

# Public Records (Amendment) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* is the purpose of the Act.

*Clause 2* is the commencement provision.

*Clause 3* is the title of the Principal Act.

*Clause 4:*

Amends section 4 of the Principal Act and provides for a Public Records Advisory Council comprising not more than 10 members, one of whom shall be the Director-General, and the remainder of whom will possess experience or knowledge in specified disciplines.

Allows for a member to nominate a deputy, subject to the Minister's consent.

Allows sub-committees to be formed.

Transfers responsibility for appointing the Chairman of the Council and removing any members from office from the Governor in Council to the Minister.

Alters the number of members required for a quorum from four to not less than half the existing membership.

*Clause 5:*

Repeals sub-section 6 (2) of the Principal Act.

Amends section 7 of the Principal Act by adding that the Keeper of Public Records' responsibilities are subject to the *Public Service Act 1974*.

Adds to the existing functions of the Keeper of Public Records that of being responsible for the management and control of all public records in the Public Record Office.

*Clause 6* inserts section 13A in the Principal Act, providing the Keeper of Public Records with a right of entry, subject to Ministerial authorization, to public offices and other places in which public records of public offices are stored to inspect the storage and conservation arrangements of public records.

*Clause 7* amends section 14 by adding sub-sections (4) and (5), allowing the Minister to provide funding for the establishment and maintenance of approved places of deposit, and granting the Keeper a right of entry to such places to inspect record holdings.

*Clause 8* inserts section 15A, allowing the Minister to compulsorily acquire a public record, and to pay, where the Minister thinks fit, the value of the record as established by an independent valuer. A final right of appeal on the assessed value to the Magistrates' Court is provided.

*Clause 9* amends sections 16, 17 and 19 in which monetary penalties are imposed, by substituting penalty units.

*Clause 10* repeals section 21.

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