

DEPARTMENT OF CULTURE AND THE ARTS

INVESTING IN OUR PAST FOR THE BENEFIT OF OUR FUTURE – STATE RECORDS ACT 2000 REPORT

FEBRUARY 2008

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Quality In Everything We Do

DCA 001/2007

18 February 2008

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Mr C Murphy
Chair of the State Records Commission
C/ - Office of the Auditor General
4th Floor
2 Havelock Street
WEST PERTH WA 6005

Dear Mr Murphy

State Records Act 2000 Report

I have pleasure in enclosing our final report in relation to the above.

It has been a pleasure to work with you and the staff and management of the State Records Office on this report.

Yours sincerely



Rob Kirkby
Partner

Contents

1. Introduction	1
1.1 Project Brief	1
1.2 Our approach	1
1.3 Our methodology	2
1.4 Disclaimer.....	3
2. Background.....	4
3. Executive Summary and Recommendations.....	7
3.1 Roles and responsibilities	8
3.2 Resource constraints	8
3.3 Monitoring and compliance.....	9
3.4 Storage facilities and digital archives.....	9
3.5 Act compliance	11
4. External Stakeholder Interviews.....	14
5. Stakeholder Interviews.....	17
6. Compliance with the Act.....	21
6.1 Significant Deficiencies.....	21
6.2 Other Deficiencies.....	22

1. Introduction

1.1 Project Brief

The Director General, Department of Culture and the Arts (DCA), at the request of the State Records Commission (SRC), commissioned an independent examination of the implementation of the State Records Act 2000 (the Act).

This engagement was to consider how well the Act is achieving its objectives and, via stakeholder consultation, assess the impact of the Act on key stakeholders. Specifically, the engagement was to consider how effectively the Act is perceived to be operating from the point of view of key stakeholders.

The objective of the Act was to strengthen public sector accountability through effective recordkeeping, provide a standard setting and monitoring function reportable directly to the Parliament and take account of technological and administrative trends in recordkeeping.

The scope of the engagement encompassed:

- Consulting with a selection of key stakeholders, including a sample of four government agencies, to gain stakeholder perspective on the impact and efficacy of the implementation of the Act. This consultation took into account the impact of the compliance obligations imposed by the Act and how agencies have fulfilled their obligations.
- Assessing how well the requirements of the Act have been achieved, and identifying any gaps or deficiencies. Factors considered included but were not limited to:
 - The nature of obligations on agencies under the Act;
 - The strengths and achievements of the Act;
 - The appropriate monitoring regime for monitoring compliance with the Act; and
 - The current arrangements for the SRC and the State Records Office (SRO) to perform their functions and obligations under the Act.

1.2 Our approach

Our process evaluated overall compliance with the provisions of the Act by the SRC, the SRO, and four government organisations selected for this engagement. The four government organisations identified were:

- Builders Registration Board
- City of Perth
- Shire of Harvey
- Western Australian Police Service

We were recommended to meet with a fifth organisation, the Corruption and Crime Commission (CCC); however, we were unable to arrange an interview with the agency's records management representative.

We also met with a range of other key stakeholders impacted by the Act:

- Alastair Bryant, Director General DCA
- The SRC
- Tony Caravella, Director of State Records
- Some of the staff of the SRO
- Des Pearson and Deirdre O'Donnell, former members of the SRC
- Chris Coggin, former Director of State Records
- Dr Mark Brogan, Dr Karen Anderson, Dr Neville Green, and Dr Cathy Clement, researchers, consultants and academics.

1.3 Our methodology

Our methodology was tailored to meet the DCA's requirements and consisted of the following steps:

- Planning – We met with the SRC to confirm the assignment scope, budget, time frames and stakeholders to be incorporated into the consultation process. We confirmed the specific requirements in relation to planning, conduct, and reporting associated with the engagement.
- Development of the Control Model – We performed a high level assessment of the key obligations on government agencies under the Act and developed a preliminary work program. This phase included developing criteria against which each activity and/or control process was to be measured and evaluated.
- Performance Evaluation – We met with the Director of State Records to obtain an understanding of the roles and responsibilities of the parties involved and relevant documentation supporting the records management process and procedures. Based on the work program, we undertook discussions with relevant stakeholders to understand and document the procedures in relation to the obligations on agencies under the Act. We also performed further stakeholder consultation to ascertain the impact of the compliance obligations imposed by the Act.
- Benchmarking – A preliminary assessment of the level of compliance in each relevant area was performed upon the completion of the interview phase and review of relevant documentation.

The assessment was undertaken at a high level with the number of interviews designed to identify trends rather than statistically valid outcomes.

1.4 Disclaimer

This report documents the outcomes of an engagement conducted by Ernst & Young as approved by the DCA. This report has been completed in accordance with the terms and conditions of our contract with the DCA (DCA 001/2007). Those terms and conditions have not been repeated in this report, but it is acknowledged that they are to be read as applying to it.

