

**STATE RECORDS BILL 1999**  
**STATE RECORDS (CONSEQUENTIAL PROVISIONS) BILL 1999**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON SIMON O'BRIEN** (South Metropolitan) [4.36 pm]: A characteristic of records management is that much of the material of public interest which is generated in the State is, of course, generated in government organisations. It quickly mounts up to quite colossal amounts of recorded matter. One of the aspects of the culture in the public sector, be it state or commonwealth - probably the same applies to any other country - is that the process of archiving material is seen as a tedious chore to be avoided at all costs. Typically, documents are brought to the attention of people for archiving or long-term storage at between three and five years. The destruction of a large amount of that material, which is no longer deemed to be required, often occurs between five and 10 years, at which time decisions for permanent archiving, destruction or reactivation are made.

It is not easy to archive material for posterity. Archivists need to contemplate retrieval in the long term. In many cases it requires a very complex process in order to ensure that material is packaged in such a way that it can be submitted to the public records custodian in an acceptable way and can be used by later generations. The process can also become quite a chore in practical terms because of the way in which material - most information is recorded on paper - must be preserved at the time of archiving. It is not easy. For example, thermal fax paper fades with age; a number of mites and insects can cause documents to decay; atmospheric conditions must be considered; the predations of rodents must be considered; and, indeed, even the odd human animal with the propensity for the destruction of records must be considered. All these and other aspects make archiving a difficult and tiresome chore. The importance of the chore also sometimes is overlooked by the very people who generate the material and who ultimately will be responsible for its preservation or otherwise.

The State Records Bill 1999, which we are considering cognately with the State Records (Consequential Provisions) Bill 1999, establishes, among other things, a system for the establishment of record-keeping plans for various organisations. That is a positive move, because it at least provides for all organisations to consider their particular requirements and circumstances and come up with some form of framework so that responsible employees, who often tend to be quite junior employees, can discharge their duties. That is not only for the sake of complying with guidelines, but also to ensure that 50 or 75 years down the track when we attempt to retrieve these records - whatever the storage medium - they are able to be retrieved.

I would like the Attorney General to indicate what guidance and support will be provided to not only the big departments - which have plenty of staff available to undertake these archival tasks - but also the parliamentary departments and members' electorate offices. Parliamentary members and electorate officers will find from time to time that they may have some responsibilities -

Hon Peter Foss: That would be minimal in electorate offices.

Hon SIMON O'BRIEN: Yes.

Hon Kim Chance: That is a relief.

Hon Peter Foss: I did not think anyone would want it.

Hon SIMON O'BRIEN: Human nature is such that those in organisational environments do not give high priority to archiving the vast bulk of routine material which, after three or five years, may appear to be dated and useless but which may be of great value to a later generation. It is important that organisations, be they large or small, invest the time to support employees and ensure that they are aware of their responsibilities. If that does not occur, my fears and those of records management professionals about the future of the State's historical estate will endure, despite the enactment of this legislation. I hope that does not happen, and I look forward to hearing the Attorney General's response in due course.

**HON J.A. SCOTT** (South Metropolitan) [4.42 pm]: The Greens (WA) support these Bills and are pleased that they are progressing through the House. I was not aware of the Attorney General's edict that there were to be no amendments.

Hon Peter Foss: That amendment is not acceptable because it was the basis upon which I managed to get the legislation into the House.

Hon J.A. SCOTT: I am not aware because I originally did not intend to deal with this Bill - Hon Christine Sharp was to be the lead speaker. This came on sooner than other Bills and we have been caught short. I have had a very steep learning curve. The Bill is easy to read, and I commend the draftsman for that. I struggle with some Bills, but I found this very easy to understand.

I will address some of the important reasons that we need such legislation. Members have discussed the need to preserve a relatively true account of our history. However, the importance of this Bill goes beyond just knowing what happened in the past but is about creating our identity as a people. I became very aware of that when I took on the role in my previous life of putting together the museum at the Sons of Gwalia Ltd goldmine. That was an interesting experience. I also oversaw the relocation of some of the buildings that had been built in that area. I became aware very quickly of the conditions and lifestyles of people in the early part of the last century and the late part of the century before that - the nineteenth and twentieth centuries -

Hon E.R.J. Dermer: This is the late part of the twentieth century.

