

EXPLANATORY STATEMENT

Issued by the National Archives of Australia

Archives Act 1983, section 69A

Archives (Discretionary Service Charges) Determination 2014

Purpose

The purpose of the *Archives (Discretionary Service Charges) Determination 2014* (the Determination) is to determine an amount or rate of charge for a discretionary service provided to a Commonwealth institution by the National Archives of Australia (the Archives).

Legislative Basis

Section 69A of the *Archives Act 1983* (the Act) enables the Director-General of the Archives to make a charge for discretionary services that are provided to a Commonwealth institution. Discretionary services are defined in subsection 3(3A) of the Act as the doing of an act by the Archives, being an act that the Archives has power to do and that it does at the person's request, other than an act that:

- (a) this Act requires the Archives to do; or
- (b) it is necessary for the Archives to do for the proper performance of its functions.

The Determination is a legislative instrument within the meaning of the *Legislative Instruments Act 2003*.

Consultation

Under subsection 18(1) of the *Legislative Instruments Act 2003* consultation was not necessary. The Instrument is of a minor nature and only applies to Commonwealth institutions.

Regulatory Impact Statement

The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 16769).

Commencement

The Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

Statement of Compatibility with Human Rights

A statement of compatibility with human rights for the purpose of Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* is set out below.

The legislative instrument is compatible with human rights as it does not raise any human rights issues.

Details of the *Archives (Discretionary Service Charges) Determination 2014*

Clause 1 – Name of Determination

Clause 1 of the Determination provides that the name of the instrument is the *Archives (Discretionary Service Charges) Determination 2014*.

Clause 2 – Commencement

Clause 2 provides for the commencement date.

Clause 3 - Authority

Clause 3 of the Determination provides that the legislative instrument is made under section 69A of the *Archives Act 1983*.

Clause 4 - Definitions

Clause 4 of the Determination sets out the definitions used in the Determination.

Clause 5 – Charges for discretionary services

Clause 5 of the Determination sets out the charges for discretionary services.