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A NOTE FROM THE EDITOR

The recent changes to the Victorian Freedom of Information Act receive attention in this edition. Of particular interest is Mr Victor Perton's defence of the changes on behalf of the Kennett Government.

The final paper is a transcript of the address by the Minister for Justice to the Institute at its AGM. It could be that there will be major changes in Australia's tribunal structure if the Minister's review is given a free rein.

Michael Sassella

November 1993

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FOI: KENNETT STYLE

By Dr Spencer M Zifcak, Senior Lecturer in Law (formerly first Director of the Freedom of Information Policy Unit, Victorian Attorney-General's Department)

Paper delivered to the Victorian Chapter of the Australian Institute of Administrative Law - 27 July 1993

Introduction

When the Kennett Government's new freedom of information legislation was introduced earlier this year, it was met with mixed reviews. In the press, critics

praised the extension of the Act to Local Government but expressed powerful reservations about many other changes that were proposed.

In response, the Government has issued a number of statements in its defence. The nature of this defence may be summarised in the following set of propositions each of which has been contained in one or another of the Government's written statements about the recent amendments:

1. The new freedom of information legislation strengthens the operation of the FOI Act.

2. In the alternative, if it does not strengthen the Act, then at least it does not detract from it.

3. In the alternative, if it does detract from the Act, then it does not do so to nearly the extent that the Cain Government before it had planned to do.

4. In any case, even if one accepts that the Act has been weakened it remains the most liberal in Australia.

At least three of these propositions are contestable. These are that the changes strengthen freedom of information, that they do not detract from if and that they make the legislation the most liberal in Australia.

The changes weaken the legislation both theoretically and practically and it is no longer the most liberal piece of legislation in the country as it once was.

To illustrate that argument I refer to three of the changes in particular - the abolition of the ceiling on charges, the exemption of state owned business enterprises and the expansion of the Cabinet documents exemption.

Before doing so, however, I want to make clear the areas of amendment with which I agree.

1. Areas of Agreement

First, there is no doubt that the extension of the Freedom of Information Act to local government is a major achievement. It corrects a longstanding anomaly. While the Commonwealth and Victorian Governments have been covered by FOI Acts for more than a decade, local government fought a long, fierce and poorly justified campaign against its own inclusion. To its discredit, the Cain Government succumbed to this pressure. The Kennett Government has not.

Prompted by parliamentarians like Victor Perton and Mark Birrell, the Kennett Opposition promised that, if it were elected, local government would be covered. It has now delivered on that promise.

For the first time, Victorians will have access to municipal documents. Armed with that information they will be in a far better position to challenge local government decisions. One may quarrel, as I do, with the inclusion of special exemptions for certain categories of local government documents but nevertheless it needs to be recognised that the extension of FOI to local government is a major victory for more open government.

Second, the inclusion of a provision to control voluminous requests is long overdue. When I administered freedom of information in Victoria, vast undifferentiated requests were the bane of my existence.

I remember vividly, Alan Brown's request for all documents that related to the redevelopment of Flinders Street Railway Station, a request on which he would not negotiate for many months. Or even worse Bruce Reid MLC's request for access to every account the Victorian Government had not paid within six weeks of its receipt - and he wanted to see the originals. That again took months to resolve.

Third, the restriction on repeated requests for the same information is also sensible. Under the FOI Act there was nothing to prevent an applicant from making a request, having it refused, taking the matter to the Administrative Appeals Tribunal and, on having their appeal rejected, beginning the whole process again - and there were some that did.

Fourth, the amalgamation of the publication requirements of Part II of the

Freedom of Information Act with those of departmental annual reports also makes a great deal of sense. There had been substantial overlap between the two, leading to considerable, unnecessary work.

The amalgamation should remove the duplication and, incidentally, make it easier on members of the public to access information about department's structures and functions.

Fifth, in a letter to 'The Age' Victor Perton argued that the changes made by the amending Bill were in many respects far less draconian than those proposed by the Cain Government. On that we are also agreed. John Cain argued, for example, that there should be no judicial review whatsoever of the government's decisions to exempt Cabinet documents. The only avenue of review, he thought, should be to that most disinterested of tribunals, the Premier him or herself. This position is not, thankfully, one which Mr Kennett has embraced.

However, it is one thing to say that the changes that have been made are less restrictive than those the Cain Government might have introduced. It is quite another to assert that the changes, taken as a whole, do not detract from and indeed strengthen open government in the State. This view is, at best, questionable.

2. Areas of Disagreement - Fees and Charges

If the freedom conferred by the Act is to be meaningful, it must be capable of exercise. A freedom that is unaffordable is no freedom at all. The new legislation removes the ceiling on fees replacing it with a charging regime based on the user pays principle. In doing so, it will inevitably and significantly deter requests for policy and administrative documents, those which, more than any other, should be disclosed in order to enhance government's accountability to its constituents.

To demonstrate this proposition one need only look to the Commonwealth's experience since 1986 when a similar user pay system was introduced.

Reviewing the first year of the new fee regime, the Senate Standing Committee on Constitutional and Legal Affairs (1987) concluded that too much emphasis had been placed on the costs of FOI at the expense of the social, administrative and political benefits that had resulted from it. Therefore, it recommended that clear, maximum limits be placed on charges.

Similarly, the Legal and Constitutional Committee of Victoria's Parliament heard and accepted copious evidence that the effect of the Commonwealth's user pay system had been to discourage many public interest groups from pursuing their rights under the Act; that the charges levied had been prohibitive and that estimates of charges had sometimes been deliberately inflated to deter applicants from pursuing contentious requests.

To quote the former Shadow Attorney-General, Neil Brown:

> "From examining ... responses from agencies, I have concluded that the charges levied are in some cases deliberately inflated to make the application as expensive as possible. In other words, not only are the charges a deterrent to the use of the Act, but they are, at least in some cases, being used with the intention that they will be a deterrent."

In the face of this evidence, and with the support of all Liberal and National Party members, the Legal and Constitutional Committee rejected the adoption of the Commonwealth scheme for Victoria. Yet it has been resurrected in the new legislation.

It is sparse consolation that an exception will be made where a person lodges a request in the public interest.

Which Minister or senior public servant is likely to acknowledge the existence of such an interest where the documents requested are sensitive or contentious?

Which applicants will have the personal commitment and financial resources to pursue through the courts an argument that their request is in the public interest without any clear assurance that the argument will be successful and with the almost certain knowledge that, even if it

were, the request itself will still be vigorously resisted?

