



STATE RECORDS COMMISSION

State Records Commission Response to the Ernst & Young Report

Investing in Our Past for the Benefit of our Future – State Records Act 2000 Review February 2008

Background

The *State Records Act 2000* set a new benchmark in recordkeeping practices. With the establishment of Recordkeeping Plans (RKPs) and Retention and Disposal Schedules (R&Ds) for 312 agencies completed, we are now the only State in Australia to have a comprehensive recordkeeping regime for the whole of Government.

To meet [the objective to establish and implement a set of standards in record creation, maintenance and retention (*taken from 1992 Royal Commission Part 11 para 4.3.5*)], government agencies large and small were required to contribute significant time and resources to reviewing and reporting on their practices, and all met the requirements in a timely fashion. This was a significant achievement.

The Act was fully proclaimed in November 2001. By March 2002 the State Records Office (SRO) had published principles & standards. Agencies were required to submit their RKPs by March 2004, and by April 2007 all 312 agencies had approved RKPs and R&Ds.

In this context the State Records Commission (Commission) commissioned an independent review of the implementation of the *State Records Act 2000* to determine whether the Act is achieving its objectives and to assess the impact on agencies.

The Review

The Commission acknowledges that the overriding issues identified in the report are legitimate and therefore accepts the review.

2/...

The Commission was pleased to note that there was no recommendation to amend the Act at this time and that therefore the structure and operational provisions of the Act would appear to be adequate, although there is room for improvement in the implementation of some provisions. While there was no requirement in the Act to undertake a further review of the operation and effectiveness of the Act, it is our firm intention that such a review be undertaken by the Commission every five years and a report thereon be prepared for the consideration of the responsible Minister and for Parliament.

The consultation with SRO stakeholders undertaken as part of the review was limited and the Commission therefore believes that we would benefit from a wider survey in the future.

The following responses to the key findings are set out:

Roles and Responsibilities

The Act operates in a complex environment with an independent Commission made up of independent statutory office holders and a member appointed by the Governor, supported by a statutory office whose staff and resources are provided by a line department.

The Commission acknowledges the supportive working frameworks that exist between the SRO and the Department of Culture and the Arts (DCA) and the Commission. However, the Commission agrees with the recommendation that a facilitated evaluation of the relationship between the SRO, DCA and the Commission be undertaken to clarify roles and responsibilities. This may be formalized through a Memorandum of Understanding.

Resource Constraints

The Commission acknowledges the resource issues identified in the review are a key factor in achievement of the objectives of the Act.

The Commission agrees with the recommendation to develop a business plan to provide Government with options to address this issue and recommends that the SRO undertakes a cost saving and efficiency exercise as a first step as well as comparing our resources to those in other jurisdictions.

Monitoring and Compliance

The Commission acknowledges that a monitoring and compliance regime is critical. An effective compliance monitoring program is needed to test the efficacy and accountability of agencies. While the initial focus has been on the development of agency Recordkeeping Plans, the Commission believes the implementation of the monitoring program is now timely, and is happy to report that the SRO developed a monitoring and compliance program in December and that the first phase of implementation is underway.

3/...

Storage facilities and digital archives

The Commission notes that one of the key areas identified in the report is the need for an archive repository. The SRO is working closely with Government in the preparation of a business case and the Commission is keen to provide whatever support and assistance it can to help establish the case for additional storage.

Act compliance

The Commission thanks Ernst & Young for their work on identifying compliance issues, acknowledging that this is an important matter. The Commission is pleased to note that compliance issues have since largely been addressed.

The Commission recognizes and is very conscious of the regulatory cost burden that compliance has created for the SRO and agencies. Therefore, while the keeping of records to adequate standards is an essential accountability requirement, the Commission is mindful to ensure that only compliance issues that are necessary and practical are imposed.

Colin Murphy
Chair
State Records Commission

20 May 2008