

Research report no. 1

Changes in Media Reporting after Right to Information Laws in Queensland



Office of the Information Commissioner
Queensland

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2011



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Preface

As Queensland Information Commissioner, I hear senior bureaucrats expressing frustration at unfair media reports of their agencies, an experience that may reinforce the old customary approach to confidentiality and anonymity. Senior public servants also say they accept fair media reporting of poor performance as part of the territory of working in government. On the other hand I hear journalists express frustration at the difficulty in obtaining access to public sector information and denial that any of their own reports are unbalanced. Alternatively, journalists say that opinion (including ideological) reporting is a part of the democratic process.

In 2009 Queensland's significant right to information (RTI) reforms followed the Independent Freedom of Information Review Panel's finding that the closed culture of the public sector was a key barrier to effective implementation of freedom of information (FOI) laws. The RTI reforms legislate for this by stating that public sector employees can no longer consider embarrassment to the government or mischievous behaviour by the recipient of information as reasons to withhold information. Undoubtedly the RTI reforms expose the public sector to greater public scrutiny. Fair and balanced media reporting can contribute as much to public sector cultural change as legislative change.

It has been hypothesised that one benefit of the RTI reforms to public sector agencies is fewer media reports about government secrecy. Instead of being criticised by media twice, once for withholding information and once when information becomes public, agencies potentially will only be criticised for a particular action or decision. A positive evidence-based answer to this hypothesis might provide some sort of salve to senior bureaucrats and their ministers.

There are few studies of media reporting of FOI/RTI, the use of FOI/RTI by the media or the role of media in making access to information easier. The Office of the Information Commissioner commissioned this research into whether media reporting changed after the introduction of the RTI legislation in 2009. The research relates to three significant time periods: January–November 2007 (pre-reform); December 2007–June 2009 (reform period); and July 2009–January 2011 (post-reform).The

study sought to identify whether there was any discernable change in the way media reported on government agencies and FOI and RTI over these periods. The findings of this study, as reported here, provide an objective analysis of shifting perceptions and are an important starting point for debate and for developing a more informed understanding in this area.

Media analysis is not without its difficulties and challenges. Where information is released as a matter of course—as is anticipated by the RTI reforms—there may be 'no story' for media to report. On the other hand, and as identified in the research, where information can only be accessed through a difficult and protracted process, two stories commonly emerge; one about the information sought, and the other, invariably negative, about government secrecy.

The research found some encouraging evidence to support the hypothesis. Stories about agency secrecy have reduced providing support for the research's hypothesis. Additionally, the report's key findings include that pre-reform media regularly highlighted problems with the FOI framework, whereas, post-reform media reports are finding the change in laws is largely positive. However, ongoing negative experiences with the RTI process in the implementation period may see past media reporting behaviour return, that is, difficulties with accessing information become a news item in itself.

Critically, the research suggests that this is an important time of transition in which media perception of RTI and access to government information is changing. Notably, there seems to be a discernable shift away from a perception of FOI as 'a concept which was broken' to an attitude of optimism toward the RTI reforms. This is a time of opportunity for agencies to capitalise on the significant work already undertaken in implementing the reforms to reinforce the positive changes that have occurred in media reporting. To the extent agencies can deliver on this, the research suggests, in time, there may be a shift away from negative media reporting.



Julie Kinross
Information Commissioner

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1 Executive summary

This report presents the findings of quantitative and qualitative research into changes in media reporting of issues related to freedom of information (FOI) and right to information (RTI) in Queensland following the introduction of the Right to Information Act and Information Privacy Act in 2009. The research focused on newspaper and blog coverage across three time periods: identified as pre-reform (January 2007–November 2007); during the reform process (December 2007–June 2009); and post-reform (July 2009–January 2011).

At a quantitative level, the text analytics software Leximancer was used to identify key concepts, issues and trends in 786 relevant articles from national, metropolitan and regional newspapers. At a qualitative level, discourse analysis was used to identify key themes and patterns from the newspaper articles and blog posts. The final phase of the research involved semi-structured interviews with journalists who use and report on RTI/FOI in order to identify media attitudes towards RTI and to provide context for the analysis of media reports.

The research revealed both qualitative and quantitative shifts in the media reporting of RTI and FOI across the three time periods under review.

Key quantitative findings include:

- the transition from FOI to RTI has been reflected in media reports with the language of RTI increasingly being used in those reports
- metropolitan newspapers are the key sources of stories related to RTI/FOI
- there has been a shift in tone in media reports towards a more positive view of access to government information
- most of the reporting around RTI/FOI focuses on a small number of portfolios
- access to government information is a salient and newsworthy issue in its own right.

Key qualitative findings include:

- different news themes emerge across the three periods: the pre-reform period reflects the theme of an FOI policy that is 'broken'; the during reform process period reflects a theme of transition and the promise of a new policy; the post-reform period reflects a theme of change and an optimistic attitude towards the new policy
- there is a discernible shift in the way RTI and FOI have been used to source stories
- some portfolios are seen as more advanced in cultural change than others
- negative experience of FOI/RTI can increase the risk of 'double negative reporting' where the process of obtaining information itself becomes a prominent feature of the report
- an increase in 'double negative reporting' has the potential to alter the positive perceptions that have emerged around RTI.

While the study has identified quantitative and qualitative shifts in media reporting of RTI/FOI, it cannot reveal why those stories have been reported or how this information is received by the public. Further research is required to better understand and unpack these issues.

2 Background

2.1 Overview

Queensland's Bligh Labor Government, in 2009, introduced significant reforms to the state's laws relating to government transparency and openness. The blueprint for Queensland's freedom of information reform agenda was scoped by former journalist and lawyer, Dr David Solomon, who chaired the review of the state's FOI regime. The resulting 141 recommendations outlined comprehensive changes to the FOI system, which the media had popularly tagged 'freedom from information' rather than 'freedom of information'. On 20 October 2008, Premier Bligh announced the state had accepted all but two of Solomon's recommendations either in whole (116) or in part (23).

On 1 July 2009, the *Right to Information Act 2009 (Qld)* (RTI Act) and *Information Privacy Act 2009 (Qld)* (IP Act) came into effect, replacing the *Freedom of Information Act 1992 (Qld)* (FOI Act). The new laws represented a fundamental shift in government attitudes to the public's right to access information, whereby government information (unless contrary to the public interest to disclose) was to be made publicly available as a matter of course. This shift to a push model RTI was accompanied by a reduction in the number of strict exemptions to the disclosure of information and the enhancement of the functions of the Office of the Information Commissioner (OIC) to be both champion, and continue to monitor, the right to access information.

OIC is an independent body charged with promoting access to government-held information and protecting people's personal information held by government under the IP Act. Its responsibilities include:

- providing information and assistance to support compliance with RTI and IP laws
- monitoring and reporting on the performance of government agencies
- reviewing specific agency decisions under these laws regarding access and amendment applications

- dealing with privacy complaints and making certain decisions, including whether an agency's privacy obligations can be waived or modified in the public interest.

OIC is headed by an independent Information Commissioner. The vision of OIC is to promote “an informed Queensland that values and respects information rights and responsibilities”.

2.2 The need for research

OIC delivered, in September 2010, its first annual report under the RTI Act to the Queensland Parliament. The annual report noted the office had identified a number of key activities to promote the principles and practices of RTI, including, strategies to evaluate performance and monitor culture shift by conducting surveys to measure community and public service awareness of information rights, use of mainstream media and public lectures to disseminate information (such as the Solomon Lecture), and the use of agency self-assessment tools.

This study contributes to the understanding and evaluation of the implementation of RTI reform, by offering insights into how media reporting has changed as a result of the implementation of the RTI Act and IP Act. In particular, OIC sought to ascertain whether the media was now less likely to criticise agencies for being both secret and not meeting community expectations. Therefore, this study investigated media reports in Queensland and national newspapers to glean insights into whether the introduction of RTI had resulted in a lower proportion of media reports where agency secrecy was the story or part of the story.

Queensland's RTI reforms envisage a change in culture around access to information where information will be released administratively as a matter of course (unless there is an overriding public interest for withholding it). This means formal requests to access government information using the legislative process should be a last resort. Underlying these reforms is an expectation that citizens benefit from public information. This involves a re-conceptualisation of the relationship between government, journalists and the general public, where citizen experts (including journalists) can play an active role in helping government manage information and

solve social problems (Noveck, 2009). Given this background, OIC sought further information about the role of newspapers and online media in promoting the principles and practices of RTI and IP. This study investigates whether RTI reforms have translated into changes in the way journalists perceive, use and report government information. To date, there is no research examining the way media report RTI and FOI and little systematic work in the area of journalists' attitudes to RTI reform. Therefore, this study provides benchmark data to assist OIC to evaluate the impact of the RTI reforms.

This study deploys qualitative and quantitative research methods to examine the frequency, orientation and tone of media reports about FOI and RTI. Data were collected from published newspaper and blogs and analysed using data-mining software, Leximancer. Additional qualitative analysis of this data was undertaken and complemented by in-depth semi-structured interviews with journalists who have been actively engaged in reporting government and RTI.

3 Research aims and objectives

The overall aim of this research is to assist OIC to evaluate whether RTI reforms have translated into changes in the way journalists perceive, use and report government information. Therefore, it addresses the following questions:

- Has there been a qualitative and/or quantitative shift in the way media report government agencies since the implementation of RTI?
- Has there been qualitative and/or quantitative change in the way RTI or FOI have been used to source stories?
- Has there been a qualitative and/or quantitative adjustment in the way RTI or FOI is represented in media stories?

