



# STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

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## MINUTES OF MEETING HELD ON 5 DECEMBER 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
Mr Leigh Hays	Manager of Archives Control & Access

### MINUTES:

Ms Joyce Steveni	Recordkeeping Consultant
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#### 1. Welcome

#### 2. Apologies

Nil

#### 3. Notices of urgent business

Nil

#### 4. SRC MINUTES OF 10 OCTOBER 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.

##### 4.3 SRC Action List

The Commission **NOTED** the Action List.

Commissioner Henderson referred to Risk Management, action one on page 1, and asked whether the list of Commission risks has been presented to the Commission. The Manager of State Recordkeeping (Mgr:SR) advised that there is a list of Commission risks in accordance with the *State Records Act 2000* (the Act) which is being incorporated into the Risk Management Plan. The risk list had been reviewed by the Commission some time ago. The Director of State Records (the Director) **AGREED** to bring the risk list back to the next meeting for the Commission for noting.

## 5. MATTERS ARISING

### 5.1 2008 Archives Keeping Plan

The Manager of Archives Control and Access (Mgr:ACA) stated that the *Review of 2003 Archives Keeping Plan* summarised the differences between the 2003 and 2008 Archives Keeping Plans (AKPs). The 2003 AKP documented practices at that time. Factors that have changed in the last five years include the archives management system, AEON and policies and procedures. The new AKP aims to reflect current practices and has been broadened to align with the State Records Office (SRO) strategic plan, identifying actions to achieve goals and provide a coordinated and strategic approach to collection management. The AKP will provide a framework to develop work plans for program areas including a collection management policy.

The Director recommended that Section 8 of the AKP is omitted from the version published on the SRO website for security reasons.

The Director stated that there is a link between the AKP and the business case and advised that methodologies for valuing collections are being investigated. It is hoped that the valuation will be completed in time for inclusion in the business case. One purpose of establishing the value of the collection would be the ability to identify that the SRO is not adequately resourced to manage such a valuable collection. Other considerations include the value of salvage and restoration costs in the event of a disaster. The Commissioners cautioned that the cost of valuing the collection could outweigh the benefits that could be realised but agreed that evaluating the methodologies is a worthwhile exercise.

Commissioner Henderson commended the strategic approach of the AKP. Commissioner Lightowlers suggested that item 9.1.2 "SRO does not destroy..." should be amended to "SRO does not currently destroy...". Commissioner Field requested that the logo is updated. **AGREED.**

The Mgr:ACA acknowledged Lise Summers and Damien Hassan's contribution to the development of the AKP and the Commissioners stated that the value of that work is recognised and appreciated.

The Commission **APPROVED** the 2008 Archives Keeping Plan and the omission of Section 8 from the website version.

### 5.2 Commission Sitting Fees

The Director advised that the Minister has approved the payment of an annual sitting fee for the Governor's appointee to the Commission. **NOTED.**

### 5.3 Retention and Disposal Schedules

#### 5.3.1 Office of Native Title

The Mgr:SR advised that the Office of Native Title (ONT) has held several meetings of a focus group consisting of regional and metropolitan contributors. The aim of the group is to establish the most appropriate way forward in terms of consultation under s76 of the Act in relation to the Retention and Disposal Schedule (R&D). This is the only matter outstanding from the R&D and several meetings are scheduled for next year to finalise the issue. **NOTED.**

## **5.4 SRC Annual Report 2007/08**

The Commission **NOTED** that the Annual Report has been completed and provided to the Minister; tabled in Parliament; and placed on the SRO website. The Commission acknowledged Tom Reynolds' work on the Report.

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

The Director advised that the Corruption and Crime Commission (CCC) had not yet responded to the request for comment on the revised policy wording – the SRO will follow up with the CCC. Commissioner Lightowlers suggested that in addition to input from the CCC, WALGA and the Department for Local Government and Regional Development (DLGRD) should be advised of the purpose of the change and invited to comment before the Commission approved the revised policy wording.

The Commission **REQUESTED** the Director to write to WALGA and DLGRD and preface the request with the Commission “being conscious of the need to minimise any adverse impact and/or unintended consequence” and state the purpose as per the wording used in the 26 November 2008 letter to the CCC.

The Commission **APPROVED** the policy wording in principle pending further consultation as discussed.

