



New South Wales

State Records Amendment (Protection Measures) Regulation 2000

under the

State Records Act 1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Records Act 1998*.

BOB CARR,
Minister for the Arts

Explanatory note

Section 21 of the *State Records Act 1998* prohibits certain actions in relation to State records (such as abandoning or disposing of State records, taking or sending State records out of the State and damaging or altering State records).

The object of this Regulation is to amend the *State Records Regulation 1999* to except from the operation of section 21 actions that are authorised, or required to be done, by or under certain provisions of other Acts.

This Regulation also repeals Part 2 (Deferred application of Act) of the *State Records Regulation 1999* which deferred the operation of certain parts of the *State Records Act 1998* until 1 January 2000.

This Regulation is made under the *State Records Act 1998*, including sections 21 (2) (b) and 81 (the general regulation-making power).

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Clause 1 State Records Amendment (Protection Measures) Regulation 2000

State Records Amendment (Protection Measures) Regulation 2000

1 Name of Regulation

This Regulation is the *State Records Amendment (Protection Measures) Regulation 2000*.

2 Amendment of State Records Regulation 1999

The *State Records Regulation 1999* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Part 2

Omit the Part. Insert instead:

Part 2 Exceptions from certain provisions of Act

5 Exception from operation of section 21

For the purposes of section 21 (2) (b) of the Act, anything that is authorised or required to be done by or under a provision of an Act specified in Schedule 1 is prescribed as an exception to Part 3 of the Act.

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Provisions excepted from operation of section 21

(Clause 5)

Provisions authorising alteration of records

Freedom of Information Act 1989, section 43 (Determination of applications)

Provisions requiring destruction of records

Casino Control Act 1992, section 159 (Destruction of fingerprints etc)

Gambling (Two-Up) Act 1998, section 28 (Destruction of fingerprints and palm prints)

Listening Devices Act 1984, sections 22 (Destruction of irrelevant records made by the use of a listening device) and 30 (Orders for forfeiture)

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Schedule 1 Amendments

Public Lotteries Act 1996, section 58 (Destruction of finger and palm prints of former key employees)

Road Transport (Driver Licensing) Act 1998, section 32 (Additional matters relating to identity)

Totalizator Act 1997, sections 65 (Destruction of fingerprints and palm prints of former key employees) and 110 (Destruction of fingerprints etc)

Provisions authorising destruction of records

Telecommunications (Interception) (New South Wales) Act 1987, section 8 (Keeping and destruction of restricted records)

BY AUTHORITY