



Archives and Other Legislation Amendment Act 2021

No. 34, 2021

**An Act to amend the *Archives Act 1983* and the
Freedom of Information Act 1982, and for related
purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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**An Act to amend the *Archives Act 1983* and the
Freedom of Information Act 1982, and for related
purposes**

[Assented to 16 May 2021]

The Parliament of Australia enacts:

1 Short title

This Act is the *Archives and Other Legislation Amendment Act 2021*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|---------------------------------|---|---------------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | The day after this Act receives the Royal Assent. | 17 May 2021 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Archives Act 1983

1 Subsection 3(1)

Insert:

Independent Review means the Independent Review into the workplaces of Parliamentarians and their staff conducted under the *Australian Human Rights Commission Act 1986* by the Sex Discrimination Commissioner (within the meaning of that Act).

Note: The Independent Review commenced in 2021.

Independent Review document means:

- (a) a document given to, or received by, the Independent Review, or a person performing functions in relation to the Review, for the purposes of the Review; or
- (b) a document brought into existence by the Independent Review or a person performing functions in relation to the Review.

2 Subsection 3(1) (after paragraph (b) of the definition of *open access period*)

Insert:

- (ba) for a record that is an Independent Review document—section 22C;

3 Subsection 3(7)

Omit “and 22B”, substitute “, 22B and 22C”.

4 Subsection 3(7) (note)

Repeal the note, substitute:

Note: Cabinet notebooks, records containing Census information and Independent Review documents have different open access periods (see sections 22A, 22B and 22C).

5 After section 22B

Insert:

22C Independent Review documents

- (1) For the purposes of this Act, a record that is an Independent Review document is in the *open access period* on and after 1 January in the year that is 99 years after the calendar year that the record came into existence.
- (2) Subsection (1) applies in relation to an Independent Review document, whether the Independent Review commenced before or after the commencement of this section.
- (3) Subsection 3(7) and section 56 do not apply in relation to an Independent Review document.

Freedom of Information Act 1982

6 Subsection 4(1)

Insert:

Independent Review means the Independent Review into the workplaces of Parliamentarians and their staff conducted under the *Australian Human Rights Commission Act 1986* by the Sex Discrimination Commissioner (within the meaning of that Act).

Note: The Independent Review commenced in 2021.

7 After subsection 7(2D)

Insert:

- (2DA) A Minister and an agency are exempt from the operation of this Act in relation to the following documents (regardless of when the documents were brought into existence):
 - (a) a document given to, or received by, the Independent Review, or a person performing functions in relation to the Review, for the purposes of the Review;
 - (b) a document brought into existence by the Independent Review or a person performing functions in relation to the Review.
- (2DB) A Minister and an agency other than the Australian Human Rights Commission are not exempt under subsection (2DA)(a) from the operation of this Act in relation to documents created for purposes

other than the Independent Review to which a right of access otherwise exists or existed under the Act.

*[Minister's second reading speech made in—
Senate on 18 March 2021
House of Representatives on 25 March 2021]*

(36/21)

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