Our report may be relied upon by the DCA only, pursuant to the terms of our engagement letter dated 15 March 2007. This report was commissioned and funded by DCA on behalf of the SRC. We disclaim all responsibility to any other party for any loss or liability that the other party may suffer or incur arising from or relating to or in any way connected with the contents of our report, the provision of our report to the other party or the reliance upon our report by the other party. Liability is limited by a scheme approved under Professional Standards Legislation.

2. Background

The State Records Act 2000 received the Western Australian Governor's assent on 28 November 2000 and was formally proclaimed in the Government Gazette on 30 November 2001. The Act replaced the archives and recordkeeping aspects of the Library Board of Western Australia Act 1951-1983 and is a direct result of the investigations by the Royal Commission into Commercial Activities of Government and Other Matters in 1991 – 1992 (WA Inc.) and the subsequent Commission on Government report of the 1990s. The Commission on Government recommended that a separate body be formed and given the responsibility for the oversight of public records in Western Australia.

While Western Australia was the last Australian State to adopt archives legislation to establish an archival authority independent of its State Library, the *State Records Act 2000* established a framework for recordkeeping in government which has set a new benchmark. As a result of the implementation of the legislation, Western Australia is the only State in which all government organizations have approved recordkeeping plans which adhere to gazetted standards. In April 2007 Western Australia became the only State in Australia in which all government organizations have approved Retention and Disposal Schedules which set out what records are kept and what records are disposed of in an orderly, rational and systematic fashion. The unique framework established under the legislation places Western Australia well ahead of other jurisdictions and provides a benchmark against which other States are measured.

The Act aims at strengthening the public sector accountability through effective recordkeeping, providing a standard setting and monitoring function reportable directly to the Parliament.

The State Records Commission

The Act provides for an independent SRC with standard setting, compliance monitoring and reporting responsibilities. The SRC was established in July 2001 and is accountable directly to the Western Australian Parliament. Membership of the SRC is at a level commensurate with the high degree of its accountability and consists of four members: the Auditor General, the Information Commissioner, the Ombudsman, and a Governor's appointee with recordkeeping experience from outside Government. The functions of the SRC are set out in sections 60 and 61 of the Act.

There are two committees of the SRC established under section 62 of the Act:

- State Records Advisory Committee, which provides advice on which State records should become State archives, the retention period for those State records that are not to be State archives, and associated matters; and the
- Digital Records Working Group, which provides advice regarding the development of recordkeeping principles, standards and guidelines, and solutions for the effective management of digital records.

The SRC has published a strategic document *State Records Commission Vision for 2011* which provides a high level overview of the SRC's strategic vision for its role under the Act. The document explains the SRC's priorities and identifies the best outcomes it hopes to achieve by 2011 across the Western Australian public sector in terms of best practice recordkeeping.

According to the vision document, the SRC's two main aims are to:

- Create a sustainable and self-regulated sector with records management integrated into its mainstream operations. This is to be achieved through an active use of Record keeping Plan (RKP) and Retention & Disposal Schedules (R&D Schedules), and ensuring that the SRO acts as a facilitator and catalyst rather than a "hands on" regulator; and
- Provide useful and accessible archives through enabling centralised access to State archives, an adequate archival storage facility and the joint reading room, and an appropriate level of public events and profile for the SRO.

The State Records Office

The passing of the Act, and the subsequent establishment of the SRC, has begun a new era for the State Records Office (the SRO) formerly known as the Public Records Office. The SRO was separated from its previous association with The Library and Information Service of Western Australia and became a separate portfolio organisation operating within the DCA.

Section 72 of the State Records Act establishes the SRO as an entity consisting of the Director of State Records - an office established under section 70 - and the officers referred to in section 71. The State Records Office is a statutory authority that does not have its own employment powers and is not listed in Schedule 2 of the Public Sector Management Act, making it a "non-SES organisation" for the purposes of that Act; a Government Organisation for the purposes of the State Records Act, and a Public Body or Office for the purposes of the FOI Act. The SRO operates administratively within the DCA under its Minister, with a budget provided by the DCA.

Section 73 of the Act sets out the Director's functions. The Director's responsibilities include providing advice, assistance, and training for government organisations on recordkeeping matters, in particular the preparation of and compliance with their RKPs (section 73(1)(a) and (b)). The Director oversees the transfer, control and administration of access to information about State archives (section 73(1)(c)). The Director also advises and assists the SRC (section 73(1)(e)), and reports to the SRC on the operation of the Act including any breaches (section 73(1)(f)). In that regard the SRO performs a dual function. It is both the operational arm of the SRC and also has responsibility for managing, preserving and providing access to State records.

The responsibilities of the SRO include:

- Providing records management and archival advice and training to State government organisations and local governments;
- Preserving archival records; and
- Providing reference services for researchers.

The SRO has developed and published its own *Strategic Plan 2005 to 2010*. The SRO's vision is to "enable the Government and the people of Western Australia to have access to records that capture the State's history, maintain open and accountable government, and enrich community well-being". To achieve this mission, the SRO identified its key objectives as:

- Proper recording and management of State government information;
- Well kept and managed State archives;
- Equitable access to State archives;
- Effective and efficient advice and service to government organisations; and
- Effective and efficient use and management of all records.

