

Authorised Version No. 042

Public Records Act 1973

No. 8418 of 1973

Authorised Version incorporating amendments as at
30 June 2024

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Authorised Version No. 042

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30 June 2024

An Act with respect to the Establishment of a Public Record
Office and the Preservation, Management and Utilization of the
Public Records of the State.

BE IT ENACTED by the Queen's Most Excellent Majesty by
and with the advice and consent of the Legislative Council
and the Legislative Assembly of Victoria in this present
Parliament assembled and by the authority of the same as
follows (that is to say):

1 Short title

This Act may be cited as the **Public Records Act
1973**.

2 Definitions and limit of application of the Act

- (1) In this Act unless inconsistent with the context or
subject-matter—

prescribed means prescribed by this Act or the
Regulations;

prescribed record means a record declared by the
Minister pursuant to section 16 to be a
prescribed record for the purposes of this
Act;

S. 2(1) def. of
*prescribed
record*
amended by
No. 29/1994
s. 76(1).

S. 2(1) def. of
public office
amended by
Nos 12/1989
s. 4(1)(Sch. 2
item 101.1),
61/1996
s. 86(a),
67/2014
s. 147(Sch. 2
item 31).

public office means—

- (a) any department branch or office of the Government of Victoria;
- (b) any public statutory body corporate or unincorporate;
- (ba) a State owned enterprise within the meaning of the **State Owned Enterprises Act 1992**;
- (c) any municipal council;
- (d) any other local governing body corporate or unincorporate;
- (e) a Royal Commission, whether established under the **Inquiries Act 2014** or under the prerogative of the Crown;
- (f) a Board of Inquiry or Formal Review established under the **Inquiries Act 2014**;

public officer means any person employed in a public office;

S. 2(1) def. of
public record
amended by
Nos 29/1994
s. 76(2),
61/1996
s. 86(b),
17/2024
s. 23(1).

public record means—

- (a) any record made or received by a public officer in the course of the officer's duties; and
- (b) any record made or received by a court or person acting judicially in Victoria—

but does not include—

- (c) a record which is beneficially owned by a person or body other than the Crown or a public office or a person or body referred to in section 2B; or

- (d) a prescribed record held for the purpose of preservation by a public office to which it was transferred before the commencement of the **Arts Institutions (Amendment) Act 1994** by a person or body other than the Crown or a public office; or
- (e) a record, other than a prescribed record, held for the purpose of preservation by a public office to which it was transferred, whether before or after the commencement of the **Arts Institutions (Amendment) Act 1994**, by a person or body other than the Crown or a public office;

record means any document within the meaning of the **Evidence Act 2008**.

S. 2(1) def. of *record* amended by No. 69/2009 s. 54(Sch. Pt 1 item 48).

(2) The Governor in Council may determine—

- (a) that any office or body is or is not a public office within the meaning of this Act; and
- (b) that any record is or is not a public record within the meaning of this Act—

and notice of any such determination shall be published in the Government Gazette.

(3) The Governor in Council may by Order published in the Government Gazette declare that all or any specified provisions of this Act shall not apply to or in relation to a record or record of a class of records specified in the Order.

* * * * *

S. 2(4) repealed by No. 29/1994 s. 76(3).

S. 2A
inserted by
No. 61/1996
s. 87.

2A Person or body no longer a public office

For the purposes of this Act, a person or body that was, at any time, a public office is to be taken never to have been a public office only if—

- (a) a legislative provision; or
- (b) regulations made for the purposes of this section—

expressly provide that, for the purposes of this Act, the person or body is deemed never to have been a public office.

S. 2B
inserted by
No. 61/1996
s. 87.

2B Records of a body that ceases to be a public office

If a body corporate or unincorporate that is a public office ceases, on a particular day, to be a public office, then, despite that cessation—

- (a) the records of the body that were in existence prior to that day continue to be public records; and
- (b) the Keeper of Public Records may make arrangements with the body to enable those records of the body to be dealt with in accordance with this Act in the same manner as if the body had not ceased to be a public office.

S. 3
amended by
No. 9219 s. 2.

3 Public Record Office

For the better preservation management and utilization of the public records of the State there shall be established an Office to be known as the Public Record Office.

