



STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

MINUTES OF MEETING HELD ON 2 December 2011 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)	State Archivist and Executive Director State Records
Ms Isabel Smith (Executive Secretary)	Deputy Director State Recordkeeping
Mr Leigh Hays	Deputy Director Archives

MINUTES:

Ms Joyce Steveni	Recordkeeping Consultant
------------------	--------------------------

1. **Welcome and Apologies**

The Chair opened the meeting at 9.40am.

2. **Declaration of conflicts of interest**

The Parliamentary Commissioner for Administrative Investigations acknowledged a conflict of interest with agenda item 9.2.4 and advised that he will excuse himself from comment and consideration of this item.

3. **Notices of urgent business**

The Chair reminded the meeting that invited guests were due to arrive at 12.30pm to attend the informal lunch.

The State Archivist and Executive Director State Records (State Archivist) advised that Agenda Item 13.3 is now Item 16.3.

A replacement paper with errors corrected for Agenda Item 8.1.1 and the late paper for Agenda Item 16.2 were distributed to the meeting.

4. **SRC Minutes of 5 August 2011**

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

The Commission discussed the level of detail contained in the minutes and determined that the minutes need only include matters which directly relate to decisions made. The Commission requested removal of sections of text which did

not relate to the decisions made under items 6.2.1.2 and 6.2.1.3 and suggested changes to items 7.1 and 15.1 in order to clarify the matters discussed.

The Commission **REQUESTED** the amended minutes to be circulated for confirmation and signature by the Chair. The State Archivist agreed.

4.2 Confirmation of Published Minutes

The amended minutes to be circulated for approval for publication to the website as per the discussion at item 4.1.

4.3 SRC Action List

The State Archivist confirmed that the online launch of the General Disposal Authority for Local Government Records is scheduled for completion by the end of 2011.

The Commission **NOTED** the Action List.

5. MATTERS ARISING

5.1 SRC Annual Report 2010/2011

The Deputy Director State Recordkeeping (DDSR) tabled the final Annual Report for the official record.

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 Training Accreditation Council

The DDSR advised that after being advised of the Commission's decision the complainant had responded negatively to the action the Commission had taken and raised other issues that were outside the scope of the breach inquiry.

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

- the Commission is responsible for determining a breach as well as an appropriate resolution; and

- the State Records Office will monitor the progress of the amendments to the legislative framework.

6.2.1.2 Department of Housing – File Tracking

The DDSR advised that the report of the alleged breach was from an anonymous source and that Department of Housing have implemented appropriate changes to address the issue.

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 and no further action is required.

6.2.1.3 Department of Education – Carson Street School Report

The Commission was pleased to note that the SRO had followed up on the Public Sector Commission investigation into this matter and considered it appropriate for the SRO to liaise with the Department of Education and monitor the progress of the planned improvements to recordkeeping practices.

The Commission **AGREED** that a breach of the *State Records Act 2000* could not be determined in this instance.

6.3 State Records Commission - Risk Management

The State Archivist advised that following a discussion with Chief Justice Wayne Martin regarding storage facilities at the Supreme Court a register of Archives at risk is to be created.

NOTED

7. COMPLIANCE MONITORING – RECORDKEEPING PLANS

7.1 Compliance Monitoring

Refer to Agenda Item 15.1.

8. LEGISLATION REVIEW ISSUES

8.1 SRO input into new legislation

8.1.1 *Criminal Investigation (Covert Powers) Bill 2011*

The Commission **NOTED** the information provided and the SRO's intent to monitor progress.

9. APPROVAL OF RECORDKEEPING PLANS (RKP_s)

9.1 State Records Advisory Committee (SRAC)

9.1.1 SRAC Minutes – 2 November 2011

The Commission **NOTED** the SRAC minutes of 2 November 2011.

9.1.2 SRAC Membership – Nominations

Nil

9.2 Retention and Disposal Schedules for APPROVAL

9.2.1 RD 2011012 – Department of the Premier and Cabinet – Functional Records

Commissioner McDermott noted the reason for the restricted access period of 75 years for record categories 10 and 11, Royal Commissions and Inquiries, which may include information on medical matters of individuals and queried whether the restriction should be for 100 years. The DDSR will follow up and advise if the restricted access period requires amendment.

The Commission **APPROVED** the fully revised Schedule and the time expired restricted access periods.

9.2.2 RD 2011013 - Department of the Premier and Cabinet – Ministerial Offices

Commissioner McDermott noted the reason for the restricted access period of 75 years for record category 3, Royal Commissions, which may include information on medical matters of individuals and queried whether the restriction should be for 100 years. The DDSR will follow up and advise if the restricted access period requires amendment.

The Commission **APPROVED** the fully revised Schedule and the time expired restricted access periods.

9.2.3 RD 2011014 – Department of Agriculture and Food

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

9.2.4 RD 2010072 – Parliamentary Commissioner for Administrative Investigations

The Commission **APPROVED** the fully revised Schedule and the time expired restricted access periods.