3. Executive Summary and Recommendations

The introduction of the *State Records Act 2000* was landmark legislation in relation to recordkeeping. It provided a framework which was, and remains, significantly ahead of that in other states within Australia. Specifically:

- the Act established the State Records Commission as an independent body to report directly to Parliament;
- the Act requires the SRC to establish standards and principles including for:
 - governing recordkeeping by State organisations;
 - determining which records should be State archives;
 - determining the retention period for records that are not State archives;
 - the monitoring of compliance with the Act by Government organisations; and
 - inquiry into breaches;
- it requires each agency to have an approved Recordkeeping Plan; and
- the Act set up the State Records Office to administer the Acts provisions and support the SRC in its regulatory role

All stakeholder organisations interviewed agreed that the Act is operationally beneficial to their organisations as it mandates formalisation and standardisation of recordkeeping practices across government in Western Australia. There were however concerns expressed as to the cost of compliance in certain agencies.

The aim of the Act is to strengthen the public sector accountability for effective recordkeeping providing standard setting and monitoring functions, reporting directly to Parliament. However, these objectives of the Act are still to be fully achieved and the reasons for this include:

- availability of training internally within SRO and externally to government organisations;
- lack of available archival storage facilities, both physical and digital;
- insufficient compliance monitoring; and
- lack of available skilled staff within the government organisations

It is important to note that the implementation of the Act is being achieved through a phased approach and therefore it should be regarded as being part of a journey. Areas for improvement while undertaking the journey do not indicate failure, rather should be seen as recommendations to assist in building on the achievements of the past six years.

Major recommendations arising from this report are:

3.1 Roles and responsibilities

In discussions with stakeholders, there is a level of confusion regarding:

- the relationship between the SRO, DCA and the SRC; and
- the role and priority of activities of the SRO prior to and post the introduction of the Act

To address these matters it is recommended:

- a facilitated review be undertaken with the senior members of each organisation to agree (within the context of the Act) on:
 - each organisation's roles in relation to the Act;
 - the respective roles of the inter relationship between each organisation;
 - the appropriate "fit" of the SRO and SRC within the DCA portfolio;
 - appropriate management and reporting roles between the organisations; and
 - impacts on resources to achieve the agreed roles.

Following agreement being reached between senior management, a process should be designed to ensure staff of the organisations are advised of the agreed roles and responsibilities.

This should be documented and may be in the form of a Memorandum of Understanding.

- a review of the current activities of the SRO (both manpower allocation and financial resource allocation) be undertaken by specific reference to the Act to determine whether:
 - the SRO has appropriately modified its activities post the introduction of the Act;
 - the allocation of manpower and financial resources are addressed at the key priorities under the Act; and
 - there are priorities under the Act that can not be met with existing resources.

3.2 Resource constraints

In a number of areas within this report, resource constraints were identified as significantly impacting the ability to achieve the objectives of the Act. This was referred to by stakeholders, both in relation to the day to day operation of the SRO and in key capital areas such as availability of archival repository space (physical and digital).

As part of the review of the activities of the SRO discussed at 3.1 above, if the review identified that key priorities of the Act can not be met with existing resources, a business plan should be developed which provides options for Government in relation to:

- reducing the scope of the Act to reduce the resource requirements. This should clearly detail the potential gains, risks and consequences, both intended and unintended, of such action;

- transferring responsibilities under the Act from the SRO to the government organisations to reduce the resource requirements of the SRO; (It should be noted however that small agencies are already having problems meeting legislative obligations and it is considered that this option could make it more difficult for them.)
- one off capital and ongoing operating budget allocation that would enable all key priorities identified under the Act to be met. In the development of such a model, full consideration and explanation of the risks associated with managing such an approach must be provided; and
- a multi year funding approach which addresses capital and operating requirements separately, provides risk return outcomes and allows key ongoing funding decision points across the proposed timeframes.

3.3 Monitoring and compliance

Whilst a level of monitoring of government organisations compliance with the requirements of the Act has been undertaken, it was identified both from the assessment of the SRO and discussion with key stakeholders that this area was not considered fully effective in either its delivery or its follow up.

In consultation with the SRC (and ultimately with the SRC's approval), the SRO should document a monitoring and compliance program that addresses:

