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The following Bill about to be introduced into the Dewan Undangan Negeri is published for general information:

Sarawak State Library (Amendment) Bill, 2009

“Chief Executive Officer” means the Chief Executive Officer of the State Library appointed under section 11(1), and includes any officer appointed to act in that capacity or to perform temporarily the functions and duties of the Chief Executive Officer;

“destruction” means the act of destroying or eliminating any type of library resources or records by any means;

“disposal” means the manner of managing the segregation of records with a view to destruction, transfer or otherwise;

“microfilm recording” means a reproduction of a record on film or other materials which is a product of photography or any similar process;

“non-current records” means records which are no longer required in the conduct of current business of a public office;

“photographic copy” means any copy of a record made by reprography;

“public archives” means public records—

(a) which are more than twenty-five years old;

(b) which are specified by the Board as being of archival value; and

(c) which have been transferred to the State Depository or such other places as the Chief Executive Officer may from time to time direct;

“Record Centre” means a repository operated by the State Library for the purposes of storing, processing and servicing non-current records pending their ultimate disposal;

“records” means materials in written or other form setting out facts or events or otherwise recording information, and includes papers, documents, registers, printed materials, books, maps, plans, drawings,

photographs, microfilms, cinematograph films, sounds recordings, electronically produced records regardless of physical form or characteristics and any copy of them;

“reproduction” means an exact copy of a record in content and form but not necessarily in size or appearance;

“semi-current records” means records which are not frequently required in the conduct of current business in a public office;”;

(b) by substituting the definition of “Chairman” with the following:

“ “ Chairman” means the Chairman of the Board appointed pursuant to section 4(2), and includes a Deputy Chairman or a temporary Chairman appointed pursuant to section 4(5);”;

(c) by deleting the definition of “Director”;

(d) by substituting for the definition of “preservation” the following new definition:

“ “preservation” means the totality of processes and operations involved in the physical protection of library resources, public records and archives against damage or deterioration and in the restoration or repair of such resources, records and archives;”;

(e) by deleting the word “mechanical” in the definition of “printed”; and

(f) by substituting for the definition of “public records” the following new definition:

“ “public records” means records officially received, printed or produced by any public office for the conduct of its affairs or by any public officer or employee of a public office in the course of his official duties, and includes all records which are in the custody or under the control of the State Library;”.

## Insertion of new section 2A

3. The Principal Ordinance is amended by inserting immediately after section 2 the following new section 2A:  
 “Application

2A.-(I) For the avoidance of doubt; this Ordinance shall apply only in respect of public records and public archives of the State of Sarawak.

(2) Except as otherwise expressly provided by this Ordinance, the provisions of this Ordinance do not affect any provision relating to records made by or under any other written law.”.

## General amendment

4. The Principal Ordinance is amended by substituting for the word “Director” wherever appearing the words “Chief Executive Officer”.

## Amendment of section 3

5. Section 3 of the Principal Ordinance is amended-

(a) by renumbering paragraph “(m)” as paragraph “(s)”;

(b) by deleting the word “and” at the end of paragraph (l) and by inserting after that the following new paragraphs (m), (n), (o), (p), (q) and (r):

“(m) to establish, manage and maintain public archives in the State;

(n) to promote efficient and effective records and archives management practices in the State;

(o) to establish, maintain and operate Record Centres;

(p) to provide training and guidance in the management of public records and public archives:

(q) to publish, sell or distribute publications concerning or relating to public archives, or concerning the activities of and facilities provided by the State Library;

(r) to promote public awareness activities on aspects pertaining to management of public records and public archives through exhibitions, audio-visual educational packages and other educational programmes; and”.

#### **Amendment of section 4**

6. Section 4 of the Principal Ordinance is amended by inserting after subsection (3) the following new subsection (3A):

“ (3A) A member of the Board appointed under subsection (1)(c) may, with the approval of the Board, appoint an alternate member who may attend on his behalf any meeting of the Board which the substantive member is for any reason unable to attend and such alternate member when attending such meeting shall for all purposes be deemed to be a member of the Board.”.

#### **Insertion of new section 11A**

7. The Principal Ordinance is amended by inserting immediately after section 11 the following new section 11A:

##### **“ Additional functions of the Chief Executive Officer**

11A. Without prejudice to functions specified in section 11, the Chief Executive Officer shall, subject to such direction as may be issued by the Board, have the following additional functions:

(a) to examine records which are in the custody or under the control of a public office, to identify records which are of archival value and to advise on the creation, maintenance, storage, use and disposal of such records;

(b) to acquire records and materials which in the opinion of the Chief Executive Officer are or are likely to be of archival value;

(c) to advise public offices on the establishment and maintenance of Agency Record Units;

(d) to advise public offices in the planning, implementation and evaluation of their records management programmes;

(e) to establish and maintain registers of public records and public archives;

(f) to prepare guides, lists, indexes and other finding aids of public archives;

(g) subject to the terms and conditions on which they are obtained, and subject to the law relating to copyright, to reproduce or publish any public archives or any part of such public archives; and

(h) to authenticate or certify copies or extracts of public records or public archives.”.