Commissioner Lightowlers advised that a decision regarding Elected Members records had been published confirming that the official documents and records held by local government councillors, even if they have ceased to be councillors, are still State records and should be accessible under Freedom of Information. The appeal period for the decision expires on 12 December 2008, however no adverse reaction has been received to date.

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

### **6.1 Organizational Changes**

#### **6.1.1 Government Organizations – Administrative Change**

The Chair advised that the GESB mutualisation process has been put on hold indefinitely. The Mgr:SR advised that the State Superannuation Board (SSB) has requested the Under Treasurer to write to the Commission to seek direction regarding a number of issues that the SSB has encountered with the private entity with regard to the access and custody of records. The Commission expressed its support of the SRO approach to the situation.

The Commission **NOTED** the advice.

#### **6.1.2 Defunct Government Organizations**

The Commission **NOTED** the register.

### **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**

Refer to item 9.10 in these Minutes.

### **6.2.2.2 Balga Senior High School**

Commissioner Lightowlers advised that the government tabled its response to the Legislative Council Committee report on the Balga Works Program on 26 November 2008. The report was subject to an emergency motion debated in the Legislative Council on 2 December, the government is satisfied with the Department of Education and Training's (DET) response to the report and during the debate the issues associated with records were not raised.

The Mgr:SR advised that the SRO has written to the DET requesting information on specific recordkeeping practices in relation to issues of creating appropriate records. To date, no response has been received.

The Commission **NOTED** the update.

### **6.2.2.3 Shire of Kalamunda**

The Mgr:SR advised that the Information Commissioner's report has been received. On the basis of no records being discovered despite the thorough investigation conducted by the Information Commissioner, the SRO will write to Jackson MacDonald advising that there is no action to be considered under s52 of the Act.

Refer also to agenda item 5.5 of these minutes which discusses a review of policy for Elected Members records to ensure their capture by the local government.

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 all but one of the 13 agencies that have not responded to the survey are local government agencies. It was decided at the last Commission meeting that the SRO would not follow up with those agencies. Although a 30% response rate is acceptable for a survey it is not the preferred approach for compliance monitoring.

Commissioner Lightowlers highlighted a positive outcome of the survey that under Principle 2, 80% of agencies that do not have procedures will be developing them within a specified timeframe.

The Mgr:SR reported that the initial response to the 4<sup>th</sup> survey has been quite good and confirmed that SRO feedback and assistance, if required, will be provided to agencies that had responded.

The Commission **NOTED** the information provided.

**10.35 am** – The meeting adjourned for morning tea and a presentation to Commissioner Henderson on the occasion of her retirement from the Commission.

**11.15 am** – The meeting reconvened.

## **8. LEGISLATION REVIEW ISSUES**

### **8.1 SRO input into new legislation**

Nil

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

The Director advised that the workshop date has been finalized and she is working with the facilitator on a plan which will be forwarded to the Chair for agreement. The plan will be forwarded to all participants prior to the workshop. The Director confirmed that the interface and respective roles between the Commission, SRO and the Department of Culture and the Arts (DCA) is an agenda item.

Commissioner Field suggested that it would be appropriate to schedule a workshop every three years. Commissioner Lightowlers suggested that the workshop could be aligned with a review of the Act. The Chair agreed that a regular review was important to monitor the direction of the three entities, three years seems appropriate but could be more regular if required.

The Commission **NOTED** the need for reviews to be scheduled on an ongoing basis.

## **9. APPROVAL OF RECORDKEEPING PLANS (RKPs)**

### **9.1 State Records Advisory Committee (SRAC)**

#### **9.1.1 SRAC Minutes – 5 November 2008**

The Commission **NOTED** the SRAC minutes of 5 November 2008.

#### **9.1.2 SRAC Membership - Resignations**

The Commission **NOTED** the resignation of Mr Andrew Pepper and the action taken.

#### **9.1.3 SRAC Membership – Review**

The meeting discussed the potential conflict of interest in relation to private consultants appointed as members of the SRAC. It was reported that there has, from time to time, been noticeable conflicts of interest with SRAC members consulting to government agencies regarding disposal matters. *Further text excluded for reasons of confidentiality.* It was confirmed that the terms of reference and the composition are the Commission's domain.

