



Freedom of Information in the Pacific

Report of a CPA/CHRI
Regional Workshop

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CPA/CHRI PACIFIC WORKSHOP ON FREEDOM OF INFORMATION

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More than 40 Parliamentarians, including government Ministers, and senior parliamentary officials from seven Commonwealth Pacific countries met in the Fiji Islands on 1 and 2 September 2005 with a team of experts assembled by the Commonwealth Parliamentary Association (CPA) to discuss issues related to freedom of information, especially in the context of the specific needs of Pacific societies.

In the Commonwealth Pacific, only Australia and New Zealand so far have passed a freedom of information law, while Papua New Guinea, the Fiji Islands, Kiribati, the Solomon Islands and Tuvalu have an explicit constitutional guarantee for such a right, either on its own or as part of the provision for freedom of expression. Meanwhile Nauru, Samoa, Tonga and Vanuatu have neither. The Workshop was therefore a very useful opportunity for lawmakers from the Pacific and other interested parties to discuss the various implications of legislating for and implementing a freedom of information regime.

Participants had the benefit of the experience of four experts in the field: Ms Charmaine Rodrigues of the Commonwealth Human Rights Initiative (CHRI); Mr Peter Shoyer, Information Commissioner of the Northern Territory, Australia; Mr Rick Snell of the University of Tasmania, Australia, and Ms Mary Harris, Deputy Clerk of the New Zealand House of Representatives.

At CPA meetings, Parliamentarians have recognized that freedom of information is a fundamental human right and as a cornerstone of democracy, participation and good governance. A CPA Study Group meeting in 2004 recognized that:

This key right is essential to empowering all members of society, including Parliamentarians, to strengthening parliamentary democracy, to reversing practices of government by the few and to improving the relationship between Parliament and the media.

The Group [noted] international standards in this area, including Article 19 of the United Nations Universal Declaration of Human Rights, the Declaration of Principles on Freedom of Expression in Africa, the Inter-American Declaration of Principles on Freedom of Expression, Recommendation (2002)² of the Committee of Ministers of the Council of Europe to Member States on Access to Official Documents, the recommendations of the UN Special Rapporteur on Freedom of Opinion and Expression, [and] the freedom of information standards developed by the Commonwealth.

The Group notes the central role of Parliament and its Members in giving effect to the right of access to information, as well as the importance of access to information to Parliamentarians in the performance of their duties.

At the conclusion of the Pacific Workshop on Freedom of Information, the points elaborated on in this report were drawn up as reflecting the discussions and exchange of ideas between participants. Above all, participants were in agreement that as a democratic country's ultimate sovereign institution, Parliament should remain the paramount oversight body in respect to the implementation of the freedom of information regime. Any FOI legislation it enacts should therefore require the institution(s) charged with implementing the law to report back to Parliament regularly. This institution can be a specially created Information Commissioner's office, an existing institution such as an Ombudsman or Human Rights Commission, or even the Ministry of Justice/Attorney-General. (MPs should also bear in mind that their institution benefits from freedom of information, which increases their ability to scrutinize government activity and the public's ability to participate in the parliamentary process.)

COMMONWEALTH FREEDOM OF INFORMATION PRINCIPLES

- 1. Member countries should be encouraged to regard freedom of information as a legal and enforceable right.**
- 2. There should be a presumption in favour of disclosure and governments should promote a culture of openness.**
- 3. The right of access to information may be subject to limited exemptions but these should be narrowly drawn.**
- 4. Governments should maintain and preserve records.**
- 5. In principle, decisions to refuse access to records and information should be subject to independent review.**

1. A freedom of information system will above all be aimed at – and beneficial to – members of the public; it is not something only for the media to use. The system must be designed to help members of the public have access to the kind of basic information that they need in their own everyday lives, e.g. about the activities of local schools, local hospitals and the nearest government institutions.

Delegates heard that at the heart of freedom of information is the right of people to request access to information and the duty of governments to make information available, either in response to such requests or proactively, unless specific and well defined exemptions apply. Governments and Parliaments must therefore pass legislation setting out the specific content of the right to information and the duties of relevant bodies to provide it, including when they can refuse to do so.

Adopting freedom of information laws is only the first part of entrenching this right. Its effective implementation is the key, as well as a commitment to openness throughout government and public bodies. This must be demonstrated especially through the provision of adequate resources for improving record systems, for public education and for creating the infrastructure for responding to requests for information and for proactive disclosure. Above all, the success of any FOI regime depends on the political will of decision-makers.

