



STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

MINUTES OF MEETING HELD ON 25 JUNE 2008 AT THE ALEXANDER LIBRARY BUILDING

PRESENT:

Mr Colin Murphy (CHAIR)	Auditor General
Ms Kandy-Jane Henderson	Governor's Appointee
Mr John Lightowlers	Acting Information Commissioner
Mr Chris Field	Parliamentary Commissioner for Administrative Investigations
Ms Cathrin Cassarchis (Executive Officer)	Director of State Records
Ms Isabel Smith (Executive Secretary)	Manager of State Recordkeeping

MINUTES:

Claire Harloe

1. Welcome

2. Apologies

Mr Leigh Hays, Manager of Archives Control & Access

3. Notices of urgent business

Nil

4. CONFIRMATION AND SIGN-OFF OF MINUTES 18 MARCH 2008

The minutes were **CONFIRMED** and signed by the Chair.

4.1 SRC Action List

The Commission noted the Action List and **REQUESTED** that completed items be removed from the list.

5. MATTERS ARISING

5.1 Review of Appraisal Principles and Processes

The Commission noted the Director's update and **REQUESTED** a copy of the RAPP Report be emailed to all Commissioners for information.

5.2 Commission Sitting Fees

The Commission noted the paper and **REQUESTED** further liaison with the Department of the Premier and Cabinet for approval and payment of the annual fee option for the Governor's appointee. The Director **AGREED**.

5.3 SRC Expenses

The Director advised that she will continue to absorb the SRC expenses into the State Records Office (SRO) budget and seek supplementary funding as necessary.

5.4 Terminology – use of the term “CLEARED” in Recordkeeping Plans

Commissioner Lightowlers reported on his findings applying section 52(b) of the *Interpretation Act* to the Commission’s powers under the *State Records Act* and advised that the Commission is able to “clear” Recordkeeping Plans pending the development and approval of Retention and Disposal Schedules. The Commission confirmed their acceptance of the use of the term “CLEARED” and **REQUESTED** that the term be added to the list of definitions for future reference and use.

5.5 Australian Society of Archivists (ASA) and ICHORA4 Conferences

The Commission noted the programs for the ASA and ICHORA4 conferences scheduled to be held in Perth. The Director advised that the SRO will host the welcome reception for the ASA on Thursday 7 August at 5.30pm and that the Department of Culture and the Arts (DCA) has agreed to provide supplementary funding to cover the cost.

The Director invited Commissioners to attend the welcome reception, the official conference opening by the Governor on Friday 8 August and any other sessions which may be of interest. The Director added that a full registration has been purchased for Commissioner Henderson.

The Commission suggested that the SRO use the ASA and ICHORA4 Conferences as a media opportunity to raise the profile of records and archives. The Commission suggested an article be placed in the Intersector magazine and a media statement released highlighting sessions of interest, in particular the panel discussion on “*Who Do You Think You Are?*” and the use of SRO archival records for the recent SBS production. Partnering with the Tourism Commission and linking to other events happening in Perth at that time might also prove useful.

The Director added that the SRO will be writing to all agencies encouraging attendance at the conference and that an invitation would be sent to Minister McHale and Mal Wauchope, Director General, Department of the Premier and Cabinet requesting they attend the welcome reception and possibly some sessions of interest such as the panel discussion on “*Who Do You Think You Are?*” and perhaps the “*Business, Labour and Corporate Governance Archives Special Interest Group*” session.

5.6 Retention and Disposal Schedules

5.6.1 City of Perth

The Manager of State Recordkeeping (Mgr:SR) advised that the statement relating to “*intrinsic historical value*” requested by the Commission at the 18 March 2008 meeting had been included in the City of Perth Retention and Disposal Schedule. **NOTED.**

5.6.2 Office of Native Title

The Commission approved this Schedule in March 2008 noting the outstanding consultation process relevant to s76 of the *State Records Act*. The Mgr:SR advised that the Office of Native Title (ONT) is liaising with the SRO and the State Solicitor’s Office in the development of a consultation plan to ensure appropriate representation from Aboriginal bodies during the appraisal of certain records. Once developed, the ONT would welcome the opportunity to

present the consultation plan to the Commission at a future meeting.
NOTED.