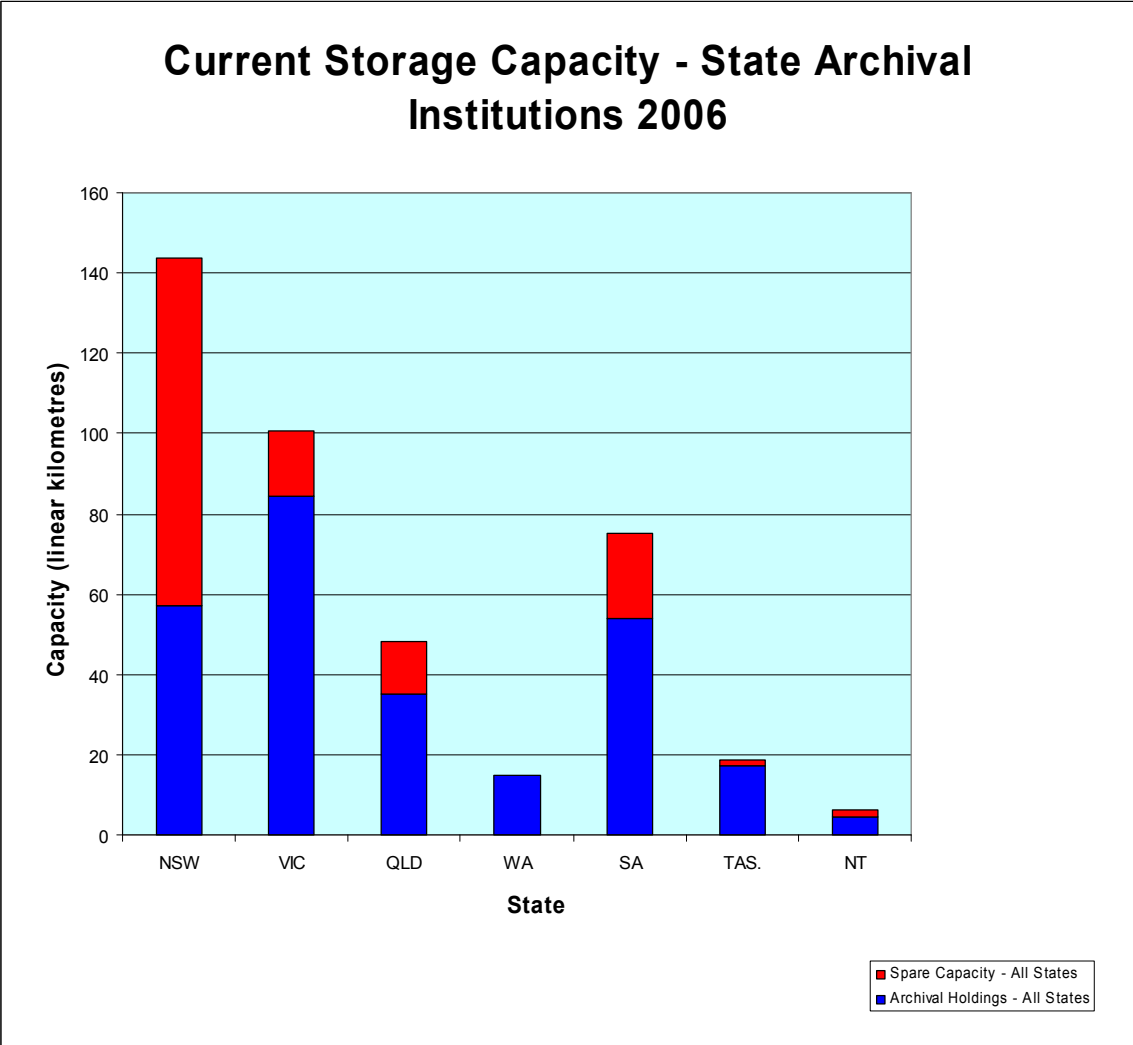
- an appropriate self assessment program for government organisations to ensure they take primary responsibility for compliance (including a training and information program);
- a defined monitoring program, in accordance with section 60 of the Act, to be undertaken by the SRO. This should specifically address:
 - the scope and timing of monitoring to be undertaken;
 - the scope and timing of follow-up activities for breaches and non reporting noted during the monitoring activities; and
 - a framework for reporting to SRO management, the SRC and to government organisation CEO's and Ministers.

3.4 Storage facilities and digital archives

Interviews with stakeholders and data provided indicate that WA has issues with the availability of both physical and digital archives storage space.

Currently there are approximately 40 linear kilometres of identified hard copy State archives not stored by the SRO. There has been no archival storage available for transfers of State archives since 2001. Each year, the volume of State archives in government agencies grows at a projected estimate of between 1,500 and 2,000 linear metres.

These estimates do not include digital archives and, as reported in the previous SRC Annual Report, in 2005, in comparison with other Australian states, WA was the only state with a physical storage capacity shortfall:



Digital archives comprise documents that have been created in a digital form and those that have gone through a process of conversion from a physical to a digital form.

Individual government organisations are attempting to implement management controls and their own standards to cope with the problem of digital records, however WA does not have a common platform for all government agencies to store, search, and access archived digital records that will be required in the future. It is understood that SRC Standard and SRO Guidelines in regard to the creation and management of digital records are to be released in early 2008.

As discussed at 3.2 above, the need for additional storage – both physical and digital - should be included within an overall business plan which addresses differing options to address and fund the issues together with a full risk assessment of all matters associated with the data storage issues. DCA is following DTF guidelines, with SRO assistance, for the preparation of the business case.

3.5 Act compliance

From an assessment of existing compliance with the Act, the following matters were identified.

