

1.	MK	<p>Ladies and gentlemen, if I could have your attention. Thank you. Well, good morning and welcome. My name is Madonna King and I'm your MC this morning for the Solomon lecture, delivered by Kerry O'Brien and hosted by the Office of the Information Commissioner here in Queensland. And a very happy Right to Information Day, which we are using this morning to try and increase awareness of the importance of open and accountable government and the community's right to government held information. A few housekeeping issues before we get underway, could I ask you just to check that your phone is now on silent. The bathrooms are located just past The Edge coffee stop here on this level, there's another set of bathrooms downstairs. And in the unlikely event of an emergency, we will just follow closely the instructions given to us by staff. This morning I'd like to start by acknowledging the traditional owners of the land on which we gather and pay respect to their ancestors who came before them, and to their elders, past, present and future. I'd also like to acknowledge several people with us today, Rachael Rangihaeata, the Information Commissioner in Queensland, Kerry O'Brien, our speaker. Our panellists, Professor Peter Coaldrake, Doctor David Solomon and Alison Sandy, what a terrific panel. State Archivist, Mike Summerell, Alan MacSporran QC as Chair of the Crime and Corruption Commission and haven't you been busy lately. Annette O'Callaghan, Parliamentary Counsel, Kevin Cocks, who is the commissioner of the Anti-Discrimination Commission here in Queensland, Walter van der Merwe, the Queensland Electoral Commissioner. Information Commissioners and Ombudsmen from around Australia and New Zealand. Right to Information Commissioner, Jenny Mead and Clare Smith and also a big welcome to all those viewers watching via the live stream throughout Queensland and Australia and New Zealand. Thank you also to our sponsors who are being highlighted audio-visually throughout the morning. The Solomon lecture is named in honour of Doctor David Solomon, who was the Chair of the independent FOI review panel appointed by the Queensland government to review the state's FOI laws a decade ago now. And it was Doctor Solomon who delivered the inaugural 2009 lecture. Since then we've had several luminaries in this area and today we have Kerry O'Brien, one of Australia's most distinguished and respected journalists. To prove that, he has six Walkley Awards for Excellence in Journalism, including a Gold Walkley and a Walkley for Outstanding Leadership. He has also a Logie for</p>
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		<p>Public Affairs Coverage. Kerry's interviewed dozens of world leaders across politics, but also the arts, science, business and for 20 years was the face of the ABC's election night coverage. Today, he adds the Solomon lecture to his long list of contributions to public debate. Please join me in welcoming Kerry O'Brien.</p>
2.	KO	<p>Thank you, Madonna. And I'd also like to acknowledge the traditional custodians of the land on which we're meeting today and pay my respects to elders, past and present. Back in 1974/75, first for the ABC's This Day Tonight program and then Four Corners, I had occasional dealings with the Prime Minister's press office and a guy there named David Solomon. In a parliament of egos, including the press gallery, David must have been the most mild-mannered and understated person in the place. He was also one of the most respected, certainly as a press secretary where he always seemed unflappable and courteous, even though the most turbulent waters of those times, but also in the years before as one of the gallery's most notable senior journalists. No one was silly enough to mistake mildness in either of those roles for weakness. It's amusing to reflect today on the various paths life leads us down and of all the predictions I might have made about where David and I would be 40 years later, they would not have included the possibility that I would be standing here today delivering the Solomon lecture. I'm delighted to be here because I have always had the highest regard for Doctor Solomon and for his high value and always thoughtful contributions to journalism, to academia, to the law, and to public life. I can't think of anyone in my trade who has brought a higher level of integrity to the journalistic table than David. Nor can I think of another in this country who has straddled the worlds of journalism and public service so adeptly. Not too many journalists are asked by government to lead such a critical and complex public inquiry as the Freedom of Information review panel, which David was asked to Chair a decade ago, and whose recommendations led to such a fundamental shift in the FOI model that had developed around the country since its beginning in the Whitlam years. A shift from the culture where extracting information from any government in the country was like pulling teeth, to one in Queensland at least where the onus is on the government and its public service to proactively make information available, unless there is a very good case that it is in the public interest not to. And of course having an independent Information Commissioner to arbitrate disputes over public interest rulings</p>

adds weight to the credibility of the process. Now because I haven't reported from a base in Queensland since 1973, you'll forgive me for pleading ignorance as to how well that law, essentially shaped by David and his fellow panellists, works in practice and whether the zeal that applied nine years ago is still alive and well within the government and its public service and agencies today. But at least the mechanism is there that favours the smart and diligent journalist, along with other citizens or groups of citizens in their efforts to keep government honest, to promote transparency in a culture whose instinct has traditionally been to wrap itself in secrecy and opaqueness. I'm not naïve enough to assume that the mere existence of enlightened legislation will change a culture forever. And that where relative transparency in government under one administration or even two or three, will automatically be maintained into the indefinite future. We're also in much more uncertain times, where three of the principal foundations of our democracy, the parliament, executive government and the media are, I would argue, in a state of some decline, as evidenced in part by the overwhelming cynicism with which they are all regarded by the citizens they purport to represent, or in the case of the media service. Because I did report from Queensland all those years ago, 1972/73 for This Day Tonight, in the early days of the Bjelke-Petersen government, and had cause to come back twice for Four Corners to report on it again, I still have no difficulty remembering how power was amassed, maintained and abused through those 19 years of government. And it's appropriate to revisit some of those memories in this 30th anniversary year of the Fitzgerald Inquiry, but in the process make the important point, that Queensland did not have a monopoly on institutionalised corruption and abuse of power through that time, although I must say, Joh was the exemplar. We all know the saying, power tends to corrupt, absolute power corrupts absolutely. It was true when the English historian and politician, Lord Acton, wrote it 130 years ago, it was demonstrably true here in the 70s and 80s, and without vigilant, it will be true again. Prior to my time with TDT in Brisbane, I had reported in Sydney for the now defunct Sun newspaper in the era of the Askin government, when police and government turned a blind eye to the blatant operation of illegal casinos in Sydney, where Sir Robert Askin himself reputedly used his government driver as his bagman to pick up the classic brown paper bag payments from SP bookies, who also operated with impunity in New South Wales in those days. So in both New

