



## **5. MATTERS ARISING**

### **5.1 Regional Meeting Arrangements - Northam**

The Deputy Director State Recordkeeping (DDSR) advised that there would be two interviews during lunch with reporters from the Avon Valley Advocate and the Avon Valley Gazette.

The Commission **NOTED** the meeting arrangements and confirmed they would be available for interview during lunch.

### **5.2 SRC Annual Report 2010/2011**

The Commission discussed the draft Annual Report, noting that it had been received in advance of the meeting and made the following suggestions:

- Page 8 – it is important to include the reasons for the change to the Director’s title;
- Page 15 – reproduction of the key recommendations provides unnecessary detail and the language used regarding the government’s response to the business case for the archive storage solution could be fine tuned;
- Page 22 and 23 - references to the Auditor General’s reports uses “allegations” and “alleged”, would prefer “observations” or “findings”;
- various breach investigations provide the opportunity to highlight how government recordkeeping can impact on an individual; and
- additional statements on compliance monitoring will be necessary to indicate future action to be taken.

The Commission passed annotated sections with suggested amendments to the State Archivist and Executive Director (Executive Director) for appropriate action and expressed their appreciation to Tom Reynolds for the early draft.

## **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 inquiries.

##### **6.2.1.1 Department of Education – Balga Senior High School**

The DDSR advised that the Department of Education had now finalised the revised Attendance Policy to correct poor practice within government schools although there is concern that

implementation is not monitored and attendance at professional learning sessions, to promote the policy, is not mandatory. The policy is communicated to staff via the intranet and notification to Principals. The Chair considered that the policy issue had been addressed and whilst the implementation of the policy may be less than ideal, it is an issue for the organization.

The Commission discussed whether a breach had occurred in this instance. The discussion included matters such as the magnitude of subsequent consequences of a breach; the materiality threshold; and intent.

The Commission **AGREED** that in this instance, a breach of the *State Records Act 2000* had occurred due to the Department of Education and Training's failure to maintain complete and accurate records of certain business activities and student attendance, in contradiction of their Recordkeeping Plan. It was noted that corrective measures had been implemented by the Department of Education and Training and its successor organization (the Department of Education).

The Commission **ENDORSED** the proposal to advise the Department of Education that:

- the investigation into this matter is now complete;
- the Commission determined that a breach of the State Records Act has occurred; and
- a risk management approach to non-compulsory learning sessions regarding implementation of the policy is a matter for the Department.

#### **6.2.1.2 Challenger Institute of Technology – Records of Telephone Calls and Meetings**

The Executive Director advised that at a recent meeting with representatives from the Challenger Institute of Technology, representatives had strongly reinforced their commitment to improving recordkeeping practices and to support the inquiry with the provision of all the required information. They expressed concern that the Commission may not consider that their organization is treating this matter seriously.

In view of the information provided, the Chair was satisfied that the allegation had been treated seriously by Challenger and the Commission was mindful of the consequences of determining a breach and the subsequent effect on agencies. It was also considered that there was no intent to withhold information by Challenger.

Discussion at the meeting centred on whether the complainant's expectation of recordkeeping is too high; the meaning of the term significant record; whether representatives were correct to assume the substance of the meetings or telephone calls were not significant; the unintentional consequences of not keeping a record; whether the decision to not make a record was reasonable at the time; and whether a breach could be determined.

The DDSR advised that Challenger's original definition of a 'significant record' could be open to subjective interpretation,

however Challenger had been prompt to comply with the SRO's request to enhance the definition of a 'significant record' and ensure appropriate advice and guidance to update employees' understanding.

In considering all the information before them, the Commission **AGREED** that a breach of the *State Records Act 2000* could not be determined in this instance.

The Commission **ENDORSED** the proposal to advise the Challenger Institute that:

- the investigation into this matter is now complete; and
- the Commission decided that no breach of the *State Records Act* could be determined.

#### **6.2.1.3 Challenger Institute of Technology – Emails Not Captured**

The Commission referred to the discussion regarding item 6.2.1.2, which is largely relevant to this agenda item since it involves the same organization and the same issue of not keeping a record in accordance with the organization's definition of a 'significant record'.