6. MONITORING THE OPERATION OF AND COMPLIANCE WITH THE ACT

6.1 Organizational Changes

6.1.1 Government Organizations – Administrative Change

The Commission **NOTED** the register.

6.1.2 Defunct Government Organizations

The Commission **NOTED** the register and queried the progress of the split of the Government Employees Superannuation Board (GESB). The Mgr:SR advised that the SRO had been liaising with representatives of GESB, the State Solicitor's Office and the new entity GESB Mutual Limited (GML) to ensure that ownership and custody issues, with respect to State records, were resolved prior to mutualisation. Several lengthy meetings had already been held with significant input from the SRO and a Memorandum of Understanding and a Service Level Agreement are being developed by GESB.

6.2 Inquiring into Breaches or Possible Breaches

6.2.1 Breach Register

The Commission **NOTED** the register.

6.2.2 Alleged Breaches

6.2.2.1 Department of Health

The Commission **NOTED** the update and Commissioner Lightowlers requested a copy of the letter sent to the Department of Health which requested a response by 20 July 2008.

6.2.2.2 Balga Senior High School

The Commission noted the paper and the Mgr:SR advised that the Estimates and Financial Operations Committee (EFOC) findings are being reviewed. Among other things, it appears that the School was not keeping accurate attendance records for students enrolled in the Balga Works Program; a program funded by the State government. Seemingly, if student absences were not manually entered into the School Information System database, the system would default to 100% attendance, giving a false record upon which funding was based.

Further text excluded for reasons of confidentiality.

The Commission **REQUESTED** advice regarding the trigger for the creation of records and whether there was a legal requirement to do so. The Mgr:SR advised that the SRC Standard, which carries the same force as law, does require records to be created and kept which properly and adequately record the performance of functions, but the trigger for creation is not defined. The SRO will research trigger mechanisms and advise the Commission further.

6.2.2.3 Shire of Kalamunda

The Shire of Kalamunda received a Freedom of Information (FOI) application for a Councillor's records, but the Shire advised the

applicant that records in the possession of Councillors are not considered State records. The applicant has now lodged an application for external review by the Office of the Information Commissioner. The Director has also received a request to investigate the matter under s.52 of the *State Records Act*.

The Mgr:SR advised that under Schedule 1, Item 10 of the *State Records Act*, Local government Councillors are considered government employees and as such the records they create and receive in the course of local government business are State records. In 2003, the SRO developed a guide to assist Local governments and Councillors regarding the creation and management of Councillors' records. *Further text excluded for reasons of confidentiality.*

The Commission, at that time, elected to adopt an approach to Councillors' recordkeeping obligations and the policy position was identified in the Recordkeeping Plan template for Local governments. This approach gave discretion to Local governments to consider the record of Council meetings as adequate coverage of Councillors' records.

The Commission discussed the current policy approach as provided in the Recordkeeping Plan template and **REQUESTED** that the SRO revise the policy to provide more specific direction regarding Councillors' recordkeeping obligations. *Further text excluded for reasons of confidentiality.* The Director **AGREED**.

The Commission **NOTED** the Director's decision not to investigate the matter further until the FOI process has been completed.

6.3 State Records Commission Risk Management

Nil

7. COMPLIANCE MONITORING – RECORDKEEPING PLANS

7.1 Compliance Monitoring – State organizations

The Mgr:SR reported that of the 23 surveys distributed 20 were returned, and the 3 not returned were from local government organizations.

