

Freedom of information needs to be taken seriously

By Adam Henry
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We live in a time when human beings are bombarded with more information than at any time in the history of our civilisation. Unfortunately, the quality of this information varies considerably and citizens in the Western democracies have seemingly accepted the passive role of the mighty mushroom. Yet in nations like Australia, with access to modern technology, libraries and the Internet, it often seems to be quite a chore to examine and test various claims made in the media.

We sit before our television screens, our computer screens and newspapers with cynical inertia. But in fact it takes very little time to check and examine the validity of most pieces of information once you know where to look. Therefore, you would expect that information contained in the National Archives of Australia to be open and accountable to citizens interested in learning more about the past actions of our government.

As a researcher, the archives are central to my work, but increasingly I have come to the conclusion that archives should be allowed to play a far greater role in a truly democratic society. In the United States, freedom of information is taken very seriously indeed. Anyone who doubts this should examine the types of documents that freedom of information requests have uncovered.

One particularly poignant example of this is demonstrated by the National Security Archive at George Washington University, Washington DC. The range and depth of US government documents are simply staggering and also deeply embarrassing to many former US government officials whose decision-making processes are shown for what they are. Freedom of information in the United States has forced organisations such as the CIA to open up its archives and release material. In Australia such openness (however reluctant in the case of the CIA) does not exist. In theory archival documents can be searched and requested, but in practice the types of materials exempted from public access are troubling.

During a recent document search, at the National Archives in Canberra, the reality of the situation was yet again demonstrated to me. Information in any document at the NAA can in practice be removed in accordance with the *Archives Act 1983* by the *access examiner*. There are of course some very compelling reasons that documents may need to be protected from unfettered public access, however, I argue that these categories of restriction are most often used officiously to protect the reputation of politicians, the Australian intelligence community and the Department of Foreign Affairs and Trade from embarrassment and legitimate questions about their past actions.

First, organisations such as these are under no obligation to release *all* of their documents to the National Archives. Which documents are simply kept by these agencies and never acknowledged is therefore completely unknown to the NAA and the general public. In essence, they choose which archival documents they will provide and acknowledge.

All documents designated for release to the NAA are subject to the examination process which will determine their level of public accessibility. But consider this, many of the individuals who examine these documents and determine their status are most often retired high-level diplomats, spies and military personnel still holding the highest security clearances.

Furthermore, the documents they examine may have been authored by individuals they could personally have known, worked with or were connected to by former colleagues. The documents they examine might also deal

with subjects familiar to them from their former professional occupations. In Canberra, the diplomatic and intelligence community is small and six degrees of separation would be an improvement.

This certainly appears to be a case of the fox guarding the hens: particularly when access to important documents is denied to those with legitimate and compelling reasons to see them. Recently I was denied access to the file *East Timor - Balibo Killings RV10/00000283 for Series M3128, control symbol 1770*, as it was “closed period and consequently access to this item is not possible under the Archives Act 1983”. The question to consider is whether this should be acceptable?

As a researcher interested in knowing the facts I do not wish to speculate nor do I wish to mislead. Perhaps I have put forward certain conclusions in my research, why then can't I know whether or not these conclusions are accurate? As a citizen am I not entitled to compare the public claims of politicians and diplomats with the documentary record? Particularly when such individuals are prone to making grandiose public statements justifying their past actions.

I do not advocate unfettered public access, but under certain conditions there are no compelling reasons that such documents should be kept under lock and key. For example, those wishing to see such documents could agree not to cite the document in any published materials; they could agree to not disclose any information damaging to Australia's national security; they could even agree not to acknowledge that they had seen the document. However, should information in such a document contradict and discredit statements and actions of politicians, diplomats, ASIO and ASIS then legal mechanisms must be implemented to hold them to account for instances of perjury and, yes, deception. Such a mechanism may have an extremely positive effect on the poor quality of public debate and information provided to Australian citizens.

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