



**ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP**

NEWS RELEASE

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SECRECY LAWS TO BE REVIEWED

The Rudd Government will seek to simplify secrecy and confidentiality laws by referring this legislation to the Australian Law Reform Commission (ALRC) for inquiry.

"I have asked the ALRC to develop options for ensuring a consistent approach across government to the protection of Commonwealth information," said Attorney-General Robert McClelland.

"There are currently more than one hundred secrecy and confidentiality provisions in Commonwealth legislation. The interaction of these provisions with one another, and with other legislation, is overly complex."

"We are committed to open and accountable government and want to ensure that Commonwealth information is only protected where there is a legitimate reason for doing so."

"Where there are legitimate reasons for protecting Commonwealth information – such as information relating to national security – we need to ensure that our laws provide sufficient protection against unauthorised disclosure."

The Government recognises the increasing need for agencies to be able to share information across government and with the private sector.

"Removing barriers to the sharing of information has been identified as an important step to achieving a whole-of-government approach to national security," Mr McClelland said.

"Equally, we need strong secrecy laws in place to ensure that sensitive Commonwealth information remains protected from unauthorised disclosure if it is passed to other agencies."

The Attorney-General has asked the ALRC to provide its final report to him by 31 October 2009.

The terms of reference are attached. Information about the inquiry will be available on the ALRC's website at www.alrc.gov.au.

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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