

WESTERN AUSTRALIA

**ROYAL COMMISSION (CUSTODY
OF RECORDS) AMENDMENT ACT
1992**

No. 67 of 1992

**AN ACT to amend the *Royal Commission (Custody of
Records) Act 1992*.**

[Assented to 11 December 1992.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Royal Commission (Custody of Records) Amendment Act 1992*.

Commencement

2. This Act is to be regarded as having come into operation on the day on which the principal Act came into operation.

Principal Act

3. In this Act the *Royal Commission (Custody of Records) Act 1992** is referred to as the principal Act.

[* *Act No. 43 of 1992.*]

Section 4 amended

4. Section 4 (1) of the principal Act is amended —

- (a) in the definition of “internal working document” by inserting after “by” the following —

“ the Royal Commission or a member or ”;

and

- (b) in the definition of “record of the Royal Commission” by inserting before “or an” the following —

“ or a member ”.

**Section 10 repealed and
a section substituted**

5. Section 10 of the principal Act is repealed and the following section is inserted —

**“ Library Act applies to
destruction of records**

10. (1) Section 30 (2) (b), (3), (4) and (5) of the Library Act apply to the destruction of records of the Royal Commission under section 7, 8 or 9 as if —

(a) the Royal Commission were the officer in charge of a public office within the meaning of that Act; and

(b) the records were public records within the meaning of that Act.

(2) Subsection (1) does not prevent the Royal Commission from dealing with a record under section 8 (1) (a) or 9 (1) (a) at its discretion.

”.

Section 11 amended

6. Section 11 (2) of the principal Act is amended —

(a) in paragraph (b) by deleting “State.” and substituting the following —

“ State, ”;

and

(b) by inserting after paragraph (b) the following —

“ and a transcript record that is not the subject of a direction by the Royal Commission prohibiting its publication is available to the State for distribution to the public by sale or otherwise. ”.

Section 14 amended

7. (1) After section 14 (1) of the principal Act the following subsection is inserted —

“ (1a) When it transfers a record to the Library Board as a State archive the Royal Commission may, under section 32 (3) of the Library Act, impose restrictions on public access to that record as if —

(a) the Royal Commission were the officer in charge of a public office within the meaning of that Act; and

(b) the record were a public record within the meaning of that Act. ”.

(2) Section 14 (5) of the principal Act is amended —

(a) by deleting “and” after paragraph (b); and

(b) by deleting the full stop at the end of paragraph (c) and substituting the following —

“ ; and

(d) that provision of access to the record would not contravene or be inconsistent with a restriction imposed in relation to that record under section 32 (3) of the Library Act as applied by this section. ”.

(3) Section 14 (8) of the principal Act is amended by deleting “subsection (1)” and substituting the following —

“ subsection (2) ”.

Section 15 amended

8. Section 15 of the principal Act is amended —

(a) in subsections (6) and (7) by deleting “3” and substituting “ 5 ”;

(b) in subsection (8) by inserting after “13” the following —

“ , or under the Library Act as applied by section 10 or 14, ”.