

Examples of Legislation Affecting Training Needs

The Commonwealth

The Archives Act 1983 was the first archival legislation for the Commonwealth of Australia. It was developed in the 1970s along with a package of administrative law reforms (including freedom of information) but not passed until the early 1980s.

In August 1996 the Australian Law Reform Commission was asked to conduct a review of the Act. The review included community consultation.

Recommendation 36 of the review states:

The legislation should authorise the making by the NAA, as legislative instruments, of mandatory standards in relation to the creation, maintenance, disposal and preservation of Commonwealth records. The standards should be focused on outcomes rather than processes.

Chief executive officers of Commonwealth agencies would be responsible for compliancy by their agencies with such standards. (Australian Law Reform Commission Report No.85, p.121)

South Australia

The South Australian State Records Act 1997 No. 8 of 1997 received assent on 20 March 1997 and came into operation on 31 October 1997.

Provisions that could be interpreted as having a relationship with education in recordkeeping are:

The Objects of Act, Section 5 which includes:

5.(1) The objects of this Act are-

...

(c) to promote the observance of best practices by agencies in their management of official records; ...

(2) This Act must be administered and standards must be formulated and determinations and decisions made under this Act so as to give effect to the objects set out in subsection (1).

Functions, Section 7 includes:

7. State Records has the following functions:

...

(g) to provide advice and assistance to agencies with respect to their record management practices;

(h) to issue standards (following consultation with the Council) relating to record management and to assist in ensuring that agencies observe the best record management practices;

Standards relating to record management practices, Section 14 includes:

14. (1) The Manager may, with the approval of the Minister, issue standards relating to the records management practices of agencies.