The Commission considered that whilst an employee had failed to keep an email, Challenger's explanation that this was an honest oversight and that the term significant had been enhanced with revised training and awareness programs being introduced for employees, the matter had been dealt with appropriately.

In considering all the information before them, the Commission **AGREED** that a breach of the *State Records Act 2000* could not be determined in this instance.

The Commission **ENDORSED** the proposal to advise the Challenger Institute that:

- the investigation into this matter is now complete; and
- the Commission decided that no breach of the *State Records Act* could be determined.

#### **6.2.1.4 Department of the Attorney General – District Court**

In the first instance, the Commission queried whether this was an appropriate matter to bring before the Commission or whether there was a judicial issue still to be resolved. The DDSR advised that all judicial matters had been addressed by the Corruption and Crime Commission (CCC) and only the administrative matter, relating to recordkeeping, was outstanding.

In considering all the information before them, the Commission **AGREED** that a breach of the *State Records Act 2000* had occurred with a government employee unlawfully transferring government information to a third party. The Commission acknowledged that whilst the employee has been investigated by the CCC and charged under the *Criminal Code 1913*, the Department of the Attorney General (the Department) has addressed deficiencies in its practices by introducing new policy, procedure and training to reduce the likelihood of a similar incident occurring.

The Commission **ENDORSED** the proposal to advise the Department that:

- the investigation into this matter is now complete;
- the Commission decided that a breach of the *State Records Act* had been determined; and
- since the individual had been prosecuted and the Department is actively changing practices to prevent similar incidents, the Commission would not take further action.

#### **6.2.1.5 Department of the Attorney General – Public Trust Office**

The Commission **NOTED** the completion of this matter in line with discussion and outcomes determined at agenda item 6.2.1.5 of the Commission's April 2011 meeting.

#### **6.2.1.6 Shire of Halls Creek**

The Commission **NOTED** the completion of this matter in line with discussion and outcomes determined at agenda item 6.2.1.4 of the Commission's April 2011 meeting.

#### **6.2.1.7 Department of Housing – Safety Devices**

In considering all the information before them, the Commission **AGREED** that a breach of the *State Records Act 2000* could not be determined in this instance. Whilst it was clear that the Department of Housing (DoH) did have documented procedures in place for the recording of actions concerning maintenance and safety devices, the implementation of those procedures appeared to be flawed. Therefore, the DoH could not be deemed to be in breach of the Recordkeeping Plan. The Commission acknowledged the measures implemented by the DoH, in response to the Auditor General's report, to improve the instruction given to staff and contractors relating to the use of the Caretaker system and the recording of actions concerning safety devices.

The Commission **ENDORSED** the proposal to advise the DoH that:

- the investigation into this matter is now complete;
- the Commission decided that a breach of the *State Records Act* could not be determined;
- adequate training and induction programs for all staff and the critical nexus between effective recordkeeping, good business practice and safety is important; and
- the documentation of procedures relating to all functional activities is good business practice.

#### **6.2.1.8 Department of Education – Autism Education Service**

The Commission considered the information provided, including the Autism Education Service's (AES's) advice that the student had been referred by Challenger TAFE and following initial discussion was deemed to fall outside its usual client base. Therefore, the activity was not considered "significant" or necessary for the AES to document.

The Commission **AGREED** that a breach of the *State Records Act 2000* had not been committed by the AES.

The Commission **ENDORSED** the proposal to:

- advise the Department of Education (DoE) that the investigation into this matter is now complete; and
- remind the DoE of the requirement under the *State Records Act 2000* and SRC Standard 2: Recordkeeping Plans to ensure that records are created and kept as a proper and accurate record of all business functions.

With regard to the general practice of investigating breaches, the Commission cautioned that, in communications with agencies, there must be a clear distinction between gathering facts to put before the Commission to determine a breach and providing recommendations for improvements to recordkeeping practices. The Commission noted there would be circumstances where it would be appropriate for agencies to be advised that a decision regarding a possible breach has not been made, with the suggestion that the action which is subject to investigation is halted in the interim period.

#### **6.2.1.9 Training Accreditation Council**

The DDSR advised that until the *Vocational Education and Training (General) Regulations 2009* have been amended, the Training and Accreditation Council will not be capturing all of the required data. The Commission recognised that there will be a lapse of time until the legislation has been finalised.

