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Terms of reference

REVIEW OF SECRECY LAWS

I, ROBERT McCLELLAND, Attorney-General of Australia, having regard to:

- the desirability of having comprehensive, consistent and workable laws and practices in relation to the protection of Commonwealth information;
- the increased need to share such information within and between governments and with the private sector;
- the importance of balancing the need to protect Commonwealth information and the public interest in an open and accountable system of government; and
- previous reports (including previous reports of the Commission) that have identified the need for reform in this area

REFER to the Australian Law Reform Commission for inquiry and report, pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996*, options for ensuring a consistent approach across government to the protection of Commonwealth information, balanced against the need to maintain an open and accountable government through providing appropriate access to information.

1. In carrying out its review, the Commission will consider:

- (a) relevant laws and practices relating to the protection of Commonwealth information, including the scope and appropriateness of legislative provisions regarding secrecy and confidentiality;
- (b) whether there is a need to consolidate and modernise relevant provisions currently in the *Crimes Act 1914* and other Commonwealth legislation for inclusion in the *Criminal Code*;
- (c) the way in which secrecy laws in the Crimes Act interact with other laws and practices, including those relating to secrecy, privacy, freedom of information, archiving, whistle-blowing, and data-matching;
- (d) whether there should be different considerations for secrecy laws relating to the protection of national security and other sensitive Commonwealth information; and
- (e) any related matter.

2. In carrying out its review, the Commission is to identify and consult with key stakeholders, including relevant Commonwealth, State and Territory agencies and private sector bodies.

3. The Commission will provide its final report to me by 31 October 2009.

Dated 5 August 2008

Robert McClelland
Attorney-General