In addressing these questions, the following research objectives were identified. The specific research objectives were to:

- Map how FOI and RTI have been reported in national, metropolitan and regional newspapers over three periods: January 2007–November 2007 (pre reform); December 2007–June 2009 (during reform process); and July 2009–January 2011 (post-reform).
- Analyse media reports and identify changes in the frequency, tone and/or orientation of media reporting across the three key periods.
- Scope media reports that identify FOI or RTI as a source of information for the story over the three key periods and identify any discernable changes in reporting patterns.
- Classify stories across the three periods in terms of being positive and negative about FOI and RTI regimes and describe discernable trends.
- Canvass the number of stories about difficulties of accessing information under FOI or RTI and identify any changing trends in reporting over the three key periods.
- Specify any other changes or trends in reporting apparent from the analysis.
- Report any other changes which indicate a change in the level, duration, tone and attitude of media coverage in relation to public interest matters.

3.1 Scope

The study focused on three key periods: from January 2007–November 2007 (pre-reform); December 2007–June 2009 (during reform process); and July 2009–January 2011 (post-reform).

4 Methodology

4.1 Rationale

This study sought to examine the frequency, orientation and tone of media reports about freedom of information or right to information over three periods: from January 2007–November 2007 (pre reform); December 2007–June 2009 (during reform process); and July 2009–January 2011 (post-reform). A combination of qualitative and quantitative research methods was used.

Data was collected from published newspapers and blogs. Stories and blogs relating to RTI and FOI were sourced using the Factiva database. These articles and blogs underwent three levels of analysis. First the articles were subjected to an exploratory analysis using data mining software, Leximancer, (level one analysis) which was followed by a user-defined concept analysis (level two analysis). To provide insights into the reporting trends, examples of news items were analysed using discourse analysis to explore the context and themes that emerged within the reporting of FOI and RTI during the three periods (level three analyses). Finally, the study involved a series of in-depth, semi-structured interviews with journalists who have reported on, and used, FOI and RTI in Queensland.

4.2 Source of data

The Factiva database, which contains full-text content from Australian newspapers, was used to identify relevant articles for the initial Leximancer analysis. The search terms ‘freedom of information AND Queensland’ and ‘right to information AND Queensland’ were used to locate articles across the three time periods: January 2007–November 2007 (pre-reform); December 2007–June 2009 (during reform process); and July 2009–January 2011 (post-reform). Articles were sourced across publications from three media jurisdictions, namely, national (*The Australian*), metropolitan (*The Courier-Mail/Sunday Mail*), and regional (*Cairns Post*, *Townsville Bulletin*, *Rockhampton Morning Bulletin*).

Factiva searches of other publications were conducted, including the *Australian Financial Review* (national) and *Brisbane Times* (metropolitan), but these failed to

produce any significant results. These initial searches revealed that *The Australian*, *The Weekend Australian*, and *The Courier-Mail/Sunday Mail* are the only newspapers undertaking regular reporting on FOI and RTI as it relates to Queensland. Therefore, this study was concentrated on media reports in *The Australian (Weekend Australian)* and *The Courier-Mail (Sunday Mail)*. These newspapers all belong to the News Limited stable of publications.

This initial search of the national and metropolitan newspapers identified 786 relevant articles, which were then subjected to Leximancer analysis followed by discourse analysis.

Additionally, 17 relevant articles were identified on the blog *Open and Shut* (<http://foi-privacy.blogspot.com>), which looks at issues associated with FOI/RTI primarily from a legal perspective and is operated by Peter Timmins, a lawyer and consultant who works on FOI and privacy. The 17 blog entries were subjected to Leximancer analysis, but due to the small volume of text, few meaningful trends could be identified. Therefore, a discourse analysis of the blogs was undertaken to identify key themes and trends across the three periods under review.

The website *Crikey* (www.crikey.com.au) had initially been identified as another source for analysis. However, a search of its archives, using both Factiva and the site's own archive search uncovered only a limited number of relevant articles and it was determined that these were too few to be of use to the analysis.

4.3 What is Leximancer and why use it?

Text analytics software Leximancer was used to provide the first level of analysis for the selected media coverage. Originally developed by the University of Queensland, Leximancer has now been applied internationally as a leading text analysis technology. Leximancer can generate a completely inductive set of data, which is not reliant on a priori concepts. This means that from text, the software derives a ranked list of important concepts based on word frequency and co-occurrence usage. From this, it statistically develops a thesaurus comprised of concepts. Sentences are

tagged as containing a concept if the accumulated evidence (the sum of the weights of the keywords found) is above a set threshold.

Leximancer also measures co-occurrence of concepts found within the text, i.e. how identified concepts are related to each other within the documents. The software mines the data to produce a two-dimensional concept map. This concept map displays the network of concepts, showing relations between themes (or parent concepts) and other connected concepts (Smith & Humphreys, 2006). The interactive nature of the concept map permits the user to explore examples of concepts, their connections to each other, as well as links to the original text. In this way, Leximancer software provides a means of quantifying and displaying the conceptual structure of the news stories. Conceptual maps can be generated from data relating to media coverage from different time periods, which allows comparison of trends with regard to certain topics. This represented the level one analysis undertaken in this project.

Leximancer also allows the researcher to tailor the systems parameters to suit the data (Cretchley, 2010). The researcher can create user-defined concepts, manually seed these concepts, and the software will identify other concepts related to these user-defined concepts in the text as well as providing other information similar to the type of information generated during exploratory analysis. This represented the level two analyses undertaken in this study.

4.4 Advantages of Leximancer

The advantages of Leximancer analysis are:

- it deals with large data sets
- it can identify frequency and patterns of word and concept use
- it reveals thematic relationship and association across data.

Therefore, Leximancer is used to examine, track and compare the data across a number of different variables including time frames, peaks in reporting, duration of coverage, and co-occurrence of concepts. While Leximancer is an efficient and effective tool in providing a conceptual map of the structure of the stories and

identifying segments of texts where key issues are covered, it cannot address the question of how those key issues are reported. Therefore, we subsequently conducted discourse analyses of stories to identify the tone of the report in relation to key concepts and portfolios.

4.5 What is discourse analysis and why use it?

Having gained and collated the results from the Leximancer analysis the qualitative methodology of discourse analysis was applied to examine examples of news items and to explore the context and themes that emerged within the reporting of FOI and RTI during the three periods outlined above.

Discourse analysis is a method of analysis, initially developed from linguistics, which draws together the study of language as an act of social communication (Johnstone, 2002). It has developed into one of the most prominent and successful methods of 'text' analysis through its ability to reveal the ways in which language operates at a symbolic level organised within systematic discourses and themes. The method explores language use at the level of the sentence through looking at word choice and immediate context (lexical choice) and also the way forms of words relate to various discursive themes where language and text connect with wider structures of meaning.

In this way individual news stories are treated as embedded within various discourses around the topic whilst also contributing to the overall context of the discussion. As an approach, discourse analysis has proven particularly applicable for examining media (news) discourse as it is able to relate language and text within a discursive network where texts interlink and connect with each other, between each other, and across time (Fitzgerald & Housley, 2009).

In examining FOI and RTI news stories (the object of this study), discourse analysis allowed us to explore the themes which emerge from the stories across individual journalist reports. These themes, over time, frame the emergent discourses underpinning the reporting and perception of freedom of information or right to information. The discourse analysis of media reports within the three key periods

revealed emerging themes, enabling the research to track regular patterns of reporting around FOI/RTI material. Furthermore, it provided some insight into why these issues emerged.

These themes and patterns were then followed up in the final stage of data collection through conducting interviews with journalists who use and report on FOI/RTI. The interviews provide a third level (a triangulation) of research methods to be applied to the question. The method of triangulation (Denzin, 2006), where two or more sources are used to approach the same question, provides a level of validation of the primary data through cross verification. In particular the interviews provide both a level of validation to the Leximancer results and discourse analysis and also a further level of contextual depth to the production of the stories. That is, while Leximancer and discourse analysis of media reports can highlight what has made the news this primary level of data and analysis can be triangulated through journalists' accounts to reveal the underlying news environment for the stories.

4.6 Interviews with journalists

The final phase of this research involved identifying journalists who use and report on FOI and RTI and conducting in-depth interviews with a number of them who have been actively engaged in reporting government and RTI. Conducting in-depth interviews with journalists, who are experts in RTI and FOI, allowed them to talk about their work. By analysing their interviews using discourse analysis, their talk was studied as an example of more general interpretative practices within journalism. Here, discourse analysis allowed us to systematise the different ways journalists talked about FOI and RTI. By identifying the key themes emerging within their responses we were able to make visible the common attitudes and practices (relevant to FOI, RTI and reporting government matters). Semi-structured interviews provided insights into whether journalists' attitudes towards access and use of government-held information had changed since the implementation of RTI. Furthermore, these interviews provided context for the patterns, themes, tone and attitudes highlighted through the Leximancer analysis. This data offered insights into potential risks and opportunities within the relationship between journalists and government agencies.

4.7 Recruitment of interviewees

The initial Factiva search and Leximancer analysis were used to identify journalists who regularly used and reported on FOI and RTI. A number of these journalists were contacted and agreed to in-depth semi-structured interviews conducted by the members of the research team. Interviewees were asked a set of common questions (see Appendix A). However, journalists were invited to speak freely about their own experiences. The interviews were recorded and transcribed and subjected to discourse analysis.

The interviews were given ethical approval by the University of Queensland and interview subjects provided informed consent (see Appendix B). In keeping with the terms of the ethical approval, interview subjects were given a guarantee of anonymity. All data resulting from the interviews has been de-identified and securely stored at the University of Queensland.

