



STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

MINUTES OF MEETING HELD ON 8 APRIL 2011 AT THE ALEXANDER LIBRARY BUILDING

PRESENT:

Mr Colin Murphy (CHAIR)
Mr Sven Bluemmel
Mr Chris Field

Ms Justine McDermott
Ms Cathrin Cassarchis (Executive Officer)
Ms Isabel Smith (Executive Secretary)
Mr Damien Hassan

Auditor General
Information Commissioner
Parliamentary Commissioner for
Administrative Investigations
Governor's Appointee
Director of State Records
Manager of State Recordkeeping
A/Manager of Archives Control & Access

MINUTES:

Ms Lena Stekl Recordkeeping Consultant

1. Welcome and Apologies

The Chair opened the meeting at 9.40 am and acknowledged Leigh Hays as an apology.

2. Declaration of conflicts of interest

Nil

3. Notices of urgent business

3.1 Acknowledgement of date change for this meeting

The Manager of State Recordkeeping (Mgr: SR) advised that the date for this State Records Commission meeting had been changed from the originally scheduled date of 30 March 2011.

3.2 SRC Annual Report 2010/2011

The Director of State Records (the Director) advised that the State Records Office (SRO) had identified noteworthy matters to be addressed in the Commission's (the Commission's) 2010/11 Annual Report (the Report) and had developed an outline of suggested text for the Report.

Mr Tom Reynolds, Archives Research Officer and compiler of the Report, joined the meeting at 9.45am.

The Director suggested that the Report contain a specific three year focus, which would outline the development of new processes and tools to support government agency recordkeeping, such as the new General Disposal Authorities and the Online Retention and Disposal Application (ORDA).

The Chair commented that the process of considering the Report well ahead of its due date was most welcome. As well as being a good business

practice it emphasised the Commission's power in being able to report recordkeeping issues to Parliament.

With regard to reporting alleged breaches, the Chair stressed the need to exercise caution with the language used, to ensure fairness to the organizations concerned. If a breach is confirmed it would be necessary to consider the seriousness of the breach and be clear about the Commission's response. The Commission's response to alleged breaches, and the reporting of these, needs to reflect:

- whether an alleged breach contains any substance;
- the degree of seriousness of an alleged breach; and
- procedural fairness to an affected organization where a breach has been determined and is to be escalated to a higher level.

The Director pointed out that the proposed section for risk management issues focused on recent events with consequences for the protection of State records, but did not include risk management issues for the SRO's archival storage facilities and asked the Commission whether these should also be included. The Chair stated that it would be appropriate to report issues affecting the SRO's archival storage in a positive light, acknowledging the work that has been done so far with the business case.

Mr Reynolds asked whether the Commission was happy for appendices, covering the status of Recordkeeping Plan (RKP) reviews and RKPs due for submission, to be included in the 2010/11 Report. The Commission agreed.

The Commission **NOTED** the proposed outline for the 2010/11 Report and thanked Mr Reynolds for his attendance.

Mr Reynolds left the meeting at 10.00am.

4. SRC Minutes of 19 November 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.

4.3 SRC Action List

The Commission **NOTED** the Action List. Commissioner Bluemmel advised that he had provided the Director with the raw data from the Freedom of Information survey.

5. MATTERS ARISING

Nil

6. MONITORING THE OPERATION OF AND COMPLIANCE WITH THE ACT

6.1 Organizational Changes

6.1.1 Register - Government Organizations – Administrative Change

The Commission **REQUESTED** that the Health and Disability Services Complaints Office, formerly known as the Office of Health Review, be added to the register as its enabling legislation has changed and might also have changed its functions. The Mgr: SR agreed.

The Director advised that the SRO is represented on the Council of Australasian Archives and Records Authorities' working group to consider recordkeeping issues relating to the Australian Health Practitioner Regulation Agency. The scope of this working group has since expanded to cover similar issues that affect other recently created national organizations.

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 revised Department of Education (DoE) Attendance Policy has still not been finalised, despite the issue of inaccurate attendance records first arising in 2008. The DoE has still not supplied a timeframe for endorsing the policy and implementing it within schools.

The Commission discussed the latest correspondence from the DoE regarding this matter and queried why Ministerial approval of changes to delegations was required in order to finalise the policy. While the letter states that processes for ensuring accurate attendance records have been improved, it is not clear what has been done or how the processes relate to the revised policy. The Mgr: SR remarked that if the revised policy has not been formalised, there is the risk that not all schools are aware of what processes should be followed or how previous policy has changed.

