



New South Wales

State Records Regulation 1999

under the
State Records Act 1998

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Explanatory note

The object of this Regulation is:

- (a) to defer the application of the Act in relation to certain specific empowering provisions of other legislation (thereby permitting the transfer, amendment, disposal and destruction of State records under those provisions for a period of one year), and
- (b) to defer the application of certain parts of the Act to specified bodies, also for a period of one year.

This Regulation is made under clause 10(2)(a) of Schedule 3 to the *State Records Act 1998*.

This Regulation comprises or relates to matters of a savings or transitional nature.

1998 No 669

State Records Regulation 1999

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	2
2 Commencement	2
3 Definition	2
4 Notes	2
Part 2 Deferred application of Act	
5 Deferred application of section 21	3
6 Application of Act to certain bodies deferred	3
Schedule 1 Section 21 deferred application provisions	4

State Records Regulation 1999

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *State Records Regulation 1999*.

2 Commencement

This Regulation commences on 1 January 1999.

3 Definition

In this Regulation:

the Act means the *State Records Act 1998*.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

1998 No 669

Clause 5 State Records Regulation 1999

Part 2 Deferral of certain provisions of Act

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5 Deferred application of section 21

The application of section 21 (Protection measures) of the Act is deferred until 1 January 2000 in relation to a record to which a provision of an Act specified in Schedule 1 applies, but only to the extent that any such provision authorises or requires the transfer, alteration, disposal or destruction of the record.

6 Application of Act to certain bodies deferred

- (1) The application of the Act (Parts 3 and 5 excepted) is deferred until 1 January 2000 in relation to records for which the following bodies are responsible:
 - (a) a council or county council under the *Local Government Act 1993*,
 - (b) a university.
 - (c) an area health service or statutory health corporation (within the meaning of the *Health Services Act 1997*).
- (2) Subclause (1) does not apply to the following records:
 - (a) private records held in a local studies collection of a council under the *Local Government Act 1993*,
 - (b) private records held in a research library or archive of a university.

and in relation to those records the application of the whole of the Act (including Parts 3 and 5) is deferred until 1 January 2000.

- (3) In subclause (2), *private records* are records that would not be State records had they not been received and kept by the council or university concerned.

Schedule 1 Section 21 deferred application provisions

(Clause 5)

Provisions authorising alteration of records

Freedom of Information Act 1989, Part 4 (Amendment of records)

Provisions requiring destruction of records

Casino Control Act 1992, section 159 (Destruction of fingerprints etc)

Children (Criminal Proceedings) Act 1987, section 38 (Destruction of photographs, finger-prints etc)

Gaming and Betting Act 1912, section 50RB (Destruction of finger and palm prints)

Listening Devices Act 1984, sections 22 (Destruction of irrelevant records made by the use of a listening device) and 30 (Orders for forfeiture)

Public Lotteries Act 1996, section 58 (Destruction of finger and palm prints of former key employees)

Totalizator Act 1997, sections 65 (Destruction of fingerprints and palm prints of former key employees) and 110 (Destruction of fingerprints etc)

Traffic Act 1909, section 11AA (Grant and renewal of drivers' licences)

Provisions authorising destruction, disposal or transfer of records

Associations Incorporation Act 1984, section 59 (Register)

Bills of Sale Act 1898, section 17 (Destruction of documents)

Commercial Agents and Private Inquiry Agents Act 1963, Schedule 1 clause 22 (Returns by receiver)

1998 No 669

State Records Regulation 1999

Schedule 1 Section 21 deferred application provisions

Community Justice Centres Act 1983, section 17 (Records)

Consumer Claims Tribunals Act 1987, section 48 (Regulations)

Conveyancers Licencing Act 1995, section 79 (Receiver to report to Supreme Court and Director-General)

Co-operatives Act 1992, section 413 (Disposal of records by Registrar)

Government and Related Employees Appeal Tribunal Act 1980, section 49 (Transcripts of proceedings)

Legal Profession Act 1987, section 114 (Receiver to report to Supreme Court)

Marine Pollution Act 1987, section 29 (Keeping of records relating to transfer etc)

Motor Dealers Act 1974, sections 38R (Reports etc by administrator) and 57 (Regulations)

Strata Schemes (Freehold Development) Act 1973, section 42 (Provisions applying to strata plans etc)

Strata Schemes (Leasehold Development) Act 1986, section 71 (Provisions applying to strata plans etc)

Telecommunications (Interception) (New South Wales) Act 1987, sections 5 (Other records to be kept by an eligible authority in connection with interceptions) and 8 (Keeping and destruction of restricted records)

Transfer of Records Act 1923, sections 3 (Destruction of records by Prothonotary) and 4 (Destruction of records by Registrar General)

Wool Hide and Skin Dealers Act 1935, section 14 (Regulations)