Hon J.A. SCOTT: No; the early part of the twentieth century. I am talking about 1898 through to about 1909. It was fascinating to learn that building materials were so important to these people that they used to move whole buildings from one town to another. I wondered why some of these towns had no buildings until I learnt from putting together that museum that people used to move their houses from one location to another. We think these days when we see houses being transported on the back of trucks that it is something new. However, when we consider that two-storeyed buildings much bigger than the ones moved on trucks today were carted through the bush on a dray led by 200 donkeys, we can understand the tenacity of our forebears.

Some impressive deeds were done at the Sons of Gwalia mine. The winder for the machinery that pulls the ore carts and miners out of the incline on each trip they make was the largest in the Southern Hemisphere at that time. When the Sons of Gwalia museum and the Leonora tourist development group wanted to move that winder to a new location, they found that the reel on that winder, which had steel cable on it, was so heavy that they had to use a huge low loader and a D9 bulldozer to give it a push up the hill. That winder had arrived at Sons of Gwalia after it had been taken off a sailing ship in Esperance by block and tackle and had been put onto a camel dray; and there are pictures of that winder being brought to the Sons of Gwalia mine.

Those sorts of things give us a real understanding of the great hardships that were experienced by the people at that time. We talk about the high incidence of death by suicide today. To give members an idea of the great stress under which these people lived, having come from overseas in the hope of making a living in these places, when I went through the burial book at the cemetery in the former town of Lawler, I was amazed at how many people had done themselves in.

One in 16 people had committed suicide or were suspected of having committed suicide.

Hon Kim Chance: Wasn't Sons of Gwalia managed at one stage by a man who later become the President of the United States of America?

Hon J.A. SCOTT: That is correct.

Hon Kim Chance: Who was that?

Hon J.A. SCOTT: It was Hoover.

The area had a fascinating history and it was a fascinating job to put the museum together - to set up the equipment in a rational way which allows people to go from one historical period to the next. It made me better understand what it is to be an Australian, and a Western Australian. As mundane as these documents from government departments might seem today, they will become fascinating items of history in the future. These documents create our identity - our knowledge about ourselves and our forebears. Ensuring that records are kept is an important role. It enables research into a raft of different issues. For instance, if a person were to look at environmental practices today he could compare them with practices in the past. People can no longer dump chemicals just anywhere. However, documentation exists in the archives of various departments and in the Battye Library and so on, showing where a whole lot of chemicals were dumped in the past. In many cases, researchers can get hold of that data and, for instance, if they want to put together an inventory of contaminated sites, they can look at the records, locate the sites and discover whether the chemicals have created any health impacts there. A great deal can be learnt from these records that can help us in our current life.

Hon Simon O'Brien mentioned a letter from Dr Neville Green. I also have a copy of that letter. In that letter, Dr Green pointed out that a great deal of information was destroyed in the past. The information was not necessarily destroyed deliberately; however, there were some cases in which people found certain paper a nuisance and it was destroyed deliberately. I can relate to that. Anyone who looks in my office will know exactly what I mean. Another problem is that some people do not understand the importance of handling these old documents carefully. Knowledge is required to preserve these old records.

Apart from enabling research into a variety of issues, maintaining records also improves the accountability of government departments and of government. This legislation will make it more difficult to maintain restrictions on documents because they must go through an accountability process. That does not go far enough in some regards; however, I will deal with those concerns at a later time. These points are queries rather than complaints because I have not had time to look at this Bill in detail.

The other good aspect is that there will be a record of the destruction of documents because they must be identified in that way and published in the *Government Gazette* to ensure there is some scrutiny of documents that are destroyed. That will be a great boon for accountability. With a little bit of luck and some good work on behalf of the various bodies overseeing this legislation, the policy in relation to the shredding of documents may in future decrease a little with a change of government.

I would like to see some time limit - it may be in the legislation and I have not found it - on the files that have been restricted and some criteria whereby files can be regarded as restricted, particularly by government organisations. I know certain departments are already working in the way this Bill outlines. I have had complaints about the ability of departments to hide documents which should not really be restricted. From my reading of it, the Bill does not fix that problem.