Perhaps only the media will do it. And yet the Attorney has already stated that requests from the media are unlikely to meet the public interest requirement.

The public interest exception has been with us for some time. It is rarely invoked and even more rarely accorded.

So, the cardinal fact remains that, in the absence of some assurance that the costs they incur will be capped, individuals and public interest groups will shy away from exercising their right of access to important state and local government information.

Had the Government wished to obtain more revenue from FOI, it should, in my view, have retained the ceiling but indexed it to the rate of inflation.

It could also have backdated the indexation to 1982 leaving Victorians with a maximum fee of some $250.00 instead of the present $100. This would have been equitable and kept the price of FOI within range.

But, by adopting a policy of full cost recovery, the Government has not strengthened the FOI Act. It has weakened it substantially.

3. Areas of Disagreement - Exemption of Agencies

The Victorian Freedom of Information Act confers a legally enforceable right of access to documents in the possession of government agencies. This right, objects of the Act assert, is to be limited only by exemptions necessary for the protection of essential public interests.

Prior to recent legislative amendments, the right extended to all agencies over which the government was in a position to exercise control. Regrettably this is no longer the case.

Following a trend established by the Cain Government which exempted the State Bank and the Rural Finance Commission from its ambit, the Kennett Government has gone further and paved the way for the exemption of other state owned business enterprises. This is despite the fact that it was the Cain Government's mismanagement of such enterprises that led, in part, to its downfall.

Agency based exemptions of this kind are wrong in principle. There should be no agency in which the government has a significant interest whether commercial, semi-commercial or public that should be free from the structures of accountability that freedom of information imposes.

This is not to say, however, that the competing public interest in maintaining the confidentiality of commercially sensitive documents should be ignored.

This confidentiality must, of course, be protected and upheld. But the way to do this is not to exempt agencies but rather to ensure that the existing exemptions in the Act which protect commercial confidentiality are sufficiently robust to achieve the degree of secrecy that is required.

If there are defects in the existing exemption provisions they should quickly be rectified. But, in the absence of evidence that the exemptions are in any way deficient - I am not aware of any and the Legal and Constitutional Committee could not find any - the exemption of state owned business enterprises is both unnecessary and undesirable.

Agency based exemptions compromise the generality of FOI's application and, given the trend - come avalanche - to corporatisation, deprive the public of an extremely important avenue through which the operation of an increasing number of its enterprises may be scrutinised.

4. Areas of Disagreement - Cabinet Documents

Finally, I turn to the most important deficiency in the amending legislation. This is the very substantial expansion which if effects in the scope of the Cabinet documents exemption. Having fought tooth and nail to oppose the Cain Government's attempts to widen the Cabinet exemption, the Kennett Government has introduced a new definition of Cabinet documents which closely resembles that which it had

previously rejected. In doing so, it has provided a ready avenue by which almost any sensitive document can be removed from public view.

Now Cabinet secrecy if, of course, necessary. It is the natural corollary of collective ministerial responsibility. the convention that each member of the Cabinet assume personal responsibility for government policy serves an important political purpose in that it ensures that all members of the government can be held accountable to parliament and the public. The routine disclosure of Cabinet's deliberations would, therefore, bring an abrupt end to the convention and defeat the purpose it serves.

In addition, the preservation of Cabinet secrecy ensures that decision making and policy development by Cabinet is uninhibited. The quality of Cabinet decision making would be prejudiced severely if options before the Cabinet could not fully and freely be canvassed.

To acknowledge this, however, does not resolve the dilemma with which we are concerned. That is, which documents should properly be considered as Cabinet documents? The answer is, I think, straightforward.

Only those documents whose disclosure would prejudice the operation of collective ministerial responsibility should be kept secret. That is, only those documents the release of which would have the effect of fracturing Cabinet's unity should be exempt. Only those documents which would disclose the 'views or votes of Ministers in Cabinet', to use Justice Blackburn's terms, warrant protection as Cabinet documents.

Recently, and fortunately for me, this view received the High Court's endorsement in its decision in The Commonwealth and the Northern Land Council (1993) 67 ALJR 405.

There, the majority drew a distinction between documents which recorded the deliberations and decisions of Cabinet which merited the strictest protection and documents prepared outside Cabinet such as background reports and submissions for which a lesser degree of protection was deemed appropriate.

The reason for the distinction was that, in the first case, it was clear that the convention of ministerial responsibility would be prejudiced if the actual discussions and resolutions of Cabinet were disclosed. In the second case, it was far less likely that Cabinet's deliberations would be impeded since background papers do not, in and of themselves, disclose the nature and content of Cabinet's discussions.

It is somewhat ironic that at the very time the High Court was clarifying its position as to Cabinet documents, the Victorian Government was formulating an exemption that goes far beyond what is required to ensure that Cabinet solidarity is secured.

The existing exemption properly exempts from disclosure any documents that reveal the deliberations and decisions of Cabinet and any documents prepared by a Minister for the purpose of submission to Cabinet.

To this, the new section has added a clause exempting any documents that have been considered by Cabinet and which relate to matters that are or have been before Cabinet.

It also exempts documents prepared for the purpose of briefing a Minister for the purpose of Cabinet discussion whether or not these documents are actually considered by Cabinet.

It goes further and abolishes the requirement that in order to qualify for protection, a document must have been prepared specifically for the purposes of consideration by Cabinet.

What this means in theory is that, with the not unimportant exception of factual documents, any document that a Minister or Cabinet considers, whether or not it discloses Cabinet's deliberations or decisions and hence fractures Cabinet's unity, will be exempt from disclosure.

What it means in practice is that any documents that Ministers or officials wish to hide can now be hidden either by a Minister organising for a document to be seen as a briefing document, for example, by depositing a copy on the relevant

departmental file, or by adopting the simple expedient of passing the document over the Cabinet's table or the table of its many committees.

Let me illustrate the dangers of this by reference to FOI's first cause celebre, the case of Public Service Board v. Wright (1986) 160 CLR 145. Mr Max Wright was a courageous and independently minded public servant who, in 1984, was regional director of the then department of Community Welfare Services. This department then consisted of the Office of Corrections and the Department of Community Services.

The Government took a decision to split the two. This disadvantaged Mr Wright because his regional responsibilities were diminished. So, he sought access to documents which would enable him to determine the rationale for the division.