4 Public Records Advisory Council

S. 4(1)
substituted by
No. 29/1986
s. 4(1).

- (1) There shall be a Public Records Advisory Council.

Public Records Act 1973
No. 8418 of 1973

- (1A) The Council shall consist of not more than ten members appointed by the Minister of whom—
- S. 4(1A)
inserted by
No. 29/1986
s. 4(1).
- (a) one shall be the Department head or his or her nominee; and
- S. 4(1A)(a)
amended by
No. 29/1994
s. 77(1)(a).
- (b) the remaining members shall be persons with knowledge of or experience in any of the following areas—
- (i) public administration;
- (ii) local government;
- (iii) the management of records;
- (iv) business administration and finance;
- S. 4(1A)(b)(iv)
substituted by
No. 29/1994
s. 77(1)(b).
- (v) historical research;
- (vi) genealogical research;
- (vii) any area considered by the Minister to be a relevant area for the purposes of this subsection.
- (1B) A member of the Council may, subject to the Minister's approval, choose a nominee to represent that member at meetings of the Council where the member is absent.
- S. 4(1B)
inserted by
No. 29/1986
s. 4(1).
- (1C) The Council may appoint sub-committees consisting of two or more members of the Council.
- S. 4(1C)
inserted by
No. 29/1986
s. 4(1).
- (2) The Minister shall appoint one of the members to be President of the Council¹.
- S. 4(2)
amended by
Nos 29/1986
s. 4(2),
29/1994
s. 77(2).

S. 4(3)
amended by
No. 29/1986
s. 4(2).

(3) The Minister may remove any member of the Council from office.

(4) Subject to this section a member of the Council—

(a) shall hold office for the period (not exceeding three years) and subject to the terms and conditions specified in his instrument of appointment; and

(b) shall be eligible for re-appointment.

S. 4(4A)
inserted by
No. 29/1994
s. 77(3).

(4A) A person who has been a member of the Council for 9 consecutive years ceases to hold office and is not eligible for re-appointment unless²—

(a) the person is, or immediately before the expiry of the ninth consecutive year the person was, the President; or

(b) a period of 3 years or more has elapsed since the person last was a member of the Council.

(5) The office of a member of the Council shall become vacant—

(a) at the expiration of his term of office;

(b) if he dies;

(c) if he is removed from office by the Minister;

S. 4(5)(c)
amended by
No. 29/1994
s. 77(4)(a).

(d) if he resigns in writing under his hand addressed to the Minister; or

S. 4(5)(d)
amended by
No. 29/1994
s. 77(4)(b).

(e) if without leave granted by the Council he fails to attend three successive meetings of the Council.

- (6) A quorum of the Council shall consist of not less than half the members of the Council.

S. 4(6)
substituted by
No. 29/1986
s. 4(3).

- (7) Subject to this Act the Council may regulate its own proceedings.

- (8) Each member of the Council shall be entitled to the travelling expenses and fees (if any) prescribed.

S. 4(8)
amended by
No. 29/1994
s. 77(5).

4A Membership of Council not office of profit

S. 4A
inserted by
No. 29/1994
s. 78.

A member of the Public Records Advisory Council shall not be taken by reason of being a member to hold an office or place of profit under the Crown which would—

- (a) prevent the member sitting or voting as a member of the Legislative Council or Legislative Assembly; or
- (b) make void the member's election to the Legislative Council or Legislative Assembly; or
- (c) prevent the member continuing to be a member of the Legislative Council or Legislative Assembly; or
- (d) subject the member to liability to a penalty under the **Constitution Act 1975**.

5 Functions of Public Records Advisory Council

The Public Records Advisory Council—

- (a) in consultation with the Keeper of Public Records, shall promote co-operation between the Public Record Office and public offices; and
- (b) may report and make recommendations to the Minister on any matter relating to the administration of this Act.

6 Employment of Keeper of Public Records and other employees

S. 6(1)
substituted by
No. 46/1998
s. 7(Sch. 1),
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 168).

- (1) A Keeper of the Public Records and any employees that are necessary for the purposes of this Act are to be employed under Part 3 of the **Public Administration Act 2004**.
- (2) Subject to this Act and to the general direction and control of the Minister, the Keeper of Public Records shall have the management and control of the Public Record Office and of all public records therein.