Under the provisions of part 5, division 2, of the Bill a state record is a state archive only if the organisation keeping that record - which no doubt is the department that created it - says it is. I do not know whether that is an appropriate control, because in a practical sense that can already happen. I will explain what happens now. I know of a researcher who, as part of his research at Murdoch University, was obtaining via the Battye Library documentation relating to chemical dumping. He was seeking a number of documents and they were in fact collected by the Battye Library. The documents originally had a five to seven year restriction and by then they were at least 15 years old, and some were 30 and 35 years old. The department suddenly decided that the documents were to be restricted again because this person was doing some research into them. These documents were past that five to seven year restriction, but the department changed that overnight. If a department has something to hide and can say, "Well, the document was not restricted before, but because someone is doing some serious research into this and it may cause some embarrassment somewhere, we will take it back and make it restricted", suddenly we are back to square one - non-accountability and secrecy.

I wonder how the Bill can cope with that sort of situation; it appears that it cannot. While there appears to be a process by which a document is classified as "restricted access", there seem to be no criteria for such classification. I ask the minister whether there is an intention to ensure that criteria are established by regulation to clearly establish what is a restricted document. It seems that a restricted document is such only if it is deemed to be so by a department. There is clearly room for variation in judgment. Will criteria be put in place to ensure consistency? Will decisions be made in a rational and accountable way and not in a way that hides relevant information from people who could otherwise obtain valuable research material?

Dr Neville Green raised another matter that was not mentioned by Hon Simon O'Brien. In his letter Dr Green pointed out that -

The Commonwealth National Archives legislation does not permit a department to remove files from the premises once these have been archived. At the present time a WA State government department can withdraw an archived file for its department regardless of the age or condition of that file. Department staff handling these files may not always appreciate the heritage value of such records.

That is one concern. The other concern is the one I have just raised: When a department believes some embarrassment may be caused by an archived file because someone is using it for research, a political decision can be made by the department to withdraw the file. When I say "political" I do not mean a political party. I want to know whether the Bill does handle such a situation. If it does not, will the minister allow an amendment to address the problem to bring the Bill into line with commonwealth legislation? I do not want material to be archived and then withdrawn at will by government departments. I do not want to be seen as being overly critical, as I believe the legislation is a big step forward, but the legislation does not satisfy all my concerns. The current situation is not good, but this legislation is an improvement. In his response, I would like the minister to address the concerns about departments withdrawing archived documents and the fears that documents may be restricted again after they have been released. I am advised that, over the past four to five years, a number of departments have stamped all documents "restricted" for an indefinite period. With those comments I commend the Bill and hope we can address those concerns.

**HON LJILJANNA RAVLICH** (East Metropolitan) [5.05 pm]: I support the Bill. I am aware of the intention of the Government to deal with this legislation by the close of business today, so I will endeavour to keep my comments short. I do note, however, that the Government was quite happy to have Hon Simon O'Brien make some comments on the Bill, which I know is his right.

Hon N.F. Moore: The Government is grateful for the support of Hon Ljiljanna Ravlich, and she may speak as long as she likes.

Hon LJILJANNA RAVLICH: I am very pleased to hear that. Finally the Leader of the House sees things my way!

As opposition spokesperson for public sector management, and as I have used the Freedom of Information Act quite extensively, I can say with a great deal of confidence that record-keeping systems within government agencies are absolutely appalling. I am amazed that the minister in his second reading speech said -

The State Records Bill 1998 is eloquent testament to the Government's commitment to improving the standard of record keeping across the public sector and to ensuring the continued preservation of government archives for the people of Western Australia.

If there is a commitment to improvement by this Government it is too little, too late. This Government has had the opportunity for the past eight years to do something about the appalling state of records management in government agencies, and it has sat on its hands. Now, at the eleventh hour, it has come to the Parliament wanting to stitch up a quick fix. The fact that the Government has sat on its hands for so long has added to the problem, and it will take some effort at agency level to address it. The Commission on Government made its recommendations on public records in December 1995. This Bill has been rewritten a number of times over the past few years, and finally, at this late stage, the Government acts. One could say better late than never, but irrespective of what is in this legislation - and I admit it contains some long overdue improvements - the reality is what is happening at the government agency level. The bottom line is that this Government knows that if there is downsizing, the area of worker output immediately affected is at level 1, 2 and 3 positions. Record keepers in public agencies are not level 8 and 9 officers, by and large. They tend to be level 1 and 2 officers and sometimes level 3 and 4 officers. Since this Government has come to office there have been between 12 000 and 15 000 public sector job losses, many of which have been in the areas of level 7 and below. Many level 1 and 2 public sector employees have lost their jobs under this Government and many have now returned as contract employees in public sector agencies in order to undertake duties such as filing, record keeping and typing - generally speaking, clerical-type employment. I put a question on notice to all ministers about the number of temporary staff who had been engaged through an employment agency since 1 January 1999. Every minister reported on the number of temporary staff who had been employed using an agency since that time. It makes one weep to look at what this Government has done with those positions. I received today the response from the Leader of the House representing the Minister for Resources Development. He refers to numerous level 1 and 2 positions being filled for periods of only one day, two days, one week or two weeks through employment agencies such as Drake Overload and Kelly Services. The list goes on and on. A continual path is being trod, from employment agencies to the public sector, by short-term contract employees - many of whom will not really know what is going on - who will supposedly be responsible for ensuring that government agency records are managed effectively. This situation is entirely unacceptable. Unless the Government is committed to ensure entry level employment opportunities at levels 1, 2 and 3 in the Public Service, and is prepared to fill those positions within government agencies in some sort of a substantive manner, I am convinced that at the practical operational level this legislation will not make anywhere near the difference that it should.