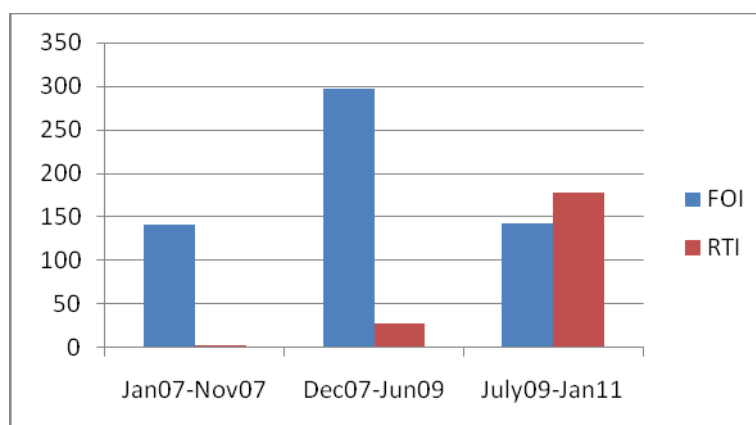
5 Findings

The first phase of our research aimed to describe how FOI and RTI were reported. Therefore, we sought to identify the frequency, themes and orientation of FOI and RTI reporting across the three time periods under review. The 786 stories, sourced from Factiva relating to FOI and RTI, were grouped into three folders in Leximancer analysis. These three folders are based on the three key time periods: namely, January 2007–November 2007 (pre-reform); December 2007–June 2009 (reform period); and July 2009–January 2011 (post-reform). Table 1, set out below, summarises the number of media stories that refer to FOI and RTI.

Table 1 Distribution of media stories on FOI and RTI across three time periods

Time period	FOI	RTI	Total
January 2007–November 2007	141	2	143 (18%)
December 2007–June 2009	297	27	324 (41%)
July 2009–January 2011	142	177	319 (41%)
Total	580	206	786 (100%)

Quantitatively, Table 1 reveals the patterns of newspaper coverage of FOI and RTI across the three time periods. Overall, it illustrates FOI coverage (580 out of 786 or 74%) is significantly greater than the coverage of RTI (206 out of 786 or 26%). However, there is a variation in the level of coverage within the specific time periods under review. There are fewer stories on either topic in the earlier period (143 news stories). This number more than doubled in the later time periods. Reporting of FOI peaked during the period 2007-2009, whilst reporting of RTI peaked in the later time period (2009-2011). This finding is as expected because the issue of FOI and RTI is more likely to attract media scrutiny during the reform period (December 2007–June 2009) and the post-reform period or implementation period (July 2009–January 2011) than the pre-reform period where those issues might not be as salient (see Figure 1 for a visual display of the distribution of media stories across the three time periods).

Figure 1 Distribution of media stories on FOI and RTI across three time periods

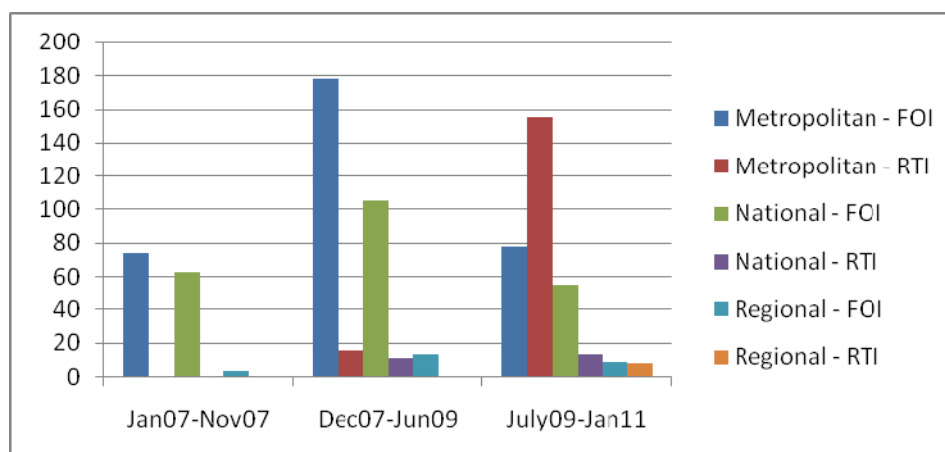
Analysis revealed that not all newspapers found FOI and RTI an important news factor in its own right. A comparison of the media stories on FOI and RTI across national, metropolitan and regional newspapers indicates metropolitan newspapers have the greatest amount of coverage in relation to both FOI and RTI whereas regional newspapers have the least amount of coverage on both. Table 2 summarises the results.

Table 2 Distribution of media stories on FOI and RTI in different newspapers

Newspapers	FOI			FOI total	RTI			RTI total	Grand total
	Jan 07–Nov 07	Dec 07–June 09	July 09–Jan 11		Jan 07–Nov 07	Dec 07–June 09	July 09–Jan 11		
Metropolitan	74	178	78	330	1	16	155	172	502
National	63	105	55	223	1	11	13	25	248
Regional	4	14	9	27	0	0	9	9	36
Grand total	141	297	142	580	2	27	177	206	786

Table 2 shows that metropolitan newspapers account for 57% of the total news stories on FOI (330 stories out of total 580) and 83% of the news stories on RTI (172 stories out of total 206). Regional newspapers, on the other hand, only carry 5% of the news stories on FOI (27 out of 580) and 4% of the news stories on RTI (9 out of 206). Figure 2 visually illustrates these findings.

Figure 2 Distribution of media stories on FOI and RTI across different newspapers



5.1 What does this mean?

This discussion reveals that within metropolitan newspapers in Queensland, FOI and RTI can be newsworthy in its own right. Traditionally, news stories are identified by journalists who take into account a wide range of factors. Stories around government information can make the news for a number of reasons, both positive and negative. For instance, the power of individuals, organisations or institutions such as large government agencies dealing with complex issue like health, police, and infrastructure are likely to routinely be in the news. The level of fame of people, events or organisations also determines whether stories are newsworthy. Therefore, the prominence of particular individuals in and around government can enhance the likelihood of a story making the news. News stories can be positive or negative; however, negative stories tend to be more commonly reported in newspapers. The perceived relevance of a story to its audience is another factor which can determine whether a story becomes news. Logically, therefore, subjects already in the news will give rise to follow up stories. Increasingly in recent years, a news organisation's own agenda is an important factor in determining a story's newsworthiness (Harcup & O'Neill 2001, 279. Harcup, 2009, 43).

Therefore, where information is accessed via RTI or FOI a news story can emerge on at least two levels—as a result of the information itself and as a result of how the information is accessed. Potentially this can give rise to double negative reporting of

government agencies. This point is discussed in more detail (sections 4.35–4.38 and 4.43–4.48).

5.2 Key findings

- Leximancer analysis revealed a quantitative shift in FOI/RTI reporting.
- Metropolitan newspapers in Queensland see FOI and RTI stories as having news value.
- Government agencies can face a threat of double negative exposure in the news.
- Analyse media reports and identify changes in the tone and/or orientation of media reporting across the three key periods.

5.3 Changes in the tone and/or orientation of media reporting

Discourse analysis revealed a qualitative shift in the reporting patterns of news reports. Analysis of the stories revealed different orientations and common themes that characterised newspaper reports within the three different time periods.

During the pre-reform period (Jan 2007–November 2007) the emerging theme was that ‘the policy is broken’. The second time period (December 2007–June 2009) revealed a theme that could be characterised as ‘transition’ whilst in the third period (2009–2011) newspaper reports tended to focus on ‘change’. By contrast, discourse analysis of the blogs revealed different patterns and themes across the three periods under review. Table 3, set out below, summarises the emerging themes within the newspaper coverage and blogs.

Table 3 Emerging themes in reporting of FOI and RTI

Newspapers	Pre-reform January 2007– November 2007	Reform period December 2007–June 2009	Post-reform July 2009–January 2011
Theme	The policy is broken	Transition	Change
Example 1: Newspaper	<p>“Access to documents had become so expensive that cost was a major disincentive to the media, the Opposition and businesses seeking information. FOI laws were administered unevenly, with wide variation between departments about the nature and quantity of information that could be released.”</p> <p><i>The Australian</i>, 19/09/07</p>	<p>“Freedom of information has been an oxymoron. Most individuals don't have the patience or the money to pursue the trail until they obtain the information they want; information they have a right to know that should automatically be in the public domain.”</p> <p><i>The Courier-Mail</i>, 14/06/08</p>	<p>“She [Anna Bligh] has moved to formalize the relationship between the Government and lobbyist by bringing it out in the open and setting some parameters around it. She has also improved transparency of how the Government operates, bringing in new right to information laws and attacking the culture of secrecy that has so afflicted the state's bureaucracy.”</p> <p><i>The Courier-Mail</i>, 30/09/09</p>
Example 2: Newspaper	<p>“Labor governments and their conservative predecessors have routinely FOI led FOI laws in Queensland by using cabinet to exempt contentious documents from public scrutiny for 30 years. One functionary was authorised to buy a fridge-trolley to wheel cartons of documents into the cabinet room.”</p> <p><i>The Australian</i>, 20/09/07</p>	<p>“Solomon and his co-panellists...are...right to spell out ...a single overarching theme: the need to move FOI from the existing pull model to a push model where government routinely and proactively releases government information without the need to make an FOI request. It's a sentiment reflected in recommendation 138 which urges a new law called the Right to Information Act.”</p> <p><i>The Courier-Mail</i>, 17/06/08</p>	<p>“Some larger departments are experiencing up to a threefold increase in new RTI and privacy applications compared with workloads under the old freedom of information legislation.”</p> <p><i>The Courier-Mail</i>, 24/06/10</p>
Blogs Theme	Political will and leadership	Heroes	Questioning
Example 3 Blog	<p>“The new Premier of Queensland, after her first Cabinet meeting, has announced an independent review of the Freedom of Information Act to be conducted by a three member panel, chaired by David Solomon, former Chairman of the Electoral and Administrative Review Committee (and a distinguished journalists to boot).”</p> <p>18/9/07</p>	<p>“It's very progressive stuff. It will be interesting to see who, if anyone, advocates the status quo or questions what are clearly moves towards what the Premier of Queensland said was her objective in establishing the review: a complete overhaul and an entirely new Freedom of Information Act.”</p> <p>30/01/08</p>	<p>“After almost a year-long battle, the Courier-Mail obtained documents on the parity factor which in 2008 led to rate rises for inner city units off several hundred percent...”</p> <p>20/05/10</p>

Pre-reform, January 2007–November 2007, newspaper reports, in the period between leading up to the FOI policy being replaced, was predominantly negative with a strong suggestion that the policy was problematic. There were negative evaluations of the FOI policy and the culture surrounding the policy, with stories being critical of the policy and administration. The FOI legislation was widely reported as unworkable and undermined by political interference. Example 2, set out above, makes reference to the ‘fridge trolley’. This metaphor emerged frequently in both news reports and interviews (see Appendix C and Appendix D). The ‘fridge trolley’ metaphor was and remains a powerful symbol of all that was wrong with the FOI legislation. Given the recurrence of these negative sentiments, the common theme emerging during this phase has been described as ‘the policy is broken’.