7 Responsibilities of Keeper of Public Records

The Keeper of Public Records shall be responsible for—

S. 7(a)
amended by
No. 17/2024
s. 23(2).

- (a) the preservation and security of public records under the control of the Keeper of Public Records;
- (b) the logical and orderly classification of such records and the publication of lists indexes and other guides facilitating their use;
- (c) the duplication and reproduction of public records for official and other purposes; and
- (d) the authentication of copies of and extracts from public records required as evidence in legal proceedings or for other purposes.

8 Publications

The Keeper of Public Records may—

- (a) prepare and cause to be published articles concerning the activities of and the facilities provided by the Public Record Office; and

- (b) arrange for the publication, upon any terms and conditions the Keeper of Public Records thinks fit, of any public record under the control of the Keeper of Public Records or of any articles prepared therefrom.

S. 8(b)
amended by
No. 17/2024
s. 23(3).

8A Transfer of public records to Public Record Office

S. 8A
inserted by
No. 29/1994
s. 79.

Subject to this Act, where a public record in the possession of a public office other than the Public Record Office has been in existence as a public record for 25 years and has ceased (whether before or after the commencement of this section) to be required to be readily available for the purposes of a public office, the public office must, as soon as it is practicable to do so, cause the record to be transferred to the custody of the Public Record Office in accordance with arrangements approved by the Keeper of Public Records.

9 Personal or private records may be withheld

- (1) Where the Minister is of opinion that any records required by this Act to be transferred from a public office to the Public Record Office contain matters of such a private or personal nature that they should not be open for public inspection the Minister may, after consultation with the Minister responsible for the administration of the public office concerned, declare those records to be private or personal records and not available for public inspection for a period specified in the declaration.
- (2) The Minister, after consultation with the Minister responsible for the administration of the public office from which any such private or personal records were transferred, or if the case so requires, of the public office at the time exercising the functions to which the records relate, may—

S. 9(1)
amended by
Nos 29/1994
s. 80, 17/2024
s. 23(4).

- (a) revoke or vary any declaration under subsection (1) in respect of those records; or
- (b) permit, on any conditions or restrictions specified, all or any of those records to be open for inspection by any specified person or class of persons.

S. 10
substituted by
No. 29/1994
s. 81.

10 Records may be withheld for 30 years

- (1) Subject to subsection (2), the Minister by notice published in the Government Gazette may declare that any specified records or records of a specified class transferred or to be transferred from a public office to the Public Record Office shall not be available for public inspection for a period specified in the declaration, being a period of not more than 30 years, after the date of their transfer to the Public Record Office.
- (2) A declaration under subsection (1) may only be made with the agreement of the Minister responsible for the administration of the public office concerned.
- (3) A declaration under subsection (1) may not be varied or revoked.

S. 10AA
inserted by
No. 30/2006
s. 18.

10AA Certain records may be withheld from public inspection

- (1) This section applies to any record the disclosure of which would, or could reasonably be expected to—
 - (a) cause damage to the security of the Commonwealth or any State or Territory; or
 - (b) cause damage to the defence of the Commonwealth; or
 - (c) cause damage to the international relations of the Commonwealth; or

- (d) endanger the security of any premises within the meaning of the **Terrorism (Community Protection) Act 2003**.
- (2) The Minister or the Keeper of Public Records may, by notice published in the Government Gazette, declare that a specified record or class of record to which this section applies transferred or to be transferred to the Public Record Office is, on and from the specified date, to cease to be, or is not to be, available for public inspection either indefinitely or for the specified period.
- (3) The Minister or the Keeper (as the case requires) may, by instrument, permit (on any conditions or restrictions specified in the instrument) all or any of the records covered by this section to be available for inspection by any person or class of person specified in the instrument.
- (4) A person permitted to inspect a record in accordance with subsection (3) must not contravene any condition or restriction applicable to that inspection.
- Penalty: 5 penalty units.
- (5) The Minister may only exercise a power conferred by this section after consultation with the Minister responsible for the administration of the public office from which the record was, or is to be, transferred or, if the case so requires, for the time being exercising the functions to which the record relates.

10A Access to records apart from Act

Nothing in this Act prevents a person from giving access to records otherwise than in accordance with this Act where the person can properly do so or is required by law to do so.

