

## High Court Rules against Freedom of Information Case

Wednesday 6<sup>th</sup> September 2006

In a split decision the High Court today ruled three to two in favour of the government in *The Australian* newspaper's battle to secure a landmark outcome under Freedom of Information legislation.

News Limited chairman and chief executive John Hartigan said: "This is an extremely disappointing outcome, not just for *The Australian* newspaper but for Australians everywhere who value freedom of information and freedom of speech.

"At issue were some fundamental public rights to know how the nation is governed and to hold elected representatives accountable for their decisions," Mr Hartigan said.

"With this decision it is difficult not to conclude that the Freedom of Information laws are now effectively lost as an avenue for making governments open, transparent and accountable.

"There were significant costs involved in mounting this appeal but in our view these costs were justified by the importance of the issues and principles at stake. Despite this outcome, those principles remain as important and our commitment to them is undiminished," said Mr Hartigan.

Mr Hartigan also thanked Fairfax and Rural Press which contributed to the cost of mounting the appeal.

"On a broader note, I repeat what I have said in other forums, freedom of speech – including freedom of the press – is under renewed and intensifying threat in Australia," Hartigan said.

"Australians need to become well informed about the threats to this basic democratic freedom which is occurring on numerous fronts.

"Increasing attempts to foil FOI requests, the widespread use of suppression orders and the inadequacies of the new national defamation regime are, with the proliferation of spin and political correctness, undermining the public's right to know how government, institutions and business are managed and to what standards they should be held accountable," Mr Hartigan said.

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The Australian newspaper's quest began in 2002 when its Freedom of Information editor, Michael McKinnon requested information from the government concerning tax bracket creep and other issues, under the Freedom of Information laws.

Following an 18 month delay, the request was denied by the Treasurer's office. Subsequently a conclusive certificate was signed, blocking the release of the material on the basis that the public might not understand the information.

Subsequent appeals to the Administrative Appeals Tribunal and the Supreme Court were also lost before *The Australian* sought and was granted leave to appeal to the High Court.

End.

Released by News Limited Corporate Affairs For further details contact Greg Baxter, Director Corporate Affairs, Tel: 02 9288 3242