

## Information Access Law In Australia

by Madeline Campbell\*

### ARCHIVES LEGISLATION

#### *ARCHIVES ACT 1983 (Commonwealth)*

##### Introduction

The *Archives Act 1983* establishes the Australian Archives. It gives the Archives the responsibility for conserving and preserving archival resources of the Commonwealth and for making available Commonwealth records in the open access period, that is, records which are at least 30 years old. Unlike the *Freedom of Information Act 1982*, the charges under the Archives Act are minimal, being mainly photocopying and inspection costs.

##### Access Provisions

Section 31(1) of the Archives Act states:

“... the Archives shall cause all Commonwealth records in the open access period that are in the custody of the Archives or of a Commonwealth institution, other than exempt records, to be made available for public access”.

Open access means:

“... a record is in the open access period if a period of 30 years has elapsed since ... the record came into existence (s.3(7)).

In addition to providing public access, the other important function of the Australian Archives is to assist agencies in the efficient organisation and maintenance of their records.

The Commonwealth Archives Act allows access to be obtained earlier than the statutory 30 years in two instances. They are:

- particular classes of records may be made available for public access prior to the open access period (30 years) by the Minister or an authorised person in accordance with arrangements approved by the Prime Minister (s.56(1)). Examples of this are the records from the Royal Commission of Espionage (Petrov Enquiry) and the Royal Commission on Nuclear Testing (the Maralinga Enquiry); and
- particular records may be made available to a person in circumstances specified in the regulations by the Minister or an authorised person under arrangements approved by the Prime Minister (s.56(2)). Examples of this are a former Minister who wishes to refresh her or his memory from records seen or dealt with while in office or a person preparing a major work of scholarship (Archives Regulations).

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## Exemption Categories

Both the FOI Act and Archives Act provide for public access to Commonwealth records and in some ways are similar, particularly with respect to many of their exemptions and the appeal provisions.

The exemption categories in s.33 of the Archives Act are not identical in all respects to those contained in the FOI Act. This is due to the age of documents being accessed under the Archives Act. Documents which may have been sensitive at the time of their creation will not be so sensitive 30 years down the track.

There is no Commonwealth/State relations exemption in the Archives Act.<sup>1</sup> Nor is there a specific exemption for Cabinet documents. That is, just because they are Cabinet documents doesn't mean they are automatically exempt under the Archives Act as they are under the FOI Act (s.33 Archives Act). In other respects the exemption provisions are similar.

## Review of Decisions

Under section 42 of the Archives Act a person may apply to the Archives for internal reconsideration of a decision to exempt records either wholly or in part from public access. If an applicant remains dissatisfied with the decision after reconsideration an application may be made to the Administrative Appeals Tribunal to review the decision (s.43).

## *ARCHIVES ACT 1960 (New South Wales)*<sup>2</sup>

### Introduction

The *Archives Act 1960* establishes the Archives Authority of New South Wales as a body corporate consisting of members appointed by the Governor. The Authority has established the Archives Office of New South Wales in which particular public archives are deposited and preserved (s.10). The Archives Authority's powers include undertaking the preservation, storage, arrangement, repair, cataloguing and calendaring of archives, the custody and control of the Archives, and management of the Archives Office.

### Access Provisions

The access regime under the *Archives Act 1960* is not extensively defined. The Archives Office of NSW is only responsible for access to records in its custody, and there are no mandatory transfer provisions within the Act.

### Exemption Categories

At the time of transfer of documents to the Archives Office the head of the transferring agency may notify the Archives that the records contain information which is not to be disclosed to the public due to the provisions of a particular law. The agency head may also impose conditions prohibiting public access to a record or restricting the class of persons who has access to a record. There are no legislative guidelines as to reasons for imposing such restrictions. The agency head can alter or revoke those restrictions at any time.

### Review of Decisions

There is no appeal system under the NSW Archives Act whereby a decision to refuse access can be reviewed. However certain documents may be sought under the *Freedom of Information Act 1989* and that legislation contains review rights.

## ***LIBRARIES AND ARCHIVES ACT 1988 (Queensland)***

### **Introduction**

The Library Board of Queensland is a body corporate with a board consisting of not more than nine members, of whom one is a departmental head, another is the State Librarian and the remaining seven are appointed by the Governor. They have responsibility for the administration of the *Libraries and Archives Act 1988* including public records and archives.