South Wales and Queensland, there was a sense of you scratch my back and I'll scratch yours between government and police, where the line of propriety between the practice of political office of executive government and the practice of law enforcement was breached. Where in New South Wales the police were a willing and provocative presence in the way they clashed with anti-Vietnam protestors in what for a time was a very successful political hot button issue for the government. And where in Queensland senior police became the willing enforcers in Joh's highly political law and order restrictions on street marches. Askin and Bjelke-Petersen did very well out of law and order. From Brisbane, I went to Melbourne for TDT, where I reported regularly on the efforts of a Human Rights and Abortion Law reform campaigner named Doctor Bertram Wainer, to expose police corruption, not only in relation to abortion, but to a far wider range of questionable police practice. Wainer's efforts in the late 60s had forced the government to establish the Kaye Inquiry to investigate an illegal abortion protection racket which implicated 13 police and saw three go to jail, including the Chief of the Homicide squad and the Chief of the Traffic branch. This was an era when Victoria's Chief Secretary, Sir Arthur Rylah, the second most powerful figure in the Bolte government, was openly mocked in the media over allegations that he had murdered his wife but escaped police investigation. When I was reporting on Wainer in Melbourne in 1974, his anti-corruption campaign forced the Hamer government to appoint a second board of inquiry Chaired by Barry Beach QC, which made adverse findings against 55 police officers. Recommendations that disappeared without trace once the Police Union put on one of its more effective campaigns. In all three cases, Queensland, New South Wales, Victoria, those kinds of practices were obviously not limited to one area of abuse of power. They were indicative of wider culture beyond the unhealthy relationship between the government and its police force. And nowhere was that more evident than during Bjelke-Petersen's reign, as Tony Fitzgerald's Inquiry made clear. In 1986, I reported for Four Corners on an organisation called the Queensland Complaints Tribunal, which came to our attention as a result of a murder case in which a young man named Barry Mannix was convicted of the brutal murder of his father, Kevin, on the Gold Coast on the basis of a full confession. He was released after several months in jail but only, this is after he was found guilty, but only after the real killers had been apprehended for another crime and confessed to the Mannix

murder. Barry Mannix's complaint to the Police Complaints Tribunal that he'd been railroaded into prison by police, that they had threatened to harm his family if he didn't confess. And the Tribunal, Chaired by Justice Eric Pratt, a friend of the now notorious Police Commissioner, Terry Lewis, had dismissed Mannix's complaint out of hand. But it was never convincingly explained or never really explained at all, why he would have confessed to such a brutal crime and condemned himself to such a harsh prison term. We found that of some 300 complaints against police formally presented to the Tribunal up to that point, only a tiny handful had been successful. We highlighted three of the many unsuccessful cases from which the Tribunal did not emerge very well at all. This was just one small part of a mosaic of a deeply compromised government. Millions of words have now been expended through the Fitzgerald Inquiry and other published accounts on the nature of police and other institutionalised corruption in the Joh era. But Joh himself, and his supporters, always maintained that he didn't know what Terry Lewis and others were up to. A former Police Commissioner, Ray Whitrod, the corrupt Terry Lewis's immediate predecessor, subsequently put paid to that claim. Whitrod was widely respected as a straight copper, with a university education, including a postgraduate degree in criminology at Cambridge, who reputedly had helped set up the Australian Security Intelligence Organisation back in 1949 and been Commissioner of what is now the Australian Federal Police. You might ask if Joh was so corrupt, why he would have allowed Whitrod's appointment. I don't know the answer, except that Joh had been Premier for less than two years, was still shaking off the doubters within cabinet about his fitness to be Premier. And he would have had to reject the strong recommendation of his Police Minister, Max Hodges, whose colleagues apparently respected his desire to clean up the force, which not to put too fine a point on it, was on the nose. Now Ray Whitrod resigned in 1976 in protest at Joh's determination to elevate Terry Lewis to Assistant Commissioner with complete disregard for Whitrod's objections. As this excerpt from an interviewer with broadcaster Robin Hughes for SBS in 2000 amply demonstrates. This is Whitrod: I'd elected a replacement for an Assistant Commissioner who had retired and this required cabinet approval. And always in the past the cabinet had accepted the Commissioner's recommendation, so I had sent to cabinet three names, one of which was my choice, and two others in case cabinet wanted to see the comparisons. I'd

checked as a matter of diplomacy with the Senior Police Officers' Association and with the Police Union as to whether they had any objections to these three names. All highly respected, competent men who were next due for promotion in the sense that they were the most able. I sent these three names forward to cabinet just expecting the usual acceptance, but instead, the three names were rejected and an Inspector named Terry Lewis was promoted over perhaps 60 men better qualified than him. And he was appointed Assistant Commissioner. Now Terry Lewis was well known as one of the rat pack that you might remember Commissioner Bischof, the days of the notorious Bischof and his reign. This rat pack had formed, they were well known to be bagmen for Bischof and so I was astonished, this is Whitrod speaking. I went to the Police Commissioner and I said, you must know that Terry Lewis was a bagman. And the Minister said, this is the sort of conversation you'd just love to be a fly on the wall for the frankness of it. You know he was a bagman and the Minister said, yes, but that was when he was a Sergeant. He's now been an Inspector for a few years and he wouldn't do anything like that. And I said, well I don't agree with you, can I talk to cabinet or to the Premier because it's important to me, I've been conducted an anti-corruption program here for seven years, and everybody in the police force knows that Lewis is corrupt. If he's appointed Assistant Commissioner, it will nullify all my efforts, and the new Minister said, I'll talk to the Premier. And about an hour or so later, the Minister rang and said, the Premier does not want to see you, nor will he allow you to address cabinet, so my empire crashed to the ground. I'd been selling the young police officers the idea that the principal quality for a police officer was integrity and here was a known offender being pushed for promotion. And it seemed to me that if he was made Assistant Commissioner, I would be retained as a figure head and a as token of honesty and Joh would deal directly with Lewis and all sorts of things would happen in the police force, of which I would disapprove but which I couldn't stop. Damning. The rest is well documented history, including the story of how Bjelke-Petersen himself managed to avoid jail after Fitzgerald's findings, when some others didn't. In 91 he faced trial for alleged perjury related to his evidence at the Royal Commission resulting in a hung jury, after which it was revealed that the jury foreman, a young man named Luke Shaw was connected to the National Party and linked to the Friends of Joh movement. A second trial did not proceed because a special prosecutor

determined Joh was too old, he was 81. 48 years after Bjelke-Petersen's ascent to power, fresh details of the extent to which he was personally corrupt continued to emerge. In *All Fall Down*, the third book of his acclaimed trilogy on the state's political and police corruption through that era, journalist and author Matthew Condon highlights a truly startling account of the days Sir Joh Bjelke-Petersen's National Party colleagues finally found the courage, not only to stand up to him, but to send him packing late in 1987, just months after his breathtakingly arrogant and foolhardy attempt to go to Canberra and become the leader of a new conservative party and Prime Minister all in one election campaign. According to Condon's sources, including Mike Ahern, a senior member of Joh's cabinet and the man who replaced him as Premier, Joh was believed to have agreed to a bribe pledged to him by Korean developers as much as \$20 million in return for pushing through approval for them to build what would have been at the time the world's tallest building in the Brisbane CBD. The revolt against Joh was sparked by a Gold Coast National Party backbencher named Huan Fraser, who eyeballed the toughest and most successful Premier in Queensland history in front of colleagues in their party room and said, I know there is a bloody big payoff to you coming as a result of this, you're a corrupt old bastard and I'm not going to cop it. How on earth, even in Joh's gerrymander form of democracy had it been allowed to reach that point, where he felt he could get away with virtually anything. I can only assume and maybe someone here today can correct me if I'm wrong, that a bureaucracy functioning with integrity in the best traditions of the public service, even while answerable to the government of the day would through diligent application of due process of never allowed that kind of blatant corruption to develop to that degree. This was a man who by his final years was in such enthralled to his own vanity as I said, that he deluded himself into believing that he could somehow be enthroned in Canberra by popular demand. In the end it was the sheer arrogance, blatant excess of it all and the greed behind it that brought the Bjelke-Petersen era to an end. According to Mike Ahern by all accounts, a decent man who finally led the cabinet revolt against Joh. By the time the whole house of cards begun to collapse the corruption of police had even extended to money laundering. And I suppose it had to, they had an awful lot of illicit money to wash clean. Ahern's source for this was the National Crime Authority and when I talk of Mike Ahern being a decent man,