The Commission **AGREED** that a breach of the *State Records Act 2000* has occurred due to the failure of the Training Accreditation Council (TAC) to gather and maintain full records of training qualifications and in view of the TAC's commitment to amend the *Vocational Education and Training (General) Regulations 2009*, determined that no further action is required other than monitoring progress.

The Commission **ENDORSED** the proposal to advise the TAC that:

- the investigation into this matter is now complete; and
- the Commission determined that a breach of the *State Records Act* had occurred, noting the TAC's intent to amend the relevant legislation.

#### **6.2.1.10 Town of Bassendean**

Further to the discussion of this matter at agenda item 6.2.1.2 of the Commission's April 2011 meeting, the DDSR advised that the Town of Bassendean has been notified that the Commission is satisfied with the remedial action taken and that the investigation is complete.

**NOTED**

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

Nil

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

### **7.1 Compliance Monitoring**

The DDSR spoke to the paper and advised that the costing for the preferred option selected by the Commission at the April 2011 meeting has been identified. A duty

statement has not been completed but an outline of the duties to be undertaken and the benefits to agencies has been provided. The benefits can only be expanded over time with the SRO taking on the load for agencies so that government processes are simplified and recordkeeping improves exponentially. The proposed Compliance Manager will also be involved in development of online training mechanisms and Standards with the requirement for Standards being informed by the data collected during the monitoring phases.

The meeting discussed the Commission's legal obligation for compliance monitoring to be addressed. There was a view that the costing is modest. The Executive Director confirmed that the compliance monitoring program could not however be funded via current resources. It was also acknowledged that there was no scope to curtail any existing activities since some whole of government services, such as training and consultancies, had already been withdrawn to allocate resourcing to the investigation of breaches; the production of Sector Disposal Authorities; and assisting agencies with compliance with their Recordkeeping Plans.

The Commission **RESOLVED** that this is an essential requirement under the *State Records Act* (the Act) and directed the Executive Director to pursue and progress the resourcing of this position within SRO resources and through the Department of Culture and the Arts (the DCA). The Chair noted that the Commission recognises that compliance monitoring is a key accountability obligation under the Act.

## **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 status of this Bill.

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

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

#### **9.1.1 SRAC Minutes – 6 May 2011**

The Commission **NOTED** the SRAC minutes of 6 May 2011.

#### **9.1.2 SRAC Minutes – 15 June 2011**

The Commission **NOTED** the SRAC minutes of 15 June 2011.

#### **9.1.3 SRAC Membership – Nominations**

Nil

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

#### **9.2.1 RD 2010049 – Port Hedland Port Authority**

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

#### **9.2.2 RD 2009071 – Synergy**

The Commission **ENDORSED** the Schedule for Ministerial approval.

#### **9.2.3 RD 2009060 – Small Business Development Corporation**

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

**9.2.4 AD 2011010 – Fremantle Port Authority**

The Commission **APPROVED** the Ad Hoc Disposal Authority.

**9.2.5 RD 2003054/1 – Department of Commerce – Worksafe Division**

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

**9.2.6 SD 2011005 – Regional Development Commissions Sector Disposal Authority**

The DDSR advised that this item is listed on the Agenda as RD 2011005 but should in fact be prefixed with “SD” and stated that this is the very first Sector Disposal Authority to be approved within the SDA program.

The Commission congratulated the Office and **APPROVED** the Authority.

**9.2.7 AD 2011028 – Curtin University**

The Commission **APPROVED** the Ad Hoc Disposal Authority.

**9.2.8 RD 2009058 – Verve Energy**

The Commission **ENDORSED** the Schedule for Ministerial approval and **APPROVED** the time expired restricted access periods.

**9.2.9 RD 2009056 – Horizon Power**

The Commission **ENDORSED** the Schedule for Ministerial approval and **APPROVED** the time expired restricted access periods.

**9.2.10 RD 2005006 – Office of the Inspector of Custodial Services Review Report**

The Commission **APPROVED** the continuation of the Schedule and the time expired restricted access periods.

