

LEGISLATIVE ASSEMBLY

Read 1 9 April 1986

(Brought in by Mr McCutcheon and Mr Fordham)

A BILL

to amend the *Public Records Act 1973* and for other purposes.

Public Records (Amendment) Act 1986

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is to make various amendments to the *Public Records Act 1973*.

5 Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

Principal Act.

3. In this Act, the *Public Records Act 1973* is called the Principal Act.

No. 841B.
Amended by No.
9219.

10 Public Records Advisory Council.

4. (1) In section 4 of the Principal Act, for sub-section (1) substitute—

“(1) There shall be a Public Records Advisory Council.

(1A) The Council shall consist of not more than ten members appointed by the Minister of whom—

(a) one shall be the Director-General of Property and Services; and

(b) the remaining members shall be persons with knowledge of or experience in any of the following areas: 5

(i) Public administration;

(ii) Local government;

(iii) The management of records;

(iv) Librarianship or library management; 10

(v) Historical research;

(vi) Genealogical research;

(vii) Any area considered by the Minister to be a relevant area for the purposes of this sub-section.

(1B) A member of the Council may, subject to the Minister's approval, choose a nominee to represent that member at meetings of the Council where the member is absent. 15

(1C) The Council may appoint sub-committees consisting of two or more members of the Council."

(2) In section 4 (2) and (3) of the Principal Act, for "Governor in Council" substitute "Minister". 20

(3) In section 4 of the Principal Act, for sub-section (6) substitute—

"(6) A quorum of the Council shall consist of not less than half the members of the Council."

Keeper of Public Records. 25

5. (1) In section 6 (1) of the Principal Act, omit "(1)".

(2) In section 6 of the Principal Act, sub-section (2) is repealed.

(3) In section 7 of the Principal Act, for "7. The Keeper" substitute "7. Subject to the *Public Service Act* 1974, the Keeper".

(4) In section 7 of the Principal Act, after "for—" insert— 30

"(aa) the management and control of all public records in the Public Record Office;".

New section 13A inserted.

6. After section 13 of the Principal Act, insert—

Inspection of public office or other place. 35

"13A. The Minister may, on behalf of the Crown, authorize the Keeper of Public Records to enter, at any reasonable time, a public office or any place in which the public records of that office are stored to inspect the storage and conservation arrangements of the records in

the office or place and the carrying out in that office or place of the programme of records management referred to in section 13 (b).”.

Places of deposit outside Public Record Office.

7. In section 14 of the Principal Act, after sub-section (3) insert—

5 “(4) The Minister may, out of moneys lawfully available for the purpose, make money available for the purpose of establishing or maintaining a place of deposit appointed under this section.

10 (5) The Keeper of Public Records may at any reasonable time enter a place of deposit appointed under this section to inspect the safe-keeping and preservation of the public records in that place.”.

New section 15A inserted.

8. After section 15 of the Principal Act, insert—

Compulsory acquisition of public records.

15 “15A. (1) The Minister may, on behalf of the Crown, require a person to deliver to the Keeper of Public Records a public record in the person’s possession.

(2) The Minister may, if the Minister thinks fit, out of moneys lawfully available for the purpose pay compensation to a person required to deliver a public record to the Keeper.

20 (3) The amount of compensation payable must be the value of the record as assessed by an independent valuer appointed by the Minister.

(4) Any dispute as to the amount of compensation may be referred by the Minister or the person required to deliver the public record, to a Magistrates’ Court and the decision of the Court shall be final.

25 (5) This section does not affect any rights of compulsory acquisition of public records existing under common law.”.

Penalty units.

9. The Principal Act is amended as follows:

30 (a) In section 16 (2) and (4), for “\$100” substitute “1 penalty unit”; and

(b) In sections 17 (8) and 19 for “\$500” substitute “5 penalty units”.

Annual report.

35 10. Section 21 of the Principal Act is repealed.



1

2

3

4