Basic analysis of the surveys has commenced and it has already been established that:

- like agencies appear to be managing their registers in a similar manner;
- training for the implementation of Retention & Disposal Schedules has arisen as a common need among surveyed agencies;
- a greater response time may be necessary to respond to surveys; and
- there is value in targeting agencies with similar functions.

The survey and accompanying guideline have been amended to draw more meaningful responses and it is expected that the next phase will consist of 30 agencies. The Commission **NOTED** the report.

The Director advised that the SRO will be including the provision of training in the 2009/10 budget submission to government and that preliminary discussions have been held with the Department of the Premier and Cabinet's Accountability Support Unit to consider developing collaborative on-line training packages for use throughout the whole of government.

8. LEGISLATION REVIEW ISSUES

8.1 SRO input into new legislation

Nil

8.2 Review of the *State Records Act 2000*

The Chair advised that the Commission had written to Minister McHale advising of the review and the intention to publish the review on the SRO website. *Further text excluded for reasons of confidentiality.*

The Chair confirmed that he wished to hold a workshop with Commissioners, SRO senior management and the Director General of the DCA to progress the outcomes of the Review. Matters to be addressed at the workshop include the respective roles and interactions of the Director General, the SRO and the Commission and the Commission's role regarding budgeting, administration and the business case for the new repository. The Director advised that the Director General has been approached to fund the cost of a facilitator for this meeting.

The Commission **REQUESTED** a draft action plan, of the issues raised in the review, with a schedule of outstandings which can be used to inform the workshop. The Chair and the Director agreed to work on the draft action plan and send this to Commissioners and the Director General prior to the workshop being held.

9. APPROVAL OF RECORDKEEPING PLANS (RKPs)

9.1 State Records Advisory Committee (SRAC)

9.1.1 SRAC Minutes – 12 May 2008

The Commission **NOTED** the SRAC minutes of 12 May 2008.

9.1.2 SRAC Membership

The Commission noted Mr Roy Watkins' resignation and **REQUESTED** that a letter be sent thanking him for his participation on the SRAC.

9.2 Retention and Disposal Schedules for APPROVAL

9.2.1 RD 2008001 – Edith Cowan University

The Commission **APPROVED** the fully revised Schedule and the application to retain State archives.

9.2.2 RD 2008024 – Salaries and Allowances Tribunal

The Commission **APPROVED** the Schedule.

9.2.3 RD 2006040/2 – Department of the Attorney General

The Commission **APPROVED** the amended Schedule.

9.2.4 RD 2003101/1 – Fire and Emergency Services Authority of WA

The Commission **APPROVED** the amended Schedule.

9.2.5 RD 2007025 – Medical Radiation Technologists Registration Board of WA

The Commission **APPROVED** the Schedule.

9.2.6 RD 2006004 – Bunbury Water Board (Aqwest)

The Commission **APPROVED** the fully revised Schedule and the application to retain State archives.

9.2.7 RD 2004162/2 – Peel Development Commission

The Commission **APPROVED** the amended Schedule.

9.2.8 AD 2006038 – Department of Child Protection

The Commission **APPROVED** the Ad Hoc Disposal Authority.

9.3 Disposal Lists for Approval

9.3.1 Disposal List 2007006 – Gordon Inquiry Records

Further text excluded for reasons of confidentiality.

The Commission **NOTED** that:

- the 2002 request for further information relating to research material has been satisfied;
- all Gordon Inquiry records held by the Department of the Premier and Cabinet have been identified as State archives; and
- restricted access matters have been identified and addressed.

The Commission **APPROVED** the revised disposal recommendations and the restricted access recommendations.

9.4 Outstanding Restricted Access Matters

The Commission **APPROVED** the application for Restricted Access Archives for BankWest and the Department of Child Protection records.

9.5 Non-Transfer of State Archives

Nil

9.6 Recordkeeping Plans for APPROVAL

9.6.1 RKP 2008009 – Recordkeeping Plan of the Chemistry Centre

The Commission **APPROVED** the Plan.