**9.3 Disposal Lists for APPROVAL**

**9.3.1 DL 2011020 – Main Roads Western Australia (Carnarvon site)**

The disposal list and photographs were distributed to the meeting. The DDSR advised that a small number of the records to be destroyed are in fact archives. Due to the nature of the disaster in Carnarvon, more than three weeks had expired before Main Roads were able to access the damaged records to assess the suitability of salvage. As evidenced by the photographs, water damage, deterioration, mould and the health risk to staff was too great to consider a salvage project.

The Commission noted the summary of the flood incident in Carnarvon in December 2010 and **APPROVED** the immediate destruction of the flood damaged records listed.

**9.4 Outstanding Restricted Access Matters**

Nil

**9.5 Transfer of State Archives**

**9.5.1 Request 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 2010009 – Department of Local Government**

The Commission **APPROVED** the Recordkeeping Plan with the exception of sections 5.5 and 5.6 relating to restricted access archives and archives not to be transferred respectively.

**9.6.2 Amended RKP 2010012 – Shire of Mount Magnet**

The Commission **APPROVED** the Recordkeeping Plan subject to the Shire being advised that outstanding areas of recordkeeping should be addressed as part of the next review and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 December 2011.

**9.6.3 Amended RKP 2010032 – Western Australia Police**

The Commission **APPROVED** the Recordkeeping Plan with the exception of sections 5.5 and 5.6 relating to restricted access archives and archives not to be transferred respectively.

**9.6.4 Amended RKP 2010061 – Shire of Wongan-Ballidu  
APPROVED**

**9.6.5 Amended RKP 2010062 – Town of Cottesloe  
APPROVED**

**9.6.6 Amended RKP 2011021 – Albany Port Authority  
APPROVED**

**9.6.7 Amended RKP 2011027 – Western Australian Land Authority  
(Landcorp)  
APPROVED**

**9.6.8 Amended RKP 2011017 – Shire of Wandering**  
The Commission **APPROVED** the Recordkeeping Plan subject to the Shire being advised that outstanding areas of recordkeeping should be addressed as part of the next review and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 December 2011.

**9.6.9 Amended RKP 2011024 – Shire of Dundas  
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 Review Report 2002035/1 – Armadale Redevelopment Authority  
NOTED**

**9.8.2 Review Report 2003089/1 – Fire and Emergency Services  
Authority  
NOTED**

**9.8.3 Review Report 2006016/1 – Shire of Dandaragan  
NOTED**

**9.9 SRO Progress Report – RKP and R&D Workload**

**9.9.1 Progress Report – Recordkeeping Plan Reviews  
Nil**

**9.9.2 Progress Report – Retention and Disposal Schedule Reviews  
Nil**

**9.9.3 Progress Report – Recordkeeping Plan Commitments Overdue**

The DDSR advised that each of the three agencies listed had reviewed their Recordkeeping Plans (Plan) some time ago and each had made a commitment to submit an amended Plan by a specific date however, that commitment had not been met. It is proposed that each of the agencies is advised that they no longer have a current and effective Plan and that failure to submit may lead to an adverse report being tabled in Parliament.

The Commission noted the information provided and **ENDORSED** the proposed action to write to the agencies advising that the Commission expects the commitment to be honoured as per the draft correspondence submitted to the meeting with paper 9.9.3.

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

The DDSR advised that the Department of Health provided the six monthly report in April, which again showed that whilst some progress had been made, it was fairly minimal. It was acknowledged that the Department had lost a number of staff in the last six months and SRO officers have recently participated on the selection panels for recruitment of two new staff. It is expected that things will change significantly and the Department has expressed a willingness to do the right thing.

The Executive Director advised that the idea has been discussed whereby the SRO would work with consultants to go into departments such as Health to establish a project to introduce effective systems and processes to enhance their business practices. Whilst agencies would be required to fund the project the outcome would be an exemplar of good practice for the whole of government to benefit from. A couple of agencies which face ongoing difficulty have been considered as possible partners in this initiative.

The Commission **NOTED** the initiative and considered it to be a good preventative approach for struggling agencies.