Act Reference	Background	Recommendation
Section 23	<p>For a number of the organisations reviewed, their Recordkeeping Plans (RKPs) were approved in principle only and for periods shorter than the maximum five years. This was mainly due to parts of these plans being rated as ‘inadequate’ or ‘acceptable but requiring development’.</p> <p>The SRO sent letters advising the agencies of the need to address the outstanding items by a prescribed date but in a number of instances follow-up did not occur on a timely basis..</p>	<ul style="list-style-type: none"> ■ Government organisations with RKPs rated ‘inadequate’ or ‘adequate but requiring development’ be provided with a deadline for delivery of the outstanding items; and ■ A reporting regime for ongoing reporting to the SRC on non compliance be introduced.
Section 32	<p>Our discussions with representatives of government organisations selected for review revealed that government agencies are not transferring their State archives to the State archives collection due to the SRO not having sufficient repository space to accept these archives.</p> <p>The above escalates current organisational storage costs and will significantly influence future preservation costs to remedy the deterioration of archives caused by unsuitable storage. In addition, the SRO is not fulfilling its role of maintaining control over State archives.</p>	<ul style="list-style-type: none"> ■ Work with the relevant bodies to allow sufficient archival storage space and resources to enable the State Records Office to accept State archives material from government agencies; and ■ Collate and list all State archives in its possession, and in possession of other government agencies, and establishes and maintains a register of State archives as per Section 73(i)(d) of the State Records Act.

Act Reference	Background	Recommendation
Section 73(1)(c)(iii)	<p>The SRO Director is required “to provide appropriate facilities and services to enable the State archives in the State archives collection to be effectively used for administrative requirements and for study and research”.</p> <p>Discussions with the SRO Director noted a belief that the SRO does not have adequate facilities for the State archives collection to be effectively used by the relevant stakeholders.</p>	<ul style="list-style-type: none"> ■ This matter should be specifically included in the resource constraints action plan as discussed at Section 3.1 above.
Section 73(1)(f)	<p>The Director is required “to report to the Commission about:</p> <p>(i) the operation and effectiveness of this Act; and</p> <p>(ii) any breach or suspected breach of this Act by any person or State organisation”.</p> <p>Up to 5 May 2007, the SRO breach register contained 14 matters. However, the SRO has established only three breach files containing documents relating to those breaches. The files are not sorted to separate each breach, which makes it difficult to follow the progress of each matter or to make an assessment about its status.</p>	<ul style="list-style-type: none"> ■ Breach files be created for all matters noted in the Breach register including copies of notification to the Commission. ■ The breach register be enhanced to include details of the SRO officer having carriage of the breach matter and the date at which the matter was closed.

Act Reference	Background	Recommendation
Section 76	<p>The Act requires any decisions relating to the retention and disposal of State records containing information about Aboriginal cultural material, an Aboriginal site, or any other matter relating to the heritage of Aboriginal Australians to be made after Aboriginal bodies concerned with the information have been consulted.</p> <p>Our discussion with the SRO staff revealed that satisfying this section of the Act is very challenging as most of the time it is difficult for government organisations to establish which Aboriginal organisation represents a particular group of Aboriginal Australians. The SRO does not employ any staff with Aboriginal heritage to be able to make more informed decisions about Aboriginal matters. We are advised that, the SRO has submitted business cases to fund such positions and discussed the benefits of indigenous archivist cadetship with the Department of Indigenous Affairs (DIA).</p>	<ul style="list-style-type: none"> <li data-bbox="943 367 1441 539">■ We recommend that discussions continue to identify a solution that will enable agencies to achieve compliance with section 76 of the Act.

4. External Stakeholder Interviews

External stakeholder interviews were held with:

- Builders Registration Board
- City of Perth
- Shire of Harvey
- Western Australian Police Service

All stakeholder organisations interviewed agreed that the Act is beneficial to their organisations as it mandates formalisation and standardisation of recordkeeping practices across government in Western Australia. However there was concern as to the capability of the organisations to comply and the cost of compliance. Further, stakeholders expressed a level of frustration that the SRO has been unable to meet all of the identified needs of stakeholders.

Specific matters raised by the external stakeholders included:

Compliance with the Act difficult for smaller government organisations

Smaller government organisations, such as local governments, found it particularly challenging to comply with the Act. This was mainly due to a very limited or no availability of human resources with adequate knowledge of recordkeeping. Often, staff needed to be shifted from administrative roles to part time recordkeeping tasks. This was particularly difficult as the organisational RKPs needed to be lodged with the SRO within a 2-year timeframe and, for some time after the proclamation of the Act, the SRO did not have sufficient resources and/or knowledge of what was required to be included in the RKPs.

Availability and quality of training

Overall, the feedback relating to training provided by SRO was positive. However, interviewees noted that:

- Initially, not enough information was disseminated by the SRO which caused mistakes that had to be rectified in later stages of the RKP development;
- Only one course to prepare agencies to implement RKP development in compliance with the Act was delivered by the SRO, although this course was delivered to over 1,000 participants. While further training by SRO for agencies was available on demand, many organisations also engaged private consultants to obtain further guidance on what is required by the Act and how to prepare RKPs;
- At times, SRO staff were themselves unsure about the requirements of the Act as they had not been provided with formal training. We were advised that, occasionally, the SRO staff would receive a question and try to work out a solution instead of having the answers readily available;
- The assistance provided by SRO was helpful, however, mostly reactive rather than proactive; and
- There were lengthy delays in receiving feedback relating to RKPs from the SRO.

