



STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

MINUTES OF MEETING HELD ON 19 NOVEMBER 2010 AT THE CITY OF ALBANY

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 Leigh Hays	Manager of Archives Control & Access

MINUTES:

Ms Lena Stekl	Recordkeeping Consultant
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1. Welcome and Apologies

The Chair opened the meeting at 9.40 am.

The Director of State Records (the Director) apprised the State Records Commission (the Commission) of the arrangements for the day, including arrangements for media interviews and for the informal lunch following the meeting. The Chair noted the high degree of interest from government agency officers and the media following announcement of the Commission's visit.

2. Declaration of conflicts of interest

Nil

3. Notices of urgent business

Nil

4. SRC Minutes of 18 June and 15 September 2010

4.1 Confirmation and Sign-off of Official Minutes

The minutes were **CONFIRMED** with minor amendments 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

The Commission **NOTED** the Action List. The Chair queried the due date of 2013 for Item 1, SRC Standard 8. The Mgr: SR advised that this was the date that the Standard fell due for review, five years after its gazettal. While there is a current

State Records Office (SRO) Guideline for the management of email, there is a need to update Standard 8 to clarify its application to email records. The Chair **REQUESTED** that this item be removed from the Action List and returned in 2013.

Commissioner Bluemmel advised that he would provide the Director with the raw data from the Freedom of Information survey.

5. MATTERS ARISING

5.1 SRC Annual Report 2009/2010

The Director advised that the 2009/2010 Annual Report was tabled in Parliament on 21 September.

NOTED

5.2 SRC Proposed 2011 Schedule of Meetings

The Director proposed that, due to the SRO's financial pressures, the Commission refrain from conducting a regional meeting in 2011. The Commission suggested that to reduce costs, the 5 August 2011 meeting could be held in a regional location closer to Perth, such as Northam, which is accessible by car. The Commission also advised that there is the opportunity to consider certain matters out of session.

The Commission **AGREED** to the proposed schedule of meeting dates.

5.3 SRC Rules for the Conduct of Meetings - Revision

The Commission queried whether the phrasing of rule 4.3 should be amended to clarify whether disqualification related to the Commissioner's presence, to voting on the matter, or both. The Mgr: SR advised that the wording was the same as that used in Schedule 4 of the *State Records Act 2000* (the Act) and referred to two distinct types of disqualification.

The Commission **APPROVED** the revised Rules for the Conduct of Meetings.

The Chair indicated that he would be happy to either vacate or continue in the position at the discretion of the other Commissioners. It was **AGREED** that Commissioner Murphy continue as Chair for a second term of three years, commencing on 8 March 2010 and expiring on 7 March 2013.

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

6.2 Inquiring into Breaches or Possible Breaches

6.2.1 Breach Register

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

6.2.1.1 Department of Education – Balga Senior High School

The Mgr: SR advised that the matter of the Department of Education's (DoE's) attendance policy has been ongoing for approximately two years. During this time, the DoE has advised on several occasions that the policy has been revised and, once endorsed by their Executive, will be distributed to schools. Despite repeated requests, the revised policy is yet to be implemented throughout schools.

The Commission remarked on the delay in finalising the policy and **REQUESTED** that the SRO respond to the DoE to note the lengthy timeframe in dealing with this issue and request confirmation that the policy will be finalised as a matter of priority. Once the DoE has responded the Commission may deal with the matter out of session.

The Commission discussed the implications of determining a breach. The Act states that the Director is obliged to report on a suspected breach and that the Commission may report a breach to Parliament. There is also the provision to consider that an offence against the Act has been committed and this would likely be handled by the Director for Public Prosecutions. The action taken will depend on the seriousness of the breach.

Commissioner Field remarked that the paper did not indicate whether a breach of the Act has occurred. The Mgr: SR responded that it had been established that the Commission is the body that is to make determinations on breaches. The Commission discussed the matter and considered that this was indeed the case, however the SRO still needs to provide background information and evidence and its own opinion on whether a breach had occurred.

The Commission **REQUESTED** that the SRO provide further documentation regarding the alleged breach, including a complete history of events following the allegation and linkage to recordkeeping practices as documented in the Recordkeeping Plan. The Mgr: SR agreed to make this information available for consideration at the next meeting.