**S. 10A
inserted by
No. 29/1994
s. 81.**

S. 11
amended by
No. 29/1994
s. 82(1).

11 Inspection and copying of public records

S. 11(1)
amended by
No. 17/2024
s. 23(5).

- (1) Subject to this Act, the Keeper of Public Records shall cause reasonable facilities to be available to the public for inspecting and obtaining copies of public records under the control of the Keeper of Public Records.

S. 11(2)
inserted by
No. 29/1994
s. 82(2).

- (2) The Keeper of Public Records may withhold any public record from inspection or copying if the preservation of the record would be prejudiced.

S. 11(3)
inserted by
No. 29/1994
s. 82(2).

- (3) If a record is withheld in accordance with subsection (2), a copy shall be provided where, in the opinion of the Keeper, it is practicable to do so without detriment to the preservation of the record.

12 Standards for management of public records

The Keeper of Public Records shall establish standards for the efficient management of public records and in particular with respect to—

- (a) the creation, maintenance and security of public records;
- (b) the selection of public records worthy of preservation;
- (c) the transfer of public records to the Public Record Office; and
- (d) the segregation and disposal of public records not worthy of preservation—

and shall assist public officers in applying these standards to records under their control.

13 Duties of officer in charge of a public office

The officer in charge of a public office—

- (a) shall cause to be made and kept full and accurate records of the business of the office;
- (b) shall be responsible, with the advice and assistance of the Keeper of Public Records, for the carrying out within the office of a programme of records management in accordance with the standards established under section 12 by the Keeper of Public Records; and
- (c) shall take all action necessary for the recovery of any public records unlawfully removed from the office.

13A Inspection of public office or other place

The Keeper of Public Records may enter, at any reasonable time, a public office or any place in which the public records of that office are stored to inspect the storage and conservation arrangements of the records in the office or place and the carrying out in that office or place of the programme of records management referred to in section 13(b).

S. 13A
inserted by
No. 29/1986
s. 5.

14 Power to appoint place outside Public Record Office for deposit of public records

- (1) Where it appears to the Minister that a place outside the Public Record Office is suitable for the safe-keeping and preservation of public records the Minister may appoint it as a place of deposit for any specified class of public records.
- (2) The Keeper of Public Records may from time to time cause public records of the appropriate class to be transferred to a place of deposit appointed under this section or to be transferred from such a place to the Public Record Office.

S. 14(1)
amended by
No. 17/2024
s. 23(6).

S. 14(4)
inserted by
No. 29/1986
s. 6.

(3) Public records in a place of deposit appointed under this section shall be in the custody and under the control of the Keeper of Public Records.

(4) The Minister may, out of moneys lawfully available for the purpose, make money available for the purpose of establishing or maintaining a place of deposit appointed under this section.

S. 14(5)
inserted by
No. 29/1986
s. 6.

(5) The Keeper of Public Records may at any reasonable time enter a place of deposit appointed under this section to inspect the safe-keeping and preservation of the public records in that place.

15 Power to purchase or to transfer records for safe-keeping

S. 15(1)
amended by
No. 17/2024
s. 23(7).

(1) The Keeper of Public Records may, out of moneys lawfully available for the purpose, purchase any record which in the opinion of the Keeper of Public Records is worthy of preservation.

(2) The owner of any record worthy of preservation may, with the consent of the Minister and subject to any terms and conditions agreed upon by the owner and the Minister, transfer the record to the custody of the Keeper of Public Records for safe-keeping.

S. 15A
inserted by
No. 29/1986
s. 7.

15A Compulsory acquisition of public records

(1) The Minister may, on behalf of the Crown, require a person to deliver to the Keeper of Public Records a public record in the person's possession.

(2) The Minister may, if the Minister thinks fit, out of moneys lawfully available for the purpose pay compensation to a person required to deliver a public record to the Keeper.

(3) The amount of compensation payable must be the value of the record as assessed by an independent valuer appointed by the Minister.

- (4) Any dispute as to the amount of compensation may be referred by the Minister or the person required to deliver the public record, to the Magistrates' Court and the decision of the Court shall be final.

S. 15A(4)
amended by
No. 57/1985
s. 3(Sch. item
168.1).

- (5) This section does not affect any rights of compulsory acquisition of public records existing under common law.