9.2.5 RD 2011006 – Pharmacy Registration Board of Western Australia

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

9.2.6 RD 2003101 – Fire and Emergency Services Authority Review Report

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

9.2.7 RD 2005004 – Tourism Western Australia Review Report

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

9.2.8 RD 2006013 – Gold Corporation Review Report

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

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

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 2011007 Pharmacy Registration Board of Western Australia APPROVED

9.6.2 Amended RKP 2009054 State Library of Western Australia APPROVED

9.6.3 Amended RKP 2010050 Western Australian Sports Centre Trust (VenuesWest)

The Commission **APPROVED** the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 December 2012.

9.6.4 Amended RKP 2010070 Shire of Nungarin

The Commission **APPROVED** the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 March 2012.

9.6.5 Amended RKP 2010074 Shire of Three Springs

The Commission **APPROVED** the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 March 2012.

9.6.6 Amended RKP 2011025 Swan River Trust APPROVED

9.6.7 Amended RKP 2011030 Department of Water APPROVED

9.6.8 Amended RKP 2011033 Rottnest Island Authority APPROVED

9.6.9 Amended RKP 2011035 Shire of Esperance

The Commission **APPROVED** the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 December 2012.

9.6.10 Amended RKP 2011037 State Solicitor's Office APPROVED

9.6.11 Amended RKP 2011029 Shire of Laverton

The Commission **APPROVED** the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Recovery Plan by 31 December 2011.

**9.6.12 Amended RKP 2011040 Department of Training and Workforce Development
APPROVED**

9.6.13 Amended RKP 2011041 Shire of Waroona

The Commission **APPROVED** the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 December 2012.

9.6.14 Reviewed RKP 2005031/1 Shire of Narembeen

The Commission **APPROVED** the continuation of the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 June 2012.

9.6.15 Reviewed RKP 2006022/1 Metropolitan Cemeteries Board

The Commission **APPROVED** the continuation of the Recordkeeping Plan.

9.6.16 Reviewed RKP 2005030/1 Shire of West Arthur

The Commission **APPROVED** the continuation of the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 June 2012.

9.6.17 Reviewed RKP 2004156/1 Town of Victoria Park

The Commission **APPROVED** the continuation of the Recordkeeping Plan.

9.7 Recordkeeping Plans CLEARED Pending Approval of the Retention and Disposal Schedule

**9.7.1 RKP 2011022 Western Australian Local Government Association
CLEARED**

9.7.2 RKP 2009061 Supreme Court of Western Australia

The meeting discussed the Supreme Court's position as stated in the Recordkeeping Plan regarding custody and control of access to the Court's records; the application of the Plan to personal staff of judges and the records they create; and the disposal of records. The Commission accepted the advice of the Chief Justice on those matters and requested that the SRO continue to work with the Supreme Court to assist them to achieve better practice recordkeeping.

The Commission **CLEARED** the Recordkeeping Plan.

9.8 RKP Reports – Reports on Reviews

**9.8.1 Review Report RKP 2004026/1 Heritage Council of Western Australia
NOTED**

**9.8.2 Review Report RKP 2004081/1 Burswood Park Board
NOTED**

**9.8.3 Review Report RKP 2006031/1 Lotterywest
NOTED**

9.8.4 Review Report RKP 2006037/1 Shire of Wyndham-East Kimberley
The Commission **NOTED** the review report and **REQUESTED** submission of an amended Recordkeeping Plan by 30 June 2012.

9.9 SRO Progress Report – RKP and R&D Workload

9.9.1 Progress Report – Recordkeeping Plan Reviews
NOTED

9.9.2 Progress Report – Retention and Disposal Schedule Reviews
NOTED

9.9.3 Progress Report – Recordkeeping Plan Commitments Overdue

The DDSR advised that all agencies which had an outstanding commitment to submit an amended Plan following an earlier Recordkeeping Plan review have now honoured that commitment.

NOTED

9.10 Department of Health – Six Monthly Implementation Report

The DDSR advised that the Department of Health's (the Department's) six monthly report, received in October, detailed a number of instances where progress has been achieved and feedback has been provided to the Department. Since the Department's Recordkeeping Plan is due for review in March 2012, the SRO recommended that the six monthly reporting requirement should be suspended pending the outcome of that process.

The Commission **ENDORSED** the recommendation.

10. MANAGEMENT OF THE STATE ARCHIVES COLLECTION

10.1 Review of Restricted Access in the State Archives Collection

The Deputy Director Archives advised that the five year review of Commission decisions to restrict access to archives under sections 37(2)(b) and 48(1) of the *State Records Act 2000* revealed that no changes are required and there is consistency in the restricted access time periods.

The Commission noted the review and **APPROVED** continuation of the restricted access status of all files identified as being restricted under s.37(2) and s.48(1) in the State archives collection.

The Commission **APPROVED** the release of the register, of Commission directions on restricted access records in the State archives collection, on the SRO website.

10.2 Recovery of Estrays – PWD Records

The State Archivist advised that a number of estrays had recently been brought to the SRO's attention and have subsequently been returned to the State archive collection.