The experience in countries that have implemented FOI regimes is that more than three quarters of information requests are made by citizens on issues of personal or local concern, as opposed to media requests for information that has “news value”, which make up a minority of applications. Experience also shows that what citizens want from an FOI regime is information on the provision of local services such as health care and education to ensure that they receive their proper entitlements from the state and also on matters like local tenders, license applications or failures of authorities to follow up a complaint.

Concerns were expressed that implementing an FOI regime may lead to frivolous or contentious requests from the media, or to excessive requests to public bodies; but experience has showed that institutions proactively releasing more information about their activities leads to fewer requests.

2. Free public access to information held by government and public institutions is good for economic and social development because it leads to a more efficient economy and better public sector performance, increasing investor confidence in the country's economy and reducing waste and corruption. It also promotes government accountability and public participation in governance and development.

A democratic system of government is enhanced by freedom of information because a better informed electorate can make better choices when choosing its representatives and leaders. People's fundamental democratic rights are therefore reinforced by FOI as it allows citizens to judge governments and representatives on their performance record.

A good FOI regime enforces the right of the entire public to access information. Information is disclosed not for the sole benefit of the person making the request, but for that of society as a whole. Therefore the disclosure of information invariably benefits society as a whole rather than only certain individuals and allows society to function better.

The making of public policy can be improved where an FOI regime requires both proactive disclosure of information and opening the policy-making process to public scrutiny and participation (e.g. by opening committee and council meetings to the public, and by releasing key decision documents). In this way, policy flaws and potential waste of public funds can be identified at an earlier stage and prevented. Issues of socio-economic exclusion for certain groups, especially minorities, can also be better addressed.

There is a growing international consensus that greater openness is good for any country's economy, inspiring confidence in potential local and foreign investors, reducing corruption and showing one element of economic and political stability. On the other hand, investors will be wary of situations where economic activities and government decisions are shrouded in secrecy. International institutions like the World Bank and the International Monetary Fund have also argued strongly that markets do not function correctly where there is a substantial discrepancy between the information held by the state and its institutions and that available to the public.

3. The exact details in any freedom of information law and system are decided by lawmakers to reflect the needs of their countries, and therefore they can differ from country to country. There should not be one single model that can be imposed in all countries. Freedom of information legislation can be designed to reflect both universal principles and local conditions and traditions.

Even where there is a constitutionally guaranteed right to information, legislation is needed to enable people to exercise it fully. While some governments have attempted to promote openness through codes of practice or executive orders, these do not carry the same force as FOI laws and do not entrench the public's right as deeply.

Experience shows that FOI regimes can be implemented in a variety of contexts with regard to countries' stage of economic development or their social, cultural and ethnic diversity. Where countries are in the process of strengthening institutions and records management, they can also prioritize proactive disclosure of key information to ensure that citizens can more effectively engage in their own governance.

As more Commonwealth countries pass and implement FOI legislation, other countries have more examples to draw on when considering how to do so themselves. International organizations and NGOs have also developed best practice standards. Commonwealth developing countries, both large and small, are passing FOI laws in recognition of their development benefits. These include South Africa, India, Jamaica, Trinidad and Tobago, and Antigua and Barbuda.

Accommodating cultural diversity can be a challenge to effective law-making. Culture must be taken into account when preparing any FOI legislation (see Recommendation 5). Yet cultural diversity is compatible with openness in governance. In the Pacific, where each country has its cultural specificities, there are examples of how parliamentary forms of government have incorporated and respected local traditional structures. For example, Samoa's Parliament is also in effect a meeting of traditional chiefs under the *matai* system. There is no reason why this cannot be achieved in relation to FOI regimes. Already New Zealand has an FOI regime that functions well in the presence of a strong indigenous culture.

4. In all countries where freedom of information legislation has been or is being introduced, the process is dependent on the existing environment. In Pacific countries too, the debate on drafting and introducing FOI laws can be complicated by political conditions, e.g. the demands of coalition government or the relationship between the government and the opposition, or between the government and the media. Even where such conditions create difficulties, they should not stop efforts toward greater openness in governance. In fact, greater openness in governance can help solve the underlying problems.