I'm immediately reminded of course of that time polished saying, all it takes for evil to triumph is for good men to do nothing. The broad outline of the Joh era may still be reasonably understood today but 30 years after Fitzgerald it's fundamentally important to remember just how corrupted the system had become. It's extraordinary how easily we can forget the lessons of history. There are not a lot of things that depress me at this stage of my career but that is one that goes close. I continue to be staggered by our capacity to forget important messages. As far as I'm concerned there is no more potent argument that proactive transparency in the many nooks and crannies of government than the narrative contained in the Fitzgerald report. Nor can we let the media off the hook in all this. One of the biggest elements in the systemic failure of proper government scrutiny in those years in Queensland, that is scrutiny of government was the fundamental failure of the media in this regard. By the time he was well ensconced Joh would laugh openly and often at the journalist he fed like chooks at his leisure and with complete contempt. There were pockets of real journalism around the place but nothing was sustained. It's not enough to have a handful of determined journalists without tough principled and sustained editorial direction and constancy by media outlets. Joh, his cronyism and his highly improper relationship with corrupt police was allowed to become more and more pervasive. We're talking about a 19 year regime and until the final couple of years before Fitzgerald was commissioned media attempts to scrutinise the Bjelke-Petersen government with energy and resolve beyond the daily grind were desultory and I stress beyond the daily grind. I mean journalist were trying day by day as they went about their daily jobs but their heads were, you know they were banging their heads against a wall, some tried more than others. But what I'm talking about is a concerted effort at genuine scrutiny of the processes of government that was clearly screaming out to be applied. Tony Fitzgerald himself put the media role and the whole rotten Bjelke-Petersen saga into proper context and at the same time warned of the problematic relationship between journalists and politicians and if anything has become more and more problematic over the decades since. This is Fitzgerald quote: The media played a part in exposing corruption and two media organisations contributed to the setting up of this inquiry and that was the ABC and Queensland Newspapers. Unfortunately it's also true that parts of the media in this state over the years contributed to a climate in which misconduct has

flourished. Fitting in with the system and associating with and developing a mutual interdependence with those in power have had obvious benefits. The complementary techniques of secrecy and news management allow governments to exercise substantial and often disproportionate influence on what is published in the media. The media is able to be used by politicians, police officers and other public officials said Fitzgerald, who wished to put out propoganda to advance their own interests and harm their enemies. A hunger for leaks and scoops and some journalist's relationships with the sources who provide them with information, can make it difficult for the media to maintain its independence and a critical stance. Should these journalists ever bite the hand that feeds them the flow of information would presumably dry up or be diverted to a rival media outlet or colleague. Those words should be writ large on the walls of every news room in the country and writ particularly large in every bureau of every press gallery in every parliament house. Because what was problematic in the relationship between government and media 30 years ago is problematic today. In fact the scope for the manipulation of media is greater. It is sad but true that it is easier to lower the bar of human behaviour and of ethical consideration than to raise it. Every time an ethical wall is breached it is harder to rebuild which makes the efforts of Dr David Solomon and his fellow panellists not quite a decade ago all the more laudable. The same goes for the Bligh government for appointing David knowing what he stood for and the kinds of recommendations that she and they would be getting. While stressing that it's now coming up to eight years since I left the current, Daily Current Affairs at the ABC and therefore my direct interface with the Canberra Press Gallery and with government is significantly reduced. Let me give you one example to illustrate, just one way the gallery can be and is manipulated from the days when I was engaged and my periodic conversation with both politicians and gallery journalists have given me no hope that things are any better today. And that is where it was July 2005 former Federal Police Commission Mick Palmer produced a scathing report which damned the dysfunctional culture he found within the immigration department about immigration detention and deportation. After being asked by the Minister of the day Amanda Vanstone to enquire into the illegal detention of a mentally ill permanent resident in Australia named Cornelia Rau, with serious adverse effects to her health. And the wrongful deportation of an Australian citizen Vivien Alvarez Solon to

the Philippines. To her credit, Vanstone had at least appointed a man to conduct the inquiry who would report without fear or favour. Not to her credit was the fact that if she walked into a press conference to discuss the Palmer reports finding a trolley was wheeled into the room with copies of the report stacked on it. It was a 200 page report with a series of devastating findings. There was a time when complex government reports were made available under embargo, hours ahead of their release to allow journalists time to absorb the contents. On this occasion they had to rapidly trawl through the findings as the Minister was speaking and try to formulate the appropriate questions that would offer at least a veneer of scrutiny but with no chance of robustly and knowledgably calling the Minister to account for the dysfunctional state of the department she ran. Over the course of the 15 years I anchored the 7:30 Report and conducted many hundreds of politician interviews with state and federal politicians I watched the nature of the manipulation applied by government to its news management increase and multiply in all sorts of ways. I saw the evidence of politicians, media trained with an inch of their lives displaying with varying degrees of skill and in some cases incompetence, how much they'd learnt to obfuscate on any issue that might be awkward. Or on how to play the man rather than the ball, on how to stone wall, on how to impishly repeat the message that they'd been instructed to chant an instruction that had quite often come from the Prime Ministers office in an increasingly centralised system of media management. I had one press secretary say to me not infrequently at all, when I'd requested an interview with his Prime Minister on a matter of public importance for which arguably he was answerable on a given day. Sorry Kerry said the press man, we'll give this one a miss, it's not on message today. It had absolutely nothing to do with the accountability of government, nothing to do with the responsibilities of a Prime Minister to be seen to present himself for scrutiny on an important breaking matter that was of utter relevance to voters. It's not on message today. At 7:30 I became more and more gladiatorial in my interviews not, because not to be was to invite a white wash where I was simply providing a platform for a Minister or a Prime Minister or an opposition shadow Minister to treat me and more to the point the audience with contempt. I remember one interview where I had to ask the same valid question of a Minister, fundamental question, nine times in slightly different ways without him coming close even once to giving a

