



STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

MINUTES OF MEETING HELD ON 7 APRIL 2010 AT THE ALEXANDER LIBRARY BUILDING

PRESENT:

Mr Colin Murphy (CHAIR)	Auditor General
Mr Sven Bluemmel	Information Commissioner
Mr Chris Field	Parliamentary Commissioner for Administrative Investigations
Ms Justine McDermott	Governor's Appointee
Ms Cathrin Cassarchis (Executive Officer)	Director of State Records
Ms Isabel Smith (Executive Secretary)	Manager of State Recordkeeping
Mr Tom Reynolds	A/Manager of Archives Control & Access

MINUTES:

Ms Joyce Steveni	Recordkeeping Consultant
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1. **Welcome and Apologies**

The Chair opened the meeting at 1.40 pm and acknowledged Leigh Hays as an apology.

2. **Declaration of conflicts of interest**

Nil

3. **Notices of urgent business**

Nil

4. **SRC Minutes of 4 December 2009**

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

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 with minor amendments.

4.3 **SRC Action List**

Page 1, Item 4, State CIO Liaison - Commissioner Bluemmel referred to the Economic Audit Committee recommendations in relation to a whole of State government CIO in Treasury however this is an acting position at present. The Director advised that Celia Chesney has been invited to sit on the business case project evaluation group. In relation to the government initiative to investigate a Data Centre, SRO representation on that group is also being discussed.

Page 2, Item 2, 2010 Regional meeting - Commissioner Field advised a tentative date for the week beginning 25 October, to be confirmed in the next two weeks.

The Commission **NOTED** the Action List.

5. MATTERS ARISING

5.1 Government Employees Superannuation Board

The Manager State Recordkeeping (Mgr:SR) reported that there has been no further progress in relation to the mutualisation and that the SRO has written to Rod Whithear thanking him for scheduling the meeting for SRO to provide input. A copy of the outcome of the review has also been requested.

NOTED

5.2 Strategic Issues

The Director advised that the report summarizes the outcomes of the meeting held on 17 February 2010 to review the Commission's strategic direction. The Chair expressed the Commission's satisfaction on the completion of the process and confirmed that the Commission's position on the matters discussed has been clarified.

The Commission **NOTED** the report.

6. MONITORING THE OPERATION OF AND COMPLIANCE WITH THE ACT

6.1 Organizational Changes

6.1.1 Register - Government Organizations – Administrative Change

The Commission **NOTED** the register with the updated information.

6.1.2 Register - Defunct Government Organizations

The Mgr:SR advised that the SRO is continuing to liaise with the Australian Health Practitioner Regulation Agency (AHPRA) in relation to the proposed National Registration and Accreditation Scheme for Health Professionals. (See also item 8.1)

The Commission **NOTED** the register with the updated information.

6.2 Inquiring into Breaches or Possible Breaches

6.2.1 Breach Register

The Commission discussed the report by the Auditor General (AG) on the planning and management of the Perth Area in which the key finding was that the Department of Housing and Works' poor recordkeeping on the project contravened the *State Records Act 2000*. Matters discussed included the major recordkeeping issues revealed by the audit and the appropriate action to be taken in relation to investigating whether there has been a breach of the Act.

The Director stated that it appeared there was an internal investigation underway at the Department of Housing and questioned whether it would be appropriate to await the outcome of that investigation before taking any action.

The Chair suggested that the SRO meets with Jason Beeley, Assistant Auditor General to discuss the audit findings.

The Commission **REQUESTED** the Director to:

- write, on behalf of the Commission, to the Auditor General thanking him for the report and advising that the Commission has determined that this is a matter to be investigated.
- write, on behalf of the Commission, to the Department of Housing requesting an explanation in light of the AG's report.
- present the Department's response to the Commission for a decision regarding what further action will be taken.

The Mgr:SR considered that the matter could provide an opportunity for the SRO to issue a guideline in relation to project management records. Commissioner Field agreed that that would be appropriate.

The Commission noted that Balga Works Program issue has been in progress for some time. The Commission **REQUESTED** that the Director contact the Deputy DG at the Department of Education to point out that the breach of the Act is a serious process and the Commission would appreciate a response.

The Commission **NOTED** the register updating current inquiries.

6.2.2 Alleged Breaches – Great Southern TAFE

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

6.3 State Records Commission - Risk Management

Nil

7. COMPLIANCE MONITORING – RECORDKEEPING PLANS

7.1 Compliance Monitoring – Phase 2 – Part 1 – Local government organizations

The Mgr:SR advised that 20 local government authorities were surveyed on "Licence" records managed under the *Caravan Parks and Camping Grounds Act 1995* and the associated Regulations. Responses were received from 19 agencies, 7 of those responses were 9 to 90 days late. Analysis of the responses is yet to be completed and will be reported to the next meeting of the Commission.