Commonwealth Pacific countries have a variety of political structures and some have gone through major upheavals (sometimes violent) in recent years. In many cases, Pacific Parliamentarians report having to operate in sensitive political contexts, constrained by post-conflict situations or coalition government arrangements. For example, the Cook Islands have had several coalition governments in recent years, the Fiji Islands have had coup attempts, the Solomon Islands have been affected by violent conflict and the power of Tonga's monarchy has been challenged. Such political situations are said to explain the difficulties faced by governments that might consider introducing legislation to guarantee new rights such as the one to information. Governments and MPs also often worry that allowing free access to information might worsen the existing political problems a country faces, especially those in post-conflict situations.

The United Nations and other international bodies have increasingly recognized that alongside a free media, free access to information helps develop understanding and trust between different groups and cultures, which is a prerequisite for building peace and security. Peace and reconciliation efforts also rely on the availability of trustworthy and accurate information from official sources, so that all the parties involved, including the media, can play their respective roles in the process. The free flow of information contributes to national stability by enabling a dialogue between citizens and the state, reducing distance between government and people, especially minority or disadvantaged groups, and thereby combating potentially dangerous and divisive feelings of alienation.

5. In Pacific societies the different cultural sensitivities are highly important and must be taken into account in preparing any FOI legislation; but they are not incompatible with greater openness in governance. Cultural concerns can be addressed when drafting legislation by ensuring exemptions protect sensitive information. Also, when applying the law, the “public interest test” can be defined and applied to take into account cultural sensitivities. Officials can also prioritize “negotiation” between parties to ensure that sensitivities are properly handled.

FOI laws can ensure that access procedures take into account cultural attitudes towards engaging with public officials. Both the public interest test that should underpin disclosure decisions and the exemptions in the law to protect sensitive information can also be designed to take into account cultural sensitivities. Many countries’ FOI laws consider how different cultural groups will respond to the implications of the new regime and how it will challenge traditional attitudes to the disclosure of information within society or particular groups. For example, the FOI law in Australia’s Northern Territory, which has a large Aboriginal population, contains an exemption for information about Aboriginal sacred sites and traditions. This seeks to balance cultural sensitivity and the requirements of the law by retaining a public interest test nonetheless.

Respecting cultural diversity should also be a priority when implementing and applying the law. Traditional cultures of secrecy and hierarchical approaches to information-sharing must be addressed. A key implementation strategy is for officials to prioritize “negotiation” between parties rather than an adversarial approach to disclosure. In some communities, people may not be comfortable with having to “demand” information and argue with officials about why it should be disclosed. In such contexts, an independent appeal body, such as an Ombudsman, that is committed to promoting openness can mediate disputes and assist requesters. Any such independent body should promote a non-adversarial approach, e.g. by prioritizing mediation. It can talk to the parties and seek a compromise on disclosure, i.e. by releasing most records, or partially disclosing a certain record, and a more formal hearing need only be conducted where mediated agreement cannot be reached. This body should also promote openness as a positive, natural activity, rather than one to be forced upon officials.

6. Any freedom of information law should be drafted to take into account the linguistic diversity of the country, such as in the case of most Pacific countries, and this could be done, for example, by permitting applications for information to be submitted in different languages and by allowing for translation of information in the public interest.

It is a common concern of policy-makers that FOI laws will be ineffective in countries where linguistic diversity means that many citizens will in reality not be able to usefully access official information because procedures and records use only the official national language. This is certainly an issue raised in the Pacific, where Papua New Guinea, for example, has the most languages per capita of any country in the world.

However, policy-makers should recognize that a well-drafted law can innovatively address the challenge of linguistic diversity. For example, in Canada, a country where linguistic differences have been a symbol of differences that have even resulted in the call for secession in one province, the national FOI law goes so far as to allow for the translation of government documents that have been requested where translation would be in the public interest.

The key is for any FOI law to ensure that procedures for requesting access are user-friendly and that the form in which information is provided takes account of language needs (as well as the needs of the sensorily disabled). Within the Commonwealth, India (with 18 official languages) and South Africa (with 11 official languages) have FOI laws that address this challenge specifically. In India, applications can be submitted in the two national languages (Hindi or English) or any official local language. In both South Africa and India, dissemination of information that is proactively published must take account of language needs. Thus, the South African law requires the government to produce and disseminate a user's guide for the public in all 11 of the country's official languages.

