

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

Group: 2

Program: 1.1

Question No. AE15/070

Senator Rhiannon asked the following written question from the 24 February and 27 March 2015 hearings:

1. As part of last year's inquiry, concerns were raised by the Open Australia Foundation and academic Bruce Baer Arnold around potential conflicts of interest relating to the exercise of functions by the Attorney-General's department.
 - a. Is it the case that the new arrangements would allow the Attorney General to define categories of information that were 'unreasonable' to publish, including information sought from his own department?

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

The proposed arrangements would not give rise to a conflict of interest. Section 11C of the Act currently provides capacity for the Information Commissioner to determine by legislative instrument that it would be unreasonable to publish certain information after access had been given to a document. Under the Freedom of Information Amendment (New Arrangements) Bill that power would be exercised by the Attorney-General. Like the current provision, any such determination would be disallowable.