Public records are controlled and administered by the Queensland State Archives which is part of the State Library of Queensland. However the State Archives operates quite independently of the Library. The Governor appoints a person to be State Archivist. The functions of the State Archivist are to promote the making and preservation of the public records of Queensland, to exercise control over their retention and disposal, to provide facilities for their storage and use and to provide administration in respect of storage.

### **Access Provisions**

Although the Act makes no provision for the regulation of public access to records in the custody of State Archives, there is provision to make regulations dealing with this matter. The 1990 Regulations establish an access regime not based on a set age for documents but measured 30 years from the date of last dealing with the particular document. Under the regulations an agency head can restrict public access to records where release would be considered prejudicial to the public interest or in order to protect the privacy of an individual. There are no guidelines beyond these terms, except that personnel and staff files will remain closed for 65 years.

Under the regulations it is possible to attain privileged access to any record by written permission from the agency head.

### **Review of Decisions**

While there is no appeal system under the Libraries and Archives Act, there is no abrogation of the right to access to documents under the *Freedom of Information Act 1992*. FOI applications are forwarded to the agency responsible for the records, regardless of their location. That legislation contains review rights.

## ***STATE RECORDS ACT 1997 (South Australia)***

### **Introduction**

*The State Records Act 1997* establishes the State Records Office and creates the position of Manager of State Records. There is a provision for mandatory transfer of records from all State Government agencies at 15 years from the date on which the particular record came into existence or when that record ceases to be required, whichever is earlier.

### **Access Provisions**

There is provision (section 26) for public access but access may also be sought under the *Freedom of Information Act 1991*. Although it is not contained in the *State Records Act 1997*, access is generally granted to documents after 20 years.

At the time of transfer the agency, in consultation with the Manager of State Records, determines if a record is to open for public access or if any excluding or restricting conditions should be applied. Public applications for access are made to the Manager who makes a decision based upon the agency agreement made at the time of transfer.

## Exemption Categories

There are no legislative guidelines or exemption categories. The Manager has the power to restrict access to records for preservation or administrative purposes.

## Review of Decisions

There are no appeal provisions under the State Records Act, however the right to access to certain documents under the *Freedom of Information Act 1991* and the *Local Government Act 1934* remains. That legislation contains review rights.

## ARCHIVES ACT 1983 (Tasmania)

### Introduction

The *Archives Act 1983* establishes the Archives Office of Tasmania as the repository for State records made available to the State Archivist. The State Archivist is responsible for the care, preservation and management of Archives material. He or she is empowered to do all things necessary for ensuring the proper functioning of the Office including additional prescribed responsibilities and the acceptance of gifts. There is a mandatory transfer provision once records have been in existence for 25 years unless exempted by the State Archivist.

### Access Provisions

The Tasmanian State Archives has in place a 25 year rule. This does not, however, prevent public access to records less than 25 years old. Under the *Archives Act 1983* all records in the custody of State Archives are available for public release unless exempted.

### Exemption Categories

Certain records in Archives custody are automatically exempted until they reach 25 years from the date on which they came into existence (including Cabinet records and records of the State Executive Council). An agency can give notice that records are to be exempted under one of the categories listed in the Act. Many of these categories are similar to those set out in the Commonwealth Archives Act. The exemptions set by the agency do not continue beyond 25 years unless specifically stated by the agency at or before the time of transfer. All exemptions cease to have effect when the record reaches 75 years.

Records exempted from public access under another law may be released when they reach 25 years old unless the other law expressly states that the exemption will continue beyond 25 years.

A person who deposits records with the State Archives can impose such access conditions as they like, but must specify if they wish those conditions to continue once the records reach 25 years old.

### Review of Decisions

There are no appeal mechanisms under the Archives Act. It is possible to apply for access to certain records in Archives custody which are not open to the public by using the provisions of the *Freedom of Information Act 1991*. Applications must be made to the agency with functional responsibility. That legislation contains review rights.

## **PUBLIC RECORDS ACT 1973 (Victoria)**

### **Introduction**

The *Public Records Act 1973* establishes the Public Record Office with responsibility for the preservation, management and utilisation of the public records of Victoria. The Keeper of Public Records (the 'Keeper'), subject to the general direction and control of the relevant Minister, has the control and management of the Public Record Office. The Keeper is responsible for the preservation, security, classification, duplication, reproduction and authentication of copies and extracts from the public records. He or she may prepare and publish articles concerning activities of the Public Record Office or of any public record under his or her control. The Keeper must establish standards for efficient management including security, disposal of records not worthy of preservation, selection of records and transfer of records to the Public Record Office. Records must be transferred to the Public Record Office after 25 years from the time they were created unless they are still in use.

