

Australia

There is no explicit reference to the right to information as a constitutionally guaranteed right in Australia. Australia enacted its Freedom of Information Act (FOI Act) in 1982.¹ There is similar legislation in each of Australia's six states and two mainland territories

Recently, the Commonwealth of Australia enacted two laws that strengthen access to information. One of them, the Freedom of Information Amendment (Reform) Act 2010 (FOI Reform Act),² embodies the most significant changes to the FOI Act. The FOI Reform Act eliminates fees for information requests; imposes a legal requirement on agencies and ministers to proactively publish certain classes of information; creates a public interest test for exempt information; and removes a number of exemptions that existed in the original Act.

The Australian Information Commissioner Act 2010 (AIC Act),³ establishes the Office of the Australian Information Commissioner (OAIC) to adjudicate information access disputes and guide the implementation of the reformed FOI Act. The functions of the OAIC include issuing guidelines for the purposes of the FOI Act; providing information and training to any person or agency on matters related to the FOI Act; investigating the compliance of agencies with the FOI Act; and reviewing decisions made by agencies and ministers on information requests under the FOI Act.

These reform measures are in step with international best practice on FOI legislation. Prior to the AIC Act, FOI regulations and reviews were the responsibility of the Commonwealth Ombudsman.

¹ [http://www.humanrightsinitiative.org/programs/ACT/Australia/2011 - Freedom of Information Act 1982 \(incorporating amendments up to Act No. 32 of 2011\).pdf](http://www.humanrightsinitiative.org/programs/ACT/Australia/2011 - Freedom of Information Act 1982 (incorporating amendments up to Act No. 32 of 2011).pdf)

² [http://www.humanrightsinitiative.org/programs/ACT/Australia/2010-05-31 - Freedom of Information Amendment \(Reform\) Act 2010.pdf](http://www.humanrightsinitiative.org/programs/ACT/Australia/2010-05-31 - Freedom of Information Amendment (Reform) Act 2010.pdf)

³ <http://www.humanrightsinitiative.org/programs/ACT/Australia/2010-05-31 - Australian Information Commissioner Act 2010.pdf>