

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 2

Program 1.1

Question No. 28

Senator Rhiannon asked the following question at the hearing on 12 February 2013:

Senator RHIANNON: Okay, thank you very much. On the Hawke review, I understand that not a single media release was issued by the AG's and there were no speeches, events or issues paper on the Hawke review. Is that the case?

...

Senator RHIANNON: It does seem quite an unfortunate state of affairs, after what we have just been exploring on the international stage, how little public exposure this has been given.

Mr Fredericks: Senator, I have just been informed that there was in fact a media release by the Attorney-General at the time. I do not have the date of that media release.

Senator RHIANNON: So, apart from that one media release—and if you need to take this on notice, I understand—could you outline how this review has been promoted?

Mr Fredericks: Yes, I will take that on notice.

Senator RHIANNON: Thank you. Will the Attorney-General consider widely advertising a further call for public submissions on any draft bill amending the FOI legislation that could arise as a result of the review?

Mr Fredericks: In fairness, that would ultimately be a decision for the Attorney at the time. I would need to take that on notice.

Senator RHIANNON: Would the department consider making a recommendation along those lines, to maximise public awareness and involvement?

Senator Ludwig: They will take it on notice and check with the Attorney-General.

Senator RHIANNON: Can you outline a timeline on what month we could see draft legislation?

The answer to the honourable senator's question is as follows:

On 31 October 2012 the former Attorney-General issued a media release containing information about the independent review of the *Freedom of Information Act 1982* and the *Australian Information Commissioner Act 2010* being undertaken by Dr Allan Hawke AC.

On 31 October 2012 the Australian Information Commissioner, Professor John McMillan AO, issued a formal statement welcoming the review.

The Office of the Australian Information Commissioner (OAIC) sent a number of email messages to subscribers to its email groups advising that the review is being undertaken.

Submissions addressing the terms of reference for the FOI review were invited through both the OAIC's email messages to its email group subscribers and the FOI review website at: <http://www.ag.gov.au/Consultations/Pages/ReviewofFOIlaws.aspx>.

More than 75 submissions (including confidential submissions) were received. The submissions have been published on the FOI review website. Further information about the review is available on this website.

The Government will give consideration to Dr Hawke's report of his review after the report has been provided to the Attorney-General. Whether draft legislation will be developed in response to Dr Hawke's report will be a decision for the Government at the time.