In light of the special advisory status of the SRAC the Commission considered that the potential for conflict of interest is indeed an issue and should be addressed. Commissioner Lightowlers suggested that organizations are invited to "submit nominations of members where those members do not have a direct commercial or business interest in the activities on which the Committee is advising". The Commission

**REQUESTED** that Commissioner Lightowlers' suggested wording is included in the revised terms of reference – the Director agreed.

The Director stated that many of the memberships were due for renewal and this would be an opportune time to make decisions regarding the composition of the SRAC. The Commission **AGREED**.

Commissioner Field queried whether the SRO recommendations should be "approved" rather than "endorsed" as stated on the paper. The Commission agreed that approval was more appropriate. The Commission **APPROVED** all recommendations with the exception of point two of Recommendation 1 and point two of Recommendation 5.

It was **AGREED** that local government CEOs should continue to be invited to nominate for SRAC membership and the rules regarding attendance at meetings are to remain unchanged.

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

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

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

### **9.2.2 RD 2007080 – Department of the Premier and Cabinet**

The Commission **APPROVED** the Schedule.

### **9.2.3 RD 2008023 – Department of Environment and Conservation**

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

### **9.2.4 RD 2008012 – Legal Aid Commission of Western Australia**

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

## **9.3 Disposal Lists for Approval**

Nil

## **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**

Nil

## **9.6 Recordkeeping Plans for APPROVAL**

### **9.6.1 RKP 2007087 - Department of Environment and Conservation**

The Commission **APPROVED** the Plan.

### **9.6.2 RKP 2008007 – City of Geraldton-Greenough**

The Commission **APPROVED** the Plan.

- 9.6.3 RKP 2007026 – Medical Radiation Technologists Board**  
The Commission **APPROVED** the Plan.
- 9.6.4 Amended RKP 2008051 – Town of East Fremantle**  
The Commission **APPROVED** the amended Plan.
- 9.6.5 Amended RKP 2008044 – Kimberley Development Commission**  
The Commission **APPROVED** the amended Plan.
- 9.6.6 Amended RKP 2007086 – Town of Port Hedland**  
The Commission **APPROVED** the amended Plan.
- 9.6.7 Amended RKP 2008053 – Goldfields-Esperance Development Commission**  
The Commission **APPROVED** the amended Plan.
- 9.6.8 Amended RKP 2008058 – Building and Construction Industry Training Fund**  
The Commission **APPROVED** the amended Plan.
- 9.6.9 Amended RKP 2008064 – Construction Industry Long Service Leave Payments Board**  
The Commission **APPROVED** the amended Plan.
- 9.6.10 Amended RKP 2007072 – Shire of Broome**  
The Commission **APPROVED** the amended Plan.
- 9.6.11 Amended RKP 2007085 – Eastern Metropolitan Regional Council**  
The Commission **APPROVED** the amended Plan.
- 9.6.12 Amended RKP 2008062 – Shire of Halls Creek**  
The Commission **APPROVED** the amended Plan.
- 9.6.13 Amended RKP 2007077 – Shire of Mullewa**  
The Commission **APPROVED** the amended Plan.
- 9.6.14 Amended RKP 2008056 - Shire of Harvey**  
The Commission **APPROVED** the amended Plan.
- 9.6.15 Amended RKP 2007054 – Podiatrists Registration Board**  
The Commission **APPROVED** the amended Plan.
- 9.6.16 Amended RKP 2007055 – Optometrists Registration Board**  
The Commission **APPROVED** the amended Plan.
- 9.6.17 Amended RKP 2007056 – Chiropractors Registration Board**  
The Commission **APPROVED** the amended Plan.
- 9.6.18 Amended RKP 2007057 – Dental Board**  
The Commission **APPROVED** the amended Plan.

**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 2004240/1 - Report of the Recordkeeping Plan Review – Legal Practice Board**

The Commission **NOTED** the report.

### **9.8.2 RKP 2003006/1 - Report of the Recordkeeping Plan Review – State Library of WA**

The Commission **NOTED** the report.

### **9.8.3 RKP 2004103/1- Report of the Recordkeeping Plan Review – Shire of Murchison**

The Commission **NOTED** the report.

### **9.8.4 RKP 2003059/1 - Report of the Recordkeeping Plan Review – Small Business Development Corporation**

The Commission **NOTED** the report.

