senator A., 2.17, 3.14, 15.3 Mondello, A., 2.5 US experience, 7.26–7 internal review procedures, 27.3, 27.29, 28.1-11, monitoring, 31.1-17 and Attorney-General's Department, 31.8-11 28.7R departmental responsibility for, 31.2-6 in archives, 33.7 parliamentary, 32.7-22 internal working documents, 4.48-61, 5.16-19, Prime Minister and Cabinet, and Department 5.26, 15.13, 18.8, 19.1–30, 27.9, 27.16 of the, 31,12-13 International Institute of Administrative Sciences, and Public Service Board, 31.14-15 4.41 and Ombudsman, 31.16-17 International Press Institute, 15.17 Morison, Professor W. L., 24.1 international relations: see foreign governments International Social Service (Australia), 17.6 Munro, Paul R., 2.9-10, 8.32, 19.12 Murphy, Justice, 2.5 Invasion of Privacy Act 1971 (Qld), 24.2 Jennings, Sir Ivor, 4.23 Nader, Ralph, 2.32, 19.2 judicial power, and the Administrative Appeals National Aboriginal Consultative Council, 17.5 Tribunal, 18.17-20 National Advisory Council for the Handicapped, jurisdictional error, 15.16 17.5 National Committee on Discrimination in Kerr Report: see Commonwealth Administrative Employment and Occupation, 12.15, 12.35-6 Review Committee 1971 National Consultative Council on Social Welfare, Knight, Senator John, 6.8, 13.2, 20.6 17.5 Lamb, Dr W. Kaye, 33.1, 33.26, 34.18 National Development, Dept of, 6.11, 6.37, 14.14 law enforcement documents, 7.31, 9.34, 20.1-17, National Employee Participation Steering Committee, 12.35-6 21.26, 30.29, 30.31, 33.42, 7.32R, 33.45R Law Institute of Virginia, 8.17, 14.4, 23.4, 32.16 National Health and Medical Research Council, legal advice in FOI actions, 15.26-7, 30.6, 30.8 National Labour Consultative Council, 12.35-6 legal proceedings, pending, 23.1-9, 33.40, 33.45R national security documents, 5.14, 9.34, 15.7, legal professional privilege, 15.8, 23.1-9, 33.40, 16.1–38, 21.26, 27.16, 27.18, 30.31 33.45R legislation, as means to FOI, 2.2-4, 3.2-14 natural justice, 15.16 Library Association of Australia, 8.40, 11.3, Neale, Professor R., 13.6, 33.25, 33.46 34.26 'need to know', 5.25, 8.3-5 Netherlands, 2.30, 15.9, 26.10 libraries, 7.11 New Brunswick, FOI measures, 2.41, 4.3, 29.4 library material, 7.5 MacDonald, Ranald, 15.17 New South Wales: archives practice, 33.35 Government Administration Review, 2.18 McGilligan, G., 9.6 Privacy Committee, 14.3, 19.11, 24.3-4 Madison, James, 3.9 privacy legislation, 24.2 Malaysia, archival rules in, 33.11

