



# STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

## MINUTES OF MEETING HELD ON 23 MARCH 2009 AT THE ALEXANDER LIBRARY BUILDING

### PRESENT:

Mr Colin Murphy (CHAIR)	Auditor General
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
Ms Justine McDermott (Observer)	University of Western Australia

### MINUTES:

Ms Lena Stekl	Recordkeeping Consultant
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#### 1. **Welcome**

The Chair opened the meeting at 9.30 and welcomed Ms Justine McDermott as an observer.

The Chair advised that Ms McDermott has been nominated as the Governor's appointee to the Commission. The Director of State Records (the Director) advised that the nomination has been approved by the Minister and will be submitted to the Executive Council on 24 March 2009.

#### 2. **Apologies**

Nil

#### 3. **Notices of urgent business**

Commissioner Lightowlers acknowledged a conflict of interest with agenda item 9.6.4 and advised that he would excuse himself from the discussion and consideration of this item.

#### 4. **SRC MINUTES OF 5 DECEMBER 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 Lightowlers referred to Guidelines – Email Management, action item 4 on page 3, and asked whether the State Records Office (SRO) had written to the Public Sector Commission (PSC) to address their comments on the Guideline. The Manager of State Recordkeeping (Mgr:SR) confirmed that a letter had been sent to the PSC, though no response has been received.

## 5. MATTERS ARISING

### 5.1 Retention and Disposal Schedules

#### 5.1.1 Office of Native Title – consultation under section 76 of the *State Records Act 2000*

The Mgr: SR stated that it had been an extraordinary effort on the part of the Office of Native Title (ONT) and the SRO to engage as many Indigenous communities as possible and coordinate and conduct the meetings to establish the approach for consultation and the record types to be considered relevant to the process. The Mgr: SR drew the Commission's attention to the ONT's Issues Paper, which highlights the types of records identified as relevant to the process and manner in which consultation is most likely to occur with Aboriginal bodies.

*Further text excluded for reasons of confidentiality.*

The Commission noted the information provided and **AGREED** that a practical approach must be taken with regard to the consultation process and that, regardless of the outcome of consultation, the Commission will make the final decision as to the disposal of records in question.

### 5.2 Policy – Local Government Elected Members

The Director of State Records (the Director) advised that she had arranged for a transcript of her 6PR interview to be forwarded to the SRO. The Commission **REQUESTED** a copy of the transcript when available, as well as copies of the original letters sent to the Western Australian Local Government Association (WALGA), the Corruption and Crime Commission, the Department of Local Government and Regional Development, and local government authorities.

Commissioner Lightowlers referred to the second SRO response in the paper, that "*The guidelines will show that the policy can be implemented without an administrative burden*", and suggested that this should be changed to "*...without unreasonable administrative burden*" because some steps will need to be taken in order to implement the policy.

Commissioner Lightowlers referred to the sixth objection and SRO response raised in the paper and remarked that the same argument was raised during the introduction of the *Freedom of Information Act* in 1992.

The Chair noted the overwhelming support, for the revised policy, from respondents and that no response had been received from WALGA. The Commission **REQUESTED** that the SRO follow up by requesting confirmation that they had received the SRO's letter and providing a grace period in which to respond.

It was agreed that feedback to local government organizations should be drafted as a blanket document rather than responses to individual comment. It was proposed that the letter refer to "*...overwhelming support for this initiative, designed for the public interest...*" with a reminder that:

- the Commission is sensitive to the issues raised;
- Guidelines will be designed to lessen the administrative burden; and

- the Commission will be monitoring implementation of the policy.

The Commission **APPROVED** the recommended actions.

### **5.3 Risk Management**

Commissioner Lightowlers pointed out that risk regarding conflicts of interest is included in the Commission's terms of reference. In addition, the Public Sector Standards Commission recommends that risk management plans address issues of conflicts of interest.

The Commission noted the information provided and **REQUESTED** that conflicts of interest be added to the list of risks for review annually and that "Declaration of Conflicts of Interest" is added to the agenda as a standing item for all Commission meetings.

### **5.4 Appointment of Governor's Appointee to the Commission**

Refer to item 1 of these Minutes.

## **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 and Commissioner Lightowlers advised of two proposed new organizations, the Mental Health Commission and the Crime Victims Commission.

##### **6.1.1.1 Government Employees Superannuation Board – Mutualisation Issues**

*Text excluded for reasons of confidentiality.*

#### **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 Balga Senior High School – Update**

The Department of Education and Training (DET) responded to the SRO on 12 December 2008 commenting on recordkeeping issues raised and advising that it will endeavour to improve practices. The SRO has requested a copy of the DET's revised Attendance Policy once endorsed.

