

SENATOR JOHN FAULKNER
CABINET SECRETARY
SPECIAL MINISTER OF STATE
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Freedom Of Information Reform

Cabinet Secretary, Senator John Faulkner today announced the first step in broad ranging Freedom of Information (FOI) law reform.

'The Government is committed to reforming the Commonwealth FOI Act and to promoting a pro-disclosure culture across the Government', Senator Faulkner said. In keeping with Labor's election promise on FOI, Cabinet has already agreed to abolish conclusive certificates. This removes the power of Ministers to use conclusive certificates to refuse access to documents despite a decision by the AAT that the documents should be released.

The AAT will now be able to undertake full merits review of a decision to claim an exemption. The legislation abolishing conclusive certificates will be introduced into the Parliament this year.

'Abolishing conclusive certificates is a step towards restoring trust and integrity in the handling of Government information, as all decisions refusing access will now be subject to full independent merits review,' Senator Faulkner said.

Senator Faulkner also set out the Government's plans for progressing broader FOI reform. The Government plans to release an exposure draft of FOI reform legislation for public comment and consultation later this year containing proposals for implementing the Government's broader FOI reforms. It will include the establishment of an FOI Commissioner, and other measures to improve and streamline the FOI Act.

The Government will be seeking submissions on the exposure draft from any interested persons, with a view to introducing the final legislation in 2009.

'The consultation process will allow the Government to seek a range of views on how we should be improving FOI and implementing the 2007 FOI election commitments. This will be the most significant overhaul of the FOI Act since its inception in 1982', Senator Faulkner said.

"The FOI Act is complex and we want to get the new laws right."

In order to fulfil FOI election commitments as quickly as possible the Attorney-General will ask the Australian Law Reform Commission (ALRC) not to proceed with its inquiry into FOI laws at this time.

The ALRC was not due to report until December 2008 and has agreed that a more appropriate course of action is to review the FOI Act after the Government's reforms have come into operation rather than proceed with the current FOI review.

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