

FACT SHEET

Justice Miscellaneous (Independent Review Amendments) Bill 2022

The *Justice Miscellaneous (Independent Review Amendments) Bill 2022* (the Bill) proposes amendments to the *Right to Information Act 2009* and the *Archives Act 1983* to ensure that information and records provided to, or created by, for the purposes of the Independent Review are exempt from disclosure and prohibited from being made available for inspection by members of the public under these Acts respectively.

The Bill provides:

- that the *Archives Act 1983* is amended to ensure Independent Review records comes within the current maximum 75 year protection of information in that Act by:
 - imposing a condition prohibiting the State Archivist from making available for inspection by members of the public for a period of 75 years a record or information, which was provided to or brought into existence by the Independent Review or a person performing functions in relation to the Independent Review, that has been deposited with the State Archives Office;
 - including a penalty provision if an Independent Review record is disclosed or inspected prior to the expiry of the 75 year period prohibition imposed on the record(s); and
 - ensuring that the condition prohibiting inspection of an Independent Review record applies from the commencement of the Independent Review on 27 July 2021.
- that the *Right to Information Act 2009* is amended to provide that the Act does not apply to information that:
 - was provided to, received by, or created by the Independent Review or a person performing functions in relation to the Independent Review; and
 - is in the possession of the Independent Review or a person performing functions in relation to the Independent Review.
- a right to information application for Independent Review information is invalid if it was made in the period between the Independent Review commencing (27 July 2021) and the point at which the proposed section 6(3) commences.