

T A S M A N I A.



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ANNO SEPTIMO

GEORGII VI. REGIS.

No. 2.

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AN ACT to provide for the disposal of Public Records
in certain cases. [19 April, 1943.]

A.D.
1943.

BE it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:—

1 This Act may be cited as the *Public Records Act 1943*. Short title.

6d.]

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Interpretation.

2 In this Act unless the contrary intention appears—

“Archives officer” means the archives officer appointed under this Act:

“Public authority” means any office, department, branch, board, commission, institution, or instrumentality of the State; and includes a municipal council, and any body, corporate or unincorporate, which has at any time been subsidised by the State:

“Public records” includes all manuscripts, papers, letters, documents, books, maps, plans, reports, pictures, photographs, prints, motion pictures, sound recordings, or other records whatsoever of, or pertaining to, any public authority or made by, or deposited with, any officer of any public authority in pursuance of any law of the State.

Appointment of archives officer and officers.

3 The Governor, subject to the provisions of the *Public Service Act 1923*, may appoint some person as archives officer and such other officers as he may think necessary for the purposes of this Act.

Public records may be deposited with the archives officer.

Public records not to be destroyed, &c., without authority.

4 Any person having the custody or possession of any public records may, with the consent of the archives officer, deposit such records with the archives officer for disposal.**5**—(1) No person shall sell, destroy, or do away with any public records unless the person having the control or possession thereof has given to the archives officer notice, in writing and by registered post, of the intention to sell, destroy, or do away with such public records and a period of at least one month has elapsed since the giving of such notice.

Penalty: Ten pounds.

(2) On receipt of any such notice as aforesaid the archives officer may—

- I. Inspect and take possession of the public records therein mentioned: or
- II. Require the person having the control or possession of such records by notice, in writing and given by registered post, to deposit the same with the archives officer at his office—

and may dispose of such records as he may think best or may permit the sale, destruction, or other disposal thereof by any person.

(3) No person shall fail to comply with any requirement of the archives officer under this section.

Penalty: Ten pounds.

Recovery of public records improperly held.

6—(1) If the archives officer has reason to believe that any public records, not being records the sale or disposal of which has been authorised under this Act, are in the custody

Public Records.

or possession of any person otherwise than in the official capacity of an officer or agent of the public authority to which such records belong or appertain, the archives officer by notice, in writing and given by registered post, may require such person to deposit such records with the archives officer at his office. A.D. 1943.

(2) No person without reasonable cause shall fail to comply with any requirement of the archives officer under subsection (1) hereof.

Penalty: Ten pounds and a daily penalty of one pound.

(3) In any proceedings in respect of an offence against this section—

- I. The averment in the complaint that the records therein mentioned are held by defendant otherwise than in the proper official capacity of an officer or agent of the public authority to which they belong or appertain shall be evidence of that fact until the contrary is proved: and
- II. The court before which such proceedings are heard may order the delivery of the records to the archives officer within a time to be specified in such order and in default of compliance therewith may impose a further penalty not exceeding ten pounds.

7 The chief officer of every public authority shall cause complete and accurate records of the activities of such authority to be prepared and preserved, and shall have the legal custody of such records. Preparation, preservation, and custody of public records.

8—(1) Where the archives officer, in the exercise of his powers and functions under this Act, takes possession of any public records or requires the same to be deposited in his office, the person having the control, possession, or custody of such records may make application, as prescribed, for payment of compensation in respect thereof. Compensation.

(2) Upon application being made as aforesaid the archives officer, if it appears to him to be just and reasonable so to do, may pay to the applicant such compensation as the archives officer, with the approval of the Minister, may determine.

(3) If the applicant is dissatisfied with any decision of the archives officer under subsection (2) hereof, the matter shall be referred to two arbitrators or their umpire, in accordance with the provisions of the *Arbitration Act 1892*, for the purpose of determining the amount of compensation, if any, to be paid to the applicant; and one of such arbitrators shall be appointed by each of the said parties.

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Archives
officer to
obtain
sanction of
Auditor-
General in
certain cases.

9 Notwithstanding anything contained in this Act, where any officer having the custody of any public records is required by law to obtain the sanction of the Auditor-General for the destruction or disposal thereof, the archives officer shall not exercise any of the powers conferred on him by this Act in respect of any such records except with the sanction, in writing, of the Auditor-General first had and obtained.

Act not to
apply to
Parliamentary
records

10 Nothing in this Act shall apply to any records in the custody of either House of Parliament of this State.

Regulations.

11 The Governor may make regulations under this Act and in addition to any other matters may prescribe—

- I. The manner in which, the persons by whom, and the places where, public records of different classes may be stored, safeguarded, and cared for, or otherwise disposed of:
- II. The manner in which, the persons by whom, and the conditions under which, public records may be disposed of upon the abolition, or the termination of the functions, of public authorities, or the transfer or amalgamation of offices or branches thereof: and
- III. The cases in which and the conditions under which access to and inspection of any public records or class of public records may be allowed to any person or class of persons.