6.2.1.2 Town of Bassendean

The Commission **REQUESTED** that the SRO write to the Town of Bassendean to advise that the Commission has considered the matter and has noted the measures implemented to address the contravention of their recordkeeping policy.

The Commission also **REQUESTED** that the SRO provide further documentation regarding the alleged breach, including a complete history of events following the allegation and linkage to recordkeeping practices as documented in the Recordkeeping Plan. The Mgr: SR agreed to make this information available for consideration at the next meeting.

6.2.1.3 Challenger TAFE

The Commission **REQUESTED** that the SRO write to Challenger Institute of Technology to advise that the Commission has

considered the matter and has noted the measures implemented to address the contravention of their documented recordkeeping practice.

The Commission also **REQUESTED** that the SRO provide further documentation regarding the alleged breach, including a complete history of events following the allegation and linkage to recordkeeping practices as documented in the Recordkeeping Plan. The Mgr: SR agreed to make this information available for consideration at the next meeting.

6.3 State Records Commission - Risk Management

Nil

7. COMPLIANCE MONITORING – RECORDKEEPING PLANS

7.1 Compliance Monitoring

The Mgr: SR advised that, due to resourcing issues, the SRO's compliance monitoring regime for 2011 is yet to be developed. While Recordkeeping Plan (RKP) evaluation processes have been somewhat streamlined, review reports and the current General Disposal Authority (GDA) program still require utilisation of existing resources.

The Commission discussed the requirement to carry out compliance monitoring as a function under the Act and the worth of conducting a discussion about what an ideal compliance regime would include, separate to issues of implementation. The Mgr: SR **AGREED** to present possible monitoring methodologies for consideration at the next meeting.

NOTED

8. LEGISLATION REVIEW ISSUES

8.1 SRO input into new legislation

The Mgr: SR reported on the recent tabling of the *Occupational Licensing National Law (WA) Bill*, which will have recordkeeping implications for the licensing of certain occupations. The SRO is monitoring this legislation.

NOTED

9. APPROVAL OF RECORDKEEPING PLANS (RKPs)

9.1 State Records Advisory Committee (SRAC)

9.1.1 SRAC Minutes – 19 October 2010

The Mgr: SR reported that the General Disposal Authority for Local Government Records (GDALG) was passed at the recent SRAC meeting without difficulty and that the SRO is developing a guideline and comparison

document to assist local governments with its implementation. It is expected that the GDALG will be published by the end of 2010.

The Commission acknowledged the efforts of SRO staff in developing the revised GDALG and queried the possibility of announcing its release in conjunction with an existing local government forum.

The Commission **NOTED** the SRAC minutes of 19 October 2010.

9.1.2 SRAC Membership – Nominations / Resignations

Nil

9.1.3 SRAC – Letters of Appreciation

The Commission **ENDORSED** the proposal to send appreciation letters to SRAC members who attended meetings during 2010 and the letters were signed by the Chair at the meeting.

9.2 Retention and Disposal Schedules for APPROVAL

9.2.1 RD 2008045/1 – Main Roads WA

The Commission **APPROVED** the amendments to the Schedule.

9.2.2 RD 2010048 – Albany Port Authority

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

9.2.3 RD 2009097 – Zoological Parks Authority

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

9.2.4 RD 2003061/4 – Department for Child Protection

The Commission **APPROVED** the amendments to the Schedule.

9.2.5 RD 2010046 – General Disposal Authority for Local Government Records

The Commission **APPROVED** the fully revised GDALG and acknowledged that it supersedes the 1999 version.

9.3 Disposal Lists for APPROVAL

Nil

9.4 Outstanding Restricted Access Matters

9.4.1 RD 2009096 - Western Australian Land Information Authority

The Commission discussed the issue of Legal Professional Privilege (LPP) and how it differed to restricted access periods approved under the Act. Commissioner Bluemmel advised that while LPP matters could be a ground for restricted access, they are exempt from disclosure under the *Freedom of Information Act* and that he was not aware of a time expiry for this exemption.

The Commission noted the danger that LPP could be cited by agencies as a means of avoiding disclosure. It was noted that the WA Land Information Authority's request for a 20 year restriction period for

records of legal opinion and advice, or directions given by the Commissioner of Titles, falls within the period that agencies may retain archival records prior to transfer to the SRO. The Mgr: SR advised that an agency can choose to provide access to such records held on its premises, however this would require direct application to the agency.

