



# STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

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## MINUTES OF MEETING HELD ON 10 October 2008 AT THE DEPARTMENT OF CHILD PROTECTION BOARD ROOM 45 CATHEDRAL AVENUE, GERALDTON

### 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:

Ms Joyce Steveni Recordkeeping Consultant

#### 1. Welcome

#### 2. Apologies

Mr Leigh Hays, Manager of Archives Control & Access

#### 3. Notices of urgent business

Nil

#### 4. SRC MINUTES OF 25 JUNE 2008

##### 4.1 Confirmation and Sign-off of Official Minutes

Minor editorial changes to the minutes were requested and the minutes were **CONFIRMED** and signed by the Chair.

##### 4.2 Confirmation of Published Minutes

The Commission **APPROVED** the version of the minutes for publication to the website.

Commissioner Lightowlers raised the subject of the gap in the date range of minutes published to the website. The Manager of State Recordkeeping (Mgr:SR) advised that retrospective publication of the minutes would be addressed over time with the website versions being presented to the Commission for approval prior to publication. The Chair considered that as time goes on those minutes will be of diminishing relevance and therefore considered the retrospective publication unnecessary at this time. The Commission **AGREED** that should the matter be raised as an accountability issue it would be addressed at that time.

##### 4.3 SRC Action List

The Commission **NOTED** the Action List.

Commissioner Henderson requested that the status of Risk Management, action one on page 3, be clarified to show that the Action Item is pending completion of the State Records Office (SRO) Risk Management Plan. **AGREED.**

The Director of State Records (the Director) referred the Commissioners to Action Item 8.1, Review of the *State Records Act 2000*, on page 3, advising that the discussion with Minister McHale regarding publishing the report on the website was interrupted due to the caretaker mode and no decision was reached. *Further text excluded for reasons of confidentiality.*

The Commission **REQUESTED** the Director write to Minister Day advising that the Commission intends to publish the report on the website and attaching the previous correspondence with Minister McHale for his information. *Further text excluded for reasons of confidentiality.* The Director **AGREED.**

The Director advised that she is liaising with the Department of Culture and the Arts regarding introductions to the Minister and is waiting to hear what arrangements have been put in place.

Commissioner Henderson enquired regarding the status of the draft Action Plan under the Review of the *State Records Act 2000* item, the Director confirmed that the Plan has been emailed to the Chair. The Chair confirmed that he is happy with the Action Plan and suggested that it could now be circulated to all Commissioners. Commissioner Field suggested that existing Commissioners be invited to the Workshop even if they have resigned from the Commission. The Director **AGREED.**

## **5. MATTERS ARISING**

### **5.1 Commission Sitting Fees**

The Director advised that this matter was overtaken by the caretaker conventions. The information has been sent again to the Department of the Premier and Cabinet (DPC) and the Director will follow up. **NOTED.**

### **5.2 Retention and Disposal Schedules**

#### **5.2.1 Office of Native Title**

The Mgr:SR advised that the Office of Native Title (ONT) is still working on a strategy for consultation with Aboriginal bodies under s76 of the Act and once it's complete, the ONT would welcome the opportunity to present the consultation plan to the Commission at a future meeting. **NOTED.**

### **5.3 SRC Annual report 2007/08**

Commissioner Henderson expressed the Commission's thanks to Tom Reynolds for his work on the annual report.

The Chair referred to paragraph one on page 8 of the annual report regarding the review of the *State Records Act 2000* (the Act). The intent was that a report would be prepared for the Commission and as a matter of good governance the Minister would be provided with a copy. It was not envisaged that the review would result in a report to Parliament. It is accepted that it is a matter of government policy that Acts are periodically reviewed. The Commission supports, as a matter of principle, regular review of the Act as good regulatory process and that any significant findings should be reported

to Parliament. The Commission **AGREED** that the first paragraph on page 8 be deleted and identified some other minor editorial changes.

Commissioner Lightowlers commented that inclusion of names of agencies that are overdue to review Recordkeeping Plans could be a contentious issue.

The Commission **ENDORSED** the Report.

