



**Chair**  
Professor David Weisbrot AM  
**Executive Director**  
John Pender

18 November 2016

OPG  
Office of the Prime Minister and Cabinet

By email: [ogp@pmc.gov.au](mailto:ogp@pmc.gov.au)

### **Submission related to Australia's Draft National Action Plan**

The Australian Press Council is the principal self-regulatory body for print and online publications, with a membership in excess of 900 mastheads covering 95 per cent of print circulation and an increasing share of the online-only news media. Press Council membership includes the major news organisations, such as News Corp, Fairfax Media, APN, and Bauer, as well as hundreds of smaller urban and country news outlets. The Press Council's three major roles include establishing high standards of practice for media outlets; handling complaints from members of the public alleging a breach of these standards; and advocating for free speech, freedom of the press, and open, transparent and accountable government.

Open and transparent government is one of the key foundation stones of liberal democratic government. Free access to data and documents held by government — with some obvious exceptions for a very small proportion of information that is security sensitive or otherwise clearly inappropriate for release — is essential for ensuring good policy making and sound administrative decision making, as well as for exposing and preventing corruption. Open government and strong Freedom of information laws and practices enable responsible reporting and are critical to investigative reporting and an informed citizenry.

The Australian Press Council has been kept informed of the work of the Steering Committee of the Australian Open Government Partnership Network, as well as the work of other civil society groups. The Press Council strongly supports the submission lodged by the Steering Committee of the Australian Open Government Partnership Network.

We welcome the opportunity to for Australia to develop a National Action Plan that ensures the establishment of a strong framework for open, transparent and accessible government, and we are pleased to see what appears to be a renewed commitment by the Australian Government to this end.

The Australian Press Council strongly supports the Steering Committee submission's register of concerns about particular issues about which we have also been very vocal, including:

- the serious rundown in resources for the Office of the Australian Information Commissioner, including the failure to appoint Commissioners and senior officers other than on a short-term acting basis;
- the need for much stronger protections for genuine whistleblowers, and especially the unfortunate trend towards criminalising whistleblowing in certain circumstances, using the threat of harsh criminal sanctions to deter the disclosure of information that may be squarely in the public interest;
- the pattern of extensive and overly-broad anti-terrorism laws, prohibitions on reporting "special operations" (ASIO Act s 35P) and meta-data retention laws, which taken together have a severely chilling effect on whistleblowing and investigative reporting, and which may have the effect of ensnaring reporters and editors who are simply doing their jobs in the public interest;

- the growing number of secrecy provisions in legislation, and the failure to respond to the Australian Law Reform Commission's 2010 report in this area, which made 66 recommendations for reform in the general direction of reducing secrecy; and
- the need for a thorough review and reform of Freedom of Information laws, practices and cultures nationally, as has been foreshadowed for some years (since the Australian Government deferred the Australian Law Reform Commission's scheduled inquiry in 2008, to provide an opportunity for the then new office of the Australian Information Commissioner to bed down).

Again, the Australian Press Council strongly supports the submission made by the Steering Committee of the Australian Open Government Partnership Network, and we pledge our commitment to work with the Government and with other civil society groups in order to make substantial progress in our shared aim of open, transparent and accountable government underpinning a strong and resilient democratic society.

Please do not hesitate to contact us if you would like any further information from us in support of this important initiative.

With kind regards

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Weisbrot". The signature is fluid and cursive, with the first name "David" and the last name "Weisbrot" clearly distinguishable.

**Professor David Weisbrot AM  
Chair**