Newton, Maxwell, 21.15	malian 20 IA
Nigeria, 33.11	police, 20.10
Nixon, President, 16.5	policy, statements of, 7.30, 7.32R
Northern Territory, 17.10, 21.2	Post and Telecommunications, Department of,
Norway, 2.20, 2.27	8.29
notice of disclosure, 25.25	preservation of records, 33.46–8, 33.48R
Nova Scotia, FOI Act, 2.41, 4.3	Presidential Records Act 1978 (US), 33.11
110va Scotta, 1 Ot Act, 2.41, 4.3	Price, C. A., 34.7, 34.26
	Primary Industry, Department of, 6.11, 6.15-16,
O'Connor, K. P., 6.7, 6.9, 20.6	8.39, 9.16, 14.14
Official Information Bill 1979 (UK), 2,47	Prime Minister and Cabinet, Department of the,
Official Secrets Act 1911 (UK), 2.45, 3.12, 21.16	2.5, 6.16, 14.14, 18.2, 31.7
Ombudsman, 3.38, 2.43, 6.42–3, 8.35, 9.11, 9.25,	Secretary to, 18.10; see also Yeend, Sir Geoffrey
10.25, 13.8–9, 18.11, 19.7, 19.9, 19.26, 20.16,	Prince Edward Island, 29.4
27.4–5, 29.1–31, 31.7, 9.12R, 29.28R	prior documents, 3.30, 6.34, 6.35–8, 14.1–19,
and Administrative Appeals Tribunal, 27.21,	14.19R
27.24, 27.27–8, 29.9, 29.15–16, 30.13–15	and archives, 33.14
and Archives Bill, 34.20-2, 34.22R	right to correct, 24.17
in Canada, 2.42	costs, 14.5
conciliatory role of, 29.59	priority for FOI matters, 30.25–7
as counsel, 29.2, 29.17-25, 29.23R	privacy, 20.2, 24.1–18, 27.17
Deputy for FOI purposes, 29.31	and archives, 33.43, 33.45R
expanded role for, 27.23–8	US legislation, 24.6
and internal review, 28.9–11, 29.7, 28.11R	Privacy Act 1974 (US), 6.6-9
machinery for FOI, 29.29-31	Productivity, Dept of, 6.16
and personal documents, 24.17	property interests of the Commonwealth, 22.15–20
reports of, 32.12, 32.13R	Protective Security Handbook, 16.8–17, 16.20,
	16.23–30, 16.36, 33.36, 16.13R, 16.22R
in Sweden, 2.25 Ombudeman Act 1976, 4-28, 9-11, 19-26, 27-5, 27-24	publication of material obtained under Bill, 9,39
Ombudsman Act 1976, 4.28, 9.11, 19.26, 27.5, 27.24,	public debate, on FOI, 32.22
29.5, 29.10, 29.12, 32.12, 34.22 Ontario, 29.4	public distrust of official secrecy, 3.12-13
Commission on Freedom of Information and	public interest, 2.14, 3.33, 5.4, 5.19–30, 15.7–9,
Individual Privacy, 2.41, 4.46	15.23-5, 16.31, 19.17, 19.19, 19.23-30,
Orme, W., 19.11, 24.10, 24.12	22.17–20, 27.16, 16.23R
overclassification of documents, 16.23	and Cabinet Documents, 18.13
overseas experience, 2.20–47, 6.5–9	difficulty of defining, 5.21, 5.28
of Ombudsman in FOI, 29.4	public service: anonymity, 4.9, 4.29, 4.35–6, 4.44–61
or Ombadshan in 1 O1, 27.4	and the second s
	neutrality, 4.9, 4.33–43, 19.5
Padfield v. Minister for Agriculture, 15,16	powers of, 4.38–43, 19.6, 19.12 structure, 9.14
re Palmer and the Minister for the Capital Territory,	unions, 3.26, 4.60, 6.2, 6.21–2
9.22, 15.25	in Westminster system, 3.18–23
Parliament, 3.25, 3.44, 4.42	see also ministers and public servants
contempt of, 15.8, 23.10-14	Public Service Act 1922
Depts of the, 12.31-2	s.17, 22.2-3
members of, 3.14	s.55, 9.10, 21.15
monitoring role, 32.1-22	reg. 32, 9.10
public servants before, 4.47	reg. 34, 21.9
records of, 33.21-2	reg. 35, 21.7, 21.15
in Westminster system, 3.18	Public Service Arbitrator, 12.33-4
participation, in policy processes, 3.5, 7.9, 7.13,	Public Service Board, 2.5, 3.43, 4.51, 4.60, 6.1,
19.14, 23.14, 7.14R, 7.16R	6.11, 6.16, 8.29, 8.39, 9.11–12, 19.4–8, 19.25,
Patents Commissioner, 20.11	21.1, 21.15, 22.4, 22.8–9
Pearce, D. C., 23.17	Chairman, 8.32, 8.36, 14.5; see also Cole, R. W.
penalties, 9.4-12, 9.12R	on commencement of FOI, 6.28
permanent heads, and industrial relations, 12.35	Guidelines on the Keeping of Personal Records on
personal records, 3.3, 12.13, 21.1-27	Staff in the Australian Public Service, 24.4
correction of, 24.16-18, 27.17, 24.18R	on public comment, 4.36
fees, 11.34	on public service powers, 4.43
identity of applicants, 8.6	on public service neutrality, 4.34
prior, 6.38, 14.2, 14.9-13, 14.12R	survey, 1.5-6, 3.27, 6.4, 6.10, 6.35, 6.39, 6.43,
personnel files, 12.26-8, 24.4	6.46, 9.15–16, 14.6, 14.13, 14.17, 31.14
Phillippi v. Central Intelligence Agency, 9.28, 30.23	published documents, 5.24
Pitt, William the Younger, 4.12	purchase of material by public, 10.7

