

Anglican Church of Australia - Diocese of Brisbane

Regulations under the Records and Archives Canon 1992

REGULATION I - ACCESS

made by the Archbishop acting by and with the advice of the Diocesan Council on 12 November 1992 with amendments up to 12 December 1996.

The Archbishop-in-Council prescribes that the following rules shall govern access to records of this Church, and other records in the custody of this Church -

1 Interpretation.

In this Regulation, unless the context or subject matter otherwise requires or indicates -

"access" means the physical handling of, listening to or viewing of a Record or material extracted from or compiled from a Record;

"Officer" means a Member of the Clergy, an Office Bearer, the Diocesan Archivist, a member of any commission, committee, council or board of the Church, any person who is a member of their staff or who works under their direction, and any employee of the Church.

2 Copies.

This Regulation applies to copies of Records, for example photocopies, copies on film and copies on computer disc, in the same way as it applies to the original Records, unless the context or subject matter otherwise requires or indicates.

3 Private records.

Where any Records which are not Records of the Church are deposited with the Church -

3.1 the Officer acquiring the Records shall obtain written directions from the person who deposits or owns the Records as to what access is to be given to such Records;

3.2 a copy of such directions regarding access shall be preserved with the Records;

3.3 notwithstanding anything else contained in this Regulation access to such Records must not contravene such directions or any directions which may reasonably be implied as attaching to these Records;

3.4 if there are no such directions, access to the Records shall be granted as if the Records were Records of the Church, unless the Diocesan Archives Committee orders otherwise.

4 Preservation of Records in poor condition.

- 4.1 Where original Records are in poor physical condition, and where the use of these Records could cause further deterioration, access to them should be denied except in the case of gravest necessity.
- 4.2 Where access needs to be given to such Records, the Officer who has custody of them should make every effort to minimise further deterioration, and should take into account that physical handling, exposure to strong light (including the light of a photocopier) and exposure to hot or humid conditions may cause deterioration.

5 Access by Archbishop and General Manager.

The Archbishop and the General Manager, and any person authorized by either of them in writing in relation to specific records, shall have access to any Records of the Church.

6 Access by Officers.

Officers shall have access to all the Records of the Church that they or their predecessors in office have created or acquired, or which have been created or acquired under their authority or the authority of their predecessors in office.

7 Published Records.

Unrestricted access shall be given to Records which have been published, or where copies are known to exist in other places where unrestricted access is granted to these Records.

8¹ Open and closed Records.

The following table sets out whether access may be granted ("open") or shall not be granted ("closed") to certain Records of the Church, subject to this Regulation -

Records	Access
Archbishop's correspondence [general]	Closed for 30 years after death
Archbishop's correspondence [parish]	Closed for 30 years after death
Archbishop's correspondence [clergy]	Closed
Registry correspondence [general]	Closed for 30 years
Registry correspondence [parish]	Closed for 30 years
Registry correspondence [clergy]	Closed

1. Sec. 8 amended on 12 December 1996.

Records	Access
Diocesan minute books [all committees]	Closed for 30 years
Parish records [baptism registers]	Closed for 80 years
Parish records [marriage registers]	Closed for 60 years
Parish records [all other registers and Records]	Open
Colleges, schools, societies, institutions	Set by the appropriate authority within the college etc.

9 Academic and scholarly research.

Where Records are closed, the Diocesan Archives Committee may grant full or limited access to academic researchers and scholars involved in private research, subject to such terms and conditions (if any) as the Committee may impose.

10 Information regarding ministrations of the Church.

10.1 A person shall be able to obtain from Officers who have the custody of Records of the Church information as to whether the person or the person's ancestors or descendants received the ministrations of the Church.

10.2 The ministrations shall be taken to include baptism, confirmation, admission to holy communion, reception into the Church, marriage, ordination and burial.

10.3 This information shall be in sufficient detail to identify the person who received the ministration, the date and place of the ministration, and who performed the ministration.

11 Restrictions on access or on giving information.

No Officer shall permit access to Records, or disclose information contained in Records, where such access or disclosure would be -

11.1 contrary to any law in force at the time, for example laws relating to defamation, breach of confidence, infringement of copyright, adoption of children; or

11.2 in the opinion of the Diocesan Archives Committee a breach of a person's reasonable right to privacy.

12 **Conditions placed on researchers.**

12.1 Persons seeking access to Records for research shall apply in writing on the form or to the effect of the form set out in the Schedule.

12.2 Where the Records are held other than in the Diocesan Archives, the appropriate alterations shall be made to the form.

SCHEDULE

[Please print]

Name: _____

Address: _____

_____ Phone: _____

Nature of research project *[please tick one only]* -

1. Family history.

2. School history.

3. Local history.

4. School assignment.

5. University/College Assignment/Thesis -

Bachelor degree.

Master degree.

Other [specify:]

Doctorate. _____

Institution: _____

Supervisor: _____

[Please read carefully and sign below:]

1. I hereby apply for access to records held in the Diocesan Archives for the purpose of the above research project.

2. I agree that where The Corporation of the Synod of the Diocese of Brisbane owns the copyright in the records held in the Diocesan Archives, it shall not by reason of the granting of access be deemed to have assigned or otherwise transferred the copyright thereto.

3.² Where access is granted to records that are in the category of "closed access" as set out in the Regulations made under the Records and Archives Canon 1992, I undertake to use these records subject to such terms and conditions as the Diocesan Archives Committee may impose.

2. Sec. 3 of the Schedule amended on 10 December 1992.

- 4.³ I undertake to indemnify the said Corporation and its officers and agents against any actions, claims, proceedings, costs and damages arising out of the granting of access to the records held in the Diocesan Archives, the copying of any of those records or the giving of any information, including any claim that such granting of access, copying or giving of information is defamatory, a breach of confidence, or an infringement of copyright and all legal costs and expenses arising out of any such action, claim or proceeding.

5. I undertake to provide the Corporation with a copy of any book, article, assignment or thesis, published or not published, arising from consultation of the records held in the Diocesan Archives.

Signed: _____ Date: _____
