

# Rising secrecy across Australia allows corruption to thrive

*As Australia has become more corrupt it has also become far less transparent — the number of successful FOI requests has dropped alarmingly.*

Bernard Keane – *Crikey* – 18 March 2021

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*This is part two of The Dirty Country: Corruption in Australia. Read [part one here](#), and the [whole series here](#).*

Australia is becoming a more secret place with greater restrictions on public access to information — allowing greater freedom for soft and hard corruption to flourish in politics and the bureaucracy. Since 2017 Australia has slipped out of the top 20 countries in the [world press freedom index](#) and managed just 26th spot in 2020, behind a number of developing countries such as Jamaica and Namibia.

Not merely have we seen journalists subjected to high-profile raids, whistleblowers being prosecuted, the shameful and vexatious treatment of Witness K and Bernard Collaery, and laws dramatically curbing the capacity for intelligence whistleblowers to reveal misconduct, but long-established transparency laws have been degraded.

The effectiveness of freedom of information laws has significantly diminished in recent years: FOI laws [have been openly opposed](#) by senior public servants (normally the last to voice an opinion on anything), the head of the Public Service Commission called them “[very pernicious](#)”, and the head of one of the [biggest departments mocked FOI laws](#) as a low priority for him.

Since 2015 the number of FOI requests refused has increased from less than 10% to 15%, and ones granted in full — including requests for people’s own personal information — have fallen below 50%.

In some agencies, [outright refusals have increased by half](#). A [Guardian investigation](#) found agencies deliberately delay responding to requests and have increased charges, and rely on the exemption relating to resource requirements for requests. It has also been clear Coalition policy since 2013 to defund and restrict the statutory oversight of FOI when it merged FOI oversight with that of the privacy commissioner.

The current government, it should be remembered, began with a commitment to rigorous secrecy in relation to asylum seeker matters, with Scott Morrison blocking even the most basic requests for information on either maritime arrivals or the activities of the Australian navy, including its violation of Indonesian territory.

The government has continued in that vein. Nor has it been alone: [the Andrews government has presided over](#) a significant decline in access to FOI documents in recent years.

Transparency is also being pushed back on other fronts. Since 2015, the government has cut funding for the Australian National Audit Office in real terms and it now has a smaller staff than six years ago. Attorney-General Christian Porter has also [suppressed ANAO reports](#) critical of the government, invoking national security.

If there was a trend towards greater secrecy before 2020, the pandemic accelerated it. Pandemic modelling was deliberately withheld from the public for months in 2020 on the basis that the public would overreact. Key health bureaucrat committees operated with no public information about their decisions.

The so-called national cabinet — a rebadged COAG — is used to [block access to information](#) about major pandemic issues. The Senate’s opposition-controlled COVID inquiry [caught the government out](#) on inconsistencies in its story that national cabinet was some sort of federal cabinet committee and criticised its secrecy.

In Victoria, the inquiry into the Andrews government’s hotel quarantine debacle revealed a black hole within the government from which no information about who had made key decisions could be obtained.

Using the pandemic to increase secrecy was [a phenomenon in other countries](#) as well, not just in dictatorships such as China.

Secrecy within the federal government in Australia is especially problematic given it is already one of the most backward jurisdictions in the Western world in relation to transparency. Its *Freedom of Information Act 1982* is 40 years old, has never been overhauled or updated, and is based firmly in the paper-and-ink era, with a very wide range of exemptions.

Its donation reporting laws — of a similar vintage — have been discussed separately. Unlike several states and territories, New Zealand, England, Wales and Scotland, the prime minister and cabinet are not required to publish meeting diaries identifying who they have met and been lobbied by — a requirement that should apply to shadow cabinet and crossbench senators crucial to the passage of legislation.

The federal lobbyist register — a pro-transparency innovation (or, technically, a restoration from the Hawke years) by Kevin Rudd — excludes in-house lobbyists and those from law firms and consultancies. The only other pro-transparency reform of recent years was the introduction of a foreign influence register, although the [clumsy handling of it by the Attorney-General’s Department](#) raises major questions about whether this is instead yet another curb on free speech.

While the Australian media put aside commercial and political differences to support a “right to know” campaign demanding less government secrecy, and the government has been sufficiently worried about a media backlash to outline some protections for journalists in its swathe of new security laws, ultimately the power over secrecy and transparency rests entirely with politicians, unrestricted by constitutional or legal impediments.

Politicians in government tend to lose the keen interest in transparency they showed when out of power, and defund the transparency bodies that they championed from the opposition benches. Those few leaders who commit to greater transparency — like Rudd — soon discover that they get no credit and pay a penalty in terms of greater media scrutiny.

It’s thus unsurprising that the Morrison government’s proposed anti-corruption body similarly makes use of secrecy to shield corrupt politicians: the hearings of the body would be behind closed doors and the findings of corrupt conduct — which [will never happen](#) given the absurdly high bar for such determinations — are to be kept secret as well.

Such a body is of a piece with both the trend in secrecy of this government and Australia’s long-term lack of political commitment to transparency. If sunlight is the best disinfectant, it’s getting darker and darker in Australia — a key reason why corruption is rising.