9.6.2 RKP 2008003 – Recordkeeping Plan of the PathWest Laboratory Medicine WA

The Commission **APPROVED** the Plan.

9.6.3 RKP 2008002 – Recordkeeping Plan of the Shire of Northam

The Commission **APPROVED** the Plan.

- 9.6.4 RKP 2008034 – Amended Recordkeeping Plan of the Shire of Narrogin**
The Commission **APPROVED** the amended Plan.
- 9.6.5 RKP 2008027 – Amended Recordkeeping Plan of the Independent Market Operator**
The Commission **APPROVED** the amended Plan.
- 9.6.6 RKP 2008026 – Amended Recordkeeping Plan of the Department of Agriculture and Food**
The Commission **APPROVED** the amended Plan until 22 April 2009 at which time the Plan is to be reviewed and a report of the review submitted to the SRC.
- 9.6.7 RKP 2008020 – Amended Recordkeeping Plan of Broome Port Authority**
The Commission **APPROVED** the amended Plan.
- 9.6.8 RKP 2008013 – Amended Recordkeeping Plan of the Shire of Denmark**
The Commission **APPROVED** the amended Plan.
- 9.6.9 RKP 2008005 – Amended Recordkeeping Plan of the Shire of Quairading**
The Commission **APPROVED** the amended Plan.
- 9.6.10 RKP 2007089 – Amended Recordkeeping Plan of the Town of Bassendean**
The Commission **APPROVED** the amended Plan.
- 9.6.11 RKP 2007076 – Amended Recordkeeping Plan of the Shire of Cranbrook**
The Commission **APPROVED** the amended Plan.
- 9.6.12 RKP 2007069 – Amended Recordkeeping Plan of the Shire of Goomalling**
The Commission **APPROVED** the amended Plan.
- 9.6.13 RKP 2007059 – Amended Recordkeeping Plan of the Eastern Goldfields Transport Board**
The Commission **APPROVED** the amended Plan.
- 9.6.14 RKP 2007022 – Amended Recordkeeping Plan of Tourism Western Australia**
The Commission **APPROVED** the amended Plan.
- 9.7 Recordkeeping Plans CLEARED Pending Approval of the Retention and Disposal Schedule**
- 9.7.1 RKP 2008035 – Recordkeeping Plan of the Commissioner for Children and Young People**
The Commission **CLEARED** the Plan pending the approval of the Retention and Disposal Schedule.
- 9.8 RKP Reports – Reports on Reviews**

9.8.1 RKP 2004277/1 – Report of the Recordkeeping Plan Review – Corruption and Crime Commission

The Commission **NOTED** the report.

9.8.2 RKP 2004276/1 – Report of the Recordkeeping Plan Review – Economic Regulation Authority

The Commission **NOTED** the report.

9.8.3 RKP 2004206/1 – Report of the Recordkeeping Plan Review – Office of the Director of Public Prosecutions

The Commission **NOTED** the report.

9.8.4 RKP 2003122/1 – Report of the Recordkeeping Plan Review – Disability Services Commission

The Commission **NOTED** the report.

9.8.5 RKP 2003003/1 – Report of the Recordkeeping Plan Review – Fremantle Port Authority

The Commission **NOTED** the report.

9.8.6 Western Power Recordkeeping Plan – request for extension
See item 15.5

9.9 Progress Report – Amended Recordkeeping Plans and Revised Retention and Disposal Schedules

The Commission noted the progress report and **REQUESTED** that the SRO write to agencies with outstanding RKP and R&D Schedules advising that the Commission has an obligation to report these agencies to Parliament via the Commission's Annual Report. The Commission **AGREED** that agency requests for extensions would be considered on a case by case basis.

9.10 Progress Report – Recordkeeping Plans Analysis

The Commission **NOTED** the update provided by the Mgr: SR.

10. DIGITAL RECORDS INITIATIVE (DRI)

10.1 Digital Records Working Group (DRWG) Report

The Commission noted the report and 29 May 2008 Minutes and **REQUESTED** a copy of the Draft Guidelines on Email Management.