Principles and standards

Recordkeeping principles and standards established by the SRC were found to be helpful, as they provided assistance to government organisations in terms of compliance with the Act. However, according to recordkeeping staff from the selected organisations, the principles and standards should be reviewed and made more succinct and practical.

Storage facilities

The Act requires government organisations to send records considered to be State archives to the SRO. Where the SRO cannot accept archives, the Director can issue directions governing the storage of archives in government organisations. The SRO has issued storage guidelines for government organisations, however a mandatory standard has been deferred in the hope that the SRO would be funded to build or acquire a new archive repository. There was also a reluctance to issue a mandatory standard because compliance by government organisations would, in all likelihood, be too costly or impractical (especially in small and remote organisations). Notwithstanding, a draft standard for the storage of archives held by government organisations has been circulated for comment and is expected to be approved by the SRC

According to interviewed stakeholders, the SRO has not been funded to acquire additional repository space, therefore, government organisations are required to store the State archives themselves. This contributes greatly to the overall costs of recordkeeping and does not provide any ongoing assurance as to the environmental adequacy of that storage.

Monitoring of compliance with the Act

Interviewed stakeholders stated that compliance monitoring is going to be a major challenge for government organisations and the SRO. Larger government organisations endeavour to perform some compliance work and have recordkeeping built into the performance assessment process. In contrast, the majority of small to medium organisations do not have sufficiently qualified recordkeeping staff or a separate audit function, and therefore do not perform any compliance testing.

Practicality of the Act

- R&D Schedule guidelines are unclear or impractical as:
 - There may be duplicate records kept by different government organisations, which directly contributes to the shortage of repository space; and
 - For local councils, the thesaurus in common use in Western Australia (Keyword for Councils) is inconsistent with the thesaurus contained in the General Disposal Authority. This thesaurus is made available from NSW through the SRO for purchase at a cheaper price, however it the SRO does not insist on its usage above any other titling mechanism. The GDA is designed to be consistent with terminology in general use across local government. According to the R&D Schedule guidelines, the State records are to be filed via subject based files which means that some recent documents could be filed with documents that are no longer required.

- Too much information is stored under the current system. Government organisations retain significant volumes of records, as not many recordkeeping staff have a clear understanding of what a record is and what should be kept. In many cases staff prefer to hold on to all records rather than be in breach of the Act.

According to interviewed stakeholders this has significant resource implications for the SRO as staff will need to take a role in providing training and advice about disposal of temporary records, the identification of archives and preparations for transfer of State archives. Training and advice will need to be delivered to a generation of recordkeeping staff that have limited training or practical experience in these areas.

5. Stakeholder Interviews

Stakeholder interviews were held with:

- Alastair Bryant, Director General DCA
- Members of the SRC
- Tony Caravella, Director of State Records
- Some staff of the SRO
- Des Pearson and Deirdre O'Donnell, former members of the SRC
- Chris Coggin, former Director of State Records
- Dr Mark Brogan, Dr Karen Anderson, Dr Neville Green, and Dr Cathy Clement, researchers, consultants and academics.

The additional individuals interviewed represented stakeholders who are, or had been, directly impacted by the operation of the Act. These individuals included the Director General of DCA, all SRC members, the Director of State Records and staff, former members of the SRC and the former Director of State Records as well as four researchers, academics and recordkeeping consultants. The views and comments of stakeholders have not been evaluated by the reviewer.

These interviews identified a very strong level of support for the intent of the Act, however also identified:

Relationship between SRO, SRC and DCA

A level of confusion or inconsistency in understanding of the inter relationship between the SRO, the SRC and the DCA and the role and priority of activities required of the SRO pre and post the introduction of the Act.

Observations which highlight this inconsistency include:

- Some interviewees expressed the view that it is not appropriate for the DCA to house the SRO.

Comparison was made with other states within Australia which have positioned their recordkeeping and archival agencies in different administrative placements. For example, in South Australia this responsibility has been assigned to the Department of Premier and Cabinet after having previously resided with the Department of Administrative and Information Services. In Victoria, the responsibility also rests with the Department of Premier and Cabinet.

According to the interviewed stakeholders, administrative alignment plays a significant role in the success or otherwise of an archival authority in attracting funding and staff.

- Views were expressed that:
 - The SRC has been largely dependent on the SRO for advice on the performance of its functions and in the conduct of its work which has impacted its independence.