In particular he sought access to an options paper on the subject which had been prepared by a Committee known as the Effectiveness Review Committee. This consisted of the Secretary of the Department of Premier and Cabinet, the Secretary of the Treasury and the Chairman of the Public Service Board.

Access to the document was refused initially on the ground that it was an internal working document and so was exempt under s.30 of the Act. When this began to look shaky, it was exempted on the ground that it was a Cabinet document. Just to make sure of the situation, the Secretary of the Department of Premier and Cabinet issued a conclusive certificate with respect to the document on the day prior to the hearing of the case before the County Court.

This case was fought all the way to the High Court and the document was finally released to Mr Wright. But, under the newly drafted Cabinet exemption it is unlikely that it would be today.

This is because either the relevant Minister could assert that it was a document prepared to brief him or her in relation to matters which may be discussed by Cabinet or because the Minister or the Secretary could simply attach it to the relevant Cabinet submission and so put it beyond the Act's reach.

This could be done even though the document:

- was not prepared for the purpose of consideration by Cabinet;
- did not contain any record of the decisions or deliberations of the Cabinet and, as such, could in no way be regarded as a document which would undermine the unity of Cabinet since it revealed neither the views nor votes of Ministers in Cabinet.

This new exemption, then, clearly detracts from the public's right to know. It does not strengthen the Act. It weakens it significantly.

And it topples the Act from its position as Australia's most liberal by introducing an exemption for Cabinet documents considerably wider than its Commonwealth and inter-state counterparts, as exemption that will allow this and future governments to see out any problematic and potentially embarrassing requests.

Conclusion

We should, then, applaud the Act for the significant advances it makes particularly in bringing open government to Local Government. Nevertheless, as 'The Age' so cleverly put it, we should remain concerned that the Kennett Government while prising open one cabinet has chosen to lock up its own.

TRANSCRIPT OF DISCUSSION ON SPENCER ZIFCAK'S PAPER

Victor Perton:

Chairman, Spencer, ladies and gentleman.

Spencer Zifcak informs me that this is a very large audience, in fact, it looks like a hanging party! I can see several Freedom

of Information officers in front of me who used to tell me why I could not get documents. They will probably want to hear my argument now as to why they should not give out documents!! [Scattered laughter]

There are several Members of various Tribunals present who have heard my arguments on FOI in the past, including my view, in opposition, that in State Government there is no case for a permanent Cabinet exemption. In taking that radical approach, I have probably been 'badly' tutored by Spencer. In speaking second, Spencer starts with two unfair advantages. He was director of research on the Legal and Constitutional Committee and was intimately involved in our preparation of the 'black and white report on freedom of information'.

There are many people here who know my attitudes to freedom of information and are probably wondering how I can promote this piece of legislation. My judgment, on balance, of **the Freedom of Information Act 1993** and the Regulations that have been made thereunder, not yet printed (but faxed through to me today), is that it extends the ambit of FOI quite significantly in the State of Victoria.

Many of you would have read articles in The Age newspaper in February of this year in which it was suggested we were going to adopt the changes mooted by the Honourable Jim Kennan in a Bill introduced in 1985 into the Legislative Council - Under which, rights of access to Cabinet documents were to be eliminated. It was suggested that an appeal in relation to the classification of a Cabinet document would be from the decision maker (the head of the Department of Cabinet) to the Premier himself.

Those were the changes that were mooted and I will confess to this audience today that an option that this government looked at involved a close examination of the legislative proposals of the previous Government that had been rejected on several occasions by the Upper House.

The draft proposals for the 1993 legislation underwent a very extensive decision making process and, for those who want to fully understand the process of legislative change in Victoria, it is probably worth spending some time describing the coalition decision making process.

In general, a proposal goes to Cabinet from a Minister as a submission - no draft legislation is generally attached to that proposal. It either receives approval in principle by Cabinet or is rejected. Following approval by Cabinet, it is then reported to the coalition room which meets weekly during sittings and roughly fortnightly outside sittings. The Cabinet decision is reported to the coalition room and, generally, referred to a Backbench Committee know as a Bills Committee. In freedom of information, it is referred to as the Attorney-General Bills Committee. This Committee can receive expert evidence, including extensive briefings from the bureaucracy. However, it is not open to the public and generally we hope that its proceedings do not leak.

With the assistance of expert consultation, the Bills Committee then finalises its view on the Bill and actually presents a draft Bill which it gives back to Cabinet. Cabinet then argues it - either rejects or accepts the Bill Committee's review - and it then comes back to the Coalition room for a full debate.

In the case of the FOI changes - a leak from the bureaucracy on some original suggestions, in February of 1993, were published in The Age and The Herald Sun.

Over the following eight weeks, extensive work was done on the legislation and clearly the overwhelming majority of Coalition members were fully committed to Freedom of Information. People like Geoff Leigh, Gerald Ashman and Mark Birrell, who had extensively used FOI in Opposition, did not want to find themselves in the position of being described as hypocrites. Indeed, most of them have a very strong practical commitment, having an ambition to serve from more than eight years and recognising that one day we are going to go back into Opposition ourselves. The direction we were coming from in preparing this final legislation was an actual commitment to Freedom of Information. The final Bill represented a compromise between the interests of the

Cabinet and the Backbench of the Coalition.

I will now touch on the main aspects of the Bill.

The first and most important aspect of the Bill is that it extends freedom of information to local government. There was a promise made by John Cain in introducing the original Freedom of Information Bill in 1982 that it would soon be extended to local government. Despite the repeated requests of many of us, including Labor members, there seemed to be some reason why the previous Government would not act. It appears to have centred on the opposition of the MAV - the main organisation representing local government.

The Coalition went to the last election with a promise of extending FOI to local government and this Bill represents the implementation of that promise. Local government has long argued that it is very different to both State and Federal government to the extent that we needed a separate piece of legislation to represent the aspirations of local government. That option was rejected by the government and so you may observe, almost all the provisions relating to State government now apply to local government - with only a few modifications noting the different decision making process of local government.

The main modification is instead of a Cabinet exemption for local government, there is an exemption for closed council meetings. There was some concern expressed by Coalition members, and I think by Labor members in the Parliamentary debate, as to whether councils would use closed meetings to avoid the provisions of the Local Government Act. The Minister, the Attorney-General in her second reading speech, handed out a warning to local government that if they used closed meetings to avoid the provisions of the Freedom of Information Act the government would act, either to further amend the Act or to modify its effect by way of regulation. A clear warning has been set out there.