Blog posts during this period were limited. In fact, only three posts were identified. Although the posts were scarce and concerned mainly with describing the reform processes, the posts did reveal some emerging themes and trends about political will and leadership. First, Queensland Premier Anna Bligh was commended for her ‘fresh approach’. This sentiment or theme also emerged from the interviews with journalists, with all respondents praising the political will of Premier Bligh and condemning the secrecy of former governments. The 2007 blogs also refer to the role of Dr David Solomon in representing journalists’ interests. Specific mention was made of Dr Solomon’s legal and journalistic credentials (see Table 3 above).

The 2007 blogs reveal the first example of public input in scrutinising the FOI regime with the host blogger thanking a “Queensland reader for bringing this to our attention”.

Reform period, December 2007- June 2009, the second period covered the ending of the FOI policy and the implementation of the new RTI policy. The overall theme of this period is of transition from the old policy to the promise of the new policy. This is reflected, for example, in these stories where there is a temporal pivot from the past to the future whereby a reflection of the past policy moves, in the same article, to an orientation to the future policy. The extracts set out in Table 3 are examples of how the negative references to the past are giving way to a more optimistic view of the

future. Overall, newspaper reporting during this period tended to focus on the development and implementation of the new policy which was keenly anticipated. The stories in this period revealed a more positive outlook.

The reform implementation period again saw modest blog posts on the Queensland FOI/ RTI regime. Again Premier Anna Bligh and review chair Dr David Solomon emerged as 'heroes' of reform. Premier Bligh was credited with a 'gold star' for sticking to her process commitments. In fact, the posts changed from applauding Queensland for the RTI reform initiatives to describing Queensland as a leader.

Post-reform, July 2009–January 2011, in this period references to FOI in regards to Queensland became sparse, being replaced with the language of RTI. As well as a noticeable shift in reports using the language of RTI, the Leximancer and discourse analysis revealed a qualitative and quantitative shift in how RTI is reported, with a more optimistic sentiment emerging from the coverage around change in the operational culture under the new RTI policy. The examples set out in Table 3 above characterise the reporting during this period.

Like the mainstream media reporting, blog posts on RTI rather than FOI increased substantially in the July 2009–January 2011 period. By contrast to the newspaper coverage, the blogs posts took on a more negative and questioning frame. This negativity was focused on the perceived winding back of RTI reforms around changes to the RTI Act which provided local governments with 'a cabinet style exemption' and a decision by the Queensland Civil and Administrative Tribunal(QCAT)which overturned a decision of the Queensland Information Commissioner. In this period, particularly in response to these developments, the blog starts to question the Queensland government's RTI policy. These blog posts highlighted the importance the authors attributed to the political will underlying RTI reform in Queensland. The importance of strong political leadership and commitment to openness for the effectiveness of RTI reforms was also raised during the journalist interviews and appears to be a key concern amongst the media and online commentators.

In addition, the blogs reinforced the issue of timeliness of document release that emerged within some newspaper stories and the journalists' interviews.

The blogs are not all negative in the post-reform period. Whilst observing some negative trends, suggesting problems arising from the policy implementation in Queensland, the blogger states Queensland is still ahead of other states in terms of FOI/RTI reform.

Analysis of the blogs signals attitudes and practices relating to accessing government information in Queensland are changing. Traditionally, when FOI and RTI are reported in the newspapers, journalists' determine what stories will be reported. Therefore, the journalists are responsible for setting the news agenda. However, blogs are more interactive and collaborative. In the small sample of blogs examined in this study there were frequent links to newspaper stories, comments and official government information. This means the blogs expand the potential audience of news reports about FOI and RTI. Furthermore, by providing direct links to government information it offers an additional portal through which people might access government information. Moreover, greater interactivity with readers and members of the public might offer additional opportunities for government agencies to derive direct feedback on information accessibly. In light of the foregoing, blogs provide members of the public with a chance to set (or take part in setting) the news agenda. The blog analysis revealed issues were pursued by the blogger after reader input. For example: "The Attorney's Media Release didn't provide a link to the report, but with some digging, aided today by a reader, you can find it (2805) on the tabled papers website."

This is evidence of a more collaborative approach to reporting and analysing RTI and FOI in Australia. It is clear from the interviews with journalists and the lack of blog activity that such collaborations are limited. Therefore, mainstream journalists are still the dominant users and interpreters of RTI and FOI performance.

5.4 Key findings

- Different news themes emerge within the three time periods.
- Blogs reflect different news themes to mainstream reporting.
- Blogs represent a change in attitudes and practices around RTI and FOI.
- These changing attitudes and practices offer some opportunities and potential challenges for RTI administrators.
- Journalists are still the main agenda setters in relation to using and reporting FOI and RTI.

5.5 Analysis of frequency of coverage

Further insights into the reporting patterns emerging within the three time periods were revealed through the Leximancer analysis. Leximancer enabled us to mine the newspaper reports and reveal the frequency of concepts emerging over the three periods.

The initial Leximancer exploratory analysis generated a total of 144 concepts (unedited) across the three time periods. Concepts in Leximancer are categorised into two broad categories: word-like concepts (e.g. freedom, information, crime, press) and name-like concepts (e.g., Government, Queensland, Australia, and Bligh). The exploratory results identified 'freedom of information', 'report', 'media', 'police', 'review', 'release', 'secrecy', 'reviewed' among the top ranking word-like concepts. The top ranking name-like concepts included 'Queensland', 'government', 'premier', 'Bligh', 'Labor', 'cabinet' and 'opposition'.

We manually edited the automatically generated concepts based on the context in which they occurred and their relevance to the focus of this research project. This was done to ensure the meaningfulness of the concepts generated in the initial analysis.

Leximancer allowed us to query the relationship between concepts and explore the specific texts where the concepts occurred. For example, we found that 'government' is closely related to a number of other concepts including (in order of likelihood of occurrence): 'local', 'power', 'corruption', 'change', 'policy', 'reform', 'information', 'federal', 'political', and 'legislation'. From an examination of the ranking of the concepts and their co-occurrence with other concepts in the news stories, 25 most prominent word-like concepts were identified and provided to the OIC for feedback before conducting a more focused analysis of the news stories.

OIC reviewed the concept list and specified 20 concepts (e.g. concealed, accountability, exempt, transparent) that it considered acting as proxy measures of the objectives of the reform: increased flow of information to the community, increased public scrutiny and accountability, proactive disclosure of information,

public debate and community engagement. The concepts of ‘freedom of information’ and ‘right to information’ were also added to fully capture the domain of the research (22 concepts in total were used for focused analysis). Because the 22 concepts were manually identified, rather than purely system-generated by Leximancer, we manually specified them in the Leximancer program. The software then searched the data set (news stories) to identify texts that contain those concepts. As a result of this data mining, Leximancer then provided information on the frequency of occurrence of the 22 concepts and their strength of associations with other concepts in the data set. Discourse analysis was subsequently conducted to manually examine segments of texts where the concepts were located in order to evaluate the tone of the stories.

In addition to the 22 concepts, OIC also identified 14 portfolios of interest (e.g. Queensland Police Service, Department of Transport and Main Roads etc.) for the focused analysis. Similar to the procedures of concept analysis, the 14 portfolios were manually entered in Leximancer program for the focused analysis (Portfolios were treated as name-like concepts in Leximancer). Some portfolios have changed their names over the past years. For example, Department of Communities has ‘Department of Communities’, ‘Department of Child Safety’ and ‘Department of Housing’ as their previous names. In this case, all previous names were used to seed the current name.

We compared the total number of comments in the news stories referring to each of the 22 concepts across three time periods: pre-reform Jan 2007–Nov 2007; reform Dec 2007–June 2009 and post-reform July 2009–Jan 2011. This allowed us to investigate any change in the reporting of FOI or RTI in news articles over time. Results indicate a significant increase in comments (positive or negative) referring to ‘accountability’, ‘corruption’, ‘open government’, ‘right to information’, and ‘transparent’, whereas there is a decrease in comments referring to ‘concealed’ and ‘confidential’. The comments referring to ‘informed’, ‘disclose’ and ‘justice’ seem to remain relatively stable¹.

¹ Leximancer clusters two sentences as one comment

This finding indicates some change in reporting over time with an increased media interest in open government and issues relating to accessing government information. Take the concept of 'right to information', for example, a total of 378 comments were identified referring to this concept. In the pre-reform period (Jan 2007–Nov 2007), only 14 comments referred to this concept (4%) while the number of stories in this time period accounts for 18% (143 news stories) of the total stories. In the reform period (Dec 2007–June 2009), however, the number of comments referring to 'right to information' increased to 25% while the number of stories in this time period accounts for 41% of the total news stories (324 stories). In the post-reform period (July 2009–January 2011) the number of comments referring to 'right to information' reached 71%, although the number of news stories in this later time period remained the same as the reform period (41%).

It can be concluded therefore, that access to government information has become a salient issue in media coverage over time. RTI and FOI are clearly issues that are in the news. Therefore, there is a greater likelihood of follow up stories. Moreover, FOI and RTI were clearly matters on the media's own agenda, therefore, such stories are more likely to become news. This provides further support for the view that the type of information and the process by which it can be accessed have the potential to make the news.