10.2 Digital Records Initiative (DRI) Progress Report

The Commission **NOTED** the report.

11. ESTABLISHING STANDARDS AND GUIDELINES

11.1 Standards

The Commission **NOTED** the register of Standards and were provided with a copy of the gazettal notice for *SRC Standard 7: Storage of State Archives retained by State Organizations through an approved Recordkeeping Plan*.

11.2 Guidelines

The Commission **NOTED** the register of Guidelines.

12. ITEMS FOR INFORMATION

- 12.1 SRO Operational Activities**
The Commission **NOTED** the report.
- 12.2 State Records Commission Activities**
Nil
- 12.3 Parliamentary Departments Recordkeeping Plans**
The Commission **NOTED** the report regarding submission of the Recordkeeping Plans for the Legislative Assembly and the Legislative Council, under s12 of the *State Records Act*.

13. PUBLIC PROGRAMS AND OUTREACH ACTIVITIES

- 13.1 Public Programs and Outreach Activities update**
The Commission noted that the Chief Justice Michael Kirby of the High Court of Australia would be the speaker for the Geoffrey Bolton Lecture being held at the Government House Ballroom on 20 October 2008 and **AGREED** to diarize the event.
- 13.2 State Records Commission State Records Award**
The Commission noted the report and **AGREED** to the reformulation of the judging criteria and the deferral of the establishment of the award for Local government.

14. DIRECTOR'S REPORT

- 14.1 Director's Report**
The Commission **NOTED** the Director's report. The Director explained that she had just returned from a research visit to the Public Records Office of Victoria and the Queensland State Archives adding that the visits had been very useful.

The Director advised that she would be on annual leave from 11 July to 4 August 2008 inclusive, and would advise Commissioners of the acting arrangements in her absence.

15. NEW BUSINESS

- 15.1 SRC Annual Report 2007/08**
The Commission noted the timeline for the report and **REQUESTED** that the development of the draft proceed.
- 15.2 Records Management Association of Australasia (RMAA) Conference**
The Mgr:SR advised that the subscription renewal for membership of the RMAA had been received and sought confirmation of Commissioners' interest in renewing their membership. The Commission **REQUESTED** that Commissioner Henderson's membership be renewed.
- The Mgr:SR reported that the annual RMAA Conference would be held in Sydney in September.
- 15.3 Publication of the State Records Commission Minutes**

The Commission **AGREED** that the minutes of Commission meetings should be published on the SRO website.

The Commission **REQUESTED** that all future draft minutes are sent with confidential information (i.e. information that should not appear on the website) highlighted for Commission approval. Where text is removed from the Minutes the Commission requested the comment “excluded for reasons of confidentiality” be used.

15.4 2008 Archives Keeping Plan

The Commission noted the draft Archive Keeping Plan (AKP) and the need for SRC Standard 7 (Storage of State Archives) to be included and **REQUESTED** a copy of the 2003 AKP in order to compare the two documents.

15.5 Western Power Recordkeeping Plan – request for extension (tabled as a late paper)

The Mgr:SR advised that Western Power requested an extension to prepare their revised Recordkeeping Plan, and accompanying R&D Schedule, to September 2009. Western Power is undertaking an upgrade of their document management systems, including software, hardware and supporting infrastructure. The implementation of this upgrade is intended to include Horizon, Verve and Synergy as well, so an extension for Western Power effectively means an extension for all four organizations.

The Commission **APPROVED** the extension requested on the basis that Western Power anticipate this to be the final extension provided and that a progress report is provided to the Commission in December 2008 and June 2009.

The meeting closed at 12.17pm.

NEXT MEETING – Friday 3 October 2008 (subsequently changed to Friday 10 October) – **Geraldton** (venue TBA)

SIGNED.....

DATED.....

Mr Colin Murphy
State Records Commission