#### **5.4 2008 Archives Keeping Plan**

The Director stated that the street address of the Dianella repository, on page 7, should not be included in the website version of the Archives Keeping Plan (AKP) due to security issues. **AGREED.**

The Commissioners stated that, due to the absence of the Manager of Archives Control & Access, the AKP could not be properly discussed and that this item should be dealt with out of session. Commissioner Henderson requested a hard copy of the AKP and relevant documents. The Director **AGREED** to email Commissioners requesting feedback. In the case of conflicting feedback, the item will be brought back to the next meeting of the Commission.

Commissioner Lightowlers expressed an interest in a tour of the State Archive and the Dianella repository. The Mgr:SR suggested that a tour of the National Archives of Australia (NAA) at Victoria Park would also be of interest to provide a comparison between facilities. The Director **AGREED** to make the necessary arrangements for Commissioners to tour the State Archive, the Dianella facility and the NAA.

#### **5.5 Creation of Records – Trigger Mechanisms**

The Commission **NOTED** the information provided.

#### **5.6 Policy – Local Government Elected Members**

Commissioner Lightowlers considered that using “or” in the revised policy opens the door too wide and suggested that “*and* which constitute evidence affecting the discharge...” should be used instead. The Mgr:SR stated that the word “or” was used deliberately to ensure broad capture of transactions discussed with ratepayers and those other matters that Councillors may be involved with, which may or may not be addressed at Council meetings. Commissioner Field considered that the Corruption and Crime Commission (CCC) should be consulted regarding the amended policy wording. **AGREED.**

The Chair proposed that the wording suggested by Commissioner Lightowlers could be used in place of “directly relevant to the decision making processes”. The decision would then be whether the document is evidence of accountability of the Council and its business in which case it is a record. This would require a judgment to be made for which Councillors can be held accountable. Therefore the new policy wording would be amended to:

***“...and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.”***

Commissioner Lightowlers suggested that the CCC should be advised that it is not intended that routine matters, ephemeral records, personal records or party political material be captured.

## 6. MONITORING THE OPERATION OF AND COMPLIANCE WITH THE ACT

### 6.1 Organizational Changes

#### 6.1.1 Change of Government

The Mgr:SR advised that the DPC had contacted the State Records Office (SRO) regarding a request from the Leader of the Opposition for DPC to set up a filing system for them.

The Commission **NOTED** the information provided.

#### 6.1.2 Government Organizations – Administrative Change

The Mgr:SR distributed a revised page 8 of the register to include the Public Sector Commission.

Commissioner Lightowlers advised that the Chemistry Centre (WA) is a new entity, not a continuation of the business unit of the Department of Industry and Resources known as the Chemistry Centre.

The Commission **NOTED** the register.

#### 6.1.3 Defunct Government Organizations

The Commission **NOTED** the register.

### 6.2 Inquiring into Breaches or Possible Breaches

#### 6.2.1 Breach Register

The Mgr:SR distributed a replacement page 1 of the register providing a revision of the Balga Works Program issue which will be discussed at 6.2.2.2 of this Agenda.

The Commission **NOTED** the register.

#### 6.2.2 Alleged Breaches

##### 6.2.2.1 Department of Health

The Chair considered that the Department of Health had comprehensively dealt with the issues. Commissioner Lightowlers suggested that the response to the Department of Health should include that the SRO is willing to provide support, advice and training.

The Commission **ENDORSED** the recommendation to conclude the breach investigation and advise the Department and CCC accordingly and to include further areas for reporting into the Department of Health's regular six monthly reports.

10.15 am – The Chair and the Director left the meeting to attend an on air interview with ABC Midwest and Wheatbelt radio. Commissioner Field took the Chair (A/Chair).

##### 6.2.2.2 Balga Senior High School

The Commission had no comment and **NOTED** that the Department of Education and Training has been requested to provide information by 30 October 2008.

##### 6.2.2.3 Shire of Kalamunda

The Mgr:SR advised the SRO is awaiting advice of the outcome of the FOI process. *Further text excluded for reasons of confidentiality.*

The Commission **NOTED** the update.