Further text excluded for reasons of confidentiality.

Two estrays which were removed from the Cue Police Station in the 1980s have been recovered from a private individual and records comprising working papers in relation to ministerial and parliamentary matters have been donated by the sister of Minister Ian Medcalf who passed away earlier this year.

The Commission **NOTED** the information provided.

11. DIGITAL RECORDS INITIATIVE

11.1 Digital Records Initiative Progress Report

The State Archivist advised that the report summarised a number of matters undertaken in the digital arena however no progress has been made regarding digital recordkeeping preservation and further information is provided at Item 15.1.

NOTED

12. ESTABLISHING STANDARDS AND GUIDELINES

12.1 Register - SRC Standards

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

12.2 Register - Guidelines

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

12.2.1 Guideline for Sanitizing of Media

The Commission **NOTED** that the revised guideline was published on the SRO website on 29 July 2011.

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 State Archivist thanked the Commission for attending the Geoffrey Bolton Lecture and advised that due to technical difficulties the podcast recording had failed.

The State Archivist reported that the *Eating the Archives* event was very successful and tabled a summary of the media coverage generated by the event, pointing out that there was no advertising budget for the event and all media coverage was at no cost to the SRO. The value of the media coverage is still to be calculated. The event generated a lot of support and supporters for the SRO and the Minister had congratulated the SRO in Parliament.

The Commission commended the SRO on the Geoffrey Bolton Lecture and thought that the Eating the Archives event was a triumph and an inspired idea which was a credit to the SRO.

The Commission **NOTED** the report.

15. STATE ARCHIVIST'S REPORT

15.1 State Archivist's Report

The State Archivist spoke to the report and advised that the Department of Culture and the Arts (DCA) review has been completed and the report has been sent to the Public Sector Commission. The State Archivist advised that a number of culture and arts portfolio budget submissions will be put forward to Treasury by the Minister and will include funding for compliance monitoring in the supplementary funding submission and funding for remedial works at Dianella in the capital works submission. Two additional funding requests for development of standards and guidelines for digital recordkeeping and for development of a joint collection management system with the Museum were not successful. The business case for the new repository was put on hold pending the outcome of the DCA review and so was not re-submitted in the budget process.

With regard to the administrative separation of the State Library and the SRO, the State Archivist reported that she is awaiting confirmation from the State Library regarding agreement for a straight budget transfer. A meeting between the Chair of the Commission and the Chair of the Library Board to reach an agreement regarding separation of State archives from the Library collection will be chaired by the DCA Director General and a briefing paper is being prepared.

The State Archivist advised that enhancements to ORDA (the Online Retention and Disposal Application) have been completed and progress is excellent.

The Commission expressed concern that the business case for the new repository was not be put forward to Treasury in this year's budget submissions and will consider how it may be progressed.

The Commission **NOTED** the State Archivist's report.

16. NEW BUSINESS

16.1 Proposed SRC Meeting Schedule 2012

The Commission **CONFIRMED** their availability for the proposed meeting dates and will liaise with the DDSR regarding the location and date for the regional meeting,

which is intended to occur in tandem with the planned regional visit by Commissioners Field and Bluemmel.

The Commission **AGREED** that the duration of future general meetings be from 9.30 to 11.30 am.

16.2 SRC Responsibilities

The State Archivist advised that s.60(2) of the *State Records Act 2000* had been omitted from the list of statutory obligations of the State Records Commission. The DDSR will amend and recirculate the document.

NOTED

16.3 National Bodies - COAG National Reform Schemes

The DDSR spoke to the paper and advised that the SRO has not yet responded to the policy paper for National Heavy Vehicle Regulator Project Offices oversight arrangements under the Heavy Vehicle National Law and sought the Commission's comments.

Commissioner Bluemmel advised that the Department of the Premier and Cabinet (DPC) had requested information on the impact of the national reforms on oversight laws and had provided a draft issues paper outlining a number of concerns. A copy of the final document will be forwarded to the SRO.

The Commission considered that it would be appropriate for the SRO to make a submission to the DPC regarding recordkeeping issues identified as a result of the national reform bills.

NOTED

16.4 Governor's Appointee

Commissioner McDermott advised that her term as the Governor's appointee to the Commission is due to expire in March 2012 and at the request of the Chair confirmed her willingness to continue on the Commission for a further term.

The Commission **REQUESTED** that relevant documentation be drafted for the Chair's signature to recommend continuation of Commissioner McDermott's appointment.

16.5 SRC Stationery

The meeting discussed the use of SRO letterhead versus Commission letterhead and **RESOLVED** that SRO letterhead should be used where the SRO is advising and liaising with agencies on recordkeeping matters that are not yet before the Commission so as not to prejudice any subsequent decision by the Commission.

The meeting closed at 12.30 pm in time for the Commissioners to welcome State Records Advisory Committee members and SRO staff to an informal lunch.

NEXT MEETING – Wednesday 7 March 2012 at 9.30 am – Alexander Library Board Room

SIGNED.....

DATED.....

Mr Colin Murphy
State Records Commission