NOTED

7.2 Compliance Monitoring – Phase 2 – Part 2 – Management Plans

The Mgr:SR spoke to the paper and advised that the survey will be limited to 10 questions in an attempt to elicit a greater response rate. The survey is currently in development. The Chair considered that this would be a good item to include in the annual report if the program was able to be completed within the timeframe for preparing this year's annual report.

The Commission **NOTED** the proposal.

8. LEGISLATION REVIEW ISSUES

8.1 SRO input into new legislation

The Mgr:SR advised that the SRO has received a request from the Standing Committee on Uniform Legislation and Statutes Review to comment on the WA Bill in relation to the Health Practitioners Registration Law Bill. The SRO has responded stating that it is in agreement with the Council of Australasian Archives and Records Authorities (CAARA) view and that the legislation should incorporate that view (ie wherever possible records created as of the date of changeover should be managed under federal legislation, records created prior are to be managed under the relevant state legislation). The SRO also advised that if the CAARA view is not incorporated in the legislation, then the records still fall within the ambit of the *State Records Act* in WA.

The Director confirmed that all jurisdictions had agreed with the CAARA viewpoint and CAARA had written to the Standing Committee.

The Mgr:SR advised that the Department of Health and AHPRA representatives are meeting on 8 April to look at the draft Bill, an SRO representative will attend that meeting.

NOTED

9. APPROVAL OF RECORDKEEPING PLANS (RKPs)

9.1 State Records Advisory Committee (SRAC)

9.1.1 SRAC Minutes – 16 February 2010

The Commission **NOTED** the SRAC minutes of 16 February 2010.

9.1.2 SRAC Membership – Nominations / Resignations

Nil

9.1.3 SRAC Correspondence from Members

The Mgr:SR referred to the letter from Mr Barry Sargeant in appreciation for his gift and advised that several emails were also received from other retiring SRAC members expressing their appreciation.

The Commission **NOTED** the correspondence received.

9.1.4 SRAC – Terms of Reference

The Commission discussed the revised Terms of Reference in relation to SRAC members' obligations to declare a conflict of interest and agreed that that obligation continues past the nomination stage. The Commission **REQUESTED** that in item 2.2 "Nominations for membership can only be made where those nominees do not have a direct commercial or business interest..." is amended to read "Membership is limited to those who do not have a commercial or business interest...".

The Commission **APPROVED** the amended SRAC Terms of Reference.

9.2 Retention and Disposal Schedules for APPROVAL

9.2.1 RD 2006021 – Racing & Wagering Western Australia
The Commission **APPROVED** the fully revised Schedule.

9.2.2 RD 2009059 – Botanic Gardens & Parks Authority
The Commission **APPROVED** the fully revised Schedule.

9.2.3 RD 2009053 – Department of Commerce (Consumer Protection Division)
The Commission **APPROVED** the fully revised Schedule.

9.2.4 RD 2009068 – Department of Commerce (Labour Relations Division)
The Commission **APPROVED** the Schedule and the time expired restricted access periods.

9.2.5 AD2010008 – Department of Mines & Petroleum (Miners Records held at the Perth Chest Clinic)
The Commission **APPROVED** the Ad Hoc Disposal Authority.

9.2.6 Reviewed RD 2004016 - Coal Industry Superannuation Board
The Commission **APPROVED** the continuation of the Schedule.

9.2.7 Reviewed RD 2004268 - Chowerup Cemetery Board
The Commission **APPROVED** the continuation of the Schedule.

9.2.8 Reviewed RD 2003053 - Veterinary Surgeons' Board
The Commission **APPROVED** the continuation of the 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 2010002 – Department for Transport
The Commission **APPROVED** the Plan.

9.6.2 RKP 2010004 – Department for Planning (including Western Australian Planning Commission)
The Commission **APPROVED** the Plan.

