



STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

MINUTES OF MEETING HELD ON 7 DECEMBER 2012 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:

Mr Martin Fordham	Recordkeeping Consultant
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1. Welcome and Apologies

The Chair opened the meeting at 10.05am.

Commissioner Field requested that matters about the State Records Commission's (the Commission) annual report and the chairing of the Commission be added to the meeting agenda.

The Chair added that he would advise the Commission on a proposed public sector records management audit to be conducted by the Office of the Auditor General.

2. Declaration of conflicts of interest

Nil.

3. Notices of urgent business

Nil.

4. SRC Minutes of 30 August 2012

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 Chair recommended that the second sentence in the first paragraph of section 7.1 be removed from the published version of the minutes.

The Commission agreed and **APPROVED** the minutes for publication to the website.

4.3 SRC Action List

The State Archivist suggested that the first item may be removed as there is unlikely to be any progress on this item in the foreseeable future. The Chair **AGREED** and briefed the Commission on developments at the Department of the Premier and Cabinet and in particular at the Department of Finance in regard to cyber security and associated matters about public sector information management.

The State Archivist advised that, in regard to the item about COAG National Reform Schemes, the State Records Office (the SRO) is arranging to meet with the Department of the Premier and Cabinet in mid-January 2013 to discuss issues about oversight arrangements associated with the National Reform Schemes.

It was confirmed that the items about Compliance Monitoring and the Western Australian Universities (archives access arrangements) are in progress.

The Commission **NOTED** the Action List.

5. MATTERS ARISING

5.1 Meeting Arrangements

The Commission noted the arrangements for the meeting which will include a demonstration of ORDA (the Online Retention and Disposal Application) and an informal lunch with invited guests.

5.2 State Records Commission Annual Report 2011-12

The Commission **NOTED** the information provided and commended the SRO for the production of the annual report.

Commissioner Field commended the SRO on the format and arrangement of this year's annual report, and suggested that set timelines be agreed to such as: the report's strategy and messaging be generally determined at the Commission's first meeting of the year; and that the final draft be available approximately 14 days prior to publication for the Commissioners to meet and discuss. The State Archivist **AGREED**.

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 updated information.

6.1.2 Register - Defunct Government Organizations

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

6.2 Inquiring into Breaches or Possible Breaches

6.2.1 Register – Alleged Breaches

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

Commissioner Field suggested that it would be timely for the Commission to review the general framework, terminology and language used for breach allegations, inquiries and decisions, and that he and Commissioner Bluemmel could lead the review.

The Commission **AGREED**.

6.3 State Records Commission - Risk Management

Nil

7. COMPLIANCE MONITORING – RECORDKEEPING PLANS

7.1 Compliance Monitoring

The State Archivist re-iterated that discussions have been held with the Director General of the Department of Culture and the Arts and a request for funding for compliance monitoring is being developed for submission to the Minister for Culture and the Arts (the Minister).

The Commission **NOTED** the update.

8. LEGISLATION REVIEW ISSUES

8.1 SRO input into new legislation

8.1.1 *Personal Property Securities Act 2009 (Cth)*

The State Archivist advised that the SRO had met with the State Solicitor's Office (the SSO) and the Department of Commerce (the DoC) and it was agreed that the SRO write to the Minister requesting approval to draft an amendment to the *State Records Act 2000* to exclude state records from application to the *Personal Property Securities Act* (PPSA).

The Commission commented that such a proposal for amendment may cause conflict with Commonwealth law and queried whether other courses of action have been or may be pursued, such as the Commonwealth amending its legislation. The State Archivist advised that particular approach has been considered and indications are that it would not happen. Further, as the SRO, SSO and the DoC consider that there is a risk and that meeting the requirements of the PPSA would be very resource and time intensive, the immediate alternative is to seek to amend the *State Records Act 2000*.

The Commission suggested that the SRO and DoC, perhaps via the Department of the Attorney General, seek to liaise with the Ministerial Council on Law and Justice (previously the Standing Committee of Attorney's General) on the matter. The State Archivist also suggested that the DoC should seek formal advice from the relevant Commonwealth agency on whether the PPSA could be amended.