genuine answer. I've watched how the 24 hour news cycle is managed, how a particular policy announcement or speech is leaked selectively to one morning newspaper or another to appear before the speech is given in order to titillate media interest which then provides fodder for that days shock jockery with its often confected outrage ensuring that the impetus for further news reporting through the day and fed into that nights television news bulletin just kept the flow going. And the next morning the cycle starts all over again. And there's the other trick where, when an adverse issue is running against the government the appropriate Minister keeps his head down or stone walls, simply refuses to comment beyond the most limited and opaque response, to deny the issue oxygen and simply wait until the 24 hour wash of news swamps it and the media pack moves on. It doesn't always happen that way but it does often enough to be a real worry. And remember this is all in the context of a seriously disrupted media industry that is in deep crisis about its future in the digital age of disruption and convergence. When the ranks of experienced journalists are thinning in news rooms around the nation because boards and management believe they can't afford to keep them. Where an irreplaceable bank of, sorry I just got my, what have I done here. Where an irreplaceable bank of knowledge, I'll have to, yeah, we're an irreplaceable bank of knowledge basically is just been walking out the door. We simply cannot afford for that to continue to happen. And all of this, add to all of this the fact that as a national we're about to embrace a new round of media forms that will almost certainly further concentrate the already highly concentrated commercial media ownership in this country. There is still some great journalism practiced, of course there is. The Kate McClymont's and Nick McKenzie's and Adele Ferguson's of Fairfax and the champions that I had the privilege to work with at Four Corners for instance. But they're a veneer attached to the surface of journalism in this country which I believe gives a false impression about the critical state of the craft that I've practiced for 50 years. A craft which is as fundamentally important to the strength and health of our democracy as is the elected parliament, executive government, separation of powers, the rule of law and as far as I'm concerned compulsory and preferential voting. Thomas Jefferson one of the funding fathers of the American constitution said that if he had to make a choice between having a parliament or having newspapers he'd have to choose the latter. I'm not sure what he'd say today about either. Which brings me back to the purpose of

this lecture, the need for the machinery of government to be genuinely transparent. I fundamentally believe the more secretive a society the healthier it is. The culture feeds on itself. There is obviously an instinct for secrecy within bureaucracy, I understand that, even a very good professional diligent bureaucracy. Particularly if a public servant feels he or she is the ham in the sandwich between an executive government that is itself defensive and secretive and a media that can be sensationalist and irresponsible. It's a complicated issue but if we care about being part of a vibrant democracy we have to be all in this together, not in a lip service way, in a real way. A real way that will sometimes cause us pain and aggravation. I will always remember an interview I did back in June 2007 with a senior federal public servant named Andrew Podger, who had run five government departments including beer moths like, health and aged care for governments of both political persuasions, a true public servant. I'll always remember it because I'd never struck such voluntary public candour from such a person. I'd got hold of a copy of a speech he'd made to fellow public servants on his retirement as public service commissioner in which he sounded a strong warning note about the extent to which the spirit of federal freedom of information laws was being breached, if not the latter. I don't imagine he made many friends in the government of the day or even amongst some of his former colleagues from whom he might have been reasonably hoping for some consulting work in his new life but he spoke up anyway. He expanded on that speech in a frank and thoughtful 200 page monograph two years later with a very sexy title, wait for it. The Role of Departmental Secretaries, personal reflections on the breath of responsibilities today. In a section on the interface between media and public service departments this was one quite explicit insight he gave to the innate defensiveness if not outright obstruction clearly prevailed in much of the federal public service at that time not that long ago. Podger quote: A meeting of all departmental secretaries in 2004 discussed concerns about the media campaign led by the Australia Newspaper to challenge decisions including the issuing of final certificates to exempt documents from FOI. Discussions focussed first on the definition of documents and then when the meeting was advised by Rob Cornell, Secretary of the Attorney General's department that the legislation implied a wide definition discussion turned to ways of limiting the number of documents held that were not unequivocally exempt from public release. Keeping diaries

was firmly discouraged, those with day books or similar were advised to destroy them at the end of each week or fortnight. And it was suggested that good practice was to systematically review documents, document holdings to destroy draft papers that were no longer essential for future work. Where possible policy documents were to be managed as cabinet papers which were exempt. He continues, one secretary went so far as to boast that he never kept written records of conversations with the Minister but reported back to his depart-, mind you I never saw Sir Humphrey Appleby make any notes either. But reported back to his departmental officers orally on decisions made and action to be taken. Cornell was asked to provide further legal advice on how to gain exemptions from FOI coverage. It's the complete antithesis of what now operates in this state. I, this is Podger, express concern that the conversation was so one sided. I noted the Attorney General's had frequently criticised the lack of adequate record keeping and asked Cornell to give us legal advice also on the obligation of public servants to make and keep records. Cornell agreed that this was a sensible request. As I recall the subsequent advice provided was that there was no explicit obligation to create records though the Public Service Act and the Financial Management and Accountability Act arguably implied some such obligation. For example through the value of open accountability the Archives Act certainly constrained the destruction of records once created. He continues, I also asked the secretary who claimed he did not keep records how he expected his staff to carry out the Ministers decisions which he had relayed orally. Surely effective management let alone the obligation of accountability meant someone would make a record of the decisions. A year later when I was working in the department of PM&C I was intrigued by the systematic trawling of files, official and unofficial to destroy quote unquote, surplus copies of draft papers and other papers not essential for recording the decision making process. There were also systematic arrangements to tie as much policy advice to cabinet papers as possible. The processes did not involve the destruction of any key documents but were clearly aimed at limiting the risk of FOI or parliamentary requests for working papers being upheld. Now as I said, the picture painted by Andrew Podger is pretty explicit. I know that the legislation now in place in Queensland after the Solomon Review has addressed at least some of the flaws reflected in Podger's insights and I assume the panel following this lecture will at least in

part discuss how well that legislation is working. But this point is of course fundamental for us all and it's the point I want to finish on. My quick check list of the conditions of democracy in this country is as follows. Executive government has never been more dominant over the elected parliament. The nature of our two party system has reached a point where arguably both major parties are becoming almost anti-democratic in the nature of their factionalism, their corporatism, their careerism, their tribalism. The power of lobbyist and interest groups has never been greater and many of those lobbyist have come inside the system. They've come from representative politics, they've come from party machines, they have come from political staff, they have come from within the public service itself. To my mind the manipulative capacity of government has never been more prevalent and it is a very long time since the broad government, since the institution of the media has been more vulnerable in the world. A very long time in my view since the institution of the media has been more vulnerable in the world. These are the absolute underpinnings of a healthy democracy, great democracies in all this. I haven't even touched on the impact of the Google age, the Facebook age, the rest of social media and the massive data collection on us all. The advent of widespread fabrication and capacity for fake news, the manipulation and managing of election processes by algorithm. And you know here we go this morning I read Donald Trump, the great Twitting President, I mean Twitter under Trump is, is as valid, a form of, he is using it as it stands under the definition I think of as valid a form of presidential communication as any other. And there is an act of law that says all of the president's communications have to be stored, they have to be archived, they have to be maintained. Well here he is now, any tweets where he's proven wrong, he's supported a, I forget which state, one of the southern states, it might have been Alabama. He supported the Republican Senator against a dissident who ran against him anyway and won. And his most recent tweets where he was talking about how this, the loser's popularity had soared after Trump had endorsed him, he took the tweet down after this guy lost. So any tweets that then turn out to be wrong or embarrassing for him he just deletes them. So that is just one tiny way in which this is a whole new world now. I mean I would like to think that Donald Trump is an aberration and it is a huge challenge for the American people if they want to retain a shred of respect for what democracy once stood for in that country. They