16 Prescribed records—owner to lodge notice of possession

- (1) Where the Minister upon the recommendation of the Keeper of Public Records is satisfied that a record—

S. 16(1)
amended by
Nos 29/1994
s. 83(a)(b),
17/2024
s. 23(8)(a).

- (a) would be a public record within the meaning of this Act but for the fact that it is beneficially owned by a person or body other than the Crown or a public office;
- (b) is of special historic significance to Victoria; and
- (c) should be preserved by the State—

the Minister may by notice published in the Government Gazette declare that record to be a prescribed record for the purposes of this Act.

- (2) The owner of a prescribed record shall, within 60 days after the record is declared to be a prescribed record or within 60 days after acquiring the record, lodge a notice of possession in or to the effect of the form prescribed with the Keeper of Public Records.

S. 16(2)
amended by
No. 29/1986
s. 8(a).

Penalty: 1 penalty unit.

(3) The Keeper of Public Records may by notice in writing—

(a) require the owner of a prescribed record to produce the record within 21 days to the Public Record Office for copying; and

S. 16(3)(b)
amended by
No. 17/2024
s. 23(8)(b).

(b) give any directions in relation to the safe-keeping of the record that in the opinion of the Keeper of Public Records are necessary for its protection or preservation.

S. 16(4)
amended by
No. 29/1986
s. 8(a).

(4) Where a requirement or direction contained in a notice given under subsection (3) is not complied with the owner of the record concerned, unless the record has been transferred in accordance with this Act to the custody of the Keeper of Public Records, shall be guilty of an offence.

Penalty: 1 penalty unit.

S. 16(5)
amended by
No. 17/2024
s. 23(8)(c).

(5) Where pursuant to a notice under subsection (3) a prescribed record has been produced for copying, the Keeper of Public Records shall not cause or permit any copy of the record retained by the Keeper of Public Records to be published or a facsimile of any such copy to be made by a member of the public.

17 Sale or other disposal of prescribed records

(1) The owner of a prescribed record shall not sell the record otherwise than in accordance with the provisions of this section and shall not in any other way dispose of the record without the consent of the Minister.

S. 17(2)
amended by
No. 17/2024
s. 20(1).

(2) Before entering into an agreement to sell a prescribed record the owner shall give to the Minister at least seven days notice in writing of the owner's intention to do so.

- (3) An agreement to sell a prescribed record—
- (a) shall be in writing;
 - (b) shall set out—
 - (i) the full name and address of the parties to the agreement;
 - (ii) a description of the record concerned; and
 - (iii) the purchase price of the record; and
 - (c) shall be subject to the consent of the Minister.
- (4) Upon entering into an agreement to sell a prescribed record the owner of the record shall forthwith send a copy of the agreement to the Minister.
- (5) Within 30 days after receipt of a copy agreement and after consultation with the Public Records Advisory Council, the Minister by notice in writing—
- (a) shall advise the owner of the record whether or not the Minister consents to the sale; and S. 17(5)(a) amended by No. 17/2024 s. 20(2)(a).
 - (b) where consent is refused, may advise the owner that the Minister intends to acquire the record. S. 17(5)(b) amended by No. 17/2024 s. 20(2).
- (6) A notice advising of the Minister's intention to acquire a prescribed record shall require the owner to transfer the record to the custody of the Keeper of Public Records within the time, being not less than 14 days, specified in the notice.
- (7) Where a prescribed record is acquired by the Minister pursuant to this section the Minister shall out of moneys lawfully available for the purpose pay to the person from whom it is acquired the

amount of the purchase price set out in the copy agreement of sale of the record forwarded to the Minister under subsection (4).

S. 17(8)
amended by
No. 29/1986
s. 8(b).

- (8) A person who—
- (a) fails to comply with any provision of this section; or
 - (b) fails to transfer a record to the custody of the Keeper of Public Records in accordance with a requirement of the Minister under this section—

shall be guilty of an offence.

Penalty: 5 penalty units.

S. 17(9)
inserted by
No. 29/1994
s. 84.

- (9) A sale or disposal of a prescribed record without the consent of the Minister is void.