### **Exemption Categories**

There are a number of ways in which records can be exempted from public access beyond 30 years. The first and most used provision is that the Minister responsible for the Public Record Office together with the Minister responsible for the records may declare the records to be private and personal records not available for public inspection. In practice these records are exempted for 75 years from date of creation (for adults) and 99 years for children. The two Ministers may revoke this declaration or permit specific persons or classes of person to access the records.

The two Ministers also have the power to notify by Gazette that a specified class of records shall not be available for public inspection for 30 years after the date of transfer (ie the record can be transferred at 25 years and a further 30 years exemption imposed). This determination is not revokable. Exemption decisions are made upon a group (consignment) of records at the time of transfer. Where a consignment contains some material which should be withheld, the entire consignment is closed from public access.

### **Review of Decisions**

While there are no appeal provisions within the Public Records Act, it is possible to apply for access to records in Public Record Office custody which are not open to public access by using the *Freedom of Information Act 1982*. Applications are to be made to the agency with functional responsibility for the records. That legislation contains review rights.

## **LIBRARY BOARD OF WESTERN AUSTRALIA ACT 1951**

### **Introduction**

The *Library Board of Western Australia Act 1951* establishes the Library Board of Western Australia with custody and control of all State archives. The Library Board consists of 13 members (including a Chairperson and Vice Chairperson), one of whom must be the chief executive officer of the responsible department, one of whom must be the Permanent Head of the Department of Arts, five must be nominated by the relevant Minister, and the remaining six selected by the Minister from specified bodies. The Library Board of Western Australia's (the 'Board') functions include advice and assistance to public offices in record management, creation, security and disposal of records, selection and preservation of non-current records, acceptance, custody and control of public records, and the organisation and arrangement of State archives in a proper manner. The Board has all such powers to carry out these functions. In relation to any public record the Board is deemed to represent the Crown notwithstanding the provisions of any other

law to the contrary. On the advice of the Board the Governor may declare that specified provisions of the *Library Board of Western Australia Act 1951* not apply to any public record or class of records specified in the declaration, and any such declaration may be amended or revoked by the Governor on the advice of the Board.

### Access Provisions

The *Library Board of Western Australia Act 1951-1983* defines "State archives" as non-current public records selected for preservation under the Act. The Library Board has an obligation to provide public access to all State archives. Thus while the Board can enter an agreement with an agency that records will remain in agency custody, the Board's obligation to provide public access extends to all public records which have been evaluated as of permanent value.

Although it is not established by legislation, in practice the Archives (known since 1995 as *The Public Records Office of Western Australia*) releases 30 year old records for public access unless the agency has imposed restrictions. The agency may restrict public access or impose conditions where it is of the opinion that the records or class of records contains matters of a private or personal nature that should not be open for general public consultation. The agency also has the power to impose reasonable restrictions on public access if disclosure would not be in the public interest. Any restrictions imposed for this reason can be altered or revoked by the agency at any time. The agency is also required to notify the Board of any records which are restricted from public access under another law.

### Review of Decisions

There is no appeal system associated with State archives. However, an application can be made under the *Freedom of Information Act 1992* for any record which has not been opened for public access. The agency responsible for the records makes access decisions under the FOI Act. That legislation contains review rights.

## THE TERRITORIES

The Northern Territory has an archives called the Northern Territory Archives Service. Established in 1983 it is a purely administrative structure with no legislative basis. It is a part of the Department of Transport and Works. The Northern Territory Archives Service holds government records of the Northern Territory Government and its predecessors as well as a growing collection of private and oral archives. For government records there is a standard 30 year rule enforced. The agency transferring the records retains control over access. Records with continuing sensitivities are exempted by the agency, usually following advice from the Northern Territory Archives Service. There is no Freedom of Information legislation in the Northern Territory.

The Australian Capital Territory has no Archives, and government record-keeping is the responsibility of the individual agencies as laid down in the *Public Sector Management Act 1994* (s 9) and Standard 24 on Records Management<sup>3</sup> entitled *Managing ACTGS Records*. Access is by way of the *Freedom of Information Act 1989* which has rights of external review by the Australian Capital Territory Administrative Appeals Tribunal.