		<p>have to work out a way to see him gone and decisively. And if it doesn't happen before by impeachment then hopefully at the ballot box. And I'm absolutely, I'm declaring myself there against all my instincts as a former ABC journalist because this man is a danger to us all and he's an obscenity. My bottom line is this when a government finds the strength of purpose to raise the standards and culture of transparency in its public institutions and in its own workings for the greater good of its citizens knowing there is a capacity for it to be stung by its own creation then the product of that strength should be fiercely protected and respected from within. And as I said cherished and this is what we are doing here today. The people of this State and of this Nation to the extent that other governments have followed Queensland's lead, owe David Solomon a great deal. Thank you.</p>
3.	MK	<p>Astute, perceptive and so so relevant. Thank you Kerry O'Brien and thank you also for acknowledging the professional but also the personal attributes that David Solomon has brought to a wonderful career across journalism, academia, law and public life. Thank you. So let's get underway with our panel discussion now and I want to invite QUT Vice Chancellor, Professor Peter Coaldrake, Journalist, Alison Sandy and Dr David Solomon to join me on stage to do that. As I mentioned earlier Dr David Solomon AM was Chair of the independent panel that reviewed the states FOI laws and was the Queensland Integrity Commissioner from 2009 to 2014. Member of the Order of Australia, he's worked as a Journalist too from the Australian, the Financial Review, the Canberra Times and the Courier Mail. He has almost a dozen books on parliament, politics, constitutional law and the high court to his name. David welcome, delighted to see you again.</p>
4.	DS	<p>Thank you.</p>
5.	MK	<p>In addition to his day job as Vice Chancellor of QUT, Professor Peter Coaldrake AO is also Chair of the National Fulbright's Selection Committee and on the editorial board of the Journal of High Education Policy and Management. He's a trustee of both the Queensland Performing Arts Trust and the Queensland Museum Foundation and was also importantly for this discussion Chair of Queensland's Public Sector Management Commission. Thank you Professor. And can I say my friend Alison Sandy is a terrific journalist and a fierce advocate of the media's role in holding governments and its representatives to account. She's fought and won several appeals for</p>

		access to documents under FOI and uncovered details that have led to significant law changes. Chanel 7s FOI Editor now, her previous roles included Right to Information Editor at the Courier Mail. Please join me in thanking Alison. So let me start this by talking about what information is actually out there and available. RTI covers more than 600 agencies here from public universities, government owned corporations, hospital and health services just to name a few. David, can I go to you first and Kerry has highlighted just how important your role has been here. What information exists that the average Queenslander might not even know they could access?
6.	DS	Most of it I suspect. Most people don't know how much information is out there that is published automatically and most of course aren't inclined to go and look, they're not involved in that unless matters are brought to their attention, primarily by the media they're not going to be aware of what information is out there.
7.	MK	Do you think organisations have an onerous on them to educate people and to proactively explain what they hold?
8.	DS	Indeed and public servants for example, do so through websites and so on but the trick is to try to persuade people to look at the websites and find out what information is available.
9.	MK	Let me go to you Alison, do you people understand how much information is actually available to them if they go looking and have you got some examples?
10.	AS	I don't, in my experience a lot of people aren't aware. And part of that is because it's just, you know I mean we talk about right to information but we don't actually necessarily say well this is what's here. But information privacy is something that's free for any individual to look for and I think that's something that, you know your police records, your medical records, anything like that and that's actually a lot easier process than Right to Information which can end up being quite expensive. But I think people would be quite surprised with the sort of information they could obtain through the process. But of course it's more than making an application for the information. Navigating your way through the, I guess bureaucratic red tape a lot of the time, would be quite intimidating I think for the average person. So certainly

		<p>when people contact me for help and I know that I've been, I've had referrals from you know people saying that if you could assist somebody with this information and I do because I'm more than happy. It's a public service and obviously if I can assist with anyone you know wanting to obtain their own information I will so. And I hope that that's something that public servants also embrace as well.</p>
11.	MK	<p>Okay. So Peter Coaldrake can I go to you on that navigation question? Alison said it's very difficult to navigate. Most of us don't understand the massive data collection that Kerry also alluded to, should agencies like yours actually do more to explain what it holds and how someone might use that information?</p>
12.	PC	<p>I think that most, well most senior staff assured me they know what their obligations are to push out information. In a university pretty well everything is out there. If you, as a Vice Chancellor if you want to make sure everyone knows something make sure you write confidential on the top of the document. But the truth is...</p>
13.	MK	<p>Not just at universities?</p>
14.	PC	<p>No, no. But students themselves will be profoundly aware, I mean they live in an age that Kerry alluded to where information is everywhere at any time and they're interested and they're trawling and they're students and you would expect that. We have relatively few RTS, RTI or information privacy requests and I also note that there aren't that many in other universities. Now that might say somethings, there are not that many. But in terms of the information that's out there anything to do with learning and teaching and courses I think that's pretty ambiguous. The area of research is important. We made a decision a number of years ago to put basically everything that was being written up in terms of ePrints. I have to say that I'm not sure that we were driven by the nobleness of that, we were seeking to improve the quality of the research endeavour and the place and we said if it's out there and subject to scrutiny that's going to improve the quality of it. And so those things sort of worked quite well together. The big area of contention I think, not only in our university but in our sector is around research ethics and the stakes can be very high in scientific research if there's fraud or if there's miscalculation and defensiveness. So if I look at my time as a VC and how</p>

		things have changed in terms of accountability the big change has been the role of the audit and risk committee...
15.	MK	Yes.
16.	PC	...and that now, well typically focuses much attention on research ethical issues and cases we might have to deal with as any other which is very, big change of scene.
17.	MK	Alright, so I'm going to come back to that a little bit later when we talk about the RTI generally. Can I go back to Alison as a daily practitioner, this is your job. And Kerry talked about zeal with which David's reforms were embraced a decade ago. The Acts preamble also says information will be released as a matter of course unless there's a good reason not to. Is that what you find that everyone says yeah here it is Alison or there are attempts to thwart the application from the start?
18.	AS	That's very music, thank you Madonna, no that is not the way it is. Certainly nationwide, really doing it on a nationwide basis. I used to just do it in Queensland and certainly I had my challenges in Queensland but it's nothing compared to what I experience in the other states. I can say that Queensland is the most open and accountable of the states and that is largely due to Dr Solomon and the government of the day who implemented the new Act in 2009. I am so grateful for that because New South Wales pretty much followed suit about the same time and their FOI laws are really good as well. And, well their GIPA is what they call them there, we've got RTI and the rest are FOI but Victoria and South Australia are woeful. And I just found out that's Sven Bluemmel will be the new FOI commissioner in Victoria and I can't say how challenging that will be. Because there is a culture in Victoria, Victoria is everything by its name in relation to the application of FOI and, and South Australia isn't much better. But I can, just a little bit of an example and I won't go on too long but talking to, with Peter Coaldrake's talking about the sort of information people might or might not know is out there from universities, I did an application last year across every university in the nation on sexual assaults that occur on campus. It was in relation to what happened, there was a series in America called the Hunting Grounds that ran which revealed the extent of that and we did, we kind of replicated that here on Sunday night on Chanel 7. But I'm still waiting for