The Commission **NOTED** the exempt category at section 18.6.10.4.1 of the Schedule and **APPROVED** the restricted access periods.

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 2010058 – Department of Health – Mental Health Commission APPROVED

9.6.2 Amended RKP 2010040 – Bunbury Harvey Regional Council APPROVED

9.6.3 Amended RKP 2010044 – Town of Kwinana APPROVED

9.6.4 Amended RKP 2010052 – Shire of Carnamah APPROVED

9.6.5 Amended RKP 2010053 – City of Joondalup APPROVED

9.6.6 Amended RKP 2010057 – South West Development Commission APPROVED

9.6.7 Amended RKP 2010063 – Department of Culture and the Arts APPROVED

9.6.8 Amended RKP 2009086 – Conservation Commission APPROVED

9.6.9 Amended RKP 2010039 – Southern Metropolitan Regional Council APPROVED

9.6.10 Reviewed RKP 2004033/2 – Shire of Boyup Brook 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

Nil

9.9 SRO Progress Report – RKP and R&D Workload

9.9.1 Progress Report – Recordkeeping Plan Reviews

The Mgr: SR proposed that, since there would only be three Commission meetings conducted in 2011, an update on RKP and R&D workload be provided once at the beginning of the year. The Commission stated that it was obliged to monitor compliance under the Act and **REQUESTED** that two updates be provided, at the first and final meetings of the year. The Mgr: SR agreed.

9.9.2 Progress Report – Retention and Disposal Schedule Reviews

The Commission acknowledged the discussion under Item 9.9.1 in relation to this item.

NOTED

9.10 Department of Health – Six Monthly Implementation Report

The Mgr: SR advised that the latest Department of Health report indicates that little progress has been made, which is disappointing in light of the positive signs from the SRO's last meeting with the Department. A second meeting is scheduled for early December.

NOTED

9.11 Schedule 3 Recordkeeping Plans

The Mgr: SR reported that a copy of the RKP for Synergy Energy, approved by the Minister in October 2009, was received at the SRO on 22 October 2010.

NOTED

10. DIGITAL RECORDS INITIATIVE (DRI)

10.1 Digital Records Initiative Progress Report

The Manager of Archives Control and Access (Mgr: ACA) advised that the SRO's Digital Archives Support Manager represented the SRO at an Australasian Digital Recordkeeping Initiative meeting in September and gave a brief overview of progress with the Online Retention and Disposal Application (ORDA).

NOTED

10.2 Digital Archives Project

The Director proposed that this item be removed from the Agenda as the SRO is now focussing on the repository business case which will also include provisions for preservation of digital archives. The Commission **AGREED** to the removal of this item.

11. ESTABLISHING STANDARDS AND GUIDELINES

11.1 SRC Standards

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

11.1.1 General Disposal Authority for Local Government Records - Review

The Commission acknowledged the discussion under Items 9.1.1 and 9.2.5 in relation to this item.

NOTED

11.1.2 Public Sector Commission – Information Security Guideline

The Mgr: ACA reported that the Public Sector Commission has issued a Checklist to cover information security issues and that the SRO continues to attend meetings of the Inter Agency Information Security Management Group (IAISMG).

The Commission **NOTED** the report.

11.1.3 Sector GDA Program

The Mgr:SR advised that the first draft of the sector GDA for Regional Development Commissions has been circulated for comment. The second phase of the program will address the records of land development authorities.

NOTED

11.2 Guidelines

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

11.2.1 Guideline for Sanitizing of Media

The Mgr: ACA advised that the SRO had received positive feedback from the IAISMG and is currently re-drafting the Guideline to expand its application.

The Commission **NOTED** the report.

12. ITEMS FOR INFORMATION

12.1 State Records Office Operational Activities

The Director reported that the SRO hosted a tour for Telethon Institute for Child Health Research (the Institute) representatives, including Professor Fiona Stanley, on 9 August. The Director also spoke at the Institute on 15 September, reporting that there appears to be a very positive and encouraging level of engagement with the Institute and Professor Stanley has provided a letter of support to the SRO for the business case.

The Commission **NOTED** the report.