## FREEDOM OF INFORMATION LEGISLATION ACCESS PROVISIONS

### Scope

All the legislation creates a legally enforceable right of access by all people everywhere to information contained in documents, except for Tasmania where the right is to access to information in records ("records" being defined in the same way as "documents" in other legislation). "Documents" is defined very widely to encompass any record of information which is capable of being

reproduced. In this way, as well as written paper documents, the term includes photographs, plans, maps, holograms, and computerised records.

### Application

In all jurisdictions the legislation applies to documents in the possession of a Minister (concerning the Minister's official capacity), a government department, public body or office, other than those specifically exempted in the Act (for example, security intelligence agencies, judicial functions of courts, Royal Commissions, Parliament, government insurance offices, and many commercial operations of government). The exception is Tasmania, where there are no exempt government bodies or agencies. The basis for the exclusion of some bodies is not always obvious and in fact it is difficult to think of any reasoned basis for some of the exclusions. For example, why are school councils exempt only in Victoria, and why is the Parole Board exempt in South Australia and Western Australia but not elsewhere? Some activities of government are exempt from the operations of the FOI Act. They include the judicial functions of courts, the competitive commercial activities of most government business enterprises (where they are subject to the Act at all) and Parliamentary records.

### Retrospectivity

In all jurisdictions access is available to documents which came into the possession of a minister or an agency prior to the commencement of the relevant legislation. Generally speaking, except for Queensland and Western Australia, the period is 5 years prior to the legislation for non-personal information, and unlimited retrospectivity for personal information.

The dates in each jurisdiction are as follows:

Jurisdiction	Personal Information\ Personal Affairs	Other documents
Commonwealth	unlimited	1 December 1977 (s 12)
Victoria	unlimited	5 July 1978 (s 67)
Australian Capital Territory	unlimited	1 January 1977(s 10)
New South Wales	unlimited	1 July 1989 (s 25)
South Australia	unlimited	1 January 1987 (s 20)
Tasmania	unlimited	1 January 1988 (s 8)
Queensland	unlimited	unlimited (s 10)
Western Australia	unlimited	unlimited (s 10)

### Objects

Each Act contains an objects clause (except for South Australia's local government freedom of information legislation). Generally, this is expressed as extending the rights of the public to obtain access to information held by government and to allow personal information to be amended if it is incorrect, out of date, or misleading. In addition the legislation in South Australia, Tasmania, Queensland and Western Australia includes objects that it is to enable the public to participate more effectively in governing the State and to make government more accountable to the public. The Queensland Act also includes a statement recognising the competing public, private and business interests in not disclosing information.

## Requests

There is no restriction on who can obtain access to government held information in Australia. There are no residency, citizenship, or age qualifications. It has been said that:

[a] criminal, Communist, troublemaker, officious intermeddler, or malefactor, is as much entitled to records as a philanthropist, a saviour of humanity, or an ordinary person. (*Penhalluriack v Department of Labour and Industry* (unrep 19/12/1983 County Court, Vic; Lazerus J).

However, requests must be in writing and contain sufficient detail to enable the information sought to be identified. Where a fee is required under the legislation, an application must be accompanied by the fee unless that fee is remitted.

## Exempt Documents

Not all documents in the possession of a Minister or an agency are accessible. Documents are exempted in different ways:

- Requests for some documents may be refused;
- Documents concerning certain activities of some agencies may be exempted; and
- Exemption may be claimed for documents in agencies on specific grounds.

### (a) Access may be refused to documents

The purpose of freedom of information legislation is to supplement the existing publicly available government held information. It is not a code. Thus the various Acts exclude information which is otherwise available publicly from such sources as the Archives, public libraries, and the government publishing services.

Set out below are the instances in which a request can be refused because the information is available elsewhere, or processing the request would result in an unreasonable diversion of the agency's resources:

- Documents available from the Archives or Public Records Office:
  - Except for personal information (Commonwealth);
  - Except in Tasmania unless restrictions have been imposed by the depositors of the records;
  - Except documents of an agency in New South Wales, Tasmania, South Australia, Western Australia and Queensland.
- Documents open to public access as part of a public register or otherwise in accordance with another enactment.
- Documents which are available for purchase by the public by arrangements made by the agency:
  - Except in Western Australia where it also applies to documents available at no charge.
- Library material maintained by the agency for reference purposes:
  - Except Tasmania.
- Documents deposited by private depositors in archives, libraries or museums where access restrictions have been imposed by the depositor.