		<p>Monash Universities one just so you know, so that's been over a year and it's still going through that and that's in Victoria of course. Melbourne University wasn't much better. There seems to be a bit of a contempt as in why would we need to provide this to you and also being the media again it's like well I'm not there to give you a story sort of issue, whereas you're getting information that is of a public service because as you know the media has a big role to play. Fortunately I can say Queensland and QUT was very good as, as was pretty everywhere in New South Wales too.</p>
19.	MK	<p>Because they were abiding by the legislation?</p>
20.	AS	<p>They were, without fear or favour applying the Act.</p>
21.	MK	<p>Alright, so let me ask you this. Kerry talked about ways, the risk of FOI requests can be limited and Queensland has its own stories in history of trollies of documents being wheeled into cabinet so that they couldn't be subject to FOI. Does the success of your application usually depend on how good your application is? The department you're dealing with or the individual officer who is responsible for it?</p>
22.	AS	<p>I'd like to, I think that the individual officer it comes from above. I don't believe any individual officer, it has, I mean there might be a few that have a prejudice which I've experienced because a lot of them, you know you will ask for email by communication and they just won't, they'll post everything just so it takes so much longer and frustrates the process. So there are some I guess you know frustrating elements that will you know I guess individuals. But generally I think its department, it goes up the chain. Certainly you see when there's a change in leadership like in New South Wales police at the moment, they have a new Commissioner. The FOI application or FOI or GIPA there has been terrible. We have to basically go to NCAT which is the New South Wales Civil and Administrative Tribunal to fight for almost everything now whereas prior under the previous Commissioner that wasn't the case. So I think that leadership really makes a difference and yeah there's just this, I guess there's some sort of, some people just have a bit of an arrogance towards doing that, whereas I won't, you won't tell me what I will give you, I'll give you what I want to give you.</p>
23.	MK	<p>Okay, so let's just focus on that leadership and culture for a moment. David Solomon have you seen a cultural shift in Queensland over the last decade,</p>

		in terms of accepting openness and accountability?
24.	DS	I should say I haven't been personally involved and in fact my last job was as Integrity Commissioner for five years and that involved ultimate secrecy. I couldn't tell anyone anything because the Act said so. However the, I did get to talk to a lot of public servants and my impression certainly was that the culture, the culture immediately after the Act came into being was pretty good, that people wanted to, to go along with the, with providing information, with being helpful to journalists and to other people who were seeking information. I don't think there has been that much back sliding from that.
25.	MK	But it's a difficult thing for a public servant isn't it because are they serving the public or are they serving their masters predominantly, political masters?
26.	DS	Well I don't think their political masters have been all that bad. There were certainly instances under the previous government where things were not so good, where there was a great reluctance to release information, where there was going to be a review of all sorts of information, processes including my role and information Commissioners role and it looked as though things would be wound back quite severely but in fact that didn't happen.
27.	MK	Okay.
28.	KO	Why didn't it, sorry, but why didn't that happen David, what stopped it?
29.	DS	Well, there was another election.
30.	KO	But was that an election, I mean was that something that Queensland people had come to care about?
31.	DS	It was not an issue at the election.
32.	KO	No.
33.	DS	I suspect very few people knew that it was happening but it was certainly in the air and there were one or two enquiries going on that were, well there was an inquiry for example into the CMC under the Callinan Inquiry and strangely enough one of the submissions that was made to that was that my functions as Integrity Commissioner should be transferred to the CMC. And that was a submission made by the public service commission which would not have been made if the government had not wanted that to happen. In

		fact...
34.	MK	Yeah and I think also I mean it probably would have happened if the government was re-elected but it was on a scheme of 100 reviews and 100 enquiries.
35.	DS	And there were enquiries into FO, RTIs as well.
36.	MK	Yeah. So can I just go on this leadership thing to you Peter Coaldrake because anyone who watched Four Corners a couple of weeks ago heard a leader of a local authority just refuse to answer questions about political donations and then banned the organisation from even attending a press conference the next day. How can an organisation be open and accountable if that's the leadership at the top?
37.	PC	Well that's very problematic indeed. When I saw that program I just thought we were in 1976. It was very dispiriting, it was very dispiriting. Can I just sort of make a couple of comments on the issues?
38.	MK	Yeah sure.
39.	PC	With regards to things like RTI and Whistle Blower, I think a lot of organisations have matured a fair bit. I mean Whistle Blower used to be sort of a metaphor for big bang, you know major crisis and so on. As a CEO, I take the assumption, I make the assumption that if there is a Whistle Blower action in play or an RTI has been lodged there's usually the germ of validity somewhere there and you'd be unwise to just ignore it. So the person who makes the complaint or whatever might have a matter out of context, might become obsessed by it and organisations become, can become very defensive as well.
40.	MK	Yes.
41.	PC	If I could just make, I don't expect people to be sympathetic with organisations and CEOs, just to say what is, what is sometimes really difficult for organisations is that there are so many elements. Sorry, there are so many mechanisms available to people that that sometimes is bewildering for the organisation. You've got you know RTI and Whistle Blower, you've got CCC, you've got human rights, depending on the nature of the matters.
42.	MK	A whole industry.

43.	PC	There's an industry where people, basically people can pick the path they want and it can be a never ending, almost a never ending one. And I'm not, I'm, well it's probably, it's better to have too many of those protective elements than too few. But it can be bamboozling and might not always be culturally encouraging for the organisation who's dealing with those matters because you've actually got officers that you're seeking to encourage to take an appropriate view and be appropriately open and responsive but at the end of the day some of them can be kicked to death. I'd like to make one other comment.
44.	MK	Just before you go on to that comment, at what point do you as CEO know those applications have come in? There's an RTI today, when is it brought to your attention?
45.	PC	Not early at all, I mean it's usually when there's an issue around. But basically in our place we have an RTI officer and they almost have a quasi auditor role. They might be on our pay role but they, it couldn't be, you know they're not sort of working for us as it were.
46.	MK	Yeah I understand.
47.	PC	I mean but that's a good thing, that's a good thing and we try and protect their independence. Now people will be critical periodically and an RTI officer has to make discretionary decisions and will consult the registrar but you know the CEO is not, I can say to you that very, RTI matters or any matters in this area will come to me at the point I'm really talking to council.
48.	MK	Okay. And you're second point?
49.	PC	That was my last point, it was, I just made it.
50.	MK	Okay. So alright just back to the mechanisms of how it works and if I can throw back to Alison here. How widely can the public interest test in RTI laws be interpreted and have you got an example that we can understand?
51.	AS	It can be, it's very subjective the RT, the public interest test. There, in Queensland legislation there are actual questions that, you know it's dictated so you answer these questions and then you way up which side, whether it's you know in favour of disclosure or in favour of non-disclosure. So it is quite subjective and a lot of that time when the application of that test is made, it