- The SRO is too dependent on the SRC for guidance in respect of its operational responsibilities and other less strategic decision making.
- The SRC does not acknowledge the SRO's separate functions under the Act.
- It was suggested by certain interviewed stakeholders that, at the moment, the SRO is simply a records keeping office with the majority of its staff having only recordkeeping experience. Consequently, the SRO staff are too detailed in their approach to recordkeeping and not applying a strategic approach to regulation as a whole. Further, it is felt that the SRO is not providing sufficient analytical and higher level strategic reporting.
- Competing views on the activities undertaken by the SRO were also expressed. At one level it was suggested that the role of the SRO has expanded significantly since the introduction of the Act and the SRO has not been adequately resourced. A competing view was also expressed that the SRO has not prioritised its activities in line with the requirements of the Act and has therefore not appropriately defined its resource requirements.
- In respect of compliance monitoring, the SRC's responsibilities include ensuring compliance with the Act by government organisations. Performance of this monitoring is delegated to the SRO. Again competing views were expressed as to:
 - whether SRO has sufficient resources to perform significant compliance checks.
 - whether the SRO has appropriately prioritised the compliance work on behalf of the SRC.

Resource constraints

In a number of areas interviewees identified resource constraints as significantly impacting the ability to achieve the objectives of the Act. This was referred to by stakeholders, both in relation to the day to day operation of the SRO and in key capital areas such as availability of repository space (physical and digital). Key points and support for their comments were:

- Interviewees identified that the SRO ranks as one of the most under staffed recordkeeping offices in Australia with around 20 full time employees while New South Wales, Victoria and Queensland offices have approximately 55 staff each. (It should be noted however that a straight employee comparison does not allow an appropriate assessment. To be relevant, a benchmarking exercise of costs, including manpower, to legislative functions would be required.)
- In quantifying human resource requirements in DCA, interviewees identified that section 76 of the Act should also be considered in order to facilitate an efficient resolution of matters concerning Aboriginal Australians.
- Stakeholders advised that Government agencies have not been able to get enough competent and professional staff to fully implement the provisions of the Act.

Training of government agencies is one of the SRO's core responsibilities under the Act. However, due to resource shortage, the SRO feels that it has not been able to effectively discharge that duty. The SRO has developed a training program but this is yet to be implemented.

Stakeholders recommended that adequate resources are allocated to the SRO to enable the agency to discharge its training obligations under the Act.

Monitoring and compliance

Stakeholders identified that a level of monitoring and compliance has been undertaken, however this was not considered fully effective in either its delivery or its follow up. Comments included:

- The SRC is responsible for investigating breaches. The SRC developed and the SRO has implemented *Inquiring into breaches or suspected breaches of the State Records Act 2000 Procedures May 2006*, procedures which assist with the investigations of breaches.
- The SRC's responsibilities include monitoring compliance with the Act by government organisations. This activity is performed by the SRO. The SRC has no power of delegation but can request the Director to provide advice and assistance to it under section 73 of the Act. To enable the SRC and the SRO to fulfil their obligations under the Act, interviewed stakeholders felt that a new approach to compliance should be adopted. As the Act regulates over 300 government organisations compliance checks of all organisations are not feasible, therefore, a risk based approach to compliance should be considered. Alternatively, a range of options for compliance monitoring could include:
 - Engaging external auditors to perform compliance checks and report to the SRO/SRC;
 - Internal audit reporting by government organisations covering compliance with their RKPs; and
 - Staffing the SRO to enable it to conduct compliance monitoring.

Storage facilities and digital archives

There was broad agreement by stakeholders as to significant issues with the availability of both physical and digital storage space. Comments and data provided include support that:

- The SRO is not adequately resourced in respect of repository space to carry out its functions under the Act. Currently there are approximately 40 linear kilometres of identified State archives not stored by the SRO. There has been no archival storage available for transfers of State archives since 2001. Each year, the volume of State archives in government agencies grows at a projected estimate of between 1,500 and 2,000 linear metres.

The graph on page 10 provides a comparison of the repository capacity between Western Australia and other State archival institutions in Australia. As illustrated, Western Australia is the only state experiencing significant shortfall of the archive space with the remaining six states having various degrees of surplus capacity.

- Digital archives comprise of documents that have been created in a digital form and those that have gone through a process of conversion from a physical to a digital form.

Stakeholders felt that, currently, there is a public expectation that access to international, national and state archives will be made possible through the use of the Internet. To meet that demand, archive organisations around the world are establishing programs for digitisation of research resources. For example, a recent initiative by the New Zealand government allocated \$8.5 million (over four years) to Archives New Zealand for development of a Digital Archives Preservation Strategy for archiving material that originated in a digital environment, and to develop a program to better manage ministerial and security classified documents.

Minimal funding has been available to the SRO over the past 3 years to introduce digital archival strategies. We have been informed that in Western Australia, individual government organisations are attempting to implement management controls and their own standards to cope with the problem of digital records.

The SRO (November 2006) developed with DCA a business proposal to deliver a whole of government digital archiving solution (Digital Archive Initiative (DAI)). The main aim of the DAI is to provide a common platform for all government agencies to store, search, and access electronically archived digital records that will be required in the future. The DAI is also to provide assurance that digital records are authentic, complete and reliable.

Implementation of a digital records program was identified as one of the most urgent recordkeeping matters and strongly supported by all interviewed stakeholders.