12.2 State Records Commission Activities

Nil

12.3 Government Employees Superannuation Board (GESB)

The Mgr: SR advised that GESB has invited the SRO to participate on its working group addressing outsourcing of its business activities. GESB is aware of the requirement for outsourcing arrangements to comply with the Act and Commission Standards.

NOTED

12.4 Whole of Government Circulars

The Mgr: SR advised that copies of the circulars covering “Moving Premises – Moving Records”, “General Disposal Authorities in Excel Format”, and “Recordkeeping Responsibilities and You” were disseminated to Chief Executive Officers by post and also emailed to agencies. The Commission suggested that future circulars be distributed to both CEOs and Records Managers as it is possible that the information may not be passed to the relevant parties if only one group is targeted.

The Commission **NOTED** the circulars and remarked on the timeliness of the “Moving Premises – Moving Records” circular, and that the “Recordkeeping Responsibilities and You” information sheet was written at an appropriate level to engage agency staff.

12.5 Australian Health Practitioner Regulation Agency (AHPRA)

The Mgr: SR spoke to the paper and advised that State legislation is currently expected to apply to the new registration boards; however this is yet to be advised by AHPRA. The Council of Australasian Archives and Records Authorities has formed a working group to liaise with the AHPRA in respect to records management issues.

The Commission **NOTED** the information provided.

13. PUBLIC PROGRAMS AND OUTREACH ACTIVITIES

13.1 Public Programs and Outreach Activities

The Director reported that the 2010 Geoffrey Bolton Lecture was a great success and that Professor David Black’s lecture was well received.

The final SRO Lunchtime Seminar will be held on 24 November when Meg Travers will speak about information technology use by government agencies as documented in the State Archives collection.

The Director advised that the SRO’s focus for the exhibition has changed to consider more of a multimedia experience. While the Western Australian Museum is able to make exhibition space available at the Old Gaol, it is considered more appropriate to broaden the scope of the exhibition so that it may be expanded over

time and reach a broader audience through the use of diverse media and applications. Ideas for the exhibition have been brainstormed and include a Twitter page, a genealogy game, and an online exhibition of archives. A physical exhibition may emerge at a later stage. The Director stated that she has had initial discussions with the DCA and the Minister has indicated he is amenable to the SRO's approach. There may also be the opportunity to use outdoor spaces in the Cultural Centre as a display space. The Director will meet with the Museum next week to discuss how the SRO's preferred approach may be accommodated while still maintaining a physical exhibition in the Old Gaol. The exhibition is planned to be made available between October 2011, to coincide with the Commonwealth Heads of Government meeting, and early 2012.

The Commission **NOTED** the report.

14. DIRECTOR'S REPORT

14.1 Director's Report

The Director spoke to the report and advised that she has been participating in the working group to establish the responsibilities of the Government Chief Information Officer and Government Chief Technology Officer. The group's recommendations have been submitted to the Economic and Expenditure Reform Committee for consideration.

The SRO continues to discuss the possibility of funding from the Australian National Data Service.

The tender for development of ORDA closed on 29 October 2010. Two applications were received and are currently being evaluated.

Further text excluded for reasons of confidentiality.

The Director advised that she would be meeting with the Minister on 8 December to present the business case. The process for submission to Treasury is currently being negotiated.

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

10.45 am – Meeting adjourned for media interviews with WIN Television and GWN Television.

11.45 am – Meeting reconvened.

15. NEW BUSINESS

15.1 Regional Meeting Arrangements – Albany

Details of arrangements, including attendees and apologies, were tabled at Item 1 on commencement of the meeting.

15.2 SRO Strategic Plan

The Director circulated copies of the SRO's draft Strategic Plan to Commissioners for their interest. The Strategic Plan will be attached to the business case as an appendix.

15.3 Town of Claremont Fire

The Director reported on the fire damage to the Town of Claremont's Council building and library on 18 November. SRO staff are visiting the site today to assist with disaster recovery as required and are also preparing a media release.

The Director and Mgr: ACA were intermittently absent throughout the meeting to attend to urgent operational matters.

The meeting closed at 12.00 noon in time for the Commissioners to welcome invited guests from government organizations and local media representatives, in and around Albany, to an informal lunch.

NEXT MEETING – Wednesday 30 March 2011 – Alexander Library Building Board Room

SIGNED.....

DATED.....

Mr Colin Murphy
State Records Commission