### **9.8.5 RKP 2004217/1 - Report of the Recordkeeping Plan Review – Shire of Kojonup**

The Commission **NOTED** the report.

### **9.8.6 RKP 2003022/1 – Report of the Recordkeeping Plan Review – Country High School Hostels Authority**

The Commission **NOTED** the report.

### **9.8.7 RKP 2004169/1 – Report of the Recordkeeping Plan Review – Shire of Wandering**

The Commission **NOTED** the report.

### **9.8.8 RKP 2003028/1 – Report of the Recordkeeping Plan Review – Conservation Commission of Western Australia**

The Commission **NOTED** the report and **ENDORSED** the recommendation to request an amended Plan.

### **9.8.9 RKP 2004173/1 - Report of the Recordkeeping Plan Review – Shire of Perenjori**

The Commission **NOTED** the report.

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

Commissioner Lightowlers noted that the wording used in the report inferred that the SRO considers that the number of non compliant agencies is small. The Mgr:SR stated that there were originally a large number of agencies outstanding and to have reduced that number significantly was considered a good result. The Commission accepted that premise.

The Chair acknowledged that there is an issue in the compliance monitoring discussion of how to deal with recalcitrant agencies in general. There is a case for making an example of non-compliant agencies but there needs to be a balance and fair warning of the strategy used. The Mgr:SR replied that agencies had prior warning to encourage them to comply and were advised

that the consequence was that agencies were to be named in the Commission's annual report.

The Commission **NOTED** the report and **ENDORSED** the recommendation for biannual Progress Reports and exception reporting as necessary.

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

In response to Commissioner Lightowlers' query, the Mgr:SR advised that the letter to the Department of Health (DoH) dated 14 November 2008 was not copied to the CCC, however, a separate letter has been sent to the CCC advising the outcome of the investigation.

Commissioner Lightowlers raised the issue that some responses from previous DoH reports had been repeated in the latest report and that little progress had actually been achieved. The Mgr:SR advised that the SRO has written to the DoH acknowledging that there was no further progress in those areas and that it is expected that the next report will show more progress.

The Commission **NOTED** the information provided and the action taken.

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

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

The Commission **NOTED** the resignation of Richard Teasdale and the cancellation of the November DRWG meeting.

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

The Commission **NOTED** the progress of the projects.

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

#### **11.1 Standards**

The Mgr:ACA stated that it is hoped that the General Disposal Authority for Source Records (GDA Source) will be sent out for external comment before the end of this year. He also advised that the SRO is still working towards a March 2009 finalisation date. Internal discussions regarding the technical specifications for scanning, which will need to be read in conjunction with the GDA Source, are continuing. These specifications have not been done in other jurisdictions. It is expected that agency reaction to the specifications will be that they are too high. However, it is necessary to scan at a high standard because there is potential under the GDA Source for the destruction of State archives after scanning. In addition, the SRO has received feedback that it will be too difficult for agencies to make a decision on which records will be State archives at the time of scanning. Scanning at a high resolution may result in additional costs for increased storage space, however this will not be excessive. The Mgr:ACA confirmed that the progress of the GDA Source had not been delayed by the cancellation of the November DRWG meeting.

Commissioner Lightowlers noted that although the Standard for Managing State Records in the Case of Organizational or Administrative Changes has

a medium priority, it would be a helpful Standard in the context of the electoral cycle and **REQUESTED** that it is completed by 2010.

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

## 11.2 Guidelines

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

### 11.2.1 Management of Email Guidelines

The Director introduced the issue and referred to the ongoing discussion with the Office of eGovernment (OeG) and a letter received from Mal Wauchope making a case again that the SRO should be creating an email standard rather than a guideline. The SRO feels strongly that it is not necessary to be prescriptive and make this a standard because it would be too difficult for government to meet the requirements.

The Mgr:SR stated that it appears that the OeG is taking the CCC recommendation as being literal and that it must be a standard. A standard would introduce minimum compliance requirements for best practice which government must meet and it would be particularly onerous for most agencies to comply. However, a guideline will give clear direction about what government should be doing without enforcing immediate compliance requirements. Progress towards best practice would be monitored through the RKP process. *Further text excluded for reasons of confidentiality.* Over time it may be appropriate to develop the guideline into a standard when there is a better opportunity for government to achieve best practice.