The Commission discussed whether the DoE's failure to finalise the revised policy constituted a breach of the *State Records Act 2000* (the Act). It was noted that the DoE itself had identified publication of a revised policy as a remedy to address the findings in the May 2008 report into the Balga Works Program, and this remedy has still not been implemented.

The Commission **REQUESTED** that the SRO write to the DoE to the effect that:

- the matter of reviewing and publishing the revised Attendance Policy has been outstanding for over two years;
- it is not clear how the proposed changes to delegations affect the finalisation of the Policy; and
- the Commission is considering reporting this matter to Parliament via its Annual Report and is hopeful that the matter can be finalised within the reporting period.

6.2.1.2 Town of Bassendean

The Commission **NOTED** that the Town had implemented measures in response to the incident and advised that no further action was required.

The Mgr: SR queried whether alleged breaches, where investigation found that a breach could not be determined, should be included in the Annual Report. The Chair responded that the Report should include details of suspected breaches and remedial actions implemented by the organization concerned.

6.2.1.3 Challenger TAFE

The Commission remarked that this case was notable as an illustration of how an individual could be potentially disadvantaged as a result of an organization's inadequate recordkeeping practices and **REQUESTED** that this point be made when documenting the case in the Annual Report.

The Mgr: SR advised that Challenger Institute of Technology has provided an assurance that its practices will be amended to address the issues raised by the SRO. However, the organization has not confirmed that the proposed amendments have been implemented.

The Commission **REQUESTED** that the SRO follow up to ascertain whether the proposed actions have taken place. The Commission also suggested that the Annual Report statement for this incident should clearly specify the types of matters that the organization would be expected to record as part of its business.

6.2.1.4 Shire of Halls Creek

The Mgr: SR advised that the Shire of Halls Creek (the Shire) has recently discovered that minutes of two Council meetings are missing. The minutes were created prior to the proclamation of the Act and it has not been possible to determine when they went missing. The Shire's attempts to recover the minutes have proved unsuccessful.

The Commission **NOTED** the actions taken by the Shire to locate the missing Council minutes and considered that a breach of the Act could not be determined. The Commission **REQUESTED** that the SRO:

- enquire about the existence of agendas for the missing meetings; and

- write to the Shire to emphasise the importance for local governments to keep and safeguard records of Council meetings.

6.2.1.5 Department of the Attorney General – Public Trust Office

The Commission **NOTED** the information provided regarding an enquiry about Public Trust Office personnel files from the 1970s and considered that a breach could not be determined in this instance. The Commission suggested that the SRO enquire about whether internal staff directories, which may provide evidence of employment, are held either by the Department of the Attorney General or the State Library.

6.3 State Records Commission - Risk Management

Nil

7. COMPLIANCE MONITORING – RECORDKEEPING PLANS

7.1 Compliance Monitoring

The Director advised that, in response to the Commission's request at the previous meeting to provide details of a possible compliance monitoring regime, the SRO had compiled five options for compliance monitoring audits.

The Director stated that the preferred option would be for Option 4, independent audits, and requested the views of the Chair on the feasibility of incorporating recordkeeping compliance into agencies' internal audit programs.

The Chair remarked that internal audits are controlled by the Chief Executive Officer of an organization, as this officer is to retain oversight of organizational priorities and needs to be responsive to risks particular to the organization. If external entities sought to impose requirements on internal audits it would undermine an organization's capacity to address its risk management.

The Commission discussed the five options presented and considered that Option 3, a combination of web-based assessment and SRO audit, was the preferred option as a web-based assessment tool would allow information to be gathered in a consistent manner and potentially provide useful data from across government. While this option is based on self-assessment, organizations would be made aware that the SRO would also conduct onsite audits to assess practices.

The Commission **NOTED** the information provided and **REQUESTED** that the SRO provide costings for the funding of a compliance program modelled on Option 3.

8. LEGISLATION REVIEW ISSUES

8.1 SRO input into new legislation

8.1.1 *Occupational Licensing National Law (WA) Bill 2010*

The Commission **NOTED** the information provided on the SRO's submission to the Uniform Legislation and Statutes Review Committee regarding this Bill.

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** the SRO's recommendations for appointments of SRAC Members and Deputies.

