

Senate Select Committee on Adopting Artificial Intelligence (AI)

Adopting Artificial Intelligence (AI)

Attorney-General's Department

Hearing date: 16 August 2024

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David Shoebridge asked the following question:

Senator SHOEBRIDGE: Thank you, Chair. I'll ask you the direct question again, Ms Fitch, and I'm sure you've read the code and the guidelines for witnesses, which say you have to provide answers if it's in your knowledge. If you wish to take a public interest immunity claim, then, by all means, take that. I'm going to ask you, just in the plainest possible terms. The government has accepted a series of recommendations from the privacy review. I could enumerate them, but that would take too long. Are you currently seeking drafting responses, legislative responses, to each of those recommendations? If not each of those recommendations, then which ones?

Ms Fitch: Thanks for the question, Senator. I can say that we have not issued drafting instructions in relation to all of the proposals which were agreed and agreed in principle—a very large number of them—at this stage. In terms of any other detail, I would like to take the opportunity to discuss with the Attorney what information he would like to provide in relation to that question.

Senator SHOEBRIDGE: Now, the test isn't what information the Attorney-General would like to provide. That's absolutely not the test. You're obliged to answer the questions to the extent that they're in your knowledge. You can seek to take it on notice in order to consider a public interest immunity claim, upon a credible basis, not just the whims of the Attorney-General. So I'm going to press again for an answer to the question. If you'd like to take it on notice so you could consider a valid public interest immunity claim, rather than just a consultation with the Attorney-General—which may be part of that consideration—is that what I understand you're intending to do?

Ms Fitch: Yes, Senator, that is; I will take that on notice.

The response to the question is as follows:

The Government has committed to introducing privacy reforms in the current Spring sittings of Parliament. The department has issued drafting instructions in relation to many, but not all, of the legislative proposals which were agreed or agreed in principle in the Government Response to the Privacy Act Review.

Providing further detail about which proposals the department has issued drafting instructions for, would, or might reasonably be expected to, disclose the deliberations of Cabinet.