Furthermore, in South Africa, where an applicant is illiterate or sensorily disabled, officials are under a duty to assist them to submit their applications. In India, sensorily disabled applicants must be assisted when they are accessing information, e.g. by someone reading it to them during an inspection.

7. Public institutions like government ministries and Parliaments can gradually take initiatives to improve the flow of information to the public without waiting for freedom of information legislation to be passed, for example through proactive disclosure of key information of relevance to the public. This will be a first step towards encouraging a culture of openness and educating the public.

Government Ministers and Members of Parliament can play a leading role in promoting freedom of information and transparency, even where legislation has not yet been adopted, by ensuring that information within their remit is published regularly (e.g. on their department's or office's web site). The information could cover new policy announcements, guidelines for applying for welfare or other payments, forthcoming public consultation exercises or government tenders. Heads of government can go beyond holding post-Cabinet press conferences: in New Zealand, for example, it is envisaged cabinet papers may have to be disclosed unless there is a compelling reason not to do so. (MPs can already request them under the Official Information Act.)

At the parliamentary level, standing orders can require a system of disclosure of Members' interests, even where no legislation requires it, and this system could be overseen by a parliamentary committee (e.g. the Privileges Committee) rather than the courts, preserving the sovereignty of Parliament. Members can in this way take the lead in demonstrating that making information available to the public does not clash with a traditional attitude of respect for society's senior figures of authority.

In societies where cultural sensitivities are paramount, this type of proactive disclosure can help reassure people that openness is compatible with their customs. One example from the Pacific is the recent case of the proposed introduction of a land tenure system through a Units Title Bill in the Cook Islands, in which the government tried to give the public a chance to have an input into a sensitive issue. The Cook Islands government has also encouraged greater consultation ahead of the budget and has also introduced a policy of requiring a budget policy statement to be made ahead of the budget itself to allow for greater openness.

8. Lawmakers can also design a freedom of information system that is gradual and evolutionary by implementing key parts in stages to take into account national priorities and sensitivities, resource constraints and the importance of long-term bureaucratic culture change. This will also address the issue of the demands and costs of data collection and records management, which are especially important in small and developing countries such as those of the Pacific.

Despite potential difficulties in implementation, it is important to legislate for an FOI regime as the people's right will at least be entrenched, even where it is recognized that full implementation of the regime must be gradual rather than immediate.

Governments in the Pacific face enormous challenges in data collection and management. This has led them to question whether they should not first deal with their basic needs in data management before addressing FOI issues. The two issues can be addressed jointly, however, and there would be efficiency gains in designing data management systems that are compliant with the needs of an eventual FOI regime. There is no reason either why any country should not introduce such a system gradually, over time across different government agencies. In Jamaica, key ministries implemented the law first. In some countries, a review of the Act is scheduled within one or two years to identify practical challenges and recommend amendments. In others, the FOI regime was designed to leave open whether cabinet documents could be disclosed in the future and eventually it was decided that some could be disclosed.

Furthermore the introduction of an FOI regime can help improve the performance of institutions and lead to efficiency savings by requiring better record keeping and effectively building corporate memory.

The right proactive approach to disclosure of information can also limit greatly the costs and resource needs of administering the FOI regime as it reduces the need to deal with individual requests. Experience shows that failure to deal promptly with information requests leads to escalating costs. A further way to limit costs is to combine the function of the implementation institution (e.g. an Information Commissioner) with that of an existing Ombudsman or Privacy Commissioner.

9. Concerns over possible misuse of information released through FOI applications can be dealt with (1) by existing criminal and libel legislation etc. and (2) by having a well thought-out regime of exemptions in the freedom of information law itself.

Concern is sometimes raised that an FOI regime could be abused to access sensitive information, the disclosure of which could harm the public or national interest. Establishing an FOI regime automatically raises issues of what limitations can be legitimately imposed on the right to information. Pacific Parliamentarians have expressed fears that information made available under FOI requests could somehow be used to the detriment of the public good or of the reputation of individuals.

Such concerns can be addressed not at the stage of release of information under an FOI regime, but rather when the legislation is drafted. Clear, comprehensive, narrowly defined exemptions from disclosure should be identified in the law itself and incorporated in the regime. Even a fundamental right such as the right to information can accommodate exemptions. However, any exemptions should be subject to a strong public interest test, an override through which information will always be released by officials and appeal bodies if disclosure is in the public interest. This can be done in the legislation itself and/or by giving a role to the courts to decide independently on whether the public interest test is passed or failed.