9.2 Retention and Disposal Schedules for APPROVAL

9.2.1 Reviewed RD 2003050 – Western Australian Electoral Commission

The Commission **APPROVED** the continuation of the Schedule.

9.2.2 Reviewed RD 20003054 – Department of Commerce – Worksafe Division

The Commission **APPROVED** the continuation of the Schedule.

9.2.3 Reviewed RD 2004011 – Rottnest Island Authority

The Commission **APPROVED** the continuation of the Schedule.

9.2.4 Reviewed RD 2003042 – PathWest Laboratory Medicine WA

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 Request to Retain State Archives – RD 2009096 – Western Australian Land Information Authority

The Commission **APPROVED** the SRO's recommendations on the Western Australian Land Information Authority's application to retain identified State archives.

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

Nil

9.6 Recordkeeping Plans for APPROVAL

The Director advised that a draft RKP for the Western Australian Local Government Association has recently been received and is being evaluated.

**9.6.1 Amended RKP 2011003 – Department of Regional Development and Lands – incorporating the Western Australian Regional Development Trust
APPROVED**

**9.6.2 Amended RKP 2011016 – Public Sector Commission
APPROVED**

**9.6.3 Amended RKP 2010006 – Shire of Bruce Rock
APPROVED**

**9.6.4 Amended RKP 2010036 – Shire of Peppermint Grove
APPROVED**

**9.6.5 Amended RKP 2010059 – Port Hedland Port Authority
APPROVED**

**9.6.6 Amended RKP 2010060 – Shire of Coorow
APPROVED**

**9.6.7 Amended RKP 2010064 – Western Metropolitan Regional Council
APPROVED**

**9.6.8 Amended RKP 2010066 – ScreenWest
APPROVED**

**9.6.9 Amended RKP 2010067 – Perth Theatre Trust
APPROVED**

**9.6.10 Amended RKP 2010068 – Gold Corporation
APPROVED**

**9.6.11 Amended RKP 2010069 – City of Nedlands
APPROVED**

**9.6.12 Amended RKP 2010071 – Tamala Park Regional Council
APPROVED**

**9.6.13 Amended RKP 2010073 – Mindarie Regional Council
APPROVED**

**9.6.14 Amended RKP 2011001 – City of Cockburn
APPROVED**

**9.6.15 Amended RKP 2011002 – Department of Fisheries
APPROVED**

**9.6.16 Amended RKP 2011004 – Town of Mosman Park
APPROVED**

**9.6.17 Amended RKP 2011008 – City of Mandurah
APPROVED**

**9.6.18 Amended RKP 2011009 – Racing and Wagering Western
Australia
APPROVED**

**9.6.19 Amended RKP 2011015 – Shire of Williams
APPROVED**

**9.6.20 Amended RKP 2010001 – Geraldton Port Authority
APPROVED**

**9.6.21 Amended RKP 2011018 – Edith Cowan University
APPROVED**

**9.6.22 Amended RKP 2010065 – Shire of Jerramungup
APPROVED**

**9.6.23 Amended RKP 2010055 – Department of Treasury and Finance
APPROVED**

**9.6.24 Amended RKP 2011019 – Office of the Director of Public
Prosecutions
APPROVED**

**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 2003051/1 – Western Australian Electoral Commission
Review Report**

The Commission **NOTED** the report and approved the SRO's recommendation that an amended RKP be submitted.

**9.8.2 RKP 2004047/1 – Rottnest Island Authority Review Report
NOTED**

9.9 SRO Progress Report – RKP and R&D Workload

9.9.1 Progress Report – Recordkeeping Plan Reviews

The Commission **NOTED** the report on RKP workload for 2010 and 2011.

9.9.2 Progress Report – Retention and Disposal Schedule Reviews

The Commission **NOTED** the report on Retention and Disposal Schedule workload for 2010 and 2011.

9.10 Schedule 3 Recordkeeping Plans – RKP 2009085 – Electricity Generation Corporation (Verve Energy)

The Mgr: SR advised that the amended RKP for Verve Energy was approved by the responsible Minister on 14 December 2010.

NOTED

10. DIGITAL RECORDS INITIATIVE (DRI)

10.1 Digital Records Initiative Progress Report

The Acting Manager of Archives Control and Access (A/Mgr: ACA) advised that the SRO's progress with ORDA is being watched with interest by other members of the Australasian Digital Records Initiative. The A/Mgr: ACA also reported that the SRO is working to develop a Digital Preservation Action Plan, identified as a priority in the SRO's Strategic Plan, and intends to gather intelligence from agencies to determine the scope of the issues facing government.