A similar pattern of increase was found with the concept of 'open government' (particularly during the reform period) and 'transparent' (see Table 4). It needs to be noted, that while the increased media coverage on 'open government' and 'transparency' may highlight the prominence of the issues, frequency of coverage does not address the question of tone, i.e. whether those issues are reported in a positive or negative way. From a quantitative perspective at least, the prominence of these issues in the newspaper coverage implies increasing openness of the government, given that only under an open government could the media report on these issues (the tone of these reports was investigated using discourse analysis and is discussed in section 4.36)

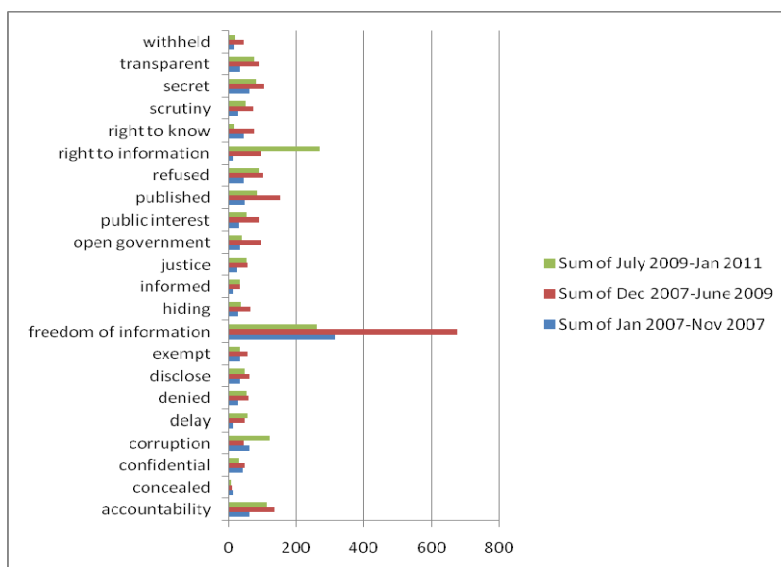
Table 4 Examples of trend of coverage on concepts over three time periods

Concepts	Comments count			Total
	Jan 2007– Nov 2007	Dec 2007– Jun 2009	Jul 2009 – Jan 2011	
Concealed	13 (50%)	8 (31%)	5 (19%)	26 (100%)
Corruption	63 (28%)	42 (18%)	121 (54%)	226 (100%)
Open government	33 (20%)	93 (56%)	39 (24%)	165 (100%)
Right to information	14 (4%)	94 (25%)	270 (71%)	378 (100%)
Transparent	32 (16%)	88 (45%)	76 (39%)	196 (100%)

Furthermore, the Leximancer analysis revealed a steady decrease over the three time periods in the amount of comments referring to the concept 'concealed'. In the period January 2007–November 2007, 50% of the total comments referring to this concept (13 out of 26) were identified while the number of stories in this time period accounted for only 18% (143 news stories) of the total stories. In the reform period (December 2007–June 2009), however, the amount of comments referring to 'concealed' decreased to 31%, although the number of stories in this time period increased. In the post-reform period (July 2009–January 2011), the number of comments further reduced to 19%.

Notably, however, the amount of comments referring to 'corruption' significantly increased in the post-reform period, suggesting that more open media discussion about this issue (positive or negative). These findings suggest that accessing government information, open discussion of problems including investigating or resolving problems, and issues of government transparency have received more media attention since the RTI reforms were introduced. Figure 3 portrays the distribution of comments referring to each concept across three time periods (also see Appendix E for a summary of the number of comments referring to each concept across the three time periods).

Figure 3 Distribution of comments referring to each concept across three time periods



5.6 Co-occurrence of concepts

Further insights into the reporting patterns relating to FOI and RTI emerge when we look at the relationships between concepts (co-occurrence). Leximancer revealed that 'accountability' is closely related to 'open government' and 'transparent'; 'right to information' is closely related to 'laws', 'public interest', 'withheld', and 'revealed'. On the other hand, 'corruption' is more closely related to 'police', 'concealed', 'crime', as well as 'accountability'. It should be noted that Leximancer does not include the word 'not' in identifying concepts and concepts co-occurrence. Therefore, we cannot infer positive/negative tone of media coverage simply based on relationship between concepts. For example, that 'corruption' co-occurs with 'police' could be due to the fact that police are frequently involved in investigating corruption cases.

To further explore how the concepts are used in different contexts to convey favourable or unfavourable meanings and to uncover the subtle nuances of positive or negative tones of the news stories, we conducted discourse analyses of the texts where the key concepts and portfolios are mentioned within a particular context. This led to us inquiring whether there had been a qualitative or quantitative change in the way FOI or RTI was used to source news stories.

5.7 Key findings

- Increased media interest in open government.
- Greater risk of follow up stories on open government issues including FOI and RTI.
- Increased risk of double negative exposure resulting from government information accessed by journalists.

Across all three periods under investigation, a number of news stories referenced the failure or success of FOI and RTI requests as part of the news story. These references were used to classify the story tone as either positive or negative. Leximancer and discourse analysis revealed two key ways in which RTI or FOI was referenced. A number of news reports simply referred to information being obtained through RTI requests (see Table 5 below). In this way, RTI was depicted as a tool to obtain information. While in terms of news values the straight forward mention of the source is neutral, that an RTI request was the source of the information, we classified this as positive in respect to the working of RTI as obtaining the information did not form part of a critical story. In this context, stories were classified as positive because RTI and FOI are not the story. Therefore, if the information gives rise to a negative story then the agency faces single negative exposure.

In other stories the request process became part of the story (see Table 5 below). Where the RTI/FOI process has been problematic an agency faces double negative exposure—one arising from the information and one arising from the RTI process. Where the RTI process is positive, the negative exposure arising from information might be ameliorated by the positive exposure around RTI/FOI.

Table 5: Story tone and FOI/RTI as a source

	Using FOI/RTI as an information gathering tool	Highlighting the problematic process of obtaining information
Pre-reform Jan–Nov 2007	“The government refused to say whether its gambling regulator found any areas of concern, so <i>The Weekend Australian</i> used freedom of information laws to obtain the commission’s secret internal research.” <i>The Australian</i> , 28/04/07	“A freedom of information request by <i>The Sunday Mail</i> for eight special safety audits into mines across Queensland conducted this year has resulted in the release of only two of the documents.” <i>Sunday Mail</i> , 25/11/07
Reform Dec 07– June 09	“Residents on the island rioted after the release of an autopsy into the death, burning down the police station, watch house and the officer-in-charge’s residence. <i>The Australian</i> reported that documents it obtained under freedom of information showed Sen-Sgt Hurley lodged a claim with the Queensland Police Service for personal items lost when the three-bedroom residence burned down.” <i>The Courier-Mail</i> , 28/05/08	“The Friends of Noosa recently sought 20 documents relating to forced amalgamations under the <i>Freedom of Information Act</i> . Only three were made available.” <i>The Courier-Mail</i> , 26/01/08
Post- Reform July 09– Jan 11	“Brisbane City Council’s top flood engineer recommended a decade ago that Wivenhoe Dam be operated differently to ensure a much larger buffer against flooding, documents obtained under freedom of information show.” <i>The Australian</i> , 20/01/11	“Even the new right to information regime—so proudly touted by Ms Bligh as a major accountability reform—has stumbled, with a number of RTI requests for data refused point blank. We all know transparent public administration and the welfare of the people must come before spin.” <i>The Courier-Mail</i> , 30/11/09

Table 5 sets out in the left hand column the stories where there is reference to obtaining information (notably using the FOI term despite the different time periods) through freedom of information. That is to say the story makes reference to the source of the information. These stories can be contrasted with the examples where the results of the process are incorporated into the story (set out in the right hand column). In the above examples it is noticeable how both factors are incorporated into the story such that criticism is directed towards the outcome of the request as well as any comment on the information obtained.

5.8 What this means

In summary, the discourse analysis revealed that, throughout each of the time periods, there were stories about the success or failure in obtaining information under each regime. Moreover when the request for information was seen as not successful there were also negative comments about the process of obtaining

information included in the story. This reinforces the suggestion above that there is a potential for double negative reporting where both what the information reveals and the process of obtaining the information are presented critically in the news story.

5.9 Key findings

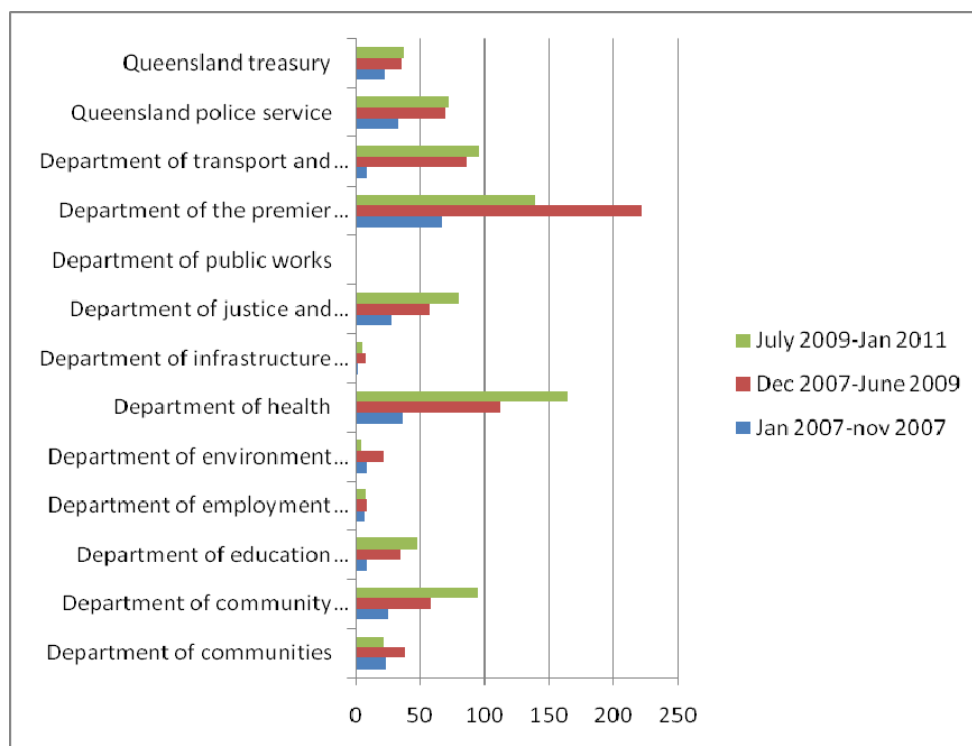
- There is a discernible shift in the way FOI and RTI are used to source stories.
- There is a discernible shift in how access to information is reported.
- The FOI/RTI experience can affect how a story is reported.
- Where the experience is negative there is potential for double negative reporting.