From my perspective as a Member of Parliament dealing with the complaints of the public, 70% of the complaints that come into my office relate to local government. Most of the complaints relating to secrecy in government, relate to local government and for the people in Doncaster/Templestowe - one of the largest cities in Melbourne, and the one I certainly represent - the extension of FOI to local government in a very practical sense, is what the public have been looking for and I think we have answered that demand.

In respect to the other changes in the Act, I think we can deal with the ones that are uncontroversial.

The first changes involved the adoption of the Commonwealth provision relating to repeated requests. There are a number of difficult individuals in our community (some people used to refer to me in those terms and I understand FOI requests are no longer called 'a perton') who have continued to make applications for documents despite their FOI requests being rejected. I notice one particular FOI officer in the audience is nodding - the idea of repeated vexatious requests certainly needed to be dealt with.

The second non-controversial area relates to voluminous requests. Those who have actually sat in the Tribunal, those who have argued the questions, those who have read the reports are aware that there were a number of very large requests. Not just by Members of Parliament requesting all of the documents relating to "x" but from a number of individuals in the community. I think Prisoners' Reform Society for instance, requested almost a building full of documents. I know that I often put in requests saying "all of" but usually, in respect of Members of Parliament, these matters were generally dealt with by way of negotiation. Gary Hannaford [Department of Industry] would ring me up and say, - "Victor, if you proceed with this, you are going to tie up the resources for the next three months". He would then ask, - "What do you really want?" - and we could quickly deal with the situation by way of negotiation. I think most Members of Parliament were pretty much in the same situation. When they asked me for advice, I guided them in that direction.

What we have adopted is the voluminous request provision of the Commonwealth Act but with the modifications that were suggested by the Legal and Constitutional Committee which Spencer so ably advised us in. That will allow for almost immediate mediation by the Ombudsman and if the Ombudsman has not dealt with the matter within 28 days, the applicant would be able to make an immediate application to the Administrative Appeals Tribunal. There is a process that is already working at a Commonwealth level but, in Victoria, we have a much better and stronger appeals process to ensure the Government does not misuse or abuse the voluminous request provisions.

Mr Chairman - Having regard to the audience that we have here - it would be of benefit if we moved into questions and comments and I will just touch on two controversial areas briefly.

If I could firstly touch on the question of fees. The first proposal that was put to the Coalition Bills Committee was to adopt the suggestion of the Labour Party while in Government. It is a very easy political argument to run - that is 'what they were suggesting - we are adopting'. That suggestion was to remove the cap altogether. When one has a look at the submissions that we had to the Legal and Constitutional Committee, the major submission on fees came from the then Victorian Labor Government which suggested that the exemption on fees relating to Members of Parliament should have been removed and, of course, that could be very tempting to a government that holds the majority in both houses.

That temptation was resisted and in respect of fees, a new $20 application fee now applies to each application for documents under the **Freedom of Information Act**. The cap of $100 that previously existed has been removed but there are three further important exceptions which I believe are very reasonable. The first is in respect of Members of Parliament; those making applications in the public interest and the third category relates to personal documents.

The only fee those three categories will have to pay in addition to the $20 application fee is a photocopying fee. Very early in the piece, the Coalition Bills Committee received an assurance from the Attorney-General, that those photocopying charges would not be unreasonable [I think everybody was worried that it was going to be $2 per page or $30 an hour or the like]. In fact I have the new Regulations in front of me and true to her word - "if access to the document to which the request relates is given in the form of provision of a black and white photocopy of the document, a charge in respect of providing the photocopy to the applicant is 20c per A4 page". In the vast number of requests relating to MPs, public interest and personal records, the $100 cap is totally irrelevant. In most cases we are talking about a fee of around $25 or $30 'all up', including photocopying and I do not think that that is really going to put off the genuine public interest user nor will it put off the Member of Parliament.

For those who are impecunious and are seeking their personal records, all fees will be waived. For others the effect of the $20 application fee, the introduction of a new fee for processing and the removal of the $100 cap could mean very substantial fees. I do not think anyone here would argue that the Victorian Government, which is cutting funding to kindergartens (and I attended my first protest meeting in my electorate last Monday on kindergartens) should subsidise commercial users of FOI. The State Government has moved to full cost recovery across the board except where there are good public policy reasons otherwise. In respect of freedom of information, I would argue to you that the good public policy reasons for not seeking full cost recovery are for those making applications in the public interest for those seeking their personal records. But I see no point in commercial interest, or those who, in fact, use government resources and government files to conduct their private research.

I would argue quite strongly, given that we have exempted public interest, given that we have exempted MPs and given that we have exempted personal records from full cost recovery, that we have actually maintained a system of Freedom of Information in Victoria that remains second to none. Spencer and I might argue on Cabinet exemptions vis-a-vis

Queensland, but nevertheless I still think the full package represents the best **Freedom of Information Act** in the country.

I will briefly turn to Cabinet documents because I think this is the main debate that Spencer and I have. In relation to Cabinet documents, the first action the Government took was to adopt the recommendation of the Legal and Constitutional Committee report to exempt statistical, scientific and technical information from any Cabinet document. What we did with this Bill is to create a second category of Cabinet document which is no longer exempt counter to the arguments that have been run so often by Government and by Ministers that Cabinet oyster is sacrosanct and we should never release any documents at all. Nevertheless, we have now created two types of Cabinet document. One that is non-exempt and one that is exempt. In relation to the other changes to Cabinet document and that is to the definition, what we did was to adopt the legislation that had been proposed by the previous Government. In essence, what we are doing is recognising the reality of the decisions the Supreme Court has made. In the end, the words "prepared by Minister" had been read down so much by the Supreme Court to the extent that, really, as long as the Minister has read it, signed it and adopted it, it is prepared by a Minister. All we have done is to clarify the working of the Act so that it is now a document that has been prepared by a Minister or on his or her behalf or by an agency for the purpose of submission for consideration. I believe that merely reflects the reality of the Cabinet process - Ministers do not prepare their own documents - they are prepared for them.

As to the documents prepared for the purpose of briefing a Minister on issues to be considered by Cabinet, well, I know Spencer says that Part B(a) that is, a document prepared for the purposes of briefing a Minister could be heavily abused, but I do not think this is correct. There are strong factual issues to be determined there and the amendments to the Act do not take away the rights of the Administrative Appeals Tribunal or the Supreme Court to review the validity of the Cabinet exemption.