The Commission **NOTED** the update.

8.1.2 *National Health Funding Pool Bill 2012*

The Commission **NOTED** the information provided.

8.1.3 SRO input into Federal Legislation

Nil

9. APPROVAL OF RECORDKEEPING PLANS (RKPs)

9.1 State Records Advisory Committee (SRAC)

9.1.1 SRAC Minutes – 14 November 2012

The Commission **NOTED** the SRAC minutes.

9.1.2 SRAC Membership – Re-nomination

The Commission **APPROVED** the recommendation for the re-appointment of Ms Cheryl Gwilliam, member representing State government CEOs, to the SRAC.

9.2 Retention and Disposal Schedules for APPROVAL

9.2.1 RD 2011047/1 – Department of Education

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

9.2.2 RD 2011036 – Public Transport Authority

The Commission **APPROVED** the Schedule.

9.2.3 RD 2012016 – Western Australian Museum

The Commission **APPROVED** the Schedule, the restricted access periods and the application by the WA Museum to retain certain State archives.

9.3 Disposal Lists for APPROVAL

Nil

9.4 Outstanding Restricted Access Matters

9.4.1 Application to Restrict Access to Records in the State Archives Collection

The Commission **APPROVED** the application to restrict access to thirty five (35) identified files within Consignment 3424 in the State archives collection, for 100 years.

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 2012012 – State Training Providers

The Commission **APPROVED** the Recordkeeping Plan and **REQUESTED** submission of the Pilbara Institute and the Goldfields

**9.6.2 RKP 2012037 – Department of Education (incorporating School Curriculum and Standards Authority)
APPROVED**

**9.6.3 Amended RKP 2012025 – Shire of Corrigin
APPROVED**

**9.6.4 Amended RKP 2012036 – Department of the Attorney General
APPROVED**

**9.6.5 Reviewed RKP 2007040/1 – Shire of Leonora
APPROVED**

The Commission noted the purchase of a building by the Goldfields Esperance Regional Collaborative Group for conversion into a Regional Records Facility for use by local and other government agencies in the region. The Deputy Director Archives advised that the facility would be for the storage of temporary government records and not State archives.

**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 RKP 2007015/1 – Shire of Mingenew

The Commission **NOTED** the review report and the intent to submit an amended Plan by 31 March 2013.

9.8.2 Review Report RKP 2007018/1 – Mid West Regional Council

The Commission **NOTED** the review report and the intent to submit an amended Plan by 31 December 2013.

9.8.3 Review Report RKP 2007024/1 – State Records Office of Western Australia

The Commission **NOTED** the review report and the intent to submit an amended Plan by 30 September 2013. The Deputy Director State Recordkeeping (DDSR) advised that the draft amended Plan would be subject to external review by a records management professional prior to submission to the Commission. The Commission suggested that Commissioner McDermott would be an appropriate expert to conduct an initial review.

9.8.4 Review Report RKP 2007028/1 – Shire of Corrigin

The Commission **NOTED** the review report and the intent to submit an amended Plan by 31 March 2013.

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

9.10 Department of Health – Six Monthly Implementation Report

The DDSR advised that the Department of Health has submitted an amended Recordkeeping Plan but it is yet to be evaluated. The Commission recommended that as the Department has provided an amended Recordkeeping Plan, this item may be removed from the meeting agenda. The State Archivist **AGREED**.

9.11 Schedule 3 Recordkeeping Plans – RKP 2009073 – Regional Power Corporation (Horizon Power)

Nil

10. MANAGEMENT OF THE STATE ARCHIVES COLLECTION

10.1 Recovery of Estrays

The State Archivist confirmed that the JS Roe field book discovered in the WA Museum has been transferred to the State archives collection.

In regard to the collection of papers of Sir James Mitchell that were recovered from an auction and transferred to the State archives collection, the request for compensation was approved by the Minister.