6. Compliance with the Act

A high level assessment of Act compliance by the SRO and SRC identified the following the following deficiencies:

6.1 Significant Deficiencies

Section 23

The State government organisations chosen for this engagement lodged their RKPs within the time prescribed by the Act. However, a number of the RKPs were approved in principle only and for periods shorter than the maximum five years. This was mainly due to parts of these plans being rated as ‘inadequate’ or ‘acceptable but requiring development’.

The SRO sent letters advising the agencies of the need to address the outstanding items by a prescribed date but in a number of instances follow-up did not occur on a timely basis.

We recommend that Government organisations with RKPs rated ‘inadequate’ or ‘adequate but requiring development’ be provided with a strict deadline for delivery of the outstanding items and a reporting regime for reporting to the SRC on non compliance be introduced.

Section 32

Our discussions with representatives of government organisations selected for review revealed that government agencies are not transferring their State archives to the State archives collection due to the SRO not having sufficient repository space to accept these archives. This escalates current organisational storage costs and will significantly influence future preservation costs to remedy the deterioration of archives caused by unsuitable storage. In addition, the SRO is not fulfilling its role of maintaining control over State archives.

We recommend that the SRO:

- Work with the relevant bodies to allow sufficient archival storage space and resources to enable the agency to accept State archives material from government agencies; and
- Collate and list all State archives in its possession, and in possession of other government agencies, and establishes and maintains a register of State archives as per Section 73(i)(d) of the State Records Act.

Section 73(1)(c)(iii)

The SRO Director is required “to provide appropriate facilities and services to enable the State archives in the State archives collection to be effectively used for administrative requirements and for study and research”.

Our discussions with the SRO Director identified that the SRO does not have adequate facilities for the State archives collection to be effectively used by the relevant stakeholders.

Section 73(1)(f)

The Director is required “to report to the Commission about:

- (i) the operation and effectiveness of this Act; and
- (ii) any breach or suspected breach of this Act by any person or State organisation”.

Up to 5 May 2007, the SRO breach register contained 14 matters. However, the SRO has established only three breach files containing documents relating to those breaches. The files are not sorted to separate each breach, which makes it difficult to follow the progress of each matter or to make an assessment about its status.

We recommend the breach register be enhanced to include details of the SRO officer having carriage of the breach matter and the date at which the matter was closed.

We also recommend that a separate file be set up for each breach reported to the SRO. The documents on file need to be arranged in a chronological order. In addition, we recommend that a checklist containing essential processes to be followed when addressing breaches of the Act be developed and placed on each breach file.

Section 76

The Act requires any retention and disposal decisions relating to State records containing information about Aboriginal cultural material, an Aboriginal site, or any other matter relating to the heritage of Aboriginal Australians to be made after Aboriginal bodies concerned with the information have been consulted.

Our discussion with the SRO staff revealed that satisfying this section of the Act is very challenging as most of the time it is difficult to establish which Aboriginal organisation represents a particular group of Aboriginal Australians. The SRO does not employ any staff with Aboriginal heritage to be able to make more informed decisions about Aboriginal matters. We are advised that, the SRO has submitted business cases to fund such positions and discussed the benefits of indigenous archivist cadetship with the Department of Indigenous Affairs (DIA).

We recommend that discussions continue to identify a solution that will enable the government organisations to achieve compliance with section 76 of the Act.

6.2 Other Deficiencies

Section 25

The SRC must have a RKP approved by the Minister. We sighted a copy of the plan kept on file at the SRO but we were unable to see any evidence of approval by the Minister.

We recommend that the evidence of Ministerial approval of the SRC’s RKP be placed on the file.

Section 27

Schedule 3 organisations must have their RKPs approved by the relevant Minister. There was one file where the Minister’s approval could not be evidenced

Section 28

The register of RKPs contains details of when the government agencies' plans are due for review. At the moment, one SRO staff member periodically peruses the report to identify which organisations need to be reminded of their RKP's renewal obligation.

We recommend that a monthly internal report listing government organisations required to renew their RKPs be generated and reviewed by the designated staff member.

Section 40

Our engagement noted that there is no evidence of approval of the SRO's Archives Keeping Plan by the SRC. Notwithstanding, we noted that the SRC's meeting agenda for May 8, 2003 included a recommendation that "The State Records Commission notes and approves the attached Archives Keeping Plan".

We recommend that a formal approval of the SRO's Archives Keeping Plan be obtained and placed on the relevant file.

Section 43

Our conversation with the SRO staff revealed that, due to resourcing shortage, the SRO has not developed policies and procedures for the destruction of archives in its possession. We note that destruction of archives would be a rare event but preparation of procedures would enable the SRO to efficiently undertake the task when required.

We recommend that archives destruction policies and procedures be developed by the SRO.

Section 73(1)(d)

The SRO Director is required "to create and maintain a register of all State archives including those that are not in the State archive collection".

Our discussions with the SRO Director and staff identified that it is difficult for the Director to satisfy this requirement. The archives held by the SRO are adequately registered and indexed. However, where archives are stored at the government agencies' premises, the SRO is unable to perform a stock take of these records due to the lack of resources.

Notwithstanding, the SRO does have a plan to create and maintain a register of archives held in their custody. Work commenced in 2007/2008 financial year.