18 Prescribed records to become property of State upon death of owner

S. 18(1)
amended by
No. 29/1994
s. 85(1).

- (1) Upon the death of the owner of a prescribed record or, where the owner is not a natural person, on the expiration of 50 years after acquisition of a prescribed record, the record shall become the property of the State and shall be transferred to the custody of the Keeper of Public Records.

S. 18(1A)
inserted by
No. 29/1994
s. 85(2).

- (1A) The Minister may extend the period of 50 years referred to in subsection (1) for one further period of not more than 50 years.

S. 18(2)
amended by
No. 29/1994
s. 85(3).

- (2) The Minister shall out of moneys lawfully available for the purpose pay compensation to the owner of the estate of the deceased owner of any prescribed record transferred to the custody of the Keeper of Public Records in accordance with this section.

(3) The amount of compensation payable shall be the value of the record as assessed by an independent valuer appointed by the Minister.

(4) Any dispute as to the amount of compensation may be referred by the Minister or the claimant to the Magistrates' Court and the decision of the Court shall be final.

S. 18(4)
amended by
No. 57/1989
s. 3(Sch.
item 168.2).

19 Offence to remove etc. public record without authority

S. 19
amended by
Nos 29/1986
s. 8(b),
29/1994
s. 86(1).

(1) A person who unlawfully removes sells damages or destroys a public record shall be guilty of an offence.

Penalty: 5 penalty units.

(2) Destruction or disposal of public records by a public officer in accordance with standards established under section 12 is lawful.

S. 19(2)
inserted by
No. 29/1994
s. 86(2).

20 Destruction or transfer of records in Public Record Office

S. 20
amended by
No. 17/2024
s. 23(9).

Where public records have been transferred to the Public Record Office for the purpose of permanent preservation and the Keeper of Public Records, for any reason, is of opinion that the records should no longer be preserved, the Keeper of Public Records may, after consultation with the officer in charge of the public office from which they were transferred or, if the case so requires, of the officer in charge of the public office at the time exercising the functions to which the records relate and with the approval of the Minister, authorize the destruction of those records or their transfer to any person or body wishing to receive them.

S. 20A
inserted by
No. 29/1994
s. 87.

20A Protection against actions for defamation or breach of confidence

- (1) If access has been given to a public record and the access was permitted by this Act to be given, no action for defamation or breach of confidence lies against the Crown, a Minister, the Keeper of Public Records or a person employed in the Public Record Office by reason of the giving of the access, and no action for defamation or breach of confidence in respect of any publication involved in, or resulting from, the giving of the access lies against the author of the document or any other person by reason of that author or other person having supplied the public record to the Public Record Office.
- (2) The giving of access to a public document shall not be taken for the purpose of the law relating to defamation or breach of confidence to constitute an authorisation or approval of the publication of the public document or its contents by the person to whom access is given.

21 Keeper of Public Records to report to Minister

S. 21(1)
amended by
No. 17/2024
s. 23(10)(a).

- (1) The Keeper of Public Records shall at least once in every year and not later than the 30th day of September in each year lodge with the Minister a report on the carrying out of the functions of the Keeper of Public Records under this Act during the year ending on the preceding 30th day of June.

S. 21(2)
amended by
No. 17/2024
s. 23(10)(b).

- (2) The Minister shall cause every report lodged under this section to be laid before both Houses of Parliament within three weeks after receiving the report or if Parliament is not then sitting within three weeks after the next meeting of Parliament.

22 Admissibility etc. of records and copies of records in Public Record Office

- (1) A public record produced from the Public Record Office shall have the same evidentiary value as if it had been produced from the public office from which it was transferred.
- (2) A copy of or an extract from a public record in the Public Record Office or other place of deposit appointed under this Act, if it bears a certificate purporting to be signed by the Keeper of Public Records that it is a true copy or extract—
 - (a) shall be admissible in evidence without further proof before any court or any person acting judicially as if it was the public record or part of the public record concerned; and
 - (b) shall have the same evidentiary value as if it was a copy of or extract from a public record in the office from which it was transferred certified to be a true copy or extract by any person authorized to do so by or under any Act or rule of law.
- (3) In subsection (2) a reference to a public office from which a public record was transferred includes a reference to—
 - (a) the public office in which the record was originally made lodged registered or otherwise dealt with; and
 - (b) any other public office to which the custody of the record was at any time transferred.