- Where the work involved in processing the request would involve an unreasonable diversion of the agency's resources (Cth s 24; ACT s 23; SA s 18; Tas s 20; Qld cl 28):
  - Except Victoria, New South Wales and Western Australia.

**(b) Exemption from access may be claimed for documents on the following bases.**

These documents are subject to the Act. However, should the elements of a particular exemption provision set out in the Act be satisfied, the agency is able to refuse access to the document.

EXEMPTION	CTH	VIC	ACT	NSW	SA	TAS	QLD	WA
National security, defence and international relations	s 33 *	s 29 *		Schedule 1.5*	1.5 *	s 26 *	s 38 * s 11	Schedule 1.2, 1.5
C'wealth/ State or State/State relations	s 33A*	s 29 *	s 34	Schedule 1.5 *	Schedule 1.5 *	s 26 *	s 38 *	Schedule 1.2 *
Cabinet Documents#	s 34	s 28		Schedule 1.1	Schedule 1.1	s 24	s 36	Schedule 1.1
Executive Council documents#	s 35		s 35	Schedule 1.2	Schedule 1.2	s 23	s 37	Schedule 1.1
Deliberative /Internal working documents#	s 36 *	s 30 *	s 36*	Schedule 1.9 *	Schedule 1.9 *	s 27 *	s 41 *	Schedule 1.6 *
Law enforcement and public safety	s 37	s 31 *	s 37	Schedule 1.4	Schedule 1.4 *	s 28 *	s 42	Schedule 1.5 *
Secrecy provisions#	s 38	s 38 *	s 38	Schedule 1.12	Schedule 1.12	s 36	s 48 *	
Financial or property interests of government	s 39 *	s 36 *	s 39*	Schedule 1.15 *	Schedule 1.15 *	s 34 *	s 49 *	Schedule 1.10 *
Operations of agencies	s 40 *	s 36 *	s 40*	Schedule 1.16 *	Schedule 1.16 *	s 34*	s 40 *	Schedule 1.11 *

EXEMPTION	CTH	VIC	ACT	NSW	SA	TAS	QLD	WA
Personal Privacy	s 41	s 33	s 41	Schedule 1.6	Schedule 1.6	s 30	s 44 *	Schedule 1.3*
Legal professional privilege	s 42	s 32 *	s 42	Schedule 1.10	Schedule 1.10	s 29	s 43	Schedule 1.7
Business Affairs	s 43	s 34 *	s 43	Schedule 1.7	Schedule 1.7	s 31	s 45 *	Schedule 1.9
National or State economy	s 44 *	s 36 *	s 44	Schedule 1.14 *	Schedule 1.14 *	s 35 *	s 47 *	Schedule 1.9
Breach of confidence	s 45	s 35 *	s 45	Schedule 1.13 *	Schedule 1.13 *	s 33 *	s 46 *	Schedule 1.8 *
Contempt of Parliament or court	s 46		s 46	Schedule 1.17	Schedule 1.17		s 50	Schedule 1.12
Companies and securities legislation	s 47	s 37 *	s 47	Schedule 1.18	Schedule 1.18			
Adoption or artificial conception				Schedule 1.20				Schedule 1.13
Trade secrets and competitive commercial information of agencies					Schedule 1.7	s 32		
Investigat'n by or documents of Ombudsman or Auditor-General					Schedule 2		s 12 and s 39 *	
Documents exempt under other FOI legislation			s 33	Schedule 1.3	Schedule 1.3			

EXEMPTION	CTH	VIC	ACT	NSW	SA	TAS	QLD	WA
Affecting conduct of research				Schedule 1.8	Schedule 1.8	s 32		
Judicial functions of courts	s 5			Schedule 1.20†	Schedule 1.11		s 11	
Private documents in Public libraries or Archival collections					Schedule 1.19			

\* Includes a public interest component. The Victorian legislation gives the AAT a general over-riding public interest power to grant access (s 50(4) – except for Cabinet, criminal intelligence, or personal privacy documents).

† The necessity for this exemption is not clear as the function is an exempt activity (s 10).

**(c) In regard to exemptions for these documents, limitations have been placed on the time, after creation of the document, within which exemption may be claimed.**

It is interesting to note that the Commonwealth, the ACT and Queensland do not have any time limit for the expiry of exemptions. Although these documents may become available in the fullness of time through the operation of the Archives Act (30 years), this assumes that they will not be disposed of in the meantime. Also it is noted that the open access period for Cabinet notebooks under the Commonwealth's Archives Act is 50 years.

