



Our reference: D2023/012638

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

## **Clarification to Hansard – Budget Estimates hearing on 23 May 2023**

Dear Committee Secretary

I write to you to provide clarification of evidence I gave to the Senate Standing Committee on Legal and Constitutional Affairs during the Budget Estimates hearing on 23 May 2023.

### Evidence of Ms Angelene Falk, Australian Information Commissioner and Privacy Commissioner.

On page 119 of the transcript, in response to a question from Senator Shoebridge regarding whether the Office of the Australian Information Commissioner asked Senator Cash to provide a copy of the document when she was a minister, I said:

**Ms Falk:** Yes.

I wish to clarify that my decision in *Rex Patrick and Attorney-General (Freedom of information)* [2023] AICmr 9 (28 February 2023)<sup>1</sup> states at Attachment A that “The OAIC wrote to the Department asking the then Attorney-General Cash to confirm whether she was in possession of the document at issue in this IC review.”

On page 119 of the transcript, in response to a question from Senator Shoebridge regarding whether the Office of the Australian Information Commissioner asked each of the ministers to provide a copy of the document, I said:

**Ms Falk:** Yes.

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<sup>1</sup> <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AICmr/2023/9.html>

I wish to clarify that my decision in *Rex Patrick and Attorney-General (Freedom of information)* [2023] AICmr 9 (28 February 2023) states at Attachment A that “The OAIC made enquiries with the Department to confirm whether the current Attorney-General had access to, or possession of, the document at issue in this IC review...”

The exchange regarding then Attorney-General Porter at page 125 of the Hansard was responded to in Question on Notice BE-23-012.

Yours sincerely

Angelene Falk  
Australian Information Commissioner  
Privacy Commissioner

23 August 2023