I could go on about short-term contracts for those people who, by and large, will have responsibility for the management of the Government's record system, but I will not. I want now to draw the attention of the House to a report which was produced by the Auditor General in 1996 - four years ago - on public records management in the public sector. The Auditor General pointed out that the effective management of the public record is fundamental to the business of government and it assists agencies to do a number of things: Deliver efficient and effective customer services; manage their information assets; meet their legal, evidentiary and accountability requirements; and, finally, maintain the corporate memory of the State's archival heritage. They are all important points, but the last point is particularly important because only a couple of weeks ago the Auditor General presented a report on financial and management control issues. The Auditor General was very critical of that control. I remember a debate in this place about art works that had not been recorded and could not be accounted for. The Auditor General criticised the fact that historical documents had not been properly looked after and were at risk of being damaged. I believe some of them were early drawings of the C.Y. O'Connor pipeline. Once these documents are destroyed, they can never be replaced. It is of paramount importance that people understand the value of the public assets and records held by government agencies.

Apart from the Auditor General's criticism of those areas, he also criticised the costs associated with government agencies not keeping proper records. Members may recall that some time ago he produced a report about managing sickness absence in the WA public sector. He was critical of the way in which agencies managed that process. When it all boiled down, he was really critical of the fact that government agencies were not keeping proper records, which resulted in enormous additional costs to government agencies. He found that the lack of proper records management could be costing the public sector up to \$20m annually. I am talking about maintaining records for not only future generations, but also proper public administration and to reduce the cost to government of not having proper and effective government administration. Since this Government has moved down the road of the contracting-out model, less and less attention has been paid to proper and effective public administration, in particular the management of public records.

In his report "For the Public Record: Managing the Public Sector's Records", the Auditor General found that accountability for the management of public records often is not clearly defined and staff are not always aware of the significance of their responsibilities. That came to my attention when I dealt with the freedom of information process. That lack of awareness creates an additional risk during agency restructures and the interagency transfer of functions, of which we have seen plenty since this Government took office.

In my experience the situation is so bad in some government agencies that their greatest fear is that the Information Commissioner, or a representative from her office, will visit them and go through their records. It is one of their greatest fears because their record management systems are in such a bad state that they are embarrassed about them. Unfortunately, most of them have reason to be embarrassed. Occasions on which I have looked for a document and could not access it because the record system was so bad have occurred all too frequently.

I will give members an example that happened in this place the other day. I asked a simple question about three documents relating to King Edward Memorial Hospital for Women and Princess Margaret Hospital for Children, which I knew existed. It was a simple enough request that responses to those questions be tabled in this place. The response I was given by the Attorney General representing the Minister for Health was that the minister was terribly sorry, but the department has insufficient resources to provide me with the answer and I should put the question on notice. Obviously the Minister for Health was not aware that the three documents specifically being sought were available. They are available and have been forwarded to the inquiry. I can easily cop a response in which the minister advises me that he is terribly sorry, but I cannot have the documents because they are before the inquiry and that I must wait. However, I cannot cop the response that his department is too busy to get those documents together. There is a major problem with documentation and records management systems within government agencies. I do not know that this legislation will go far enough, but at least it is a step in the right direction.