- 9.6.3 RKP 2010003 - Department of Regional Development and Lands**
The Commission **APPROVED** the Plan.
- 9.6.4 Amended RKP 2009023 - Shire of Ngaanyatjaraku**
APPROVED
- 9.6.5 Amended RKP 2009035 – Western Australian Treasury Corporation**
APPROVED
- 9.6.6 Amended RKP 2009065 – Potato Marketing Corporation of Western Australia**
APPROVED
- 9.6.7 Amended RKP 2009066 – Coal Industry Superannuation Board**
APPROVED
- 9.6.8 Amended RKP 2009072 – Small Business Development Corporation**
APPROVED
- 9.6.9 Amended RKP 2009075 – Town of Claremont**
APPROVED
- 9.6.10 Amended RKP 2009076 – Western Australian Museum**
APPROVED
- 9.6.11 Amended RKP 2009078 – Government Employees Superannuation Board (GESB)**
APPROVED
- 9.6.12 Amended RKP 2009081 – Shire of Wickpin**
APPROVED
- 9.6.13 Amended RKP 2009082 – Shire of Chapman Valley**
APPROVED
- 9.6.14 Amended RKP 2009084 – Shire of Manjimup**
APPROVED
- 9.6.15 Amended RKP 2009088 – City of Stirling**
The Commission **NOTED** the outstanding transfer issue and **APPROVED** the amended Plan excluding item 5.5 Archives not Transferred to the SRO.
- 9.6.16 Amended RKP 2009092 – Western Australian Land Information Authority (Landgate)**
APPROVED
- 9.6.17 Amended RKP 2009093 – City of Subiaco**
APPROVED
- 9.6.18 Amended RKP 2009094 – Shire of Kellerberrin**
APPROVED
- 9.6.19 Amended RKP 2009095 – Pharmaceutical Council of Western Australia**
APPROVED

- 9.6.20 Amended RKP 2009098 – Botanic Gardens and Parks Authority
APPROVED
- 9.6.21 Amended RKP 2009099 – Office of the Public Sector Standards
Commissioner
APPROVED
- 9.6.22 Amended RKP 2009101 – Shire of Nannup
APPROVED
- 9.6.23 Amended RKP 2010005 – Town of Narrogin
APPROVED
- 9.6.24 Amended RKP 2008040 – Shire of Collie
APPROVED
- 9.6.25 Amended RKP 2008030 – Shire of Westonia
APPROVED
- 9.6.26 Amended RKP 2009026 – Shire of Lake Grace
APPROVED
- 9.6.27 Amended RKP 2010010 – Department of the Premier and Cabinet
APPROVED
- 9.6.28 Amended RKP 2010021 – Coal Miners’ Welfare Board of western
Australia
APPROVED
- 9.6.29 Amended RKP 2010018 – Shire of Kojonup
APPROVED
- 9.6.30 Amended RKP 2010014 – Builders’ Registration Board (including
Building Disputes Tribunal)
APPROVED
- 9.6.31 Amended RKP 2010015 – Painters’ Registration Board
APPROVED
- 9.6.32 Reviewed RKP 2004009/1 – Veterinary Surgeons’ Board
The Commission **APPROVED** the continuation of the Plan.
- 9.6.33 Reviewed RKP 2004018/1 – Chowerup Cemetery Board
The Commission **APPROVED** the continuation of the 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 2004064/1 – State Solicitor’s Office - Review Report
NOTED
 - 9.8.2 RKP 2004149/1 - Shire of Waroona - Review Report
The Commission **NOTED** the report and supported the SRO’s
recommendation.

**9.8.3 RKP 2004095/2 – Mindarie Regional Council - Review Report
NOTED**

**9.8.4 RKP 2007062/1 – Department for Child Protection - Review
Report
NOTED**

**9.8.5 RKP 2007065/1 – Department for Communities - Review Report
NOTED**

**9.8.6 RKP 2004198/1 – Bunbury-Harvey Regional Council - Review
Report
NOTED**

**9.8.7 RKP 2004186/1 – Gold Corporation - Review Report
NOTED**

**9.9 SRO Progress Report – Recordkeeping Plan and Retention and
Disposal Schedule Workload**

Nil

9.10 Department of Health – Six Monthly Implementation Report

The Director advised that the Acting Director General (A/DG:DoH) of the Department of Health (the Department) had been contacted by telephone to discuss the situation regarding the Department's progress toward improved recordkeeping practice.

The Mgr:SR advised that the report due for submission by 1 April 2010 had not yet been received, however, the Department has made contact advising that the report has been drafted but is being reviewed by Senior Executive.

The Commission discussed the likelihood of the Department receiving an adverse comment in the annual report and considered that it may be appropriate, in May/June, to forward to the A/DG:DoH a draft of the comment that the Commission is considering including in the annual report to Parliament.

The Commission **NOTED** the information provided.

9.11 Schedule 3 Recordkeeping Plans

9.11.1 RKP 2009080 - Electricity Networks Corporation (Western Power)

The Commission **NOTED** the Minister's approval of the amended Plan.

9.11.2 RKP 2009070 - Electricity Retail Corporation (Synergy Energy)

The Mgr:SR advised that Synergy Energy had provided a copy of the draft Plan for SRO comment, however the final Plan has not yet been received. The Chair considered that he would expect that, in the interest of better practice governance, Synergy Energy will forward a copy of the final Plan as requested.