### 6.3 State Records Commission Risk Management

Nil

## 7. COMPLIANCE MONITORING – RECORDKEEPING PLANS

### 7.1 Compliance Monitoring – State Organizations

The Mgr:SR reported that in Phase 2 of the compliance monitoring process, 30 agencies were surveyed and only 15 responses were received. Eight of those responses were after the response date. In Phase 2 agencies were given more time to respond but no follow-up phone calls were made, this time, to encourage responses. The results speak to the value of the survey approach, which is providing limited information and it is clear that a different approach is needed. There are still two phases to be completed in the current process and other monitoring mechanisms can then be considered.

Commissioner Lightowlers suggested that having analysed the responses feedback should be provided to the agencies. The Mgr:SR advised that it was envisaged that feedback would be provided when all four Phases had been completed but agreed that it may be more valid to provide feedback immediately following the completion of each Phase. **AGREED.**

Commissioner Henderson suggested that it should be noted as a concern that so few agencies had responded to the survey.

Commissioner Lightowlers suggested that there is an opportunity for facilitated review of the compliance monitoring role in the SRO/SRC workshop. The Mgr:SR advised that this item has been included in the draft workshop agenda. **NOTED.**

## 8. LEGISLATION REVIEW ISSUES

### 8.1 SRO input into new legislation

Nil

Commissioner Lightowlers advised that the privacy legislation was nominated as a matter on which the new government would promptly act to reintroduce information privacy legislation and may require SRO input.

### 8.2 Review of the *State Records Act 2000*

Refer to Item 4.3 in these minutes.

## 9. APPROVAL OF RECORDKEEPING PLANS (RKP<sub>s</sub>)

### 9.1 State Records Advisory Committee (SRAC)

#### 9.1.1 SRAC Minutes – 28 August 2008

The Mgr:SR advised that the item the SRAC referred to the Commission at 6.5 has subsequently been resolved with the Office of the Auditor General.

The Commission **NOTED** the SRAC minutes of 28 August 2008.

#### 9.1.2 SRAC Membership

The Commission **NOTED** the resignation of Ms Gail Murphy and the action taken.

## **9.2 Retention and Disposal Schedules for APPROVAL**

### **9.2.1 RD 2008029 – Law Reform Commission of Western Australia**

The Commission **APPROVED** the fully revised Schedule.

### **9.2.2 RD 2005022/1 – Department of Education and Training**

The Commission **APPROVED** the amended Schedule.

### **9.2.3 RD 2008021 – Office of the Information Commissioner**

The Acting Information Commissioner abstained from the discussion of this item.

Commissioner Field and Henderson **APPROVED** the revised Schedule and the time expired restricted access period.

### **9.2.4 RD 2008031 – Office of the Auditor General**

The Auditor General was not present for the discussion of this item.

The Commission **APPROVED** the revised Schedule and the time expired restricted access period.

### **9.2.5 RD 2008010 – Chemistry Centre (WA)**

The Commission **APPROVED** the Schedule.

### **9.2.6 RD 2008006 – Department of Housing and Works**

Outstanding matters identified at the SRAC meeting are being followed up and the Schedule will be presented at the December meeting.

## **9.3 Disposal Lists for Approval**

### **9.3.1 Disposal List 2007006 – Gordon Inquiry Records**

The Mgr:SR advised that there has been no additional information provided by the DPC in response to the Commission's letter. *Further text excluded for reasons of confidentiality.*

**NOTED.**

## **9.4 Outstanding Restricted Access Matters**

Nil

## **9.5 Transfer of State Archives**

### **9.5.1 Requests to Retain State Archives**

Nil

### **9.5.2 Requests to Transfer State Archives to the Custody of the State Records Office**

The Commission **NOTED** the information provided.

## **9.6 Recordkeeping Plans for APPROVAL**

### **9.6.1 RKP 2008050 – Recordkeeping Plan of the Salaries & Allowances Tribunal**

The Commission **APPROVED** the Plan.

### **9.6.2 RKP 2007066 - Recordkeeping Plan of the Yarra Yarra Catchment Regional Council**

The Commission **APPROVED** the Plan.

### **9.6.3 RKP 2008018 - Recordkeeping Plan of the Nurses and Midwives Board**

The Commission **APPROVED** the Plan.

**9.6.4 RKP 2008052 - Amended Recordkeeping Plan of Corruption and Crime Commission**

The Commission **APPROVED** the amended Plan.

