

RECORDS AND ARCHIVES STATUTE 1996

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BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows:

1. Short Title

This Statute shall be known as the "Records and Archives Statute 1996".

2. Interpretation

In this Statute or in any Regulation unless the context or subject matter otherwise requires the following terms shall have the following meanings;

Archbishop means the archbishop of the Diocese elected in accordance with the Archbishop's Statute, or the Administrator acting in the absence of the Archbishop.

Church means the Anglican Church of Australia within the Diocese;

Church Organisation means the officers, departments, parishes, Church agencies and Church entities (whether or not incorporated) of the Church from time to time;

Committee means the diocesan archives committee established by Section 6 of this Statute;

Diocesan Archives means the archives of the Diocese established by this Statute;

Diocesan Archivist means the person appointed pursuant to Section 8.2 of this Statute;

Diocesan Council means the body constituted by the Diocesan Council Statute;

Diocesan Secretary means the person appointed by the Trustees as Secretary in accordance with the Diocesan Trustees Statute or acting as Secretary for the time being;

Diocese means the Diocese of Perth;

Disposal (in relation to Records) means the Committee's final decision concerning the fate of Records and shall include the:

- (a) transfer of records to the Diocesan Archives;
- (b) sale or donation of Records; or
- (c) abandonment of, destruction or otherwise doing away with Records,

and **Dispose** and **Disposed** shall have a corresponding meaning;

clergy means the Archbishop, assistant bishops, priests and deacons of the Church or of any other church in communion with the Church;

Office Bearer means any person elected or appointed by or under the authority of the Diocesan Council or the Trustees to hold an office or position in the Diocese from time to time;

Records means all records of the Diocese:

- (d) of any nature whatsoever;
- (e) whenever produced or acquired; and
- (f) written, stored, compiled or existing in any form whatsoever;

and **Record** shall have a corresponding meaning; and

Regulation means a regulation made from time to time pursuant to Section 10 of this Statute and Regulations shall have a corresponding meaning.

Synod means the body constituted by The Constitution Act of the Diocese of Perth 1871-1994; and

Trustees means The Perth Diocesan Trustees as defined in The Diocesan Trustees Statute.

3. Ownership of Records

3.1. The Records are and shall at all times remain the property of the Trustees.

3.2. All Records shall be dealt with in accordance with this Statute and the Regulations.

4. Delivery of Records

4.1. All Records which are or shall not be in use either for entry of events or for frequent reference by those with authority to make such entries or references shall be delivered up to the Diocesan Secretary for acquisition by and preservation in the Diocesan Archives.

4.2. Where the information contained in any of the Records delivered up to the Diocesan Secretary is written, stored or compiled by magnetic or optical means or by microfiche readable documents the person delivering up the Records shall (unless the Diocesan Secretary otherwise allows) first arrange for the information to be accurately, completely and understandably transcribed into writing or printing on paper, and that transcription shall be delivered up with the original Records.

- 4.3. Any person who has custody of or possesses any Records shall, on demand from the Diocesan Secretary, deliver them up to the Diocesan Secretary in accordance with that demand.
- 4.4. Any person in whose custody the Records are kept shall upon delivery to the Diocesan Secretary be discharged from any responsibility as to the Records.

5. Responsibility of the Diocesan Council

- 5.1. The Diocesan Council shall in accordance with this Statute and subject to any direction of Synod be responsible for the:
 - (a) adequate preservation and conservation of the Records acquired by the Diocesan Archives; and
 - (b) general administration and funding of the Diocesan Archives.