The Commission **NOTED** the Minister's approval of the amended Plan.

10. DIGITAL RECORDS INITIATIVE (DRI)

10.1 Digital Records Initiative Progress Report

The Director spoke to the report and also advised that there has been a lot of interest in the maps online. The SRO is exploring partnerships and is having discussions with Landgate and the Native Title Tribunal to establish whether maps and plans can be linked online to make use of any additional GIS work undertaken by the SRO.

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

10.2 Digital Archives Project

The Director spoke to the report and advised that, due to the difficulties experienced by those agencies participating in the pilot, there is a need to conduct another, bigger pilot with a greater number of participants and a larger sample size. In relation to encouraging more participants, Commissioner McDermott raised the issue of confidentiality when passing sensitive information to a third party. Options were discussed including allowing only a portion of records to be sampled or agreeing that the information is treated in a particular manner such as an assurance that data will be destroyed after the pilot has concluded. The Director advised that participants could select which records to transfer.

The Commission **NOTED** the intention to conduct a larger pilot.

11. ESTABLISHING STANDARDS AND GUIDELINES

11.1 SRC Standards

NOTED

11.1.1 General Disposal Authority for Local Government Records - Review

The Commission **NOTED** progress of the review of the General Disposal Authority for Local Government Records.

11.2 Guidelines

Nil

12. ITEMS FOR INFORMATION

12.1 State Records Office Operational Activities

The Commission **NOTED** the report.

12.2 State Records Commission Activities

Nil

13. PUBLIC PROGRAMS AND OUTREACH ACTIVITIES

13.1 Public Programs and Outreach Activities

The Director spoke to the paper and advised that the 2011 Geoffrey Bolton Lecture will coincide with the planned Commonwealth Heads of Government Meeting and that the SRO is having discussions to identify a speaker who may ensure that the event is of interest to the delegates. Malcolm Fraser had been suggested as a possible speaker but no firm decision has been made. The Department of Culture and the Arts has been approached to develop a program of activities for delegates' partners and the SRO will be involved in that process.

The Commission **NOTED** the date of the Margaret Medcalf Award. Commissioner McDermott advised that she will be unable to attend, all other Commissioners confirmed their intention to attend.

The Commission **NOTED** the date of the Geoffrey Bolton Lecture and all Commissioners confirmed their intention to attend.

14. DIRECTOR'S REPORT

14.1 Director's Report

The Director spoke to the report and advised that a water leak in the Library plant room on 29 December 2009 was the third occurrence of a leak in the same area and as a result a decision has been made to remove the archives from that location.

The Director updated the Commission with regard to the proposed sale of the John Septimus Roe field book. *Further text excluded for reasons of confidentiality.*

The Director advised that senior SRO staff will be attending an Investment Logic Mapping workshop in relation to the development of the business case for the new archives repository.

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

15. NEW BUSINESS

15.1 SRC Annual report 2009/2010

The late paper was distributed to the meeting.

The Chair stated that the Commission would appreciate early notification of issues, breaches or serious matters that the SRO considers need to be reported to Parliament. It may be that there are none, but it should not be left until drafting of the annual report is in progress to begin discussions on those matters. The Department of Health and new archives repository were raised as potential matters for inclusion in the annual report.

The Commission **REQUESTED** the Director to advise of matters for inclusion in the annual report, by June each year at the latest.

15.2 Proposed General Disposal Authority Development Program – State Government

The Mgr:SR advised that the paper forms part of a broader view of how the SRO might manage the Recordkeeping Plan process which will be presented in a separate paper at a later date. The SRO would like to introduce a program for development of General Disposal Authorities for sectors of government. Some agencies will be dealt with by exception, such as: new agencies; agencies that do not fit into sectors; and agencies with an urgent need for disposal of a particular series of records. A mapping exercise will be conducted to develop a five year program with a group of sectors identified each six months. Existing resources will be dedicated to the purpose. Switching off the Retention and Disposal Schedule review process may be controversial for some agencies and advice to inform agencies of the program and its purpose will be developed. The Commission discussed the need to avoid a situation where agencies under a sector GDA also have an R&D which will add another layer of compliance.

The Commission **ENDORSED** the intention to develop and introduce a suite of General Disposal Authorities for the legal disposal of the functional records of State government and the intention to cease the acceptance and processing of R&D Schedules other than by exception.

The meeting closed at 3.50 pm.

NEXT MEETING – Friday 18 June 2010 - Alexander Library Board Room.

SIGNED.....

DATED.....

Mr Colin Murphy
State Records Commission