

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

SENATE ESTIMATES SESSION

Supplementary Budget Estimates 18-22 November 2013

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1 Prime Minister and Cabinet

Topic: Muckaty Station

Senator: Senator Nova Peris

Question reference number: Question Number 344

Type of Question: Written

Date set by the committee for the return of answer: 17 January 2014

Number of pages: 2

Questions:

1. Can the Minister explain why the Northern Land Council, as a Commonwealth Statutory Authority, is exempt from Freedom of Information laws?
2. Does the Minister agree that this exemption makes the NLC is less publicly accountable than other Commonwealth Statutory Authorities
3. Would the Minister consider removing this exemption, provided adequate protections remained for confidential traditional knowledge that was held by the Northern Land Council.

Answer:

1. Aboriginal Land Councils in the Northern Territory have been exempt from the requirement to comply with the provisions of the *Freedom of Information Act (1982)* (FOI Act) since that legislation was enacted.

The exclusion of various agencies and statutory authorities from the FOI Act was recently considered by the 'Review of the *Freedom of Information Act 1982* and *Australian Information Commissioner Act 2010*' (the Review). The Review recommended that all non-intelligence agencies be required to justify their exemption to the satisfaction of the Attorney-General within a 12 month period or lose their exemption. The report on the Review was tabled in Parliament in August 2013 and the Government is considering its response.

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The Minister does not propose to provide a view about this matter while the Government is considering the report on the *'Review of the Freedom of Information Act 1982 and the Australian Information Commissioner Act 2010'*.

2. The Government is considering its response to the Review (see reply to question 1).
3. See Question 2.