NOTED

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 Mgr: SR advised that the *General Disposal Authority for Local Government Records* (GDALG) was published to the SRO website on 24 December 2010 in pdf format. An Excel version is also available for purchase. A guideline and table comparing retention and disposal decisions between this GDALG and the previous edition is in development for publication.

NOTED

11.1.2 Sector GDA Program

The Commission **NOTED** the progress update for this program.

11.2 Guidelines

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

11.2.1 Guideline for Sanitizing of Media

The Chair remarked on the lack of a standardised approach across State government for information security and commented that this Guideline was a welcome document.

The Commission **NOTED** the progress with the Guideline.

12. ITEMS FOR INFORMATION

12.1 State Records Office Operational Activities

The Commission **NOTED** the report.

12.2 State Records Commission Activities

Nil

12.3 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” have been further disseminated to Records Managers of State and local government agencies.

NOTED

13. PUBLIC PROGRAMS AND OUTREACH ACTIVITIES

13.1 Public Programs and Outreach Activities

The Director spoke to the report and requested that the Commissioners diarise the dates for the 2011 Margaret Medcalf Award and Geoffrey Bolton Lecture, on 3 August and 21 November respectively.

The Director confirmed that Professor Alan Robson AM, Vice-Chancellor of the University of Western Australia, has agreed to deliver the Geoffrey Bolton Lecture.

The Director reported that the SRO has engaged a consultant to develop the storytelling framework for the State archives based exhibition.

The Director advised that the 1980 State Cabinet papers will be released on the Foundation Day weekend. Emeritus Professor David Black and Mr Peter Jones AM have been approached to provide comment to the media.

The Commission **NOTED** the information provided.

14. DIRECTOR'S REPORT

14.1 Director's Report

The Director spoke to the report and advised that she has been in recent discussions with the Director General of the Department of Culture and the Arts (DCA) regarding the SRO's position within the DCA. It was agreed that the SRO has its own strategic objectives which may not align with the DCA's business priorities. A Memorandum of Understanding will be developed and the SRO and DCA executive teams will meet quarterly to discuss the administration of, and support for, SRO strategic priorities. The Chair noted that this was a very positive development.

The Director advised that she would be presenting at an Institute of Public Administration Australia WA event, "Oh My Goodness is that FOtable?", in conjunction with other officers, including the Information Commissioner, on 10 May.

Further text excluded for reasons of confidentiality.

The business case for the new archives repository was considered by the Economic and Expenditure Reform Committee and the SRO has been granted \$100,000 to undertake potential site assessments. This suggests that there may not be an announcement regarding the business case in the May budget, however it is a positive development. *Further text excluded for reasons of confidentiality.*

The Director reported that, following workshops with internal and external stakeholders, consultants Tattoo Creative have been engaged to work on SRO brand development and design.

The Director advised that the SRO has made a submission for Centenary of ANZAC funding, covering two digitization projects. The SRO has also made a submission for Royalties for Regions funding for digitization and agency training projects.

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

15. NEW BUSINESS

15.1 Lonnie Awards – State Records Commission Award 2011

This year's recipient of the Commission funded Lonnie Award was the Western Australia Police, with a commendation awarded to Main Roads Western Australia.

NOTED

15.2 Review of Restricted Access in the State Archives Collection

The A/Mgr: ACA advised that the five year review of Commission directions regarding restricted access of items in the State archives collection falls due by November 2011. The results of the review will be presented at the Commission's 2 December 2011 meeting.

The Commission **NOTED** the information provided and **APPROVED** the SRO's proposed course of action to progress the review.

15.3 SRC Annual Report 2010/2011

The Commission acknowledged the discussion under Item 3.2 in relation to this item.

NOTED

15.4 SRC Proposed Regional Meeting

The Commission **AGREED** to the proposal to conduct the 5 August 2011 Commission meeting in Northam. It was suggested that the meeting start later than usual, at 10.00 am, to allow for travel time.

The meeting closed at 12.00 noon.

NEXT MEETING – Friday 5 August 2011 at 10.00 am – Northam – venue to be confirmed.

SIGNED.....

DATED.....

Mr Colin Murphy
State Records Commission