Qantas, 12.15	sanctions, see penalties
Queensland, 17.15	Sankey v. Whitlam and Others, 3.24, 3.31, 3.33,
archives rules, 33.25	4.13, 4.15, 5.1–30, 15.16, 18.2, 18.13, 19.25,
Council for Civil Liberties, 8.40, 14.16, 30.7	19.27, 23.18–19
privacy rules, 24.2	Savings from FOI, 6.44-7
	Science and Industry Research Act 1949, 21.9
Padaliffa Viscount 4.10	secrecy: in government, 3.11, 4.40–1 provisions in FOI Bill, 21.1–27, 33.18, 33.28
Radcliffe, Viscount, 4.19 Radi, Dr H., 33.38, 34.7	in U.K., 2.44–7
reading rooms, 10.4, 10.8R	secretariat for inquiry, 1.8
records, departmental, about FOI, 31.4–7, 31.5R	Security Appeals Tribunal, 14.11
Records Management Association of Australia,	security classifications, 16.4-7
6.45	Senate Committees: Constitutional and Legal
Red Cross, 17.6	Affairs, 32.18, 32.21R
referees, 3.41, 25.13-14	on Education and the Arts, 1.1-2, 34.33
regional access, 10.6	on Regulations and Ordinances, 32.19
Reid, Lord, 4.17	Shaw, Professor A. G. L., 33.24
Relyea, H. E., 6.9, 8.41	Simm, Viscount, 4.54
Renouf, A., 4.36	Singapore, 33.11
reports, departmental annual, 32.2, 32.4R	Snedden, Sir Billy, 4.27
on FOI by Attorney-General, 31.2, 32.2	Social Services Act 1947, 7.20, 21.7
Prime Minister and Cabinet, Department of the, 31.13R	Social Security: Appeals Tribunal, 21.8, 28.2
requests, transfer of, 8.28–30	Department of, 4.27, 7.20–2, 8.3, 10.2, 11.23,
research, non-commerical, 25.13–16	14.10, 20.12–14, 21.8, 28.2, 28.6
resources needed for FOI, 3.26–8, 6.1–48, 8.42	Director-General of, 4.29, 7.21, 8.3, 8.36
departmental, available to public, 7.10, 7.13,	South Australian Council for Civil Liberties, 30.7
7.14R, 7.16R	South Australian Council of Social Service, 8.17,
implications of Committees recommendations	8.25, 14.9, 17.4, 30.7
on, 6.34-43	South Australian Government, 17.12
overestimates by agencies, 6.6-7	archive, rules of, 33.35
'restricted' documents, 16.14–17, 16.18R	privacy legislation of, 24.2 South Australian Working Party on FOI, 2.19,
'Reverse-FOI', 25.6, 25.22–32, 27.19, 25.32R	32.16
appeals to Administrative Appeals Tribunal	Special Minister of State, former Department of,
on, 25.27	2.5; see also Administrative Services, Depart-
costs of, 25.31 Ombudsman and, 29.24, 29.25R	ment of
in US, 25.22–3	Spigelman, Jim, 2.3
review procedures, 6.34, 6.42-3, 9.25-6, 27.1-29,	staffing levels, public service, 6.2, 31.14
9.26R	staff management interests, 22.8-9, 24.4
by courts, 27.13–15	documents on, 22.14R
of departmental performance, 3.43	staff training, 6.18-26, 6.26R, 8.15R
for fees, by Administrative Appeals Tribunal,	involvement of Attorney-General's Department
11.5	and Public Service Board, 6.24, 6.26R
inadequacies of in FOI Bill, 27.11–12	State governments, 16.33, 25.26
proposed, 27.11–29	archival practices, 33.35
'public interest' criterion, 19.23–30, 19.30R	consulting with, 17.16–18
Richardson, Professor (Ombudsman), 29.15–16	FOI measures in, 2.18–19
Ridge v. Baldwin, 15.16 right to information, 8.1-7, 8.14-20, 9.1, 8.20R	privacy legislation, 24.3
Right to Information Bill (Canada), 2.38	as suppliers of information, 3.39, 17.12-24
Robinson v. South Australia (No. 2), 23.4	see also Commonwealth-State relations; names
Roosevelt, Theodore, 25.5	of individual States
Royal Commission on Australian Government	State School Teachers Union of Western Australia,
Administration (Coombs Commission), 2.3,	14.19 statutory officers, and ministerial responsibility,
2.9-10, 4.28, 4.34, 6.46, 19.19, 21.24; see also	4.29
Minority Report Bill	Stephen, Justice, 4.55, 5.14, 5.16, 23.19
Royal Commission records, 33.30	Stone, J. O., 3.17, 4.7, 4.44, 4.49, 4.52, 4.56, 19.8,
	19.25, 26.3
calariae public comica 0.14	Structural Adjustment (Loans Guarantee) Act
salaries, public service, 9.14 Salisbury, Lord, 4.12	1974, 21.7
Salmon, Lord (Royal Commission on Standards	submissions to inquiry, 1.1–6
of Conduct in Public Life), 21.21	supervision of legislation, 6.18