		will go to external review if it's, not in my favour, it will go to external review and it will be over written by the Office of Information Commissioner. We have a really good strong mechanism here in Queensland for review which is what's missing in a lot of other states that don't have that public openness and accountability.
52.	MK	Alright, so before you go on then, on what basis is it over ruled? Usually how has the organisation got it wrong?
53.	AS	Well they, basically they've said it's in favour of non-disclosure based on weighing up the pros and cons whereas in fact it's the opposite. And a lot of the time it will come down to the personal information, that's generally the whole, you know how much personal information, whether anyone can be identified if it's... So it comes down to that and often you know particularly now with footage it's a big thing for you know everything now everyone's got a phone, a camera or a video camera on their phone, CCTV, all of that. So for a long time that sort of frustrated the process because they're like well we don't have the capability to pixilate and that's why we weren't allowed because they couldn't pixilate faces or identifying information. But the OIC here particular said well then get it, you know because this is a document, this is basically you need to be able to have the capability to do that. And you know there's often outsourcing if you don't have it individually. So that's one of the things. But I guess that you wanted an example. One of the things for example Ministers caught speeding. Just a really simple one where the public interest test is you know, usually elected PMs are fair game certainly in Queensland and New South Wales and more recently in WA. Again I will say Sven Bluemmel really helped in this because initially police would not provide us with speeding MP information that they, they would not tell us who the MPs or the Police Commissioner or any of those top jobs were caught speeding but that was overruled in WA. But in Victoria and South Australia we still can't find out if, you know and I know it's, in the whole scheme of things it's a smaller thing compared to, but it's still...
54.	MK	Well I'm glad the focus is on politicians and not journalists.
55.	AS	Yeah, that's right, yeah well that's it but it's still you know these are publically elected officials and things like that. So as I said that's the difference there that the public interest test was applied in all those states whereas you know

		we could say in New South Wales, Queensland and WA that we can find out speeding, who are speeding Ministers are if they're, you know if they're going 100 Ks over the limit or something like that it's quite relevant. Whereas in Victoria and SA you still wouldn't, you can't find that information out because the public interest test is in favour of non-disclosure rather than disclosure, the pro-bias here towards openness.
56.	MK	So that brings us to really how the information is used when it's released and I'll go to David here maybe. Kerry pointed out that the media can be sensationist and irresponsible, do you think that there's actually a fear of how an individual journalist might deal with the information provided in many cases?
57.	DS	It's not the individual journalist, it's how the editor will deal with it. Will it be put on the front page or not and will we have the, someone's imagination photo shopping and doing awful things to the Ministers head or whatever. Yeah undoubtedly there is a great fear of what our, particularly I mean the way newspapers have gone in the last five, 10 years or so but they've all become tabloid and maybe, maybe the Sydney Morning Herald and the Financial Review and the Australian don't present in a tabloid sort of way but everyone else does. And standards have changed and this in a sense has made it I think more difficult to persuade people to be free and open with information.
58.	MK	Kerry O'Brien you're nodding very strongly there. You agree 100% with that don't you, you're nodding very strongly?
59.	KO	Well yeah, yeah absolutely. And I'm not unsympathetic to people in public office who, I'm not quite sure what percentage I can put on it now. But who very often are acting in good faith, much more often than not. And a half stumble gets turned into a cardinal sin, you know and I think that one of the things that continues to concern me and god knows where we head now with the media reforms we've got which will, which will lead to an even bigger concentration of media ownership than we've had. I've said this before and I believe it's absolutely true, the fact that one media proprietor, in this case it's Rupert Murdoch, I don't care who it is but it's where you have one media proprietor who controls 70% of the printout put in the country. That in itself is I believe undemocratic in the extent that it can wield a power that becomes

		unhealthy. But where many of those publications are tabloid in varying degrees but the worst of that tabloid can be appalling and where there is a concerted and unified attempt across those publications to push a particular line, they have the capacity to scare politicians into shutting down a debate.
60.	MK	Okay. So Alison do you think David and Kerry's concern is well founded, that it's the fear of how it will be used?
61.	AS	I can't comment I guess on, I mean I'm sure that's part of the reasoning for it but I guess for example, we were just talking about the speeding Ministers before, when we did it last in Queensland I think the most anyone was speeding was five Ks over the limit so we didn't run it. You know what I mean, it's not exactly, if someone had been caught you know 60 Ks over the limit and had drink driving, you know it might be a bit more relevant. So I guess it does, it does come down to the individual. I think Dr Solomon summed it up well, it does come down to the individual publication. But at the same time the Act is designed in a way that you're supposed to interpret it as in apply it without fear or favour.
62.	MK	Well doesn't it also depend on the data? I mean how much effort needs to go into looking at the integrity of the data in the first place? You know some of it might be historic, some of it might be hand keyed, or as Kerry says even fake.
63.	AS	Well I mean again I guess it's one of those things I can't talk about. I guess that information that they have, except for what they provide me. But I certainly haven't come across any releases like that. I mean I usually ask for reports, ministerial briefing notes and attachments. I always contact the departments and whoever the source of the information is for context, never run it without that so it's always there.
64.	MK	Alright what about you Peter Coaldrake, where do you see the journalist responsibility here?
65.	PC	Well I'm not close, I'm not close to it like the others but just as an educator I guess a frustration is that the main interest in education, certainly higher education will be prurient or usually prurient and confined to prurient or vice chancellor salaries, which was, and understandably like executive salaries attract commentary. Look as an educator the serious comment I'd make is

		<p>this. That universities run the business of education and the business of education is a business of ideas and knowledge. We live in a world in which knowledge is exploding, in which issues are more and more complex. One of the great challenges that academics in particular have is an ability to actually provide an erudite message in a compact way that's not necessarily compatible with the media opportunities that are provided which are very limited in television. The community can, I'm not wishing to be (unintelligible - (ui)) here but the community can grab hold of an issue around medical research because it will see that issue on television or read about it in the newspaper in a quick grab or a quick article with lab coats and (ui) cure for chronic disease and that's fantastic and that's important. But many of the challenges we face as a community are immense and slow burn and I think the media has an educative role as universities and the education system certainly does, to try and interpret that because otherwise you'll have the shut down of issues because people want to deal with it. And of course climate change is the most obvious in this country where it's so unhealthy in this country that climate change has become apart as an issue. You go to Germany, you go to New Zealand, you go to UK, you go to all sorts of other places, it's an issue in which the language is all wrong, we've just got to move away from that language and start talking about adaptation or other language which are actually isn't, doesn't you know plug those political holes. It's a (ui).</p>
66.	MK	<p>Very good example. Very good example. You know Alison you mentioned video before and we've talked about the new age of Facebook and Twitter and video is a really important area that we're going into. Is it harder or easier to get video than a document, just briefly?</p>
67.	AS	<p>Yeah harder.</p>
68.	MK	<p>Harder?</p>
69.	AS	<p>For that point that a lot of people haven't actually experienced that before, it's become more prevalent that people are asking for it.</p>
70.	MK	<p>Because there has to be an issue on how much it should be de-identified I guess before it goes into the public arena because if it's de-identified too much it could loose its purpose.</p>