Commissioner Henderson stated that there is already SRC Standard 8 that deals with email broadly and which the guideline fits under and questioned why that would not be enough. The Director advised that there is a link between SRC Standard 8 and the guideline however the OeG does not feel that is sufficient. What is being proposed by the SRO is a reasonable and sufficient solution.

The Chair acknowledged that agencies may choose to keep ephemeral and personal emails for longer than required but there is no reason under the Act to mandate such a practice. Commissioner Lightowlers suggested that SRC Standard 8 should be modified to raise the profile of email with links, where appropriate, to other relevant guidelines (eg. OeG, OPSSC etc). He also stated that he does not support the notion of keeping personal email, it is inconsistent with the Commission's role and the purpose of the Act but there may be reasons, other than recordkeeping, why agencies would wish to keep them. That matter should be an agency decision and not something mandated by the Commission and therefore, the italicised words provided by the OeG, should not be adopted. The Chair agreed that personal email is outside the remit of the Act.

The Commission **AGREED** that it is appropriate to continue with the development of the Guideline for Management of Email Records and to modify Standard 8 as discussed.

## 12. ITEMS FOR INFORMATION

### 12.1 SRO Operational Activities

The Commission **NOTED** the report.

## **12.2 State Records Commission Activities**

Nil

## **12.3 ORDA (Online Records Disposal Application)**

The Director confirmed that State Records of New South Wales (SRNSW) is willing to share the XML coding that is being developed. However, there is a concern whether it can be developed quickly enough without causing delays to the project. Delays would put the project at risk since funding has been allocated but may be forfeited if it is not spent.

Commissioner Lightowlers enquired what the risks are if SRNSW do not proceed. The Director replied that there is an option for SRO to proceed without SRNSW. It will be helpful to have a platform to build on and a decision on how to proceed will be made once the SRNSW timeline has been received. The critical date for the decision is end of January 2009.

The Commission **NOTED** the information provided and the Project Initiation Document.

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

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

The nomination for a Commissioner to be on the Margaret Metcalf Award panel will be addressed out of session early in 2009.

The Director advised that the SRO hopes to secure Penny Sackett, the new Australian Chief Scientist, for the 2009 Geoffrey Bolton Lecture.

The Commission **NOTED** the update.

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

The Director advised that progress in developing the local government equivalent of the Lonnie Award has been problematic and recommended that the concept be shelved for 2009 and reviewed again in 2010. The Commission **AGREED**.

The Director stated that although the Lonnie Award is not a great cost to the SRO, it does have an impact on the SRO budget. While there is no wish to discontinue the Award, it should be noted that in the current economic climate of budgetary constraint, it may need to be considered.

The Commission **NOTED** the report.

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

### **14.1 Director's Report**

The Director advised that there is a Department of Culture and the Arts (DCA) meeting scheduled to discuss SRO financial matters for the next few years. The zero based budget exercise is progressing. There have been some small wins with financial assistance from DCA but overall the finance

situation is not good. The SRO have secured Ignite funding of \$100,000 for works to deal with the impacts of the State Library refurbishments however, it is possible that the Ignite funding may change substantially.

Minister Day attended the Bolton lecture and has been supportive so far. The Minister expressed interest in touring the SRO and the Director suggested that he might be invited to attend the tour being organised for Commissioners. The Commissioners **AGREED**.

The DCA is presenting a strategic asset management plan to the Minister which includes \$350,000 for the SRO's business case for a new Archive and the Director is confident it will be well supported by the Director General.

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

## 15. NEW BUSINESS

### 15.1 Appointment of Governor's Appointee to the Commission

The Chair advised that Commissioner Henderson had suggested nomination for consideration as her replacement and **REQUESTED** that the relevant paperwork is drafted to support the Commission's recommendation to the Minister. The Chair advised that he would be happy to discuss with the Minister if necessary.

### 15.2 Proposed SRC 2009 Meeting Schedule

The Mgr:SR advised that the schedule had been revised in line with the Chair's requirements. The Chair requested the Commissioners to advise the Mgr:SR if there is a problem with the dates otherwise they will be confirmed.

The Commission **APPROVED** the suggested meeting dates and venues.

The meeting closed at 1.00pm.

**NEXT MEETING** – Monday 23 March 2009 – Alexander Library Board Room

SIGNED.....

DATED.....

Mr Colin Murphy  
State Records Commission