5.10 Changes in portfolio focus over time

Similar analyses were performed to identify any change in the number of comments (Note: Leximancer clusters two sentences as one comment) in the news articles referring to each of the 14 portfolios across three time periods. Results indicate a steady increase in comments (positive or negative) referring to 'Department of Community Safety', 'Department of Education and Training', 'Department of Health', 'Department of Transport and Main Roads', and 'Queensland Police Service'. This finding highlights that the media coverage in relation to freedom of information and RTI tends to focus more on the sectors (portfolios) of community safety, health, police, education, and transport services in the later periods. Of significance, the Department of the Premier and Cabinet received the greatest number of comments (52%) during the period when the RTI reforms were being implemented (December 2007–June 2009). During this period, this portfolio received the highest number of comments of any portfolio. However, in the later period the comments decreased.

Figure 4, see below, illustrates the distribution of comments referring to each portfolio across the three time periods. (See Appendix F for a summary of the number of comments referring to each portfolio across the three time periods).

Figure 4 Distribution of comments referring to each portfolio across three time periods



Findings from Leximancer identified an increase or decrease of coverage on different portfolios over the three time periods, however, it did not reveal whether those comments are positive or negative based on frequency of coverage.

The results and analysis, described in sections 4.1–4.17, identified both a shift in the language of FOI to RTI and also a change in the way the two policies were reported, moving from a broken policy to one of optimistic change. This suggests that the policy is performing well and such findings are supported by data generated through interviews with journalists (see Appendix D.6). However, there are some cautionary tales for government agencies. Although the policy was seen as positive overall, some portfolios were seen as more advanced in this cultural change than others. This is apparent from various news stories (see Appendix C.1) and backed up in the interviews (see Appendix D.2). Of note is the fact that the portfolios named by journalists (negative or positive) correlate with the portfolios identified in the Leximancer analysis as most frequently reported. Health, Treasury, Education, Police were all identified as potentially problematic because their ‘internal culture’ is perceived not to have advanced as far as other portfolios in relation to the cultural

change to RTI. For example, in this interview it was clear to the respondent that the problems lay with the slow change of internal portfolio culture rather than the operation of the RTI Act.

“R4: I don't know for sure but I would suggest that the attitude and emotion in (portfolio a) would be so entrenched that it would take a while for them to make that cultural change. The same for (portfolio B) and I think you can see that daily...(portfolio C), even though the spotlight isn't shone so much on (portfolio C), (portfolio C) has been notorious for wanting to withhold information and control the flow of information, not just from it but from the government generally.”

While the issue of resourcing portfolios which receive a high level of RTI requests is acknowledged in interviews (see Appendix D.4), there is also a perception of slow cultural change in some portfolios. This becomes manifest in the potential for double negative reporting (described above) where criticism comes from both the information obtained as well as the difficult process of gaining that information from the portfolios.

The potential double negative reporting freedom of information (and RTI) becomes apparent through identifiable shifts in reporting of particular portfolios over the time periods. For example, there is a notable trend in the transition from the pull model of FOI to the push model of RTI, from ‘obtained’ to ‘released’ in the reporting of Queensland Police Service (see Table 6 below).

Table 6 Changing tone & sentiments

	Pre-reform	Post-reform
Example	“According to previously secret documents obtained under freedom of information laws.” <i>The Courier-Mail 07/03/07</i>	“Documents released under right to information laws show the CMC...” <i>The Australian 28/05/08</i>
	“Police photographic infringement notices obtained by <i>The Courier-Mail</i> under freedom of information laws reveal...” <i>The Courier-Mail 09/01/08</i>	“Data released by the Queensland Police Service under right to information laws...” <i>The Courier-Mail 14/12/10</i>
	“ <i>The Australian</i> reported that documents it obtained under freedom of information...” <i>The Australian 28/05/08</i>	

While Leximancer showed that the QPS was a prominent topic in the news reporting of RTI, the discourse analysis highlights a shift in how QPS is reported. The language employed moves from obtaining information to the release of information. There were several examples of the language of 'push' replacing the language of 'pull' in which the pro-active work of sourcing the information gives way to the receiving of released information. Thus, while stories may contain criticism based on the information received, the process of sourcing that information is passed over without negative comment.

In tracing the coverage of other portfolios it is clear that the reporting of a number of portfolios displayed the shift in language from obtain to release (see Appendix C.3). However this change was not apparent across all portfolios. For example, reporting on Queensland Health often includes criticism of the process of gaining information as well as the potential criticism derived from the information obtained.

In the two early periods, Jan 2007–Nov 2007, Dec 2007–June 2009 (see Appendix C.3), reporting on Queensland Health tended to follow the single negative pattern where the information formed the news and the process of gaining the information was not subject to critique. In the third period however there is a marked change to double negative reporting. Thus after the implementation of the RTI policy the portfolio becomes subject to regular double negative reporting in which critical information is combined with the criticism of the process of obtaining the information, as these examples (see also Appendix C.3) illustrate.

Example 21

“Despite The Courier-Mail agreeing to de-identify the material, Queensland Health denied access to all 234 pages of a Right to Information request.”

The Courier-Mail 04/12/09

Example 22

“It has produced some statistics only after being prodded by media questioning and its defiance of the Information Commissioner instructing it to release key Right to Information data is appalling”

The Courier-Mail 12/08/10

Example 23

“Queensland Health continues to fight torrid battles with this newspaper over Right to Information matters.”

The Courier-Mail 15/09/10

Example 24

“An RTI search revealed the department had conjured a series of options that would enable it to hide information from RTI applicants and, therefore, the people of Queensland.”

The Courier-Mail 06/12/10

Example 25

“Last week, it was revealed how Queensland Health took special steps to block this newspaper's 2009 Right to Information request for details of deaths in four major Queensland hospital emergency departments.”

The Courier-Mail 11/12/10

While the double negative reporting of other portfolios, such as Transport and Treasury, tended to centre on particular stories, and so clustered around particular time periods (see Appendix C.2), Queensland Health sustained double negative reporting throughout the period from 2009/2010.

5.11 What this reveals

In summary, the discourse analysis revealed a discernable trend in reporting around various high profile portfolios which are highlighted in the analysis. The trend indicates the shift in language around FOI and RTI, the reporting of access and availability of information, and the subsequent treatment of the portfolios in relation

to RTI in the story. Different portfolios have varying trajectories when subject to news reports based on freedom of information. The content of the stories reveals various portfolios are faring differently in the implementation of RTI policy. Some portfolios are represented in the news as embracing the cultural change of RTI while others are represented as being slower to take on this cultural change. The notable shift in language from obtained to released identified in the QPS stories corresponded with the lack of double negative stories concerning this portfolio. On the other hand other portfolios were subject to a rise in double negative reporting where the process of obtaining information is made a prominent component of the story.

5.12 Key findings

- RTI reporting tends to focus more on the sectors (portfolios) of community safety, health, police, education, state government, and transport services (in the later periods).
- Premier's portfolio received the greatest number of comments (52%) during the period when the RTI reforms were being implemented. Some portfolios are seen as more advanced in cultural change than others.
- Perceived slowness in effecting cultural change can increase risk of double negative reporting.

5.13 Other changes or trends in reporting apparent from the analysis

These observations go some way to explaining why RTI and FOI becomes the focus of news. However, greater insights into these issues are revealed through semi-structured interviews with journalists. Generally, the tone of sentiment discernable from the interviews with journalists (see Appendix G) reinforces the view that some portfolios are more advanced in the implementation of RTI culture. It is notable; however, that the shifts identified in RTI based reporting for the different portfolios is sometimes at odds with the sentiments expressed by the journalists. For example, the apparent trend towards a more open (push) culture identified through the stories involving QPS is at odds with the reported perception of this portfolio by journalists (see Appendix G). Alternatively the somewhat negative focus on RTI apparent from the news stories concerning Premier and Cabinet is at odds with the positive tone within the interviews.

5.14 Key findings

- Journalists perceive some portfolios as more advanced in implementation of RTI culture.
- Journalists' attitudes can be at odds with the sentiment revealed through news reports.

6 Conclusions and recommendations

This study has revealed both qualitative and quantitative shifts in reporting freedom of information and right to information across the three time periods under review. In the pre-reform period reporting was very negative, suggesting the policy is broken. In the transition and post-reform periods, reporting became more positive. However, there is a down side to this trend for administrators of RTI. Leximancer and discourse analysis reveals that across the three time periods, issues around access to government information had become newsworthy.

There are a number of reasons for this, the broken FOI policy and problems in the culture surrounding that policy the promise of a new culture following up previous stories the media's own agenda to reform the FOI laws (Australia Right to Know Coalition).

These factors all contribute to a high risk of double negative publicity, whereby a government agency can face negative publicity arising from information and negative publicity arising from the FOI or RTI experience. This trend is seen most starkly in the focused portfolio analysis, where several agencies were revealed as being the subject of news reports across the three time periods. Once a story is in the news, there is a high risk of follow up stories. Follow up stories might arise from issues relating to information revealed under RTI and the RTI process itself. Discourse analysis of these stories revealed a high risk of double negative reporting. These findings were supported by observations made by journalists during in-depth interviews.