23 Regulations

The Governor in Council may make regulations for or with respect to—

- (a) the conditions under which members of the public may inspect public records and use facilities provided by the Public Record Office;
 - (b) the copying and reproduction of public records;
 - (c) fees to be charged by the Public Record Office in respect of the making and supplying of copies of public records and of any other services provided;
 - (d) travelling expenses for members of the Public Records Advisory Council; and
 - (e) any matter or thing authorized to be prescribed by this Act or necessary to be prescribed for the purposes of this Act.
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Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The **Public Records Act 1973** was assented to on 17 April 1973 and came into operation on 17 April 1973.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

Public Records Act 1973
No. 8418 of 1973

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

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2 Table of Amendments

This publication incorporates amendments made to the **Public Records Act 1973** by Acts and subordinate instruments.

Public Records (Transfer of Administration) Act 1978, No. 9219/1978

Assent Date: 19.12.78
Commencement Date: 19.12.78: s. 1(3)
Current State: All of Act in operation

Public Records (Amendment) Act 1986, No. 29/1986

Assent Date: 20.5.86
Commencement Date: Ss 1–4, 6–8 on 1.8.86: Government Gazette 30.7.86 p. 2946; s. 5 on 20.10.94: Government Gazette 20.10.94 p. 2789—see **Interpretation of Legislation Act 1984**
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 item 101.1) on 1.11.89: Government Gazette 1.11.89 p. 2798
Current State: This information relates only to the provision/s amending the **Public Records Act 1973**

Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989

Assent Date: 14.6.89
Commencement Date: S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217
Current State: All of Act in operation

Arts Institutions (Amendment) Act 1994, No. 29/1994

Assent Date: 31.5.94
Commencement Date: 31.5.94: s. 2
Current State: All of Act in operation

Arts Institutions (Amendment) Act 1996, No. 61/1996

Assent Date: 17.12.96
Commencement Date: Ss 85–87 on 6.2.97: Government Gazette 6.2.97 p. 257—see **Interpretation of Legislation Act 1984**
Current State: This information relates only to the provision/s amending the **Public Records Act 1973**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Public Records Act 1973**

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Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 168) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Public Records Act 1973**

Terrorism (Community Protection) (Further Amendment) Act 2006, No. 30/2006

Assent Date: 6.6.06
Commencement Date: S. 18 on 7.6.06: s. 2
Current State: This information relates only to the provision/s amending the **Public Records Act 1973**

Statute Law Amendment (Evidence Consequential Provisions) Act 2009, No. 69/2009

Assent Date: 24.11.09
Commencement Date: S. 54(Sch. Pt 1 item 48) on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Public Records Act 1973**

Inquiries Act 2014, No. 67/2014

Assent Date: 23.9.14
Commencement Date: S. 147(Sch. 2 item 31) on 15.10.14: Special Gazette (No. 364) 14.10.14 p. 2
Current State: This information relates only to the provision/s amending the **Public Records Act 1973**

Estate Agents, Residential Tenancies and Other Acts Amendment (Funding) Act 2024, No. 17/2024

Assent Date: 21.5.24
Commencement Date: Ss 20, 23 on 30.6.24: s. 2(2)
Current State: This information relates only to the provision/s amending the **Public Records Act 1973**

3 Explanatory details

¹ S. 4(2): Section 88(1) of the **Arts Institutions (Amendment) Act 1994**, No. 29/1994 reads as follows:

88 Transitional provisions

- (1) The person holding office as Chairman of the Public Records Advisory Council under the Principal Act as in force immediately before the commencement of this section continues to hold office as President for the remainder of the term for which, and on the same terms and conditions as those on which the person was appointed as Chairman.

² S. 4(4A): Section 88(2) of the **Arts Institutions (Amendment) Act 1994**, No. 29/1994 reads as follows:

88 Transitional provisions

- (2) A member of the Public Records Advisory Council who—
 - (a) was appointed under the Principal Act before the commencement of this section; and
 - (b) has held office for 9 consecutive years—continues to be a member until the expiry of his or her current term of office but on that expiry is not eligible for re-appointment except in accordance with section 4(4A) of the Principal Act.