

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Group: 2**

**Program: 2.1**

**Question No. BE15/057**

**Senator Xenophon asked the following written question from the 27 and 28 May 2015 hearing:**

1. Papers of former Defence Minister and Australian Ambassador to Indonesia Bill Morrison: how long is it taking to access clear them? Why so long?
2. Papers and audio interviews with Brian Manning: what access restrictions govern them? What rights do applicants who have been refused part or all of their access request have?
3. What Act of Parliament governs access to materials stored with the NLA? What appeal rights do applicants who have been refused part or all of their access request have?
4. NLA Fellowships: who decides who gets them? What aspects are prioritised – Australian history, culture, etc?

**The answer to the honourable senator's questions are as follows:**

1. The papers of Bill Morrison (MS 4957) held by the National Library of Australia (the Library) include material from his career as a Minister and diplomat. The collection is large (more than 200 boxes) and is made up of a combination of personal papers and associated Commonwealth records. Access to Commonwealth records, is governed by the provisions of the *Archives Act 1983* (the Archives Act). Under the Archives Act, the National Archives of Australia (the Archives) must cause Commonwealth records in the open access period, that are not exempt, to be made available for public access. A Commonwealth record is exempt if it falls under one or more of the exemptions defined in section 33 of the Archives Act. These exemptions include national security, defence, international relations, confidential information and personal affairs. Qualified Library staff can undertake access examination of some open period Commonwealth records. However, some material identified as potentially exempt (for example under paragraph 33(1)(a)), must be referred to the Archives. Researchers who request access to this material are informed of the access provisions under the Archives Act and when the request is referred to the Archives for action. Under the Archives Act, the Archives is required to determine which of the records are Commonwealth records for the purposes of the Act and as appropriate the Archives will consult other agencies to obtain their advice on exemptions that may apply, before making a decision. Legislated timeframes are included in the Archives Act to undertake that process.

For personal records which can be access examined by Library staff, the delay while clearance is undertaken is usually in the range of some weeks to a couple of months, depending on the volume of material requested.

2. Access to interviews in the Library's Oral History collection is governed by conditions determined by the interviewee. Brian Manning stipulated that access to his oral history interview may not be given until ten years from the date of the interview, without his prior written permission. The interview was recorded in January 2008 and so will not become generally accessible until January 2018. During his lifetime, Mr Manning permitted access to

the interview by two researchers. Following his death, the Library will honour the access conditions he specified in the formal agreement with the Library. Access arrangements are made in a formal written agreement and constitute a contract between the Library and the interviewee. They are not thus subject to 'appeal rights' by applicants such as those that exist under the Archives Act.

3. General public access to collections in the Library, other than to Commonwealth records to which access is managed in accordance with the Archives Act, is subject to the *National Library Act 1960* (the National Library Act). The National Library Act does not specify when and under what conditions collections are made accessible, vesting such decisions in the Council of the Library. The National Library Act makes no provision for appeals by applicants. A user who was not satisfied about an access decision made by a staff member of the Library concerning materials (other than Commonwealth records) could seek a review of the administrative decision to a higher officer in the Library, including the Director-General, and to other channels for review of decision making by government agencies and officers, such as the Commonwealth Ombudsman.
4. Library Fellowship recipients are approved by the Council of the Library on the recommendation of the Fellowships Advisory Committee. The Fellowships Advisory Committee is chaired by the Director-General of the Library. The Committee's membership is drawn from representatives of the three learned Academies (Science, Humanities and Social Sciences); the Independent Scholars Association of Australia; the Asian Studies Association of Australia and the Australian Library and Information Association. Fellowships are awarded for research that can be supported by the Library's collection, whether Australian or overseas. Some Fellowships supported by specific gifts are only available for research based on, for example, the Japanese collections (supported by the H S Williams Trust) or for research on Australian literature (supported by the Ray Mathew and Eva Kollsman Trust). Other than these specific Fellowships, all applications are assessed on merit by the Fellowships Advisory Committee, as demonstrated in the application and the reports of applicants' referees. More information is available on the Library's website <https://www.nla.gov.au/awards-and-grants/fellowships-and-scholarships/national-library-of-australia-fellowships>.