



Federation of
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Privacy & FOI Policy Branch
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600
Email: foiconsultation@pmc.gov.au

Dear Sir,

Re: Freedom of Information Amendment (Reform) Bill 2009; Information Commissioner Bill 2009; Review of *Archives Act 1983* (Cth)

The Federation represents over 1,000 historical societies and heritage groups with over 100,000 members throughout the Australian community. We are pleased to lodge a submission concerning the proposed Freedom of Information Amendment (Reform) Bill 2009 and the Information Commissioner Bill 2009.

We commend the intention in the Bills to provide a regime to enhance accountability and transparency in government, and regard this as the most significant overhaul of the *Freedom of Information Act 1982* (FOI) since its inception. The Federation supports the establishment of an independent office of the Information Commissioner and the introduction of a pro-disclosure public interest test for the provision of information in a new 'Right to Information' regime. We also support the general intention to abolish application fees for FOI applications, but suggest that some provision be made to apply fees in cases of repeated or vexatious applications.

The Federation strongly supports the reduction of the Archives Act's 30 year rule for access to documents to 20 years and allowing access to Cabinet documents after 30 years. We commend the role of the National Archives of Australia (NAA) in providing advice, standards and guidelines to all Australian government agencies and offices in record keeping practices, and the FAHS supports the recognition of the NAA as the Commonwealth's recordkeeping authority. This is an essential function with the increasing reliance on electronic records in government.

The recent history of the development of Archives legislation following the review of the *Archives Act 1983* by the Australian Law Reform Commission in 1998, the introduction to the Commonwealth Parliament of the Archives Amendment Bill 2006 and the passage of an almost identical Bill in November 2008 is of interest to our members because it provides a clearer definition of 'care' of archival resources, rather than the previous term, 'custody'. It also provides certainty for preservation of 'objects of archival significance'. We also note that the significant amendments of the *Archives Act 1983* in November 2008 were to sections 2A, 3(1), 3(2), 5, 6(2), 6(3), 27, 30, 31, 61 and 64(1) and 64(2) which affect how researchers are able to access records for more recently created records and into the future. Timeliness of access to archival resources is essential for historians' research.

We urge the NAA to implement policies which ensure that transfer of archival resources to NAA occurs in a practicable timeframe after the record ceases to be utilised within the Commonwealth agency (s.27(3)(a)). Where this is not achieved access for researchers to archival resources in the open access period could potentially be delayed or jeopardised.

In conclusion we believe that the proposed reduction in the access rule from 30 years to 20 years is a very positive development and will assist researchers immensely.

Yours sincerely,

Dr Ruth S. Kerr
Hon Secretary