



New South Wales

# State Records Amendment (Exemptions) Regulation 2009

under the

State Records Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Records Act 1998*.

CARMEL TEBBUTT MP  
Minister for Commerce

## Explanatory note

The objects of this Regulation are:

- (a) to exempt the private records in the collection of The Trustees of the Anzac Memorial Building from the *State Records Act 1998* (which is achieved by prescribing the Trustees as a State collecting institution, since section 5 (1) of the Act provides that the Act does not apply to private records in the collection of State collecting institutions), and
- (b) to prescribe the destruction of records (including finger-prints, palm-prints, photographs and surveillance records) that other Acts authorise or require the destruction of, or authorise the making of regulations relating to the destruction of, as being exempt from the operation of Part 3 of the *State Records Act 1998*, which would otherwise prevent their destruction.

This Regulation is made under the *State Records Act 1998*, including section 3 (1) (definition of *State collecting institution*), section 21 (2) (b) (Protection measures) and section 81 (the general regulation-making power).

## **2009 No 86**

Clause 1            State Records Amendment (Exemptions) Regulation 2009

---

# **State Records Amendment (Exemptions) Regulation 2009**

under the

State Records Act 1998

### **1 Name of Regulation**

This Regulation is the *State Records Amendment (Exemptions) Regulation 2009*.

### **2 Amendment of State Records Regulation 2005**

The *State Records Regulation 2005* is amended as set out in Schedule 1.

---

## Schedule 1 Amendments

(Clause 2)

**[1] Schedule 1 Prescribed State collecting institutions**

Insert in alphabetical order:

The Trustees of the Anzac Memorial Building

**[2] Schedule 2 Provisions excepted from operation of section 21**

Insert in alphabetical order under the heading “**Provisions requiring destruction of records**”:

*Law Enforcement (Powers and Responsibilities) Act 2002*, sections 137A (Destruction of finger-prints and palm-prints (adults and children)) and 138A (Taking of finger-prints and palm-prints from persons issued penalty notices)

*Police Act 1990*, section 96A (Finger printing and hand printing of applicants—police officers)

*Terrorism (Police Powers) Act 2002*, section 27W (Destruction of records)

*Workplace Surveillance Act 2005*, section 29 (Duration and conditions of covert surveillance authority)

**[3] Schedule 2**

Insert in alphabetical order under the heading “**Provisions authorising destruction of records**”:

*Security Industry Act 1997*, section 18 (Investigation of licence application)

**[4] Schedule 2**

Insert at the end of the Schedule:

**Provisions authorising the making of regulations concerning destruction of records**

*Independent Commission Against Corruption Act 1988*, section 117, to the extent that it authorises the making of clause 7 (3) and (4) of the *Independent Commission Against Corruption Regulation 2005*

*Security Industry Act 1997*, section 48, to the extent that it authorises the making of clause 28 (3) of the *Security Industry Regulation 2007*