

Statutory Rules 1990 No. 4¹

393)

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 Regulations under the *Archives Act 1983*.

Dated 29 November 1990.

BILL HAYDEN

Governor-General

By His Excellency's Command,

N. Bolkus.

Minister of State for Administrative Services

1. Amendment

1.1 The Archives Regulations are amended as set out in these Regulations.

2. Regulation 2 (Interpretation)

2.1 Omit the definition of "evaluate".

2.2 Insert the following definition:

"**'sentence'**, in relation to records to be kept at the Archives, means the classification of the records according to the period for which each record is to be kept;"

3. Regulation 8 (Charges)

3.1 Omit the regulation.

4. New regulations 10 and 11

4.1 After regulation 9, insert:

Discretionary services

"10. For the purposes of paragraph 71 (e) of the Act, the following discretionary services are prescribed:

- (a) the storage, control, access, preservation or disposal of the records of a person other than a Commonwealth institution under an arrangement between the Archives and the person; and
- (b) the services set out in column 2 of Part 2 of Schedule 1.

Charges

"11. (1) The charges set out in Part 1 of Schedule 1 are applicable in respect of the provision of copies of documents on applications made in accordance with the Act.

"(2) The charges set out in Part 1A of Schedule 1 are applicable in respect of the provision of copies of the Australian National Guide to Archival Material or of any part of the Guide.

"(3) The charge set out in column 3 of an item in Part 2 of Schedule 1 is applicable in respect of the provision of the discretionary service set out in column 2 of that Part to a person other than a Commonwealth institution.

"(4) Where the amount of a charge set out in column 3 of Part 2 of Schedule 1 is expressed to be a rate for a period and the time during which the service is provided is or includes part of the period, the amount of the charge for that part is the same proportion of the amount for the period as the part is to that period.

"(5) The charge that is applicable in respect of the provision of a discretionary service by a member of the staff of the Archives under the arrangement referred to in paragraph 10 (a) is the amount of remuneration payable to the member for the period during which he or she renders the service plus 160% of that amount.

"(6) The Director-General may waive payment of, or reduce the amount of, a charge under these Regulations if:

- (a) payment of the charge would cause financial hardship or provision of the service is of a charitable nature; or
- (b) the transaction to which the charge relates is isolated in nature and involves a small amount; or
- (c) the Director-General considers it appropriate to do so in the interests of efficiency and effectiveness in the management of government records; or
- (d) it is in the interests of the Commonwealth's standing in international relations, in its relations with a State or Territory or otherwise in the public interest.

"(7) An application may be made to the Administrative Appeals Tribunal to review a decision under subregulation (6).

“(8) Despite section 27 of the *Administrative Appeals Tribunal Act 1975*, a Commonwealth institution may not make an application under subregulation (7).

“(9) Where the Director-General:

- (a) refuses to waive payment of, or reduce the amount of, a charge under these Regulations; or
 - (b) reduces the amount of a charge under these Regulations;
- the Director-General must give the person liable to pay that charge notice in writing of the decision and of the reasons for the decision.

“(10) A notice under subregulation (9) must:

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made by the person to the Administrative Appeals Tribunal for the review of the decision; and
- (b) except where subsection 28 (4) of that Act applies—include a statement to the effect that the person may request a statement under section 28 of that Act.

“(11) The validity of a decision referred to in subregulation (10) is not affected by failure to comply with that subregulation.”.

5. Schedule 1, Part 2 (Charges applicable in relation to petroleum exploration seismic records)

5.1 Omit the Part, substitute:

PART 2

CHARGES APPLICABLE IN RESPECT OF THE PROVISION OF DISCRETIONARY SERVICES

Column 1 Item	Column 2 Discretionary service	Column 3 Amount or rate of charge
1	Sentencing of records	\$225 per metre of records
2	Research conducted by a member of the staff of the Archives ancillary to the sentencing of records	The rate of \$64 per hour
3	Supervision by a member of the staff of the Archives of a person inspecting the records	The rate of \$54 per hour
4	Transport of records to the Archives	\$30 per metre of records
5	Use of Archives containers for transport of records to the Archives or storage at the Archives	\$1 per container
6	Making shelf space available for the storage of records	The rate of \$9 per metre of shelf space per year of storage
7	Making shelf space available in an air-conditioned repository for the storage of records	The rate of \$15 per metre of shelf space per year of storage

Column 1 Item	Column 2 Discretionary service	Column 3 Amount or rate of charge
8	Making shelf space available in an air-conditioned vault for the storage of records	The rate of \$16 per metre of shelf space per year of storage
9	Storage of records	The rate of \$13 per metre of records for the first year of storage; the rate of \$9 per metre of records for each later year of storage
10	Storage of records in an air-conditioned repository	The rate of \$19 per metre of records for the first year of storage; the rate of \$15 per metre of records for each later year of storage
11	Storage of records in an air-conditioned vault	The rate of \$20 per metre of records for the first year of storage; the rate of \$16 per metre of records for each later year of storage
12	Searching in normal business hours for a record	\$6
13	Searching outside normal business hours for a record	The rate of \$64 per hour
14	Handling and documenting the receipt by the Archives of petroleum exploration records	\$290 per metre of records
15	Making available an electronic data tape relating to petroleum exploration records	\$10
16	Making available a copy of non-electronic supporting records relating to an electronic data tape of petroleum exploration records	\$1 basic charge and 30 cents per page
17	Searching information sources in relation to the loan of petroleum exploration records	\$30 per hour or part of an hour after the first 30 minutes of searching
18	Loan of analogue tapes relating to petroleum exploration records	\$10 per box
19	Training course: full-day	\$350 per person
20	Training course: half-day	\$200 per person

6. Schedule 1, Part 3 (Charges applicable in respect of records of Commonwealth institutions)

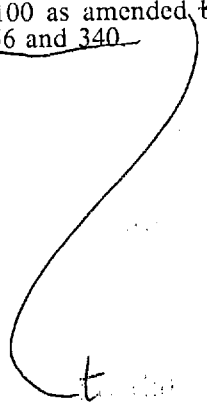
6.1 Omit the Part.

7. Schedule 2 (Commonwealth Institutions)

7.1 Omit the Schedule.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on L 1990. 6 December/
2. Statutory Rules 1984 No. 100 as amended by ~~1984 No. 290; 1986 No. 31; 1987 No. 235; 1988 Nos. 256 and 340~~



to see the amendments
see also Statutory Rules No. 184
and see also Statutory Rules 1990 No. 184