The study revealed that there had been both a qualitative and quantitative adjustment in the way RTI is represented in the media since the implementation of these reforms, however, there are some cautionary tales emerging from our study. Data generated through the Leximancer and discourse analysis of newspaper reports and interviews reveals that some portfolios are seen as more advanced in cultural change than others. The perceived slowness in effecting cultural change can increase risk of double negative reporting. Therefore, agencies which fail to adequately resource and support RTI's transparency agenda are at risk of continued

negative reporting. Potentially, this has risks for the future of RTI as it will be perceived as being no better than the previous regime which ultimately failed because of its perceived culture of secrecy. As one journalist noted: “The original (FOI) Act wasn’t a bad Act... It was the culture”

This study can identify qualitative and quantitative changes in media reporting but it cannot reveal why those stories have been reported or how this information is received by the public. To understand these issues further studies are needed. Given several portfolios were identified as facing a high level of publicity around FOI and RTI a more focused study that looks in depth at the communication environment within high profile agencies across different jurisdictions could offer insights into whether there are common problems within similar types of agencies. It might go some way to developing a community of practice around RTI administration within discrete portfolios.

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Appendix A

Questions for freedom of information interview

- Describe your experience in FOI and RTI. How expert would you rate yourself in FOI and RTI?
- In which jurisdiction are you most experienced? Are there any outstanding similarities and differences across the jurisdictions in which you work?
- What were the key problems you experienced with FOI under the push model? Were there any problems peculiar to one jurisdiction? Were there any significant differences between the Commonwealth and Queensland experience?
- Have you found any significant difference under RTI push model? Does any jurisdiction stand out? Are there any significant differences between the Commonwealth and Queensland experience?
- Based on your experience, do any particular agencies stand out either positively or negatively?
- What are the main benefits or difficulties you have experienced since the inception of push model RTI? Are there differences in the state and federal experience?
- Are there areas which are emerging as problematic in the state and/or Commonwealth arenas?
- From your experience, how is RTI in Queensland performing relative to other jurisdictions?

- Have you experienced any surprises? Are there any other issues in relation to FOI about which you'd like to share your views with me? In your view has there been any change in media coverage of FOI since 2007?

Appendix B

Appendix B.1

Project Title: Changes in Media Reporting after Right to Information Laws in Queensland

Dear Participant

We have been commissioned by the Office of the Information Commissioner Queensland to undertake research into whether there has been a qualitative and/or quantitative shift in the way newspapers report government agencies since the Queensland Government enacted Right to Information legislation in 2009.

The study involves two phases:

- A quantitative analysis of newspaper coverage of newspaper representation of Freedom of Information & Right to Information in three key periods January 2007–November 2007; November 2007 to June 2009 and July 2009–January 2011. To analyse the coverage, we used the data mining software Leximancer to identify the general trends in newspaper representation of RTI and FOI. Through the Leximancer analysis, we developed a ranked list of important concepts based on word frequency and co-occurrence usage. This ‘concept map’ was used to help identify general themes, tone, patterns and attitudes in media reports; the main sources of news, the government agencies most frequently reported in the news; and the names of reporters most commonly dealing in RTI and FOI.
- The second phase of the study analyses whether there have been any changes in journalistic attitudes towards reporting government agencies since the enactment of RTI legislation in Queensland. The interviews provide a context for the themes, tone, patterns and attitudes highlighted through the Leximancer analysis. Furthermore, the interviews provide insights into how journalists are translating RTI into their journalistic practices, thereby highlighting opportunities

and challenges in the future relations between OIC, Queensland Government and Journalists.

As a journalist who has reported in this area, we invite you to take part in this study. Your participation is voluntary and you are free to withdraw from participating at any time without penalty and any information already collected from you will then be destroyed and not used in reporting project outcomes. All information that is obtained will be strictly confidential, unidentifiable, and will only be accessed by researchers. This study adheres to the Guidelines of the ethical review process of The University of Queensland. Whilst you are free to discuss your participation in this study with project staff (Dr Rhonda Breit, contactable on 3346 8291 or 0408 570 845), if you would like to speak to an officer of the University not involved in the study, you may contact the Ethics Officer on 3365 3924.

Once the interview has been conducted, it will be transcribed for research purposes. We undertake to provide you with a copy of the transcribed interview if requested.

If you are willing to participate in this study, please detach and retain this letter as a record of the information provided about the research study, complete and sign the attached consent form and return it to me.

Thank you in anticipation.

Dr Rhonda Breit
School of Journalism and
Communication
The University of Queensland
Ph 3346 8291
Email r.breit@uq.edu.au

On behalf of the project team:
Dr Richard Fitzgerald
Dr Shuang Liu
Mr Regan Neal

Appendix B.2

Consent Form for the Interview

I, of have read the information sheet which explains the research aims and outcomes.

I give my consent to participate in this research project based on the understanding that my participation in this study is voluntary and I am free to withdraw from the study or refuse to take part at any time, without any negative consequences, and that all information that I provide will be kept confidential and will be de-identified.

Signed

Date.....

Appendix C

News articles examples

C1 Double negative reporting.

“...Yet we have been disappointed, too. In preparing our 2009 ‘Operation Critical’ series of reports on the state of Queensland Health, our journalists, despite the freshly installed RTI framework, still found obstruction as they sought basic information.”

The Courier-Mail, 19/04/10

“...Queensland Health has ruled most of 349 pages of requested material relating to the case is exempt from release under Right to Information laws, as it could identify the staffer who tipped off and helped investigators uncover the financial mismanagement.”

The Courier-Mail, 08/07/10

“...Health chiefs order bungles stay secret. Documents obtained by The Courier-Mail under RTI laws reveal the lengths QH executives went to in order to hide the information, including an elaborate plan to exploit a legal loophole and shift the information into Quality Assurance Committees, the secretive groups where errors are discussed without access by courts or RTI. When the committee option was deemed ‘futile’ and too secretive because patients would not have been able to access their own records, the department's management team proposed asking Premier Anna Bligh to wind back her new RTI laws to hide the data.”

The Courier-Mail, 03/12/10

“...One alternative was to simply refuse access to the data, the same information its own independent RTI officers had been giving out, because the department now believed it was ‘not in the public interest to do so’. ‘Such a decision would be open for review under the RTI Act but Queensland Health has both a right and responsibility to refuse an application if it is not in the public interest,’ the O’Connell brief states.”

The Courier-Mail, 03/12/01

C2 Portfolio coverage

Department of Education and Training

“The figures, from September 2002 to June 2007, were released under freedom of information laws to *The Sunday Mail*...”

The Sunday Mail, 16/03/2008

“Documents released under freedom of information reveal...”

The Sunday Mail, 29/03/2009

“Documents obtained under freedom of information legislation.”

The Courier-Mail, 09/05/2009

Queensland Treasury

“*The Weekend Australian* used freedom of information laws to obtain the commission’s secret internal research”

The Weekend Australian, 28/04/2007

“Documents obtained under freedom of information laws show...”

The Courier-Mail, 20/07/2009

“...among the presents recorded in gift registries obtained under right to information laws”

The Sunday Mail, 30/01/2011

Department of Transport and Main Roads.

“Documents obtained under right to information laws revealed.”

The Courier-Mail, 01/02/2010

“A ministerial briefing note obtained under right to information laws reveals.”

The Courier-Mail, 02/06/2010

“Documents obtained under Right to Information laws show...”

The Courier-Mail, 03/10/2010

“Queensland Rail statistics, released after a four-month freedom of information battle...”

The Courier-Mail, 27/08/2008

“Queensland Rail does not have any community service obligations and therefore its documents are exempt from the provisions of the *Freedom of Information Act*,” wrote FOI co-ordinator Terry McCarthy.”

The Courier-Mail, 29/08/2008

“Mr Mickel ordered Queensland Rail to release documents to *The Courier-Mail* detailing incidents where train drivers missed red signals after QR did everything it could to stop or limit their release under Freedom of Information laws.”

The Courier-Mail, 09/09/2008

C3 Queensland Health

“The research, obtained under freedom of information laws...”

The Australian, 03/05/2008

“...obtained documents under freedom of information that showed Queensland Health had paid almost \$115 000 in legal fees in three recent cases.”

The Sunday Mail, 20/07/2008

“...according to a Queensland Health document released to a media outlet under freedom of information laws.”

The Courier-Mail, 18/05/2009

“A right to information search by *The Sunday Mail* and *The Courier-Mail* has uncovered the numbers of ‘Did Not Waits’ previously hidden by Queensland Health.”

The Sunday Mail, 29/11/2009

“According to documents obtained by *The Australian* under right to information laws...”

The Australian, 07/01/2010

“The internal audit by Queensland Health, obtained by *The Sunday Mail* under right to information laws.”

The Sunday Mail, 24/01/2010

“Despite *The Courier-Mail* agreeing to de-identify the material, Queensland Health denied access to all 234 pages of a right to information request.”

The Courier-Mail, 04/12/2009

“In the process, our journalists were stonewalled on right to information.”

The Courier-Mail, 09/02/2010

“Queensland Health has ruled most of 349 pages of requested material relating to the case is exempt from release under right to information laws, as it could identify the staffer who tipped off and helped investigators uncover the financial mismanagement.”

The Courier-Mail, 08/07/2010

“It has produced some statistics only after being prodded by media questioning and its defiance of the Information Commissioner instructing it to release key right to information data is appalling.”

The Courier-Mail, 12/08/2010

“Queensland Health continues to fight torrid battles with this newspaper over right to information matters.”

The Courier-Mail, 15/09/2010

“hundreds of documents obtained under RTI laws reveal the lengths Queensland Health has gone to since to hide information from the public.”

The Courier-Mail, 03/12/2010

“But *The Courier-Mail* revealed yesterday independent right to information officers were already releasing documents showing details of the incidents with sufficient personal information censored to ensure no one was identified. Documents obtained under RTI revealed top Queensland Health executives ordered the RTI unit to stop releasing the documents after considering other plans, including shifting them into secretive committees or asking the Government to change RTI legislation.”