### **Amendment of section 17**

8. Section 17 of the Principal Ordinance is amended by substituting subsection (2) with the following new subsection:

“(2) The Board may permit the use, inspection, reproduction and publication of public records and public archives kept or maintained in the State Library or at such other places which are under its management or control, subject to such conditions as may be imposed by it and in accordance with any regulation made under section 29(2).”.

### **Substitution of section 18**

9. The Principal Ordinance is amended by substituting section 18 with the following new section:

#### **“Destruction of library resources or disposal of public records**

18. The Board may, subject to regulations made under section 29, authorize the destruction of any library resources or disposal of public records delivered to it under this Part:

Provided that whenever practical, a copy of the library resource or public record is preserved in its original or other form acceptable to the Board before any such destruction or disposal."

### **Amendment of section 25**

10. The principal Ordinance is amended by substituting section 25 with the following:

#### **“ Financial and accounting procedure**

25. The provisions of the Statutory Bodies (Financial and Accounting Procedure) Ordinance, 1995 [*Cap. 15J*] shall apply to the Board in the management of its financial affairs and in the management and maintenance of its financial and accounting records and procedures."

### **Repeal of section 26**

11. Section 26 of the Principal Ordinance is repealed.

### **Amendment of section 29**

12. Section 29(2) of the Principal Ordinance is amended-

(a) by deleting the word "and" appearing at the end of paragraph (f);

(b) by renumbering paragraph (g) as paragraph (o); and

(c) by inserting after paragraph (f) the following new paragraphs:

"(g) prescribing procedures and guidelines for the classification and management of current public records;

(h) prescribing procedures for the review, classification, reclassification and declassification of any records which are in the custody or under the control of the State Library;

(i) prescribing procedures to be followed in relation to access to public archives;

U) prescribing terms and conditions to be imposed on the usage, reproduction and publication of public archives;

(k) prescribing procedures and guidelines for the inspection, appraisal, management and disposal of public records which are in the custody or under control of public offices, including the supervision of records management programmes in such public offices;

(l) prescribing procedures and guidelines for the establishment, maintenance and operation of a Record Centre and an Agency Record Unit;

(m) prescribing procedures and charges for authentication of copies or extracts of public records or public archives;

(n) providing for amendment of the Schedules; and".

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### EXPLANATORY STATEMENT

This Bill seeks to amend the Sarawak State Library Ordinance, 1999 *ICap. 29J* ("the Principal Ordinance") in order to provide express powers to the Sarawak State Library to establish, manage and maintain public archives in the State and for the management of State public records.

2. *Clause 1* contains the short title and the provision on the coming into force of the proposed Ordinance as contained in this Bill.

3. *Clause 2* seeks to amend the definitions of certain words used in the Principal Ordinance, and also to insert definitions of new words to be used in the Principal Ordinance.

4. *Clause 3* seeks to provide for the application of the Principal Ordinance, namely, that it shall apply only in respect of public records and public archives of the State of Sarawak. It does not affect the provisions relating to records made by or under any other written law.

5. *Clause 4* seeks to provide that the administrative head of the Sarawak State Library shall now be designated as the Chief Executive Officer instead of the Director.

6. *Clause 5* seeks to amend section 3 to expand the purposes of the Sarawak State Library to include, *inter alia*, the establishment, management and maintenance of public archives and for the management of State public records in the State.

7. *Clause 6* seeks to amend section 4 by inserting a new subsection (3A) to provide for the appointment of an alternate member to any substantive member of the Board appointed under section 4(J)(c) for the purposes of attending any meeting of the Board. However, the appointment of such an alternative member must first be approved by the Board.

8. *Clause 7* seeks to provide for additional functions of the Chief Executive Officer.



9. *Clause 8* seeks to amend section 17 to enable the Board of Management of the State Library to regulate the use, inspection, reproduction and publication of public records and public archives.

10. *Clause 9* seeks to amend section 18 to authorize the Board of Management of the State Library to authorize the destruction of library resources or disposal of public records, subject to regulations to be made pursuant to section 29 of the Principal Ordinance.

II. *Clause III* seeks to amend section 25 by substituting it with a new section to provide that the financial and accounting procedures of the Sarawak State Library shall be subject to the provisions of the Statutory Bodies (Financial and Accounting Procedures) Ordinance, 1995/Cap. 15/.

12. *Clause II* seeks to repeal section 26 (which requires the Board to keep proper accounts and other records, and to submit such accounts for audit) of the Principal Ordinance as the provision is now obsolete in view of the new section 25.

13. *Clause 12* seeks to expand the powers of the Majlis Mesyuarat Kerajaan Negeri to make regulations in respect of management of public records and public archives. and other matters specified therein for purposes of the Principal Ordinance.

#### *FINANCIAL IMPLICATIONS*

This Bill will involve the State Government in extra financial expenditure, the amount of which cannot at present be ascertained.

AG/5/440/A