suppliers of information, protection of, 3.39-41; industrial espionage, 25.4 intergovernment communications, 16.33 see also authors internal working documents, 19.2, 19.11 Sweden, 2.20, 2.22-26, 4,4, 15.9, 19.22, 26.10, 33.11 Freedom of the Press Act, 2.24 Justice, Dept of, 2.5 law enforcement documents, 20,2-6, 23,2 Ombudsman's role in, 29.21 secrecy law in, 2,24 letters of advice, 7.29 Sydney Morning Herald, 8.38, 8.40, 14.3, 15.17, monitoring of FOI, 32.17 penalties, 9.7-8 prior documents, 14.15 Privacy Act 1974, 2.36, 24.15 Tange, Sir Arthur, 4.7, 4.31, 4.47, 16.23 Reverse-FOI in, 25.29-31 tapes, records, 7.4-6, 8.31-4 secrecy provisions, 21.4 Tasmania: archival rule, 33.35 Senate Inquiry on the Erosion of Law Enforceprivacy legislation, 24.2 ment Intelligence and its Impact on Public Taylor, Dr, 19.26, 23.4 Security, 20.4 Terms of reference of inquiry, 1.1-2 Senate Judiciary Committee, 32.17 Thirty-year rule, 33.7, 33.9-15, 33.16R time limits, 8.41 time limits, 6.34, 6.39-41, 8.35-43, 27.20, 28.8, Uniting Church of Australia, 15.17 30.2-5, 30.5R University of Queensland Public Interest Research Trade and Resources, Department of, 6.45 Group, 20.7, 23.4, 23.18 Trade Practices Commission, 8.39 Use of Freedom of Information, anticipated, Trade Practices Tribunal, 23.14 6.10 - 15trade secrets, 25.1-6, 25.20-7, 33.41, 33.45R overestimates by departments, 6.12-15 Trans Australia Airlines, 12.15 transcripts, of A.B.C. broadcasts, 10.7 Transport, Department of, 2.12, 6.11, 6.16, 12.15, Vaughn v. Rosen, 30.23 12.23, 12.26, 12.28, 14.13, 22.9, 22.12 Veterans' Affairs, Department of, 6.11, 6.15-16, Treasury, 2.5, 6.16-17, 14.14 Victorian Committee for FOI, 9.6, 14.3, 17.7, 30.7 secretary to: see Stone, J. O. ultra vires, 15.16 Victorian Government, 6.45, 12.27, 17.17 archival rules of, 33.35 privacy legislation of, 24.2 Unions, public service, 3.26, 4.60, 6.2, 6.21-2; voluntary bodies, 17,6 see also names of individual unions United Kingdom, 2.20, 2.43-7 Watergate, 3.13, 4.54 as model for Australia, 4.6 Watt, Sir Alan, 4.35 White Paper, Information and the Public Interest, weather reports, accelerated access of, 34.5 1969, 2.45, 3.11, 4.40 Weinstein, Allen, 6.8 White Paper, Open Government, 1979, 2.46 Western Australian Government, 17.14 White Paper, Reform of Section 2 of the Official archives of, 33.35 Secrets Act 1911, 1978, 2.45, 21.20 Westminster System, 2.14, 2.20-21, 3.16-23, United States, 2.20, 2.32-6, 4.4, 9.7, 13.2, 19.22 Administrative Procedure Act 1946, 2.32 4.1 - 62characteristics of, 4.6-10 archival rules, 33.11 Whitlam, E. G., 2.4, 5.2 Cabinet, 4.15 Whitmore, Professor Harry, 15.17 Citizens Guide on How to Use the Freedom of Widgery, Lord Chief Justice, 4.18, 5.28 Information Act and the Privacy Act in Wilenski, Peter, 2.18 Requesting Government Documents, 8.19 Williams, William E., 7.27 classified material, 16.5, 16.16, 16.21, 16.27 Wilson, Harold, 4.14 Congress, 3.44 costs of FOI in, 6.6-9, 30.11 Women on Welfare Campaign (South Australia), 8.25, 17.3, 20.12-14 criticisms of FOI in, 2.32-4 Women's Affairs, Office of, 11.9 declassification of documents in, 16.24 Women's Electoral Lobby: Perth, 9.6 exemptions to FOI, 15.4, 16.4-6, 19.28, 23.2, Victoria, 8.17, 8.40, 9.4, 10.21, 14.16, 28.8, 30.7 26.11 existence of documents, 9.28, 20.16 workloads, 31.15R written requests, 8.21-7 Fair Credit Reporting Act 1970, 2.36 Family Educational Rights and Privacy Act 1974, 2,36 Yeend, Sir Geoffrey, 4.6–7, 4.15, 4.53, 17.17, 18.13, fees, 11.2, 11.38, 11.40-2 19.8, 31.12 Freedom of Information Act 1966, 2.2, 2.32-6, Young Liberal Movement of Australia (N.S.W.

7.26-7 (amendments in 1974), 2.8

Government in the Sunshine Act 1976, 2.36 House of Representatives Committee on Government Operations, 32.17

526 25150/79-L

Division), 8.40, 17.3

Zambia, 33.11