71.	AS	Well yeah it defeats the purpose. So we had a recent ruling in New South Wales which was good which basically the, at the New South Wales civil and administrative tribunal they ruled that personal information was face, basically head up. And obviously if there was identifying tattoo or something that was distinctive or individual than absolutely they would have included that but in this case there was nothing like that, it was basically that personal information was determined as the face or the head up. So not clothing, not build and certainly that's one thing that is thrown at you and the people that, the agency that was against us on this was certainly trying to say that well build, clothing, walking, you know anything like that would be personal, considered personal but that was overruled. So I think, I think it just has to come down to that that a definition has to be made and that's where I guess if there was going to be any update of any legislation, it would need to be defined so that you know to move with the age because that's what we're, we're in the age of technology.
72.	MK	Alright, we're in the age of technology but also privacy is really important too because especially in video footage because you don't want to inadvertently identify someone. For example a domestic violence victim in hiding who happens to be on a public bus.
73.	AS	Yeah well that's it though. The people on the, like they would de-identify everybody not just the person you're looking for. So again it's how much work would be involved. Brisbane City Council is probably the best with this recently because they've got a soft filter that they put over the whole thing so everybody is de-identified and it's easy, it's not time consuming. So you know everyone picks their own ways but that's the way that they've move forward and I think that's really helped them but it's something that everyone has to obviously take into consideration now.
74.	MK	Could I ask each of you for a very brief answer to the question of, if we were going to reform again the laws that currently exist, what would you like to include to enhance them in a way that helps basically public accountability but media doing their job as well. And Alison can I start with you?
75.	AS	Well yes definitely personal information I'd like that to be defined in the Act both in terms, well mainly in terms of a video. I think we've kind of got it in terms of documentation. So that would be good. I think you'd also need to

		have I guess a bit more definition in relation to the way that you, I guess define the consultation because a lot of people will you know I guess fail to consult but actually just go through the processes so that they can then reject you and you have to (ui).
76.	MK	Tick a box?
77.	AS	Yeah tick a box. So I think that would be good, the consultation, you know that actual effort on the phone or email rather than just letters. The other thing is to get rid of cheques and money orders because again the average person doesn't have a cheque or money order, I have to get cheques requisitioned from work. So many of them are still in that archaic form of only taking cheque which is you know just ridiculous.
78.	MK	It's quite ironic you're going for you know Twitter footage and paying with a personal cheque.
79.	AS	Yeah so who has a cheque book now days?
80.	MK	Okay. Peter Coaldrake how would you like to see open minded legislation RTI amended?
81.	PC	I don't know if I've got any proposals other than to just for the mechanisms collectively to be clear to people who are using the mechanisms, which also might discourage a bit of jurisdiction shopping that...
82.	MK	So just be a little bit more specific?
83.	PC	Well you've got RTI, you've got other mechanisms for people who have got complaints against organisations. For the hierarchy or organisation of those to be perhaps clearer from a users perspective. I'm not sure it's in legislation, it's probably in public communication to be honest.
84.	MK	And does that mean they can't go through every different door, they have to go through the front door?
85.	PC	Well just, well to guide people. You know as a CEO I think my only frustration is with people who are just, who do occasionally have the obsessed individual who will jurisdiction hunt forever. It's not, I don't think you should get it out of context but it's really the public communication of those mechanisms I think, I don't think that's legislative though.

86.	MK	David Solomon we've led the way for almost 10 years and you've just heard our practitioners and the respondent's case for maybe tinkering. Do you see either of that, those arguments as valid and would it enhance it?
87.	DS	Yes but my biggest change would be to extend RTI to parliamentary departments. It was the biggest fault of our report that we didn't really tackle it. Mind you if we had tackled it we wouldn't have got anywhere but, and we knew that which is probably why we didn't chase it and waste our time doing it. But undoubtedly, the RTI has to go into that area for there to be full accountability in parliament.
88.	MK	What kind of thing would we have access to ideally?
89.	DS	Expenses for example. Now they're dealt with in some places but not in others. I mean there are lots of things that are public for example declarations of interest by PMs. Up there on the screen you can look up anyone you like and they're all there but expenses are not and the...
90.	MK	Have you put this to the government in any forum?
91.	DS	No, I must say when, after we put in our report I decided I wasn't going to take part in any subsequent reviews and I haven't but I've been involved on the edges in various other things but not that.
92.	MK	It sounds like a great idea though and I see Alison nodding her head in agreement. Kerry O'Brien with your phenomenal experience and seeing different levels of disclosure at different levels of government what would you like to see?
93.	KO	Well because I haven't been personally engaged by Freedom of Information process for quite a long time, I'm not going to actually go to that. What I would like to say is my final word really is, and partly this was brought out by David with his almost passing reference to a previous government that tried to undo some fundamentals of what you had achieved. It just reminded us all really of how fragile these processes can be. They can be enshrined in legislation but legislation at times can be very easily changed if there is a current of public apathy and particularly if you have one house of parliament. And the other factor which I think is fundamental to the process is understanding the uneasy situation that senior public servants may find themselves in because these days they are not permanent in the way they

		<p>once were, they work to terms and that makes their careers more vulnerable to a Minister or a government that wants to exploit their fears or anxieties, quite justifiable anxieties about being able to pursue a career diligently. So that is another to me fragment, not fragmentation but fragility in the process. And the third factor is that if the media wants this kind of access then it needs to deal with it responsibly and I believe that largely it does. But I don't think there should be a place for the frivolous and I think you've got to be careful about pursuing something for the prurient or chief headline rather than for an issue or a piece of information which is fundamentally important to the public.</p>
94.	MK	<p>Okay so just bouncing off what Kerry said can I ask our three panellists finally if, Kerry also ended his speech talking about the extreme vulnerability of the modern media, I think they're the power of lobbyist, the dominance of executive government. If the four of us are here again in five years are you as pessimistic or optimistic, what do you think the main topic of discussion will be? Alison?</p>
95.	PC	<p>The main topic of discussion (ui)...?</p>
96.	MK	<p>In terms of government accountability and media responsibility, where do you think we'll be in five years?</p>
97.	AS	<p>Gosh, just what's happened in the past five years has changed so much. But I guess as far as I, I can comment on what I think the media responsibility is and why it's so integral in having someone like myself, the Australian ABC as well has a dedicated FOI officer. Because it is such a complicated process I think it's so important because we don't mix with any other areas, we're not, we don't have politicians whispering in our neck, we're not reliant on drops or anything like that so that we are able to I guess do our job without fear or favour. But also about knowing that knowledge is power. Everybody can say that knowledge is power and having access to this knowledge. And I agree with Kerry that it can't be a frivolous you know exercise, which I don't think it is but it empowers the people. So from my perspective I think the media has a big role to play in accessing these laws and getting that information that the public wouldn't normally have access to. Because let's face it if the government was the only one to actually determine what sort of information we were able to access that would be a very dangerous and undemocratic situation indeed.</p>

98.	MK	Peter?
99.	PC	Well a power of big data I think is going to be the overwhelming challenge and the dispersed and very gated nature of that. I mean in a university setting we're, we've set up a big data unit a couple of years ago and we're quite, well we're significantly focused on just how much data is generated and we're are concerned about the implications of that for our staff and our students and the integrity of our research I think.
100.	MK	And nobody really realises how big it is, do we?
101.	PC	It's humungous now and it's of course increasing at exponential rate. So that will be a huge management task both in the political sphere and organisations like ours.
102.	MK	And Dr David Solomon can I give you the last word?
103.	DS	Three things, media concentration which is going to effect everything else, fake news and the internet. And still my concern about getting it to parliament. It will still be there in five years.
104.	AS	10 years, 20 years.
105.	MK	A challenge for all of us. Ladies and gentlemen please put your hands together for our panel. Not only for the generosity of your comments, the generosity of the spirit with which they were answered and we've got a small token of appreciation for you joining us today. Please stay, enjoy some refreshments and I wish you a safe trip back to work. Thank you.