Furthermore any possible misuse of information obtained under the FOI regime can be dealt with under any country's existing criminal and civil law, e.g. via cases of libel or defamation. Whereas a freedom of information law should protect personal information held about a citizen, it should also guarantee access for each citizen to official information held about themselves.

The FOI law can also contain provisions to deter vexatious applicants or what some call "fishing expeditions", provided that these restrictions are narrowly defined and are subject to independent review, either by the courts or by a specially appointed body, such as an Information Commission.

10. A freedom of information system can help improve the level of public debate and media reporting in a country by making more facts available to the public, and therefore reducing the risk of debate and reporting being based mostly on rumours and unverifiable allegations.

It is increasingly recognized worldwide that an enabling legal and constitutional environment for a free media should include the public's right to information. Yet in countries that do not have an FOI regime, there is concern that establishing one would mean a license for the media to behave irresponsibly. Pacific Parliamentarians often express concern at the behaviour of the media in their countries and complain of a deterioration in the standards of reporting. On the other hand, the media argues that difficulties in obtaining timely and accurate information from government and public bodies seriously affects their ability to report properly on public matters.

If detailed and accurate information is available to the public (and therefore the media), journalists may still "get it wrong"; but it will be easier for all to see where the media is reporting inaccurately. It is straightforward to show how the media have been wrong if all the facts have already been made available to the public. There is also an argument that if information about public bodies is not readily available, the tendency will be for the media to overstate the importance of any information it obtains and any difficulties in obtaining it, which distorts the public perception of what these public bodies do.

A fear was also expressed by MPs that in some Pacific countries there is effectively a media monopoly situation and that this may lead to the media not bothering to seek out positive information about government activities if they oppose the government of the day. Here again, any failings of the media would be more easily highlighted, and hopefully avoided, if more official information was available to the public.

These points highlight the importance of a dialogue between government, Parliament and the media in the process of formulating policy on media regulations and freedom of information. Greater input from the media in drafting legislation should reduce the risk of dysfunctions in the FOI regime as far as its use by the media is concerned.

11. After the adoption of freedom of information legislation, a specific body – such as an existing oversight body or a new Information Commission or even a government department – can be charged with educating the general public and public officials to facilitate the use of the system. In small countries such as those in the Pacific, the role of an Information Commission could be combined with that of another oversight body such as that of the Ombudsman. It is important to devise a system that maximizes efficiency as resources are often scarce.

In legislating the right to information there is a duty for the state to promote a culture of openness and the awareness of people's rights as well as of the duties of public officials. The FOI regime must therefore include provisions for public education work and training for public officials, ideally to be carried out by a "central driver", i.e. a person or body with clear responsibility. In New Zealand, in the first years of the FOI Act, an Information Authority was set up to have an educational role and to facilitate responses to requests for the first six years. Elsewhere a specific Information Commissioner was appointed to perform this role. Where resources are scarce, it can be performed through an existing government department, e.g. within the Ministry of Justice.

The public education function should be distinct from that of handling complaints under the FOI regime, although both can be performed by the same body with resources mandated by law, such as a specifically created Information Commission.

The FOI regime must educate thoroughly public officials in issues of timely and full compliance. It must make clear what constitutes non-compliance (e.g. wilfully restricting access, unreasonable delays, refusing to accept an application) and what are the penalties. Introducing an FOI regime should not prove a radical change to practices since many offences of non-compliance (e.g. destroying documents, providing misleading/false/incomplete information) are often also sanctioned in the criminal code as offences of destroying state property or committing fraud. The promotional body should also make clear what the standard penalties for non-compliance are. (These penalties can take the form of fines per each day of delay for individual officials to promote individual compliance, which is seen as more effective than fines for institutions.)

12. Due to the specific nature of small countries, some conflict of interest might arise when applying the FOI law (processing applications and appeals); but these can be dealt with by referring cases to another senior staff member or another oversight agency.

The FOI legislation must be drafted in a way simple enough for middle-ranking officials to be able to deal with information applications at their own level of responsibility. If the law is complex or written in complex language, this will render the FOI regime less efficient by making it necessary for applications to be dealt with at a higher level of responsibility, inevitably a slower and costlier process. It is best to leave only the most sensitive cases to be dealt with at the highest levels of administration (or through the courts or the Ombudsman etc.).