Having seen the operation of the Administrative Appeals Tribunal at great length and with great frequency, and having seen the Supreme Court act in relation to Freedom of Information, I have actually full confidence that a court or a tribunal is not going to permit the abuse of this provision. I believe it is quite clear that our Government, having as many controversial issues as it does, having confronted many interest groups by our budget measures, is not going to be prepared to be caught out in the Administrative Appeals Tribunal or the Supreme Court falsely portraying documents as Cabinet documents when they are not Cabinet documents. To be frank with you (I was warned by my sister who told me that I was not allowed to be too political here) but talking political reality, we cannot afford embarrassment and being caught out. Our whole reputation as a Government depends on our credibility in spelling out the budgetary position and spelling out the measures which we need to take in order to meet those budget imperatives. If we are caught out lying about what is a Cabinet document, then our own credibility declines. Consequently, in respect of that broadening of the Cabinet document exemption, I have full faith in the courts and I have full faith in the Government to which I belong that that this provision will not be abused. What has happened with Cabinet documents is, for all practical effects, a broadening of accessibility to the public by permitting the public access to any document containing scientific, technical or factual material.

I think there are just two areas where I think Spencer does need to be rebutted. The first relates to the public interest question and whether someone would firstly have a Minister approve their status as public interest and then secondly, whether the Administrative Appeals Tribunal would make the same decision. The vast difference between Victoria and the Commonwealth is of course in freedom of information, we have a 'no cost' jurisdiction in the Administrative Appeals Tribunal. This makes a vast difference in terms of people's ability to apply to the Administrative Appeals Tribunal to overturn a Minister's decision to refuse them public interest status. Secondly, if it is your normal public interest group, I doubt that there is a group

in this State that couldn't find a Member of Parliament who was prepared to make the application on behalf of the group and would then of course pay only the $20 fee with photocopying charges.

Secondly in relation to State owned enterprises - the State Enterprises Bill was essentially concerned with the privatisation of large corporations including the SEC and Gas & Fuel. It was made clear in that legislation that the Treasurer could only apply the exemption against Freedom of Information to a State owned enterprise that was in the last stages of privatisation. I think I have more experience than Spencer in the practical application of that provision and I can recall making applications in respect of both the SEC and the Loy Yang sale and also in respect of the sale of SIO to GIO. All of the documents that I applied for were exempt or were claimed to be exempt as a result of commercial confidentiality. GIO or Mission Energy had a distinct commercial interest in those documents. In each case I chose to appeal that classification because I believed that seemed reasonable. I think in practical terms, the **State Owned Enterprises Act** with the exemption that is permitted to the Treasurer in the last stages of privatisation, actually has no practical affect in limiting the Freedom of Information Act.

In relation to Cabinet documents, I think you and I could argue at great lengths and I think people have to make up their own minds on our arguments there.

Gary Woodard:

I would like to ask my friend Victor a question. My impression talking to people in Canberra in recent years is that a good deal of how the FOI system works depends on how much tolerance there is of the system. It seems now that in Canberra there is quite a considerable degree of tolerance in the system and a fair amount of discretion given to individual officers and departments who usually adopt the Hinch or the front page of The Age test. I imagine as a result of the recent ABC series that there will be even more tolerance because really Cabinet and the secrecy in Canberra has been shot to threats by that series. Victor, what would be the atmosphere in Victoria? What will be the message that Ministers and the government will project to public servants who have to make many of the decisions of the ?????

Victor Perton:

I think that is a valid question Gary. I actually missed you at the UN Conference on Human Rights in Vienna in June - I think you could have made great contribution there. Perhaps it might be useful Mr Chairman for me to talk about the atmosphere in government in relation to my other responsibility that is, as Chairman of the Scrutiny of Acts and Regulations Committee. There is a national and international conference commencing at Parliament House tomorrow on the Scrutiny of Bills and Subordinate Legislation across Australia, across the Pacific. In Victoria, the Coalition government took a very brave step. We introduced a Scrutiny of Bills Committee into a State parliament and it was a brave step, one that had been included in our policy and it probably emanated from Mark Birrell's attempt to introduce a private members Bill into the Upper House last year. The committee is chaired by a member of the government - it has a government majority. Nevertheless the committee has used its powers to severely question government Ministers on pieces of legislation that in many cases they believe were breaches of human rights. In fact, in relation to the sentencing Bill, the committee commented disapprovingly of the provision. This attitude varies dramatically. In the case of Attorney-General, while she did not adopt our recommendations in relation to indefinite sentencing, she certainly adopted our recommendations in relation to accumulative sentencing. The Attorney-General has actually been a strong advocate for the committee both in public and in the Cabinet.

The Minister for Higher Education, Haddon Storey, has also been an advocate. Don Hayward [Minister for Education], has been an advocate and has accepted recommendations from the committee. On the other hand, the Treasurer, Alan Stockdale, on the last night of sitting of the Parliament, (and I think I have got the quote somewhere in my brief case as I am going to deliver it

tomorrow to my colleagues from interstate), said at 4.00 o'clock in the morning on the second last day of sitting that perhaps the Scrutiny of Bills function was the greatest mistake the government had made. The committee then became the subject of a first question without notice the next day by the leader of the opposition to the Premier; and to the Premier's credit, he gave a great deal of assurance to the Parliament and to the public that the Scrutiny of Bills function would remain intact in the Parliament of Victoria and that human rights protection would remain in place.

What I am saying in answer to your question Gary, is that there are extraordinary differences between Ministers in their ability to respond to legitimate criticism. I think the atmosphere now is that there are a number of Ministers who have given or would be prepared to give, very liberal directives to their Freedom of Information officers. There are other Ministers who (a) may not have had any contact with FOI in opposition or (b) who want to be secretive for the sake of being secretive who will take a difference attitude. I think the names I have given you so far are an indication there is a broad range of Ministers who will be very open and very liberal and there will be others that will not. I do not think there have been any general directives that have gone out as to the way in which to treat documents; I am not getting any nods or shakes from the FOI Managers and I think it will vary from Minister to Minister and will probably improve over the years - hopefully.

By the way, as I said when I was talking about the drafting of the Bill, you have got a Backbench of the coalition that is actually quite extraordinary liberal - particularly in relation to government information and I think if we start to find Ministers abusing the system and starting to run up legal costs with the AAT and the Supreme Court defending the indefensible - we have a very large Coalition room with some very aggressive members in it. I believe any Minister who chooses to take that path is going to be taken to task, not only publicly but within the Government's own internal workings.