In addition, the State Archivist will advise the Minister on the issues and risks associated with the application of the compensation (for recovered records) provisions of the *State Records Act 2000*.

The Commission **NOTED** the information provided.

11. DIGITAL RECORDS INITIATIVE

11.1 Digital Records Initiative Progress Report

The Deputy Director Archives (DDA) updated the Commission on the development of the Collection Management System, which currently involves the SRO and the system developers rationalising the current Series Registration System used by the SRO with the requirements of other archives institutions and alignment with the international standard for archival description. The SRO is also investigating the acquisition of servers for use in deploying the system as well as the use of cloud computing services. The Commission discussed issues such as security and privacy, associated with cloud computing.

The Commission **NOTED** the information provided.

12. ESTABLISHING STANDARDS AND GUIDELINES

12.1 Register - SRC Standards

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

12.2 Register - Guidelines

Nil

13. ITEMS FOR INFORMATION

13.1 State Records Office Operational Activities

The Chair elaborated on the proposed records management audit to be conducted by the Office of the Auditor General.

The Commission **NOTED** the report.

13.2 State Records Commission Activities

Nil

13.3 Legislative Council Recordkeeping Plan RKP 2012039

The Commission **NOTED** the information provided.

14. PUBLIC PROGRAMS AND OUTREACH ACTIVITIES

14.1 Public Programs and Outreach Activities

The State Archivist advised that the Geoffrey Bolton Lecture was a great success and will be broadcast on ABC Radio National in February 2013, and that the SRO is in discussions about future Geoffrey Bolton Lectures, one of which may align with the centenary of ANZAC. In addition, the SRO is considering new ways of conducting its Lunchtime Seminars and other events to better utilise opportunities and partnerships to make events more visual, alive and active.

The State Archivist requested a Commissioner nominate to sit on the judging panel for the Margaret Medcalf Award 2013. Commissioner McDermott **AGREED** to represent the Commission on the panel.

The Commission **NOTED** the report.

15. STATE ARCHIVIST'S REPORT

15.1 State Archivist's Report

The State Archivist spoke to the report and elaborated on the SRO attendance at the recent International Council on Archives Congress; the SRO's 2-day strategic planning workshop at which Commissioner McDermott facilitated; discussions with the National Archives of Australia regarding shared premises; and matters about the SRO / State Library of Western Australia administrative and collections separation.

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

16. NEW BUSINESS

16.1 Keeping of Archives Access Records – Change of SRO Practice

The State Archivist elaborated on the circumstances and reasoning behind the change of practice in regard to the keeping of archives access records for longer than currently stipulated, and that the State Records Office Retention and Disposal Schedule will be amended accordingly.

The Commission **NOTED** the report.

16.2 2013 Schedule of State Records Commission meetings

The Commission **NOTED** the 2013 schedule of meetings and suggested they respond to the SRO as soon as possible about the planned dates and to advise on the preferred location for the Commission’s regional meeting.

16.3 Proposed Whole-of-Government “Temporary Disposal Freeze” for certain records (Late Paper)

The State Archivist apprised the Commission on the impetus to issue a notice throughout government for a temporary freeze on the disposal of records that may be relevant to the (proposed) Royal Commission into Institutional Responses to Child Sexual Abuse.

The Commission discussed the proposed circular and recommended several amendments to the content and intent of the circular to ensure that government is reminded that, in accordance with approved Retention and Disposal Schedules, records relevant to an investigation or inquiry must not be destroyed. Therefore, a disposal freeze will not be necessary. The State Archivist **AGREED** to change the circular to reflect the proposed changes.

16.4 Chair of the Commission

Commissioner Field noted that the Chair’s current term is due to expire in March 2013 and that generally the position of Chair is rotated among the ex-officio members of the Commission. Commissioner Field commended the Chair for his excellent Chairmanship and supported his continued chairing of the Commission for another term. The Commission unanimously **AGREED** and the Chair accepted the role for another term.

The meeting closed at 11.45am.

NEXT MEETING – To be confirmed.

SIGNED.....

DATED.....

Mr Colin Murphy
State Records Commission