

**THE AUSTRALIAN FREEDOM OF INFORMATION LEGISLATION AND
ITS APPLICABILITY TO SRI LANKA:**

AN EMPIRICAL STUDY

by

ANURA R WEERERATNE

**LLB (ANU), FBIM, BARRISTER (NSW)
ADVOCATE SUPREME COURT OF SRI LANKA**

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ABSTRACT

This thesis contains no material which has been accepted for the award of any other higher degree or graduate diploma in any other university, and to the best of my knowledge and belief contains no material previously published or written by another person, except where the reference is made in the text.

SYNOPSIS

The Dissertation sets out the results of an evaluation of certain aspects of the Commonwealth of Australia's Freedom of Information Legislation and proposals to introduce a Freedom of Information Law in Sri Lanka. The major purpose of the study was:

- (i) to evaluate whether the Commonwealth FOI Act has achieved the objects of Parliament – whether members of the public could have a free access to government information subject to important exemptions.
- (ii) whether a FOI regime should be introduced to Sri Lanka

In conducting my research, I devoted three chapters to FOI in Australia including the development of the legislation. I analysed key components of the legislation and researched to what extent the FOI Act has achieved its objects. I devoted two chapters towards the concept of transparency of government in Sri Lanka, the attitude of the Courts towards the concept of the right to information and whether Sri Lanka needs a Freedom of Information Act. In the last two chapters, I have devoted a chapter each to the concept of translocation of laws and about an ideal FOI Act for Sri Lanka, which is an adaptation of the Australian Act.

The individual components of the methodology incorporated:

- (i) a literature survey of the Commonwealth FOI Act, Freedom of Information in the United Nations and in the USA; and Sweden, Canada and New Zealand;
- (ii) a literature survey concerning the transparency of government in Sri Lanka

- (ii) interviews with a cross section Commonwealth FOI administrators and key politicians, lawyers and a cross section of members of the press and public in Sri Lanka; and
- (iv) research of the Australian FOI legislation

The empirical data present an analysis of key features of the Commonwealth FOI Act with particular attention to exemption clauses.

I have recommended some amendments to the FOI Act in view of the Commonwealth Government's policy of outsourcing some of its activities and the creation of a position of FOI Commissioner.

Finally my research indicates that Sri Lanka needs Freedom of Information legislation to meet the challenges facing a developing country that is endeavoring to reach 'newly developed status' early in the new millennium. Furthermore, international lenders and donors are now requiring that developing countries like Sri Lanka seeking aid, should show more transparency in its activities. I have drafted a Freedom of Information Bill for Sri Lanka. I have based the draft on the Australian law adapted to suit the local conditions in Sri Lanka, which is in Appendix "G".

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