**9.6.5 RKP 2008014 – Amended Recordkeeping Plan of the Curtin University of Technology**

The Commission **APPROVED** the amended Plan.

**9.6.6 RKP 20080416 – Amended Recordkeeping Plan of the Shire of Toodyay**

The Commission **APPROVED** the amended Plan.

**9.6.7 RKP 2008032 – Amended Recordkeeping Plan of Office of the Auditor General**

The Auditor General was not present for the discussion of this item. The Commission **APPROVED** the amended Plan.

**9.6.8 RKP 2007060 – Amended Recordkeeping Plan of the Shire of Augusta – Margaret River**

The Commission **APPROVED** the amended Plan. Restricted access application to be considered at 5 December 2008 meeting.

**9.6.9 RKP 2007041 – Amended Recordkeeping Plan of the Shire of Wyalkatchem**

The Commission **APPROVED** the amended Plan.

**9.6.10 RKP 2008037 – Amended Recordkeeping Plan of the Wheatbelt Development Commission**

The Commission **APPROVED** the amended Plan.

**9.6.11 RKP 2008008 – Amended Recordkeeping Plan of the Shire of Wiluna**

The Commission **APPROVED** the amended Plan.

**9.6.12 RKP 2008025 – Amended Recordkeeping Plan of the Shire of Beverley**

The Commission **NOTED** the SRO's intention to monitor the State archives stored in a high risk facility and **APPROVED** the amended Plan.

**9.6.13 RKP 2006018 – Amended Recordkeeping Plan of the Shire of Kondinin**

The Commission **APPROVED** the amended Plan.

The Commission **AGREED** that approval letters to agencies should note the time lapse, where submission is more than 12 months late, and request that future reviews are addressed in a tighter timeframe.

**9.7 Recordkeeping Plans CLEARED Pending Approval of the Retention and Disposal Schedule**

Nil

**9.8 RKP Reports – Reports on Reviews**

**9.8.1 RKP 2004236/1 – Report of the Recordkeeping Plan Review – Gascoyne Development Commission**

The Commission **NOTED** the report.

## **9.9 Progress Report – Recordkeeping Plan And Retention And Disposal Schedule Reviews**

The Mgr:SR advised that the graph has been modified to better represent the tremendous workload involved in evaluating Recordkeeping Plans and Retention and Disposal Schedules. Some of the workload relates to reviews still outstanding from 2007 and earlier. The graph is calendarised to show the number of agencies expected to submit reviews in that year. It is not envisaged that the workload will diminish over time rather, it is likely to continue to grow exponentially.

The Commissioners were advised that, as at 9 October 2008, only four responses had been received from the 11 agencies overdue to review Plans from 2007 and earlier. The Commissioners discussed the issue of the Commission's regulatory role in relation to agencies compliance with the Act in light of the poor response from those agencies. The Commission considered that the issue should be discussed at the Workshop to decide on an approach to address the matter.

## **9.10 Progress Report – Recordkeeping Plans Analysis**

The Mgr:SR referred the Commission to Recommendation 2 of the report advising that a statement should have been included to identify the discussions the SRO has had with DPC representatives in relation to providing input into training mechanisms for Chief Executive Officers.

Commissioner Henderson questioned whether continuing reporting on the Recordkeeping Plans analysis was worthwhile having reached a stage where some other mechanism would be more appropriate. The Mgr:SR advised that there is not currently an opportunity for further analysis of Recordkeeping Plans and that the ORDA system may well provide that opportunity, once established. The SRO's perspective is that all of the action items are ongoing and quarterly reporting should continue only if it is of value to the Commission. The Commission **AGREED** that this item can now be removed from the agenda.

10.58 am – The Chair and the Director rejoined the meeting. In handing back to the Chair, Commissioner Field advised that the Acting Information Commissioner did not participate in the discussion of item 9.2.3 of the agenda. Two items were discussed in relation to the broad issue of the compliance monitoring role of the Commission and are requested to be considered for inclusion on the agenda of the planned Workshop. The Director confirmed that monitoring and compliance had been included in the draft agenda.

## **9.11 Department of Health – Six Monthly Implementation Report**

The Mgr:SR advised the Commission that the six monthly report due on 1 October 2008 had been received on 9 October 2008 and is yet to be evaluated.