Matthew Richardson:

Two questions I have for you. First is to do with the question of full cost recovery. I have said this before and I will say it again - I find it puzzling that there is such an emphasis placed on full cost recovery when the costs of the administration of FOI are not enormous per year especially when you compare it with say the amount of money that is spent on the government publicising itself. I think it came from the Public Works Department report a couple of years ago which estimated that the amount of money the Government had crossed and each department spends on information, provision and publicity is about $75M.

Victor Perton:

It sounds like a very strong argument that I have used in the Administrative Appeals Tribunal myself.

Matthew Richardson:

Yes, that is the first one. Do you want to take it one by one or do you want me to give you the second one as well?

Victor Perton:

Give me both at the same time. I have this awful feeling I might agree with you on the first one.

Matthew Richardson:

The second one is to do with Spencer's argument about what he believes widens the Cabinet exemption and I for one would like to hear your response to his particular argument on that point.

Victor Perton:

The really difficult thing Matthew and the difficult thing having me invited to this meeting is that, as Spencer said, this Bill or the Act as it is now - I am sorry it has been proclaimed - represents a compromise. It represents a compromise between those who have a strong belief in Cabinet government, a strong belief in absolute discipline for Cabinet members and a very strong Liberal fringe of the coalition, including National Party members. I cannot say that there is a difference in view depending on whether you are Liberal or National. Some of these provisions including the Cabinet

document provision were the subject of a great deal of debate and negotiation. Indeed, it was a matter of Coalition building, compromise and modification.

In respect of costs recovery, let us take it step by step, there were people in the party who argued very strongly against no costs at all - no change to the system. There were others associated with the Ministries of Finance and Treasury, who said no, the same principle that applies across government ought to apply here. I must admit, I personally find the idea of BHP applying for half a room of documents and getting them for $100 quite objectionable. I see that a full commercial tariff ought to be applied to those sorts of users. I will say that I believe the protections that we have put in place are very strong. In the end, anyone who is making a genuine public interest application, even if they do not want to go through the rigmarole of having a Minister reject it and then going to the AAT to have that Ministerial decision overturned, can generally turn to a Member of Parliament to make that application. I know my Upper House Member, even in Government, is putting in Freedom of Information applications on behalf of community groups and individuals in his electorate. So I do not think that closes off the avenue. In respect of Cabinet documents, I think I put my argument earlier. There is no doubt at all that this is broader than the provision which existed before this Act. This is almost a re-write of the Cain proposal but actually with modifications reducing its ambit. It is, I think you would acknowledge, narrower than the original John Cain proposal.

Matthew Richardson:

But you can't have an argument .....

Victor Perton:

No, what I am saying to you Matthew is that there are Ministers who actually agreed with John Cain at the time he made that proposal. They actually want full protection of the law to protect the deliberations of Cabinet. Not the narrow definition given by Spencer but the broad definition which seems to be argued right across the Westminster system. They argued for the Cain proposal. There are others of us who argued for no change at all other than those that reflected the reality of Supreme Court position - that a Minister did not have to prepare his own document; it could be prepared for him and this is the compromise. You might not necessarily be happy with it - Spencer might not be happy with it but it represents a far better position than it could have been otherwise and that is the only argument I can put before you.

It is not a provision that I think will be abused because the appeal provisions are totally in place. I am sure that Judges and Members of the Administrative Appels Tribunal, or Supreme Court Judges, are going to comment quite adversely, if they examine a document and hear the evidence that it was a document brought to Cabinet or to a sub-committee of Cabinet, because someone had put an FOI request in. It is the front page test. It is one that the Labour party took a long time to adopt but they started to adopt it at the end. I mean, you do not want front pages created by your own secrecy and I think that will be the enormous discipline on government and it is certainly a discipline that I think will be applied to Ministers. It might not be a satisfactory answer to your question - it is certainly not one based on philosophy, it is based on the reality of government. It is a political point but I think it is one that has to be made. It is a government that has a very strong Premier in terms of personality, that has absolute control over both Houses of Parliament.

I think if there are two things that actually stand out as a surprising result from the Government's legislative programme - one was the introduction of a scrutiny of Bills function and the creation of a statutory critic within government. The second was that the changes to FOI substantially broadened the legislation, and any restrictions were really not as bad as many in government may have been tempted to impose on the community.

ADDRESS TO THE ANNUAL GENERAL MEETING OF THE AUSTRALIAN INSTITUTE OF ADMINISTRATIVE LAW

The Hon Duncan Kerr, MP Minister for Justice

Mr Robert Todd, President, Australian Institute of Administrative Law and Members, thank you very much for inviting me to speak to you this evening.

Before I commence my remarks I would like to acknowledge the role which the Institute is playing in promoting awareness of administrative law. This is a most welcome initiative.

I am aware that the Institute has gained wide community support both here in the national capital and through its various state chapters. The involvements of the Institute particularly in sponsoring significant national and local administrative law forums is also worthy of mention.

As an indication of the Government's support for the objectives and activities of the Institute I note that my colleague the Attorney-General has recently approved a grant to provide administrative support for the Institute.

It is to be hoped the Institute will continue to play an active role in fostering knowledge and understanding of administrative law in Australia.

This evening I would like to raise issues which I believe are important in the administrative law context of Australia's justice system.

We are now in a period where there is an unprecedented questioning of the effectiveness of our justice system.

This questioning comes from those outside of the legal system such as the Trade Practices Commission and the Hilmer inquiry, but also from many within the legal profession.

I would like to reflect on some recently reported statements in London by the Chief Justice of the High Court, Sir Anthony Mason which lucidly paint a picture of the current perception of our justice system.

The Chief Justice stated in his address to the English, Scottish and Australian Bar Association that:

> "Our adversary system of justice, never completely accessible to all, is still not so; it is costly not only to litigants but also to government which foots the Bill both for the court system and legal aid and judged by the standard of the consumer, the system it is not efficient".

He continued,

> "When you add public concern about the capacity of the system to deliver justice in the wake of concern of the much publicised cases in which persons have been wrongfully convicted of very serious offences, you have a recipe for the erosion of public confidence in the present system of administration of justice".

It is this erosion of confidence in our core institutions which the Attorney-General and I believe needs to be addressed by everyone involved in the justice system, that is the Government, the profession and of course the judiciary.