The Auditor General also stated that only a fraction of public records are covered by approved schedules that legitimise the disposal and/or transfer of records to archives and that only 17 per cent of all state agencies have any schedules at all, which is pretty appalling, and that most of those do not include critical or electronic records. His recommendations were that the Western Australian Government identify and appoint custodians for its critical records and update legislation governing public sector records management. The point I make about that is that this report came out in October 1996. Four years down the track the Government is finally trying to do something about the matter. It is quite unacceptable because an opportunity cost has been involved. In the time that the Government has sat on its hands, government agencies have had a blasé attitude towards proper records management. Each year it has gotten worse. Enormous costs will be associated with getting records management back on track.

Members might also remember the occasion in February 1998 when records of mental health patients were found at a rubbish dump. When that incident occurred everybody was absolutely horrified that a box of records with critical information on the mental health of 150 individuals in this State was found at a rubbish dump. At that point most Western Australians were absolutely appalled that such a situation could arise. That is the end result of a disregard or a disrespect for the importance of documents. It highlights what can happen when a lack of respect for proper records management occurs. This legislation is long overdue. The way the public sector has been treated so shabbily, reorganised, partly sold off and made increasingly unworkable will make it difficult for this legislation to be implemented properly, so it has the desired effect at the grassroots and agency levels where these public records should be archived properly.

**HON PETER FOSS** (East Metropolitan - Attorney General) [5.25 pm]: I thank members for their contributions. I will deal with some of the points raised. I have the benefit of knowing the history of this legislation, because essentially it is my legislation. It has been very difficult to get the legislation to this stage. It is amazing how many people have tried to stick their oars in at some stage. Everybody seems to have some interest in this legislation. As members know, we started off with a discussion paper, and that led to the basic format of this Bill. However, a number of people had differing ideas about where it should finally go, and they were quite persistent. That had the capacity to delay the legislation.

I do not know whether members realise how difficult it is to reach a consensus on legislation when people with significant vested interests have differing views. Even within the record-keeping area, I found two significant divergences of opinion between the Record Managements Association of Australia and the archivists. Within government, I have never seen anything that attracted so much comment from bureaucrats in all my life. It was rather like the arguments on daylight saving: The curtains would fade as a result of this records management legislation. The statement was made that it would cost squillions of extra money to deal with this, and all the bureaucrats wanted to be funded huge quantities of money for that purpose. The Government kept saying that it was good management, which would save money if it was done properly, and that these people should already be doing it.

Another matter was that the bureaucrats wanted huge amounts of extra space for storage. A point that they did not understand was that part of a record plan is not only what they keep but also what they get rid of. An important task is sorting the wheat from the chaff and making sure documents that are useable are kept, not multiple copies of everything, because the best way to hide a document is in a haystack of bumph. This legislation requires people to be more careful when going through their documents to ensure that those that are useable by the public are retained, not just a huge quantity of copies. Of course, in this day and age of photocopiers and word processors, it is possible that large numbers of copies will be retained. Therefore, a record-keeping plan does not just keep documents; it also disposes of them.

One of the biggest delays was in getting approval to draft the legislation; the departments fought every inch of the way. When the draft came back, the battle broke out again. In the meantime, various other little skirmishes were going on, and all the time I was trying to get legislation that had a degree of general public support. It is interesting that this legislation is regarded around Australia as the best scheme in Australia. The professional state archivists in each State say that they wish they were operating under this legislation as they think it is the best scheme. I am not surprised at that, because the whole process was worked through very carefully.

When I eventually got the legislation into Parliament, it was derailed again. The Government wanted to make sure that parliamentary records were not exempted from the legislation. It started off as the government records Bill, but it was changed to the State Records Bill because parliamentary records were included, and they can hardly be described appropriately as government records. Therefore, the name was changed to State Records Bill. It took a long time before we could strike the appropriate balance between the independence of Parliament and the obligation of Parliament to comply with the legislation. That took a lot longer than I thought it would take. I particularly thank the President for his extreme help on that matter. He has been very positive by suggesting a way of dealing with it. Therefore, not only are the schedule 3 organisations exempt from the legislation, but also Parliament has a different way of dealing with its record-keeping plans. Their exemption has nothing to do with the somewhat paranoid theories of the Leader of the Opposition. They are exempt from the legislation because certain people believe that the government trading enterprises should be required to comply not with a regime subject to the government commissioner, but with something more in line with that with which their competition must comply.

Hon Ljiljanna Ravlich: There's no competition. They get low interest loans from Treasury. Give me a break.

