



Attorney-General
Minister for the Arts, Creative Industries and
Cultural Events
Minister for Building Quality Improvement
Minister for Business and Regulatory Services
Minister for Seniors and Veterans
Member for Ginninderra

Mrs Giulia Jones MLA
Chair
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Mrs Jones

I write in response to the Standing Committee on Justice and Community Safety's Report No 34 of 10 September 2019, which comments on the Freedom of Information Amendment Bill 2019 (the Bill).

The Committee recommends that the explanatory statement be amended to address aspects of the Bill that may limit the right to freedom of expression under section 16 of the *Human Rights Act 2004*.

I acknowledge the Committee's concerns and advise that a revised explanatory statement has been prepared to address the issues raised by the Committee. I intend to table this revised explanatory statement during debate on the Bill.

The revised explanatory statement addresses the Committee's comments through the inclusion of the following additional paragraph:

The Bill will also engage the right to freedom of expression in providing for the time for processing applications to be suspended during periods when an applicant has been asked to clarify the scope of the request, or to confirm whether they agree to proceed after an estimate of fees has been provided. It also provides for suspension while an application for fee waiver is determined. To the extent that the suspension of time limits the right to receive information, this is reasonable and justifiable as it will avoid agencies wasting resources continuing to process an information request in situations where this may ultimately be futile (for example if the applicant decides not to proceed with the request or the waiver is not granted). Efficient use of processing resources is important to ensure that the freedom of information scheme is sustainable into the future.

I thank the Committee for its attention on these important human rights matter matters.

Yours sincerely

Gordon Ramsay MLA
Attorney-General

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