

APPENDIX 42

INSTRUMENT OF DELEGATION UNDER THE STATE RECORDS ACT 1997

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Surveys of Official Records and Record Management
1.1 The power pursuant to Section 15(2) of the State Records Act 1997 (the Act) to, afford the Manager reasonable cooperation and assistance in the conduct of a survey under Section 15 of the Act.
2. Voluntary Transfer to State Records' Custody
2.1 The power pursuant to Section 18(1) of the Act to, subject to Section 18(2) of the Act, deliver any of the Council's records into the custody of State Records.
3. Mandatory Transfer to State Records' Custody
3.1 The power pursuant to and subject to Section 19(1) of the Act, to deliver an official record of the Council into the custody of State Records (unless sooner delivered to State Records) or dispose of an official record of the Council in accordance with this Act):
3.1.1 when the Council ceases to require access to the record for current administrative purposes; or
3.1.2 during the year occurring 15 years after the record came into existence,
whichever first occurs.
3.2 The power pursuant to and subject to Section 19(3) of the Act, to postpone the delivery of records into the custody of State Records:
3.2.1 in accordance with record management standards issued by the

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	Manager; or
3.2.2	with the Manager's approval, in cases where the Manager is satisfied (after consultation with the Council) that the records are further required for current administrative purposes or should be retained for any other special reason.
3.3	The power pursuant to Section 19(3)(c) of the Act, to make submissions to the Manager for the delivery of records into the custody of State Records to be postponed.
3.4	The power pursuant to Section 19(5) of the Act, to apply to the Manager for an exemption granted under Section 19(4) of the Act to be varied or revoked.
4.	Keeping of Official Records in Premises Other than State Records' Premises
4.1	The power pursuant to Section 22(2) of the Act, to require an arrangement under Section 22(1) of the Act to be subject to such conditions as the Delegate may reasonably require.
5.	Disposal of Official Records by Agency
5.1	The power pursuant to Section 23(1) of the Act, to dispose of official records in accordance with a determination made by the Manager with the approval of the State Records Council.
5.2	The power pursuant to Section 23(2) of the Act, to request the Manager make a determination as to the disposal of official records.
5.3	The power pursuant to Section 23(4) of the Act, if there is a dispute as to a determination under Section 23 of the Act to make an application to the Minister to determine the matter.
6.	Disposal of Official Records by Manager
6.1	The power pursuant to Section 24(3) of the Act, to consent and make submissions to the Minister in relation to the disposal of a record under Section 24(1) of the Act.
7.	Agency's Access to Records in Custody of State Records
7.1	The power pursuant to Section 25(1) of the Act, to have such access to, and make or direct such use of as the Delegate requires, official records in the custody of State Records for which the Council is responsible.
7.2	The power pursuant to Section 25(3) of the Act, if there is a dispute as to access under Section 25 of the Act, to make an application to the Minister

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to determine the matter.	
8.	Public Access to Records in Custody of State Records
8.1	The power pursuant to Section 26(1) of the Act, in relation to official records in the custody of State Records for which the Council is responsible, to, in consultation with the Manager:
8.1.1	determine that access to the record (other than by the Council) is not subject to any restrictions other than those determined by the Manager under Section 26(2) of the Act; or
8.1.2	determine conditions excluding or restricting access to the record.

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil