

TASMANIA

ARCHIVES REGULATIONS 2024
STATUTORY RULES 2024, No. 48

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ARCHIVES REGULATIONS 2024

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Archives Act 1983*.

Dated 9 September 2024.

B. BAKER
Governor

By Her Excellency's Command,

J. PALMER
Minister for Education

1. Short title

These regulations may be cited as the *Archives Regulations 2024*.

2. Commencement

These regulations take effect on 1 October 2024.

3. Interpretation

In these regulations –

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employee means a person appointed or employed under section 7 of the *Archives Act 1983*.

4. Use of and access to Archives Office or State archives

- (1) The State Archivist may impose the conditions and restrictions on the use of, or access to, the Archives Office, or a State archive, that the State Archivist reasonably considers necessary for the proper and efficient operation or management of the Archives Office.
- (2) The State Archivist may refuse the use of, or access to, a State archive by any person, or in respect of any research program, if the State Archivist reasonably considers that such use or access may –
 - (a) be detrimental to the preservation of the State archive; or
 - (b) interfere unreasonably with the proper and efficient operation or management of the Archives Office.

5. Copies of State archives

- (1) The State Archivist may, on the application of a person and on payment by the person of the fee that the State Archivist reasonably determines, provide the person with a copy of a State archive.

- (2) The State Archivist may refuse to provide a person with a copy of a State archive if the State Archivist reasonably considers that copying the State archive would be –
 - (a) likely to damage the State archive; or
 - (b) detrimental to the proper and efficient management and control of the Archives Office.
- (3) The State Archivist may make a copy of a State archive in the manner that the State Archivist thinks fit.
- (4) A person must not, without the State Archivist's written approval, further copy, reproduce or publish a copy of a State archive provided under this regulation.

Penalty: Fine not exceeding 5 penalty units.

6. Offences

- (1) A person must not, in the Archives Office –
 - (a) write in, or on, a State archive; or
 - (b) fold, tear, cut, crease, mark, or otherwise damage or mutilate, a State archive; or
 - (c) place, without the State Archivist's permission, any thing or object on a State archive for the purpose of tracing or copying that State archive.

Penalty: Fine not exceeding 5 penalty units.

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- (2) A person must not, in the Archives Office –
- (a) eat, drink or smoke; or
 - (b) fail to comply with a direction of the State Archivist given to ensure the maintenance and preservation of State archives; or
 - (c) use a computer, camera, mobile phone, or other equipment, unless that person –
 - (i) has the State Archivist’s permission; and
 - (ii) complies with any conditions imposed by the State Archivist on the use of that equipment.

Penalty: Fine not exceeding 2 penalty units.

- (3) A person must not, in the Archives Office –
- (a) without the State Archivist’s permission, use, in any other format, a State archive that is available on microfilm or in a digital format; or
 - (b) without the State Archivist’s permission, use anything other than an electronic device or a pencil for the purposes of taking written notes; or
 - (c) unnecessarily disturb, or unnecessarily interrupt, any person using the Archives Office.

Penalty: Fine not exceeding 2 penalty units.

- (4) A person must not enter or remain in an area of the Archives Office that is set aside as a storage area for State archives, or as a work area for an employee or employees, unless the person –
- (a) is an employee; or
 - (b) has obtained the permission of the State Archivist.

Penalty: Fine not exceeding 2 penalty units.

- (5) A person must not remove a State archive from the Archives Office without the State Archivist's permission.

Penalty: Fine not exceeding 5 penalty units.

- (6) A person in the Archives Office must present for inspection any folder, notes, bag, case, parcel, or other container, in their possession if requested to do so by an employee.

Penalty: Fine not exceeding 2 penalty units.

7. Removal or exclusion from Archives Office

An employee may direct a person to leave the Archives Office, or may exclude a person from the Archives Office, if the employee believes on reasonable grounds that the person has contravened these regulations.

8. Records of State and local authorities

- (1) A State authority or local authority that is to be abolished, amalgamated or have its functions terminated is to –
 - (a) give the State Archivist written notice of the abolition, amalgamation or termination; and
 - (b) forward a list specifying the records of that authority to the State Archivist.
- (2) If a State authority or a local authority is abolished or amalgamated and its functions are vested in, or transferred to, another State authority or local authority, the authority so abolished or amalgamated is to forward its records to that other authority.
- (3) A State authority or local authority is to forward to the Archives Office any record that it has received pursuant to subregulation (2) and does not require.
- (4) If a State authority or local authority is abolished and its functions are not vested in or transferred to another State authority or local authority, the records of the authority are to be forwarded to the Archives Office.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 18 September 2024.

These regulations are administered in the Department for Education, Children and Young People.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) provide for the general management and control of the Archives Office; and
- (b) provide for the use of, and access to, State archives; and
- (c) provide for the copying of State archives; and
- (d) provide for the procedure regarding records of State and local authorities that have been abolished, amalgamated or had their functions terminated; and
- (e) are made consequentially on the repeal of the *Archives Regulations 2014* under section 11 of the *Subordinate Legislation Act 1992*.