EXEMPTION	CTH	VIC	ACT	NSW	SA	TAS	QLD	WA
Cabinet documents	No limit	10 years (s 28)	No limit	30 years (Schedule 1.1)	30 years (Schedule 1.1)	10 years (s 24)	No limit	20 years (Schedule 1.1)
Executive Council documents	No limit	Not exempt	No limit	30 years (Schedule 1.1)	30 years (Schedule 1.2)	Not exempt	No limit	20 years (Schedule 1.1)
Internal working documents	No limit	10 years	No limit	30 years (Schedule 1.6)	30 years (Schedule 1.6)	10 years (s 27)	No limit	20 years (Schedule 1.1)
Documents covered by secrecy provisions in other enactments	No limit	No limit	No limit	No limit	No limit	3 years (s 36)	2 years (cl 48)	No limit

### Review

All legislation provides both internal review and subsequent external review as follows<sup>†</sup>:

CTH – internal review (s 54), Ombudsman (s 57), Administrative Appeals Tribunal (s 55)

VIC – internal review (s 51), Ombudsman (s 27, s 57), Administrative Appeals Tribunal (s 50)

ACT – internal review (s 59), Ombudsman (s 54), Administrative Appeals Tribunal (s 60)

NSW – internal review (s 34), Ombudsman (s 52), District Court (s 53)

SA – internal review (s 38), Ombudsman (s 39), District Court (s 40)

TAS – internal review (s 47), Ombudsman (s 48)

QLD – internal review (cl 52), Information Commissioner (s 71)

WA – internal review (cl 38), Information Commissioner (s 54)

† only New South Wales and South Australia have chosen to step outside the executive arm of government to the judicial arm (the courts) for the initial external review.

\* In these jurisdictions the Ombudsman or Information Commissioner has power to determine the matter.

### Time

The legislation contains time limits within which decisions must be made and applications for review lodged. By far the most generous to the agency is the Commonwealth, where in the most

requested matters (personal and business information) agencies have up to sixty days to make a decision. However as 71% of all requests made to Commonwealth agencies are in fact dealt with in thirty days or less, it would appear that the sixty days is being accorded its correct status – as a maximum (only 10% exceed sixty days). The legislation does provide for extension of time for applications for review. The various time limits are:

Jurisdictions	Acknowledge request	Make decision	Extra time for consultation	Seek internal review	Decision on internal review	Seek external review
<b>CTH</b>	14 days (s 15)	30 days (s 15)	30 days (s 15)	30 days (s 54)	30 days (s 55)	60 days (s 55)
<b>VIC</b>		45 days (s 21)	Nil	28 days (s 51)	14 days (s 51)	60 days (s 52)
<b>ACT</b>	14 days (s 18)	30 days (s 18)	15 days (s 18)	28 days (s 59)	14 days (s 60)	60 days (s 60)
<b>NSW</b>		45 days (s 24)	15 days (s 27)	28 days (s 47)	14 days (s 47)	60 days (s 54)
<b>SA</b>		45 days (s 19)	Nil	28 days (s 29)	14 days (s 47)	60 days (s 41)
<b>TAS</b>		45 days (30 days after 1/1/94) (s 16)	Nil	28 days (s 47)	Forth-with (s 47)	60 days or 28 days (3rd parties) (s 49)
<b>QLD</b>	14 days (s 27)	45 days or 60 days (non-personal information prior to Oct 1987) (s 27)	15 days (s 27)	28 days (s 52)	14 days (s 52)	60 days or 28 days (3rd parties) (s 73)
<b>WA</b>		45 days (s 13)	Nil	30 days (s 39)	15 days (s 42)	60 days or 30 days (3rd parties) (s 55)

- <sup>1</sup> That is, an exemption (such as in section 33A of the FOI Act) for documents where disclosure could damage relations between the Commonwealth and a State or divulge information communicated in confidence by a State to the Commonwealth. Section 32 of the Archives Act provides for consultation with the States or Territories where making a document available might adversely affect their interests.
- <sup>2</sup> New archives legislation (the State Records Bill) is currently being prepared.
- <sup>3</sup> These Standards are made under section 9 of the *Public Sector Management Act 1994*.