This type of referral may be inevitable, however, in the case of very small countries where individual personal connections are more prevalent and situations that may lead to conflicts of interest are likely to occur more frequently than in countries with large populations. In such cases the FOI regime must be designed so as to include clear procedures and guidelines for officials and institutions on how to avoid potential conflicts of interest. This should include well understood guidance for officials to know when to refer requests for information where this would be appropriate for their impartial handling.

In order to further reduce any risk of conflicts of interest undermining the FOI regime, the law must also include a strong independent review function giving citizens the opportunity to challenge the way their requests for information was processed. (To avoid a situation in which many frivolous costly legal challenges are made, some FOI regimes have been designed in such a way as to avoid becoming too litigious. Some review processes should be cheap, timely, simple, and non-adversarial, if possible). In New Zealand, a person dissatisfied with how their request for information has been handled can apply to the Ombudsman for a review of any decision. The Ombudsman may, after investigation, make a recommendation to the relevant authority and eventually report a failure to comply to the Prime Minister and Parliament. In Australia, an existing Administrative Tribunal hears appeals under the FOI law.

13. Delegates at the Workshop also discussed whether, when drafting a freedom of information law, consideration should be given to permitting access to information held by private bodies (either commercial or non-governmental), at least where those bodies receive any public funds. Pacific countries might consider the different provisions to that effect in the freedom of information regimes of such Commonwealth countries as South Africa, Jamaica, India, Trinidad and Tobago, and the United Kingdom.

Some countries have decided to extend the scope of the FOI legislation to cover, at least partly, private bodies and not just broadly defined public bodies. The arguments put forward to justify covering private bodies to some extent include: if they are receiving public funds, if they carry out any form of public function or insofar as their activities impact on the public domain (e.g. environmental impact). For example, the FOI law in Trinidad and Tobago applies to any body corporate or unincorporated entity exercising functions for the state or supported directly or indirectly by government funds or over which government can exercise control.

As discussed above, specific decisions regarding the scope of any proposed FOI legislation depend on the political context in the country. When South Africa was drafting its FOI law, for example, it was decided to include the private sector under its scope because of the history of political power exercised by private companies under the apartheid regime. As a result, the South African law allows for access to any record of a private body if that record is required for the exercise or protection of any right.

It is worth noting that, while in most FOI regimes details of commercial contracts are not disclosed, some non-Commonwealth jurisdictions such as Mexico do require this too. The argument is that this leads to better competition and therefore savings in state expenditure.

Pacific Parliaments could therefore choose to act similarly when they draft their FOI legislation to reflect specific national concerns.

14. The representatives of the different Pacific countries meeting at the Workshop called on all the relevant Commonwealth bodies and international organizations to provide them with technical and other forms of assistance to help them draft freedom of information legislation and implement any freedom of information regime following the passing of such laws by their Parliaments.

There are many resources to help countries develop FOI laws in line with international best practice. The Commonwealth, the African Union and the Organization of American States have endorsed minimum standards on the right to information, while the European Union has developed a specific Regulation on Freedom of Information. The United Nations Special Rapporteur on Freedom of Expression has endorsed the “Principles on Freedom of Information Legislation” developed by the NGO Article 19 to set out the key features that should ideally be present in any FOI policy or law, drawing on international and regional standards, evolving practice and the general principles of law recognized by the community of nations. The CHRI summarized these standards in its 2003 report, *Open Sesame: Looking for the Right to Information in the Commonwealth*. (For more information on all the above, see www.humanrightsinitiative.org/programs/ai/rti/international/laws_&_papers.htm.)

Implementation is strengthened if FOI laws are “owned” by both the government and the public. A participatory legislative process can be a major factor in laying a strong foundation for an effective FOI regime. Public participation can be facilitated by setting up a committee of stakeholders (including officials and public representatives) to consider and provide recommendations on the draft Bill, by inviting submissions from the public before Parliament finalizes and enacts the Bill, by convening public meetings to discuss the proposed law and by using the media to raise awareness.

Those in charge of implementing an FOI regime, however, must temper their public education efforts with building realistic public expectations of what the FOI regime can achieve in the short term. They must also build awareness that some information is exempt, that applications cannot always be processed as quickly as applicants wish and that applicants may be charged a fee where the law allows for one.

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