**10. MANAGEMENT OF THE STATE ARCHIVES COLLECTION**

**10.1 Review of Restricted Access in the State Archives Collection**

The Acting Deputy Director Archives (A/DDA) advised that a report will be tabled at the December Commission meeting to provide a review of the restricted access archive decisions that were approved in 2006.

**NOTED**

## **10.2 Recovery of Estrays – PWD Records**

*Further text excluded for reasons of confidentiality.*

The Commission was pleased with the outcome of this matter and **NOTED** the information provided.

## **11. DIGITAL RECORDS INITIATIVE**

### **11.1 Digital Records Initiative Progress Report**

The A/DDA reported that there are a number of projects happening internally including the new website, ORDA, digitisation, upgrades to the collection management system, investigating a new online catalogue and reactivating work in the digital preservation sphere externally. There has also been discussion regarding developing a methodology for surveying agencies as to the maturity of digital recordkeeping across government and identifying what issues are being faced. A formal report will be prepared for the next Commission meeting.

The Chair **NOTED** the update and suggested that if there was anything significant it could be circulated out of session, prior to the December meeting.

## **12. ESTABLISHING STANDARDS AND GUIDELINES**

### **12.1 Register - SRC Standards**

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

#### **12.1.1 Sector Disposal Authority Program**

The first SDA for Commission approval is presented at agenda item 9.2.6, covering nine Regional Development Commissions.

**NOTED**

### **12.2 Register - Guidelines**

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

#### **12.2.1 Guideline for Sanitizing of Media**

There were no specific issues to report.

**NOTED**

## **13. ITEMS FOR INFORMATION**

### **13.1 State Records Office Operational Activities**

The Commission **NOTED** the report.

### **13.2 State Records Commission Activities**

Nil

## 14. PUBLIC PROGRAMS AND OUTREACH ACTIVITIES

### 14.1 Public Programs and Outreach Activities

The Commission **NOTED** the date of the Margaret Medcalf Award presentation, the date of the Geoffrey Bolton lecture and other public program activities scheduled for 2011.

## 15. EXECUTIVE DIRECTOR'S REPORT

### 15.1 Executive Director's Report

The Executive Director spoke to the report and advised that with regard to the DCA Review she has met with the reviewer on a number of occasions and there was good recognition of the SRO situation and need. The Executive Director was hopeful that the report will identify SRO's storage needs as a priority. *Further text excluded for reasons of confidentiality.*

The DCA will be developing a CID document (Cultural Infrastructure Directions) to articulate the role of cultural infrastructure in the delivery of culture and arts in Western Australia and SRO will participate in the process. There may be good opportunities to explore joint approaches in respect of digital access but the SRO's whole of government service delivery needs are less likely to fit comfortably in the CID.

The Executive Director advised that SRO will launch its new website with *Eating the Archives*, an online exhibition that will be part of a larger program developed for the CHOGM Festival. Utilizing State banquet menus held in the archives, the program will culminate in an al fresco lunch in the Cultural Centre serving dishes created by leading chef Hadleigh Troy of Restaurant Amusé. There will be a people's lottery via SRO's website to allocate seats at the table and the Department of Agriculture and Food has partnered with SRO to deliver the event. The SRO will utilise multi media technologies to reach out to new audiences.

The Commission expressed enthusiasm for the *Eating the Archives* event and **NOTED** the Executive Director's report.

## 16. NEW BUSINESS

The Executive Director advised that the Department of Education Services (DES) had received a Freedom of Information (FOI) request that includes several State Records Commission documents and the DES had contacted SRO regarding release of the documents. All of the correspondence is on Commission letterhead, therefore any release requests would be a Commission decision. Since the request had only been received yesterday, the documents were not submitted for the Commission's consideration but would be provided out of session.

[Documents were subsequently provided to Commissioners on 8 August 2011 and **APPROVED** for release, through the FOI process, out of session]

The meeting closed at 12.30 pm in time for the Commissioners to welcome invited guests from government organizations and local media representatives, in and around Northam, to an informal lunch.

**NEXT MEETING – Friday 2 December 2011 at 9.30 am – Alexander Library Board Room followed by lunch with SRO staff and members of the State Records Advisory Committee.**

SIGNED.....

DATED.....

Mr Colin Murphy  
State Records Commission