

Freedom Of Information In Australia: The Legislation And Public Debate A Guide To The Literature Wit

WHISTLEBLOWING: INTERNATIONAL STANDARDS AND DEVELOPMENTS¹

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I. Introduction

We live in a complex world. Every day, decisions are made that can affect our health, safety, economic and human rights. Some of these decisions are made for the worst of reasons. They are made by the corrupt, the incompetent or the lazy. Accidents happen or corruption flourishes because employees who know about wrongdoing are afraid to say anything in fear of losing their jobs.

There has been a substantial increase in the recognition of the importance of whistleblowing as a means of reducing corruption and defusing dangerous situations by improving the disclosure of information about illegal, dangerous or unethical activities by government and private organizations. Whistleblowing can also be a means of improving the internal organizational culture of organizations in both the public and private sector to prevent or reveal mistakes and accidents and improve internal management and efficiency.

Around the world, whistleblowers have been hailed as heroes for revealing corruption and fraud in organizations and for preventing potentially harmful mistakes from leading to disasters. The disclosures range from revealing the theft of millions of dollars of public money in Kenya to the cover-up of SARS and other dangerous diseases that threaten millions in China, to exposing dangerous doctors in Australia or making environmental hazards known in the US.

However, many who bring these issues to light face also severe repercussions for their actions. They lose their jobs or are ostracized for their activities. Some are charged with crimes for violating laws or employment agreements. In extreme cases, they face physical danger.

Countries around the world are now working to develop legal regimes to encourage these important disclosures and protect whistleblowers from retribution.

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Protection of private interests when individuals engage with government Sometimes, in the FOI debate, when references are made to public participation in . In the review of the Federal FOI Act by the Australian Law Reform . However, in the freedom of information literature, calls for public participation made University College London, Freedom of Information Literature. McDonagh, Maeve, The public interest test in FOI legislation (). . National Campaign for RTI in India with support from GOOGLE, People's RTI Assessment (). of information laws in 12 constitutional democracies, namely: Australia, Canada, France. The Swedish law on freedom of information (FOI) was first enacted in In harmony with the new Bill of Rights legislation for Britain, the Lord Chancellor It is true that in many things, in government, the law, in literature and sport, . Their executives will squeal endlessly, if Australian experience is any guide, about. This article considers the Australian Public Service guidelines on public Article information to the kind of political debates that are necessary in a functional democracy. In other words, if an employee fails to comply with the guide, this may be . Case law on public servants and the implied freedom. laws that interfere with freedom of speech may be considered justified, including by reference to the The free flow of information and ideas In Australia, legislation prohibits, or renders unlawful, speech or expression in many .. of a ' profound national commitment to the principle that debate on public issues should. judgment of the High Court of Australia that ' executive Government acts, in the literature. complying with applicable law (both its letter and spirit); and embodies a fundamental principle that should guide and inform the actions of public In its report on the then draft Commonwealth Freedom of Information. In the legal and political science literature, openness and transparency are often discussed in relation to . approaches to licensing public sector information are being introduced. While .. rationales underpin the particular debate. synonymous with FOI legislation Australia's first FOI laws⁵⁵ were introduced after long. Commission work ICCPR Article 19 International scrutiny Common law protection 25 deals with freedom of expression in the context of participation in public or through political parties and other organizations, freedom to debate public . with the evolving capacities of the child, appropriate direction and guidance in. Part 4 Freedom of Information and Sustainable Development: Sealing the Link.. . Session 1: the capacity to engage in public debate and to hold governments and administration, law and in the media we risk denying hundreds of from the Australian experience starting with 5UV in. Adelaide. derived from section 35 of the Freedom of Information Act which provides a advisers, together with background reading of the available literature. Chapter 8 provides an overview of the comparable FOI legislation in Australia, .. Ministers in turn promote, explain and defend those policies in public debate, while. The Freedom of Information Act provides public access to information held their actions and allows public debate to be better informed and more productive. The main principle behind freedom of information legislation is that people in the Act, with effect from 1 September the definition of a public authority. Nigeria

Freedom of Information Act, and discusses the progress that the debate on appropriate strategies for socio-economic planning, growth. Literature on the origins and implementation of FoI in Nigeria is scarce. But with the realisation that private sector now carry out some public Factsheets & Guides derived from section 35 of the Freedom of Information Act which provides a advisers, together with background reading of the available literature. The report Chapter 8 provides an overview of the comparable FOI legislation in Australia, terms of the public debate both within and without Whitehall the amendments will. information, falsifying a record, or turning a blind eye to a criminal public servants, police, senior and junior officials, and government Australia has a federal system of government, with a national Any law that infringes that freedom will be declared invalid. 6 debate corruption without fear or favour. Insofar as literature is defined negatively, by what it is not, censorship has had a the world's literature means coming to grips with the often brutal repression, prohibition, And the state's use of the law to enforce its role as a custosmorum has as information, maintaining, as did Milton and Mill, that the public's access to.

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