The Courier-Mail, 04/12/2010

“An RTI search revealed the department had conjured a series of options that would enable it to hide information from RTI applicants and, therefore, the people of Queensland.”

The Courier-Mail, 04/12/2010

“Last week, it was revealed how Queensland Health took special steps to block this newspaper's 2009 right to information request for details of deaths in four major Queensland hospital emergency departments.”

The Courier-Mail, 11/12/2010

Appendix D

Extracts from interviews

D1 Lack of confidence in FOI

“**IR1:** ...under the previous laws you could lodge an application and never see it again, or we had some cases where applications would strangely enough be—a decision would come out five years after the original application and we needed to do a mad rush around the office to try and work out who it was for and what the issue even was.”

“**IR2:** ...and I think everyone had just lacked confidence in the process I guess.”

“**IR 2:** You know there was just a general feeling that you know it was become a bit of a joke when you hear stories out of the health enquiries about them wheeling cabinet documents. They used to get a trolley and just wheel them into the room because it was streamlining the process or whatever, you know. Like the fact that they went to those sort of lengths it became something of a joke.”

D2 Portfolios and culture of RTI

“**IR2:** there's some still you know real culture problems there. But you can't even, you can't even get basic questions answered through the media unit of Queensland Health.”

“**IR2:** But we did a big hit in about December a front page and a feature showing how they'd gone in and interfered and basically had all these different plans to hide things and some of the plans were actually too secret. They were these secretive committees where they discuss—they were going to move the documents into there.”

“**IR3:** All we're doing is reporting the documents and that's all we can do. But because there's no-one to put it into context in health, it makes it really difficult.”

Whereas in Police and Corrective Services, they're a lot more happy to help you put it into context."

D3 Time and resources

"**IR1:** ...under the previous laws you could lodge an application and never see it again, or we had some cases where applications would strangely enough be—a decision would come out five years after the original application and we needed to do a mad rush around the office to try and work out who it was for and what the issue even was."

"**IR1:** ...just an inability to stick to deadlines. If a portfolio wasn't properly resourced then an application would drag on and it wasn't as simple as going to an Information Commissioner for review... with the pull model, the main problem is just an inability to keep them to deadlines."

D4 Portfolio RTI resourcing

"**IR1:** I think resourcing of portfolios is still an issue."

"**IR1:** The main problem I found then was not so much exemptions, because as I say, I deal with those, but it was more a portfolio resourcing issue where under the previous laws and portfolio resourcing is always an issue."

"**IR1:** ...a portfolio like Health, I've got a couple of long running RTI applications and, you know, all I can say it's a resourcing issue for them to be able to meet the deadlines and have the decision-makers meet the deadlines as well."

"**IR2:** ...she's [Bligh] brought in these new laws and everything but the department's aren't funded properly. Queensland Health's been getting smashed and I think it's also privacy applications as well that - I think they've added, you know, Queensland Health might have added one staffer or whatever but they, they always miss deadlines because there's not enough there's not enough money there for staff and that sort of thing 'cause they've become a lot busier."

D5 Positive cooperation

“IR1: There are some ministers in particular in Queensland who - and again, I don't know whether it's - what you draw this to, but I've known some ministers for a long time where if I lodge an RTI application and they hear about it, which they often do, they'll ring me and say, we'll give you the information, we'll give you a brief and that did happen under the old laws as well, but it's happening more so now.”

“IR1: ...if they were asked for a document, they could force you to pursue it under FOI knowing that you may never get it, or that there's a less chance of getting it. Under RTI if they think there's a reasonable chance you'll get it under RTI then they know it's perhaps in their better interests to be proactive and forthcoming with it. And in those circumstances too, what I've found is the Government can—not attempt to control the information, but they can - a lot of times in Queensland they can provide it with a briefing or a contextual statement about the actual documents, which is, you know, of benefit to them. Where if I just pulled it out under FOI they can't really control how it's reported.”

“IR3: So it was good. He went through that. It was like a half an hour interview and it just made a world of difference in reporting it. I think everybody wins in that. I think he's happy because...”

“IR3: Also, I guess sometimes again just being able to put the information in context for us or helping us to put it into context, particularly when they've taken so much information out.”

“IR2: ...there's a lot of, you know, ministers and ministerial officers who are actually doing the right thing. I've had one minister actually invite me in to and let me view a cabinet report so there was no need for them to release it to me but they let me view it and I went off and wrote a story based on that. And that was wonderful to have that, you know.”

D6 Overall impression

“IR1: I think the Queensland reform sort of set a starting point for the other jurisdictions that have reformed their laws since then.”

“IR2: ...making these promises of how she's the most open and accountable in Australia, it flows through to the normal conversations you have with ministerial officers and getting that report outside of RTI. And you'll say, you know, come on you've got, you've got to be the, you know, open and accountable government and they know that your next call's to the premier's office if you don't get what you want.”

“IR3: Well, relative to federal, it's much better. But it's going from a pretty low base.”

“IR3: But you know, at the same time, I'm finding this government's good in the sense that, when we do get these, they're quite happy—well some of them, some of the departments are quite happy to put it into context.”

Appendix E

Summary of number of comments in news articles referring to each concept

Concept	Comments count			Total
	Jan 2007– Nov 2007	Dec 2007– Jun 2009	Jul 2009 – Jan 2011	
Accountability	61	134	111	306
Concealed	13	8	5	26
Confidential	40	46	30	116
Corruption	63	42	121	226
Delay	12	46	55	113
Denied	28	57	51	136
Disclose	33	63	45	141
Exempt	33	54	32	119
Freedom of information	315	676	258	1249
Hiding	28	64	36	128
Informed	12	33	31	76
Justice	23	55	52	130
Open government	33	93	39	165
Public interest	30	88	52	170
Published	46	151	84	281
Refused	44	99	88	231
Right to information	14	94	270	378
Right to know	42	75	17	134
Scrutiny	27	73	48	148
Secret	59	102	81	242
Transparent	32	88	76	196
Withheld	17	43	19	79

Appendix F

Summary of number of comments in news articles referring to each portfolio

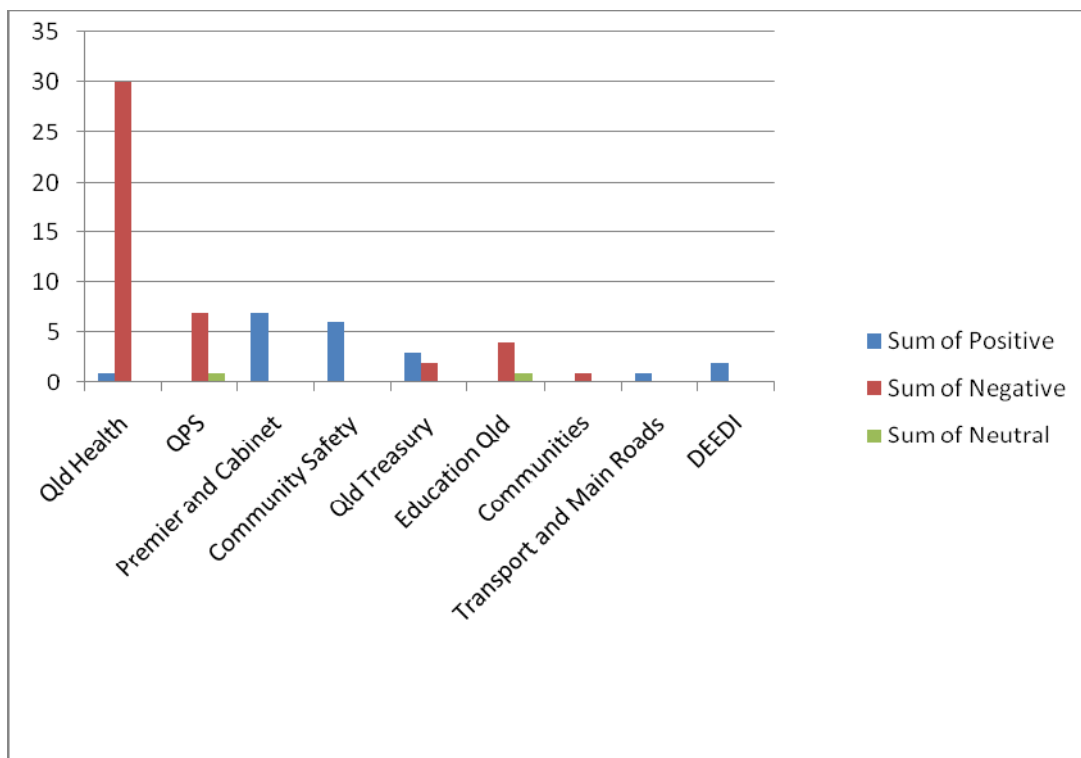
Portfolios	Comments count			Total
	Jan 2007– Nov 2007	Dec 2007– Jun 2009	Jul 2009 – Jan 2011	
Department of Communities	24	39	22	85
Department of Community Safety	26	58	95	179
Department of Education and Training	9	35	48	92
Department of Employment, Economic Development and Innovation	7	9	8	24
Department of Environment and Resource Management	9	22	5	36
Department of Health	37	113	165	315
Department of Infrastructure and Planning	2	8	6	16
Department of Justice and Attorney General	28	57	81	166
Department of Public Works	0	0	1	1
Department of the Premier and Cabinet	68	222	140	430
Department of Transport and Main Roads	9	86	96	191
Queensland Police Service	33	70	72	175
Queensland Treasury	23	36	38	97

Appendix G:

Interview tone by portfolio

Comments in journalist interviews that referred to specific portfolios were identified and classified (by three coders) as being positive, negative or neutral in regard to how RTI was implemented across three categories: agency (including structural issues such as resourcing and agency culture), practise, and people.

This graph represents the tone of comments referring to the implementation of RTI those portfolios





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