**NOTED**

##### **6.2.2.2 Shire of Kalamunda - Update**

The SRO is to formally advise Jackson McDonald of the external review outcome and that the Director will not take further action as the matter falls outside section 52 of the Act.

**NOTED**

### **6.3 State Records Commission Risk Management**

See agenda item and attachment 5.3.

## **7. COMPLIANCE MONITORING – RECORDKEEPING PLANS**

### **7.1 Compliance Monitoring – State Organizations**

Commissioner Lightowlers noted the 66% response rate for the fourth round of questionnaires and commented that this was an excellent response rate.

The meeting discussed the issue of dealing with those agencies that repeatedly do not respond. It was **AGREED** that the matter would be addressed in the next phase with agencies being advised that a failure to respond may result in them being reported to Parliament.

The Commission **APPROVED** the preliminary proposal for the second phase of compliance monitoring.

## **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 Communication Plan, identified as a key outcome from the workshop, is in development.

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

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

#### **9.1.1 SRAC Minutes**

Nil

#### **9.1.2 SRAC Membership - Nominations**

The Commission **APPROVED** all six recommendations for appointment to the SRAC.

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

Nil

### **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 Amended RKP 2007027 – Town of Vincent (Note: RKP number corrected following the meeting)**

The Commission **APPROVED** the amended Plan.

**9.6.2 Amended RKP 2008016 – Shire of Cunderdin**

The Commission **APPROVED** the amended Plan.

**9.6.3 Amended RKP 2008065 – Minerals and Energy Research Institute of WA**

The Commission **APPROVED** the amended Plan.

**9.6.4 Amended RKP 2008066 – Office of the Information Commissioner**

The Acting Information Commissioner was excluded from the discussion of this item and Commissioners Murphy and Field **APPROVED** the amended Plan.

**9.6.5 Amended RKP 2008059 – Fremantle Port Authority**

The Commission **APPROVED** the amended Plan.

**9.6.6 Amended RKP 2008070 – Office of Energy**

The Commission **APPROVED** the amended Plan.

**9.6.7 Amended RKP 2008069 – Shire of Dowerin**

The Commission **APPROVED** the amended Plan.

**9.6.8 Amended RKP 2007088 – Shire of Brookton**

The Commission **APPROVED** the amended Plan.

**9.6.9 Amended RKP 2008071 – Shire of Murray**

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 2004180/1 - Shire of Ravensthorpe Review Report.**

**NOTED**

**9.8.2 RKP 2004056/1 - Potato Marketing Corporation of Western Australia Review Report**

**NOTED**

**9.8.3 RKP 2004159/1- Shire of Kellerberrin Review Report**

**NOTED**

**9.8.4 RKP 2004210/1 - Shire of Nungarin Review Report**

**NOTED**

**9.8.5 RKP 2002044/1 - Bunbury Cemetery Board Review Report**

The Commission noted the report and **APPROVED** the recommendation to request an amended Plan by 2 October 2013..

**9.8.6 RKP 2003077/1 – Geraldton Cemetery Board Review Report**

The Commission noted the report and **APPROVED** the recommendation to request an amended Plan by 9 March 2014.

**9.8.7 RKP 2003048/1 – Department of Fisheries Review Report**

**NOTED**

**9.8.8 RKP 2003104/1 – Western Australian Treasury Corporation Review Report**

The Commission noted the report and **APPROVED** the recommendation to request an amended Plan by 30 June 2009.

**9.8.9 RKP 2003085/1 - WorkCover Review Report**

**NOTED**

**9.8.10 RKP 2004043/1 - Medical Board of Western Australia Review Report**

**NOTED**

**9.8.11 RKP 2006003/1 - Shire of York Review Report**

The Commission noted the report and **APPROVED** the recommendation to request an amended Plan by 30 March 2010.

**9.8.12 RKP 2004111/1 - Shire of Lake Grace Review Report**

**NOTED**

**9.8.13 RKP 2008038 - Western Power – Progress Report**

The Commission **NOTED** the progress report and the action taken.

**9.8.14 RKP 2004235 - Drug and Alcohol Office – Progress Report**

The Commission **NOTED** the progress report and the action taken.

