



Statutory Rules 1988 No. / 1

340

Archives Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulation under the *Archives Act 1983*.

Dated ~~14~~¹⁵ December 1988.

N. M. STEPHEN

Governor-General

By His Excellency's Command,

Stewart West

Minister of State for Administrative Services

After regulation 8 of the Archives Regulations the following regulation is inserted:

Special access to Commonwealth records—specified circumstances for purposes of subsection 56 (2) of the Act

“9. (1) For the purposes of this regulation, records are, in relation to a person, relevant records in respect of an office formerly held by the person if the records are records that were, or could reasonably be presumed to have been, seen or personally dealt with by the person in the course of the exercise of the duties of that office.

“(2) The following circumstances are specified as circumstances in which Commonwealth records may, in accordance with subsection 56 (2) of the Act, be made available to a person, namely:

(a) where:

(i) the Commonwealth records are, in relation to the person, relevant records in respect of an office formerly held by him or her, being:

(A) the office of Governor-General;

(B) an office of Minister;

- (C) an office of Secretary (within the meaning of the *Public Service Act 1922*); or
 - (D) an office in a Commonwealth institution (other than an office referred to in sub-subparagraph (C)) that the Prime Minister has, for the purposes of this paragraph, declared in writing to be an approved office in relation to the person; and
- (ii) the person desires to refresh his or her memory about the Commonwealth records;
- (b) where:
- (i) the person is preparing, with the consent of another person or, if that other person has died, the consent of the personal representative of that other person, a biography of that other person; and
 - (ii) the Commonwealth records are, in relation to the other person, relevant records in respect of an office formerly held by him or her, being:
 - (A) an office referred to in sub-subparagraph (a) (i) (A), (B) or (C); or
 - (B) an office in a Commonwealth institution (other than an office referred to in sub-subparagraph (a) (i) (C)) that the Prime Minister has, for the purposes of this paragraph, declared in writing to be an approved office in relation to the other person;
- (c) where:
- (i) the person is not a Commonwealth institution; and
 - (ii) the Archives have the custody and management of the Commonwealth records pursuant to an arrangement entered into by the Archives to accept the custody of the records from that person;
- (d) where:
- (i) the person is carrying out research for the purpose of preparing a work for publication;
 - (ii) the Minister or a person authorised by the Minister for the purposes of subsection 56 (2) of the Act has, for the purposes of this paragraph, approved the work referred to in subparagraph (i) on the ground that the work is likely to make a substantial contribution to the recording and assessment of events in the political, social, economic, cultural, scientific or other development of Australia, particularly as that development relates to the administration or affairs of the Government of the Commonwealth; and
 - (iii) the Commonwealth records are relevant to the research being so carried out by the person.”.

Archives 1988 No. /

3

340/

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on / 1988. 21 December /
2. Statutory Rules 1984 No. 100 as amended to date. For previous amendments see Note 2 to Statutory Rules 1988 No. / and see also Statutory Rules 1988 No. / 256/ 256/