6. Committee Constituted

- 6.1. There shall be a body called the Diocesan Archives Committee.
- 6.2. The Committee shall consist of:
 - (a) the Diocesan Secretary; and
 - (b) at least four (4) persons appointed by the Diocesan Council from time to time to hold office for a period of three (3) years each (together "the Diocesan Council Appointee" or "the Diocesan Council Appointees")
- 6.3. Of the first Committee members so appointed at least one (1) Diocesan Council Appointee shall retire at the expiration of the:
 - (a) first year;
 - (b) second year; and
 - (c) third year, of office.
- 6.4. The Committee shall determine by ballot which of its members shall retire in accordance with Section 6.3 (a), (b) and (c) above. Each vacancy caused by effluxion of time shall be filled by Diocesan Council and each Committee member so appointed to the vacancy shall hold office for three (3) years. Retiring Committee members shall be eligible for re-appointment at the expiry of their respective term of office.
- 6.5. Subject to Section 6.3 above, a Committee member shall hold office until:
 - (a) their term of office expires;
 - (b) they resign in writing to the Archbishop and the Archbishop accepts the resignation;
 - (c) they depart from the Diocese with the intention of residing permanently outside the Diocese; or
 - (d) they are removed from membership of the Committee by the Diocesan Council for any cause which the Diocesan Council considers in its discretion to be sufficient.
- 6.6. The chairperson of the Committee shall be appointed by the Archbishop from the Diocesan Council Appointees. The chairperson shall hold office for so long as he or she is a member of the Committee, or until the Archbishop appoints another person as chairperson.
- 6.7. The Committee may meet together for the dispatch of business and adjourn and otherwise regulate their meetings as they deem fit.

7. Responsibilities of the Committee

- 7.1. The Committee's responsibilities shall include the following:
 - (a) to administer the Diocesan Archives in accordance with this Statute;
 - (b) to regulate the acquisition, preservation, conservation and disposal of the Records, whether held in the Diocesan Archives or in any other place, in accordance with whatever professional standards are usually required of archives and archivists;
 - (c) to assist Church Organisations in carrying out their respective duties by facilitating access to Records held in the Diocesan Archives;
 - (d) to ensure that the Diocesan Archives is accessible for academic and scholarly research;
 - (e) to advise Church Organisations on, and ensure that appropriate resources are available to assist with, the creation, acquisition, preservation, conservation and disposal of the Records;
 - (f) to regulate the acquisition, preservation, conservation and disposal of Records from private sources relevant to the activities of the Church;
 - (g) to report the proceedings of each Committee meeting to the Diocesan Council;
 - (h) to present a report to each annual session of Synod; and
 - (i) to submit to the Diocesan Council at least three (3) months prior to each financial year for the latter's consideration and approval a financial budget detailing the income and expenditure relating to the activities of the Diocesan Archives for that financial year. The Diocesan Archives shall only incur expenditure in accordance with the budget as approved.

8. Diocesan Secretary and Diocesan Archivist

- 8.1. The Diocesan Secretary shall be responsible for managing the Diocesan Archives in line with the direction set by the Committee.
- 8.2. The Diocesan Secretary shall, on the advice of the Committee, appoint a suitably qualified person (who may be on the Diocesan Secretary's staff) to be the Diocesan Archivist on whatever terms and conditions the Diocesan Council may determine.
- 8.3. The Diocesan Archivist shall be responsible to the Diocesan Secretary in carrying out his or her daily duties.
- 8.4. The Diocesan Archivist shall attend all Committee meetings and shall be the secretary to the Committee.

9. Disposal

- 9.1. Any Records acquired by the Diocesan Archives may only be disposed of in accordance with the Regulations.

10. Regulations

- 10.1. The Diocesan Council may from time to time with the Committee's advice make, amend or repeal Regulations not inconsistent with this Statute, providing for all or any of the purposes contained in this Statute including (without limitation) rules:
- (a) regulating access;
 - (b) specifying fees for research or storage; and
 - (c) regulating acquisitions and disposal, of the records.
- 10.2. Regulations providing for access to the Records shall not be contrary to any law in force from time to time in the State of Western Australia (or where applicable in the Commonwealth of Australia) and in the case of any records other than Records of the Church shall not be contrary to any expressed direction given by or on behalf of any person who shall own or deposit those records.