The Commission **NOTED** the information provided.

## **10. DIGITAL RECORDS INITIATIVE (DRI)**

### **10.1 Digital Records Working Group (DRWG) Report**

The Commission **NOTED** the report and 11 September 2008 Minutes and **APPROVED** the action to seek nominations for the DRWG.

### **10.2 Digital Records Initiative (DRI) Progress Report**



The Commission **NOTED** the report.

The Commission queried why the draft General Disposal Authority for Source Records has been printed as a Department of Culture and the Arts / State Records Commission publication. The Mgr:SR confirmed that the GDA is intended to be a SRC Standard and it appeared that incorrect stationery had been used in this instance.

## **11. ESTABLISHING STANDARDS AND GUIDELINES**

### **11.1 Standards**

The Mgr:SR distributed a replacement paper showing an amended completion date for the GDA Source Records and clarified wording for the current status of Standard 9.

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

### **11.2 Guidelines**

The Mgr:SR distributed an additional page (page 5) of the register which includes a new item, the Digitisation Specification.

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

## **12. ITEMS FOR INFORMATION**

### **12.1 SRO Operational Activities**

The Mgr:SR advised that private consultants, ITVision, had attended a training session conducted by Martin Fordham in Bunbury and had requested the training program for their use. Commissioner Lightowlers recommended that copyright for the material is claimed and referred to the CCC copyright statement on their reports. Commissioner Lightowlers further recommended that steps should be taken to ensure that the SRO's work is acknowledged by ITVision whenever they use the material.

The Commission **NOTED** the report.

### **12.2 State Records Commission Activities**

The Chair and Commissioner Henderson attended the Australian Society of Archivists Conference.

### **12.3 Parliamentary Services Department Recordkeeping Plan**

The Commission **NOTED** the report regarding submission of the Recordkeeping Plan for the Parliamentary Services Department, under s12 of the *State Records Act*.

## **13. PUBLIC PROGRAMS AND OUTREACH ACTIVITIES**

### **13.1 Public Programs and Outreach Activities update**

The Chair and Commissioner Henderson advised of their intended attendance at the Geoffrey Bolton Lecture being held at the Government House Ballroom on 20 October 2008. Commissioner Field tendered his apology and Commissioner Lightowlers accepted tentatively. **NOTED.**

### **13.2 State Records Commission State Records Award**

Nil

## **14. DIRECTOR'S REPORT**

**14.1 Director's Report**

The Commission **NOTED** the Director's report.

The Director advised that with three new staff the SRO now has a full complement. The Digital Archive and ORDA projects are now active. The Director provided an overview of her visit to the General State Archives in Greece, while on leave, and offered to provide the Commission with a copy of her summary paper of the visit. **NOTED.**

**15. NEW BUSINESS**

**15.1 Commission Membership**

Commissioner Henderson advised that she intends to resign from the Commission with the December 2008 meeting being her last. Commissioner Henderson will write to the Minister and the Governor advising of her decision and will provide suggestions for a replacement to fill the role.

The Commissioners and Director expressed their appreciation of Commissioner Henderson's significant contribution to the Commission.

Commissioner Lightowlers advised that his appointment as Information Commissioner expires on 31 October 2008, and that the new appointee will become ex officio member of the Commission. The Chair thanked Commissioner Lightowlers for bringing the matter to the attention of the Commission.

**15.2 Radio Interview**

The Chair and the Director advised that the radio interview went very well and that several good points were made.

The meeting closed at 11.45am.

The meeting reconvened at 12.15pm for a presentation by Ms Marie Waldeck and Mr John Smith from the Department for Child Protection in Perth. Representatives gave an enlightening presentation regarding the successful implementation of the Assist System which is being introduced to all units of Child Protection across the State. The System is designed to ensure the improved delivery of services to children at risk, regardless of time and location.

The meeting closed at 12.45pm in time for the Commissioners to welcome invited guests from government organizations and local media representatives, in and around Geraldton, to an informal lunch.

**NEXT MEETING – Friday 5 December 2008 – Alexander Library Board Room  
followed by lunch with SRO staff and members of the  
Commission's Committees.**

SIGNED.....

DATED.....

Mr Colin Murphy  
State Records Commission