The Chief Justice is certainly unequivocal in his call to address this erosion in confidence.

He acknowledged that

> "The plain fact is that, in contemporary society, people are not prepared to accept at face value what professional people tell them. That attitude, coupled with the ostensible shortcomings of the legal system has generated a debate about the legal system which is quite fundamental in its reach."

The Chief Justice concluded that

> "At a time when the cost of justice is a burning issue and the level of costs impedes access to justice, [so] practices which are anti-competitive can only be justified if they are shown to serve the public interest."

These perceptions which the Chief Justice speaks of do exist.

The integrity of governments and the independence of our judicial system can only be secured if these perceptions are changed.

It is certainly a formidable challenge. The Commonwealth has sought co-operation with the States and Territories to formulate a national approach to access to justice.

The Government will be presenting a package of reform in the near future.

The challenge set by the Chief Justice to restore faith in our institutions extends to all levels of the judicial system and Government. It is particularly pertinent to the administrative law arena concerned with ensuring administrative decisions are just, informed and fair.

Administrative law is an area where many Australians who are in vulnerable socio economic positions find themselves having to litigate to ensure they have a fair determination of their rights.

It is also an area over which I have responsibility and it is my sincere intention to ensure the administrative law processes in my portfolio are made fairer, simpler and cheaper.

One approach to ensuring this is to examine the structures which the Commonwealth Government has established to determine administrative law proceedings.

More specifically, the issue I would like to discuss is the phenomenon of the growth in tribunals and to explore whether the Government should reconsider the current structure of Administrative Tribunals.

The Commonwealth Administrative Law has of course changed very significantly over the last 18 years or so. There has also been a corresponding growth in the number and types of Tribunals.

We now have in place a most sophisticated system of Administrative Laws.

This audience will be familiar with the historical background to the establishment of the Administrative Appeals Tribunal.

Way back in 1973 the Bland Committee posed for itself the question - "Can the community afford a burgeoning proliferation of Tribunals each with a limited jurisdiction?"

Its report answered the question in the negative saying: "As we see it, to permit a continuing proliferation of Tribunals would be wasteful of resources, inimical to the efficient functioning of Government and calculated to cause public dissatisfaction."

Although the Administrative Appeals Tribunal (AAT) has, since its inception, clearly become the pre-eminent Administrative review body as far as the Commonwealth is concerned, it is with some regret that I note the recommendation of the Bland Committee - concerning the proliferation of Tribunals - has to a degree been ignored.

Not only did Government at the time decide to retain a small number of separate Tribunals (eg, the Taxation Boards of Review), there does not appear to have ever been a concerted attempt to "roll together" the various Tribunals into the one merits review body. The advantages of doing so have long been on the public record.

Some 20 years after the Bland Committee report was published we still have the situation of a multiplicity of Tribunals at the Commonwealth level - all performing similar merits review functions.

It is my view that there is a serious issue for the Government and institutes such as yourself to consider our approach to Administrative Review mechanisms and determine whether we in fact need separate Tribunals.

I note the Queensland Electoral and Administrative Review Commission in its recent report on review of appeals from Administrative Decisions (August 1993) has confronted many of the questions which the Commonwealth faced in the early 1970's when reform of Administrative Review was central to the Government's agenda.

In a lengthy and thoughtful examination of Administrative Review in Queensland it is interesting to note that the Commission

was of the view the number of Tribunals in that State should be greatly reduced.

In many ways the recommendations of the Commission reflect the approach the Commonwealth has adopted towards merits review of Administrative Decisions. The thrust of the report is towards external merits review by an external Tribunal and a significant reduction in the overall number of Review Tribunals.

It is clear from a reading of the report that the Commission had in mind - as an ideal model - a single overarching review body with broad ranging jurisdiction in attempting to confront the multiplicity of review mechanisms available in that State.

The Commission has effectively recommended - as a compromise - merits review in most matters to be undertaken by the one body (the proposed "Queensland Independent Commission for Administrative Review") and the retention of a few specialist review bodies.

It seems to me that since the establishment of the AAT in 1975 the Commonwealth has departed considerably from the ideal merits review model - that is of a single overarching review body - and moved towards a merits review system characterised by diversity of Tribunals rather than achieving simplicity, consistency and uniformity which the one "one stop" Tribunal would bring.

Since the creation of the Administrative Appeals Tribunal - and in spite of its existence - successive Governments have created many "specialised Tribunals".

In consequence we now have the following bodies performing merits review function:

- The Administrative Appeals Tribunal (having by far the widest merits review jurisdiction)
- The Refugee Review Tribunal
- The Immigration Review Tribunal
- The Social Security Appeals Tribunal
- The Students Assistance Review Tribunal
- The Veterans Review Board
- The Security Appeals Tribunal

There is I should add, a clear need in my opinion for some jurisdictional areas to have a specialist Tribunal. The proposed Commonwealth MABO or Native Title Tribunal is clear example of this. These Tribunals will have a specific and new function in the Commonwealth sphere requiring a highly specialised sphere of knowledge.

The establishment of other specialised Tribunals has been a little more ad hoc. It may well be that improvements can - and should - be made to the operating procedures of the AAT. However I am not aware that the relative cost of establishing and operating a separate Tribunal has ever been closely compared with the cost of the particular area of review being conducted within the AAT.

Although it might be argued these separate bodies are simply performing a "first tier" external review function because of the possibility of a further appeal to the AAT, they are none the less still independent Tribunals and not within the control or formal oversight of the AAT - or even of the Administrative Review Council.

Already the problems which the multiplicity of Tribunals may create are being considered by the Administrative Review Council.

The Council has adopted a "speciality Tribunals" project which is intended to provide a forum for Tribunals to meet and identify areas of mutual interest, issues of common concern, and establish a framework for the ongoing relationship between the Tribunals and the Council. The existence of this project highlights the need - I think - to reconsider whether separate Tribunals are in fact needed and whether they are cost effective in the overall scheme of Administrative Review.

Some of the obvious issues of concern which have emerged with the development of separate Tribunals have been:

- The need for coordination and cooperation where appropriate between Tribunals
- The training needs of Tribunal members
- The development of guidelines for the constitution and operation of speciality Tribunals and their relationships with Government
- The relative independence of the Tribunal from its constituency - invariably only one Department
- The cost, efficiency and accountability of the Tribunals
- The council's relationship with those specialist Tribunals

It appears to me the note of warning sounded by the Bland Committee about the cost, waste of resources and inefficiency of a multitude of Tribunals may well be coming back to haunt us all.