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

The Mgr: SR reported that of the four agencies which were still to submit outstanding review reports or amended RKPs, one report has been received, two agencies are progressing the documentation and one agency claims the reviewed RKP has been completed and sent on several occasions. The SRO has no record of receipt and the matter is being followed up with the agency. In addition, 21 RKPs, 30 RKP review reports and 34 Retention and Disposal Schedules (R&Ds) are currently being evaluated. The workload in this area is constant as reviews fall due regularly. Not accounting for late submissions, a further 113 RKP reviews and 29 R&Ds will fall due for review during 2009.

**NOTED**

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

Nil

## 10. DIGITAL RECORDS INITIATIVE (DRI)

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

The Manager of Archives Control and Access (Mgr: ACA) reported that the DRWG has not yet held a meeting in 2009.

**NOTED**

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

The Mgr: ACA reported that the SRO's Digital Archives Coordinator commenced a two year secondment with the Museum in January and the position is currently vacant. The SRO intends to backfill the position.

The SRO is currently testing the DSpace and Fedora programs to determine their suitability for transferring and storing data for the Digital Archives pilot project.

The SRO has been negotiating with the Public Record Office of Victoria (PROV) and State Records NSW to secure their involvement and cooperation with developing the Online Records Disposal Application (ORDA). The SRO has signed a Memorandum of Understanding with PROV to increase ORDA's scope to include an online submission component, which is expected to be developed with funding supplied by the Victorian government. The Director advised that, as the lead agency in this partnership, the SRO is keen to progress ORDA, and is working toward a completion date of mid-2010.

The Director also stated that she had recently become aware of the Online and Communications Council, a Commonwealth government body that addresses the use of information and communications technology. Mr Troy Buswell is the WA representative to the Council and the Director will prepare a briefing to alert him to the SRO's role in delivering electronic recordkeeping across government.

**NOTED**

## 11. ESTABLISHING STANDARDS AND GUIDELINES

### 11.1 Standards

Commissioner Field noted that a number of items on the register had not been able to progress. The Director stated that there was a risk of being in breach of the Act since the SRO had been unable to complete some Standards such as the General Disposal Authorities, which are now well overdue. The Commission **REQUESTED** that the "Priority" column be amended to include the risk if items are not completed in a timely manner.

The Mgr: ACA reported that a second draft of the General Disposal Authority (GDA) for Source Records is currently in development. The Chair stressed that the urgent completion of this Standard before the end of the financial year is a high priority which he would expect to be able to report on in the Commission's Annual Report. The Chair also noted that there are very few achievements upon which the Commission can report this year – even more reason why the completion of this GDA is critical.

The Commission **REQUESTED** that the Source Records GDA be progressed as a high priority.

## **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**

The Chair reported that he met with Minister Day on 18 February.

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

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

The Director advised that Ms Penny Sackett has declined the invitation to deliver the 2009 Geoffrey Bolton Lecture. The SRO has extended an invitation to Ms Heather Ridout, CEO of the Australian Industry Group.

The Commission **NOTED** the update.

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

The Director advised that the Lonnie Award is in progress and letters have been sent to judging panel members. Commissioner Lightowers will be on the panel for 2009.

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

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

The Director referred to the DTF's regulation review guidelines and advised that she has requested a response from the DTF clarifying the Commission's position. The Commission **REQUESTED** a copy of the guidelines once received.

In discussion regarding the Ignite project with the Department of Culture and the Arts (DCA), the Director was advised that SRO's requested works may need to be compromised due to a limited budget. The Director is negotiating with the DCA to achieve the best possible outcome for the SRO within available funding.

The SRO's funding request for the development of a repository business case was not successful. The SRO is discussing the possibility of securing an advance through other means, with the DCA.

The proposed joint arrangement for sharing an archives site with the WA Police is unlikely to proceed. The meeting with University representatives on 20 March produced a fruitful discussion about pooling resources and establishing "centres of excellence". Commissioner Lightowers advised that there are existing precedents, with the Department of Agriculture and Food and the Chemistry Centre collaborating with Murdoch and Curtin University respectively.

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



**15. NEW BUSINESS**

**15.1 Appointment of Information Commissioner**

Commissioner Lightowlers advised that the appointment of an Information Commissioner is yet to be announced and that this may be his last Commission meeting. He expressed his gratitude for the opportunity to participate during his role as Acting Information Commissioner and work with fellow Commissioners and SRO staff in this role. The Chair responded with an expression of thanks to Commissioner Lightowlers and wished him well.

The meeting closed at 12.00 noon.

**NEXT MEETING** – Monday 22 June 2009 – Alexander Library Board Room

SIGNED.....

DATED.....

Mr Colin Murphy  
State Records Commission