Hon PETER FOSS: Members might not agree, but I want this Bill passed. One of the reasons it is unacceptable to remove schedule 3 is that I had to agree to its inclusion to get the legislation into this place. Anybody can have any view they like. Certain people have strong views about competitive neutrality and the appropriate way of dealing with the GTEs. The member can either agree or disagree with those views. My personal opinion is irrelevant; I needed to get good legislation before this Parliament so it could be passed. Everybody accepts that many people would like certain things to be done differently, as is often the case with legislation. However, if the legislation is good, it is important not to throw the baby out with the bathwater simply because somebody disagrees with one part and somebody else disagrees with another. The overall legislation is good. I have the capacity to steer this legislation, as it is now, through Parliament and get it enacted. If it is amended, I will lose it. It is a simple matter and one of the realities and practicalities of life. Government trading organisations are not totally exempt from the scheme. The only difference is that the relevant minister, rather than the commissioner, will approve their record-keeping plans. They must comply with proper record keeping.

Hon Ljiljanna Ravlich: The minister will have a say over what they do? Go on.

Hon PETER FOSS: I listened to Hon Ljiljanna Ravlich in silence, which I confess is sometimes difficult to do. I would like to get this legislation passed. I purposely did not interrupt the member so that we could achieve that, and I expect her to accord me the same courtesy.

Those are the reasons for including the organisations in the schedule. It is not because the Government is planning to privatise them. I asked the Leader of the Opposition to name the member of the Government who said that, but he became secretive. Cabinet has 17 members, and none of us would mind the Leader of the Opposition naming the informant; however, no member of Cabinet has suggested that those GTEs be privatised.

Hon Tom Stephens: How do you know that?

Hon PETER FOSS: I have heard the arguments against privatising them many times. I do not know who told the Leader of the Opposition that we would, but it was not one of the 17 members of Cabinet.

Hon Tom Stephens: I know who told me. Your information is wrong.

Hon PETER FOSS: The Leader of the Opposition thinks it is one of the 17 members of the Cabinet. He should tell me who it is. None of us would mind the Leader of the Opposition telling the House the name of the minister who said that. The way the Leader of the Opposition is carrying on, it is obvious he does not have a

name to mention. He says he has a well-informed source who knows otherwise; however, the source does not know otherwise. I know why schedule 3 is in the Bill: I put it there to get this legislation through. It has nothing to do with privatisation; it is necessary for it to be in the legislation to ensure competitive neutrality. That was the basis on which I was able to have this legislation accepted. The member can say all he likes, but I think that I, as the person involved with the drafting, know why the provisions are in the legislation. I included them to get this legislation before the Parliament.

Hon Jim Scott's question has been addressed by clause 51, which was inserted by the lower House. Many of his concerns will be dealt with by the commission. This Bill leaves a large amount of the process, format and policies to the commission to make the final decision. It is a process Bill which requires everybody to make their plans and have them approved; it does not dictate. It allows the commission to determine what policies must be in the plan and it allows people to submit their policies for approval. It is not a highly prescriptive Bill; we have tended to leave that to the professionals.

Hon Jim Scott interjected.

Hon PETER FOSS: They will not be denied access. Currently, restricted access is declared at the time the plan is deposited. This Bill now restricts restricted access. The commission decides whether an archive is to remain restricted. The archive cannot stay restricted unless the commission continues to reaffirm that restriction at five-year intervals once it gets past a certain time. There is a presumption in favour of the restriction being lifted, but there has always been provision for a limit on the time that an archive can remain restricted. Full freedom of information access still applies. If someone has a right under FOI, he can still access it, but he does not have an archive right. That has always been the case. The state archives are restricted for a time, after which they become unrestricted. Whether they were originally restricted depends on the person who deposited them; however, FOI overlays that and still continues to apply. If one cannot access it under FOI, one cannot have it under this legislation either until that period has expired; that is no change.

Hon J.A. Scott: Does FOI apply whether it is with the department or wherever?

Hon PETER FOSS: Yes; no matter where it is, it is still subject to FOI. If it is a document which could not be obtained under FOI because it was kept in archives, that does not make it available until the restriction period expires. For the first time, this legislation puts limitations on the unlimited length of restrictions. Some restrictions were made longer, for example, on medical records. Some medical people insisted that there be a longer period before people's personal medical records became available. The Aboriginal Affairs Department insisted that certain Aboriginal records not become available at all because of the sensitive nature of some of the information. The Government has had to cater for all these things. I thank members for their support of the Bills and I commend them to the House.

Question put and passed.

Bills read a second time.