I understand the council is about to organise the third national conference for Commonwealth Review Tribunals to be held in Melbourne in October this year.

The theme of the Conference is "Review Tribunals: Value for Money?".

It is a question which should concern us all. I look forward to addressing that conference and hearing its deliberations.

One of my concerns about our existing system of administrative review is that we have proceeded apace with not only the AAT but also the establishment of other Tribunals without any systematic evaluation of existing review mechanisms or analysis of the need for new review bodies.

I am very much concerned at the potential for divergence in approach by review bodies and I am committed to ensuring that Administrative Review of the Executive is undertaken in a rational and systematic fashion.

Notwithstanding the fact that a number of Tribunals, quite separate from the AAT, have been established - I am concerned that the continued existence of Tribunals separate from the AAT structure throws into question the efficiency and the effectiveness of the Administrative Appeals Tribunal itself.

I note with some interest a paper delivered by Professor Jack Goldring and others at the 1993 Australian Institute of Administrative Law Forum conducted here in Canberra earlier this year.

Professor Goldring's paper - 'evaluating Administrative Tribunals' - provides a very useful guide to what I consider an essential process of evaluation of Tribunals.

I would hope others would take up the challenge that the process of Tribunal evaluation presents with a view to analysing the desirability of rationalising the Commonwealth's present system of Tribunal review.

It has, after all, been nearly two decades since the work of the various review Committees (Kerr in 1971, Bland and Ellicott in 1973) was published. It seems to me it is now time for a disciplined examination of the Commonwealth's Tribunals to be undertaken.

I suspect such a review would tend to conclude, like the recent electoral and Administrative Review Commission report in Queensland, that there may be too many separate Tribunals and that we should consider rationalising our approach.

The Institute will no doubt have its own views on this issue and I look forward to hearing them.

These are the type of far reaching and fundamental questions which ought to be asked.

I would like to conclude on a note of optimism.

Justice Michael Kirby said in a recent speech

> "The challenge before the Judges and the Lawyers of Australia is to turn the many inquiries, political initiatives, legislative reforms and professional and judicial anxieties

into practical measures which will improve the delivery of legal services to citizens of this country"

There appears to be an acceptance now in all spheres of Government, in the judiciary and in the profession that there is a need to respond to the public cry for a better deal from the justice system.

Thankyou for allowing me to explore one aspect of this approach in improving our Administrative Law structures with you.

I look forward to reading your deliberations and wish you well in your continued excellent and valuable work in the Administrative Law arena.

AUSTRALIAN INSTITUTE OF ADMINISTRATIVE LAW

Incorporated

(Australian Registered Body Number 054 164 064)

MEMBERS NOTES

(accompanying Newsletter No 15 1993)

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State chapters

Details of recent and forthcoming State chapter activities are set out below.

Australian Capital Territory: Details of the annual general meeting of the Institute, held in Canberra on 30 September, are set out in a separate item below.

The public meeting planned for 13 October, which was to be addressed by the Hon Justice Walter Tarnopolsky, did not proceed because, sadly, the Judge was killed in a motor vehicle accident.

A highly successful seminar on practising administrative law, which was addressed by Joan Bonsey, Denis O'Brien and Jo Setright, was held on 15 November.

Planning is currently under way for proposed seminars in the new year on working with parliamentary committees and on the (alleged) proliferation of administrative tribunals.

New South Wales: On 22 November, the chapter held a seminar, in conjunction with the NSW Bar Association and Australian Lawyers for Human Rights, on administrative law and human rights aspects of refugee decisions. The seminar was addressed by Leroy Certoma and Dr John Griffiths. In excess of 80 persons attended.

Immediately prior to the seminar, the *Australian Journal of Administrative Law* was launched. A brochure on that journal is included with this Members Notes.

The chapter's annual general meeting and dinner will be held on (Thursday) 9 December 1993 at the Hotel InterContinental. David Landa, the NSW Ombudsman, will address the meeting. All NSW members will receive further details of the meeting in due course.

Inquiries about these and other activities of the chapter should be directed to the secretary of the

chapter, Mark Robinson, on (02) 221 5701.

Queensland: The chapter's primary focus at present is the planning of the 1994 administrative law forum, which is to be held in Queensland.

For further details of the activities of the chapter, contact the chairperson of the chapter, Maurice Swan, on (07) 360 5702.

South Australia: The chapter held a major seminar on 12 November, on 'Unravelling the administrative mind of local government'. It is hoped that papers from the seminar might be published in the Newsletter in due course.

Any inquiries about the activities of the chapter should be directed to the chairperson of the chapter, Eugene Biganovsky, on (08) 212 5712.

Tasmania: It is hoped that an inaugural meeting will be held shortly. In the interim, inquiries, expressions of interest and offers of support should be directed to Rick Snell at the Faculty of Law, University of Tasmania, on (002) 20 2062.

Victoria: The chapter's annual general meeting was held on 8 September. At that meeting, the following persons were elected to the executive committee of the chapter:

Chairperson: Julian Gardner (Refugee Review Tribunal)
Secretary: Mick Batskos (Mallesons Stephen Jaques)
Treasurer: Jacky Kefford (Residential Tenancies Tribunal)

Committee members: Michael Clothier (Immigration Review Tribunal), Ian Cunliffe (Blake Dawson Waldron), Susan Kneebone (Monash University), Charles Reichman (Reichman and Co), Loula Rodopoulos (Administrative Appeals Tribunal) and Kim Rubenstein (Melbourne University).

At the conclusion of the formal business, the meeting was addressed by Professor Cheryl Saunders, former President of the Administrative Review Council.

The chapter held a seminar on 15 November, on 'The Victorian Ombudsman 20 years on: Accountability and roles in the 1990s'. The seminar was addressed by Norman Geschke, the Victorian Ombudsman.

Inquiries about the activities of the chapter should be directed to the secretary of the chapter, Mick Batskos, on (03) 619 0906.

Western Australia: Any inquiries about the activities of the chapter should be directed to the secretary of the chapter, Ilse Petersen, on (09) 224 1815.

1993 annual general meeting of the Institute

As mentioned above, the 1993 annual general meeting of the Institute was held in Canberra on Thursday 30 September. Important matters discussed at the meeting included the President's report on the activities of the Executive Committee in 1992-93 and the Treasurer's report for the same period. Copies of both those