



STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

MINUTES OF MEETING HELD ON 7 MARCH 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:

Ms Lena Stekl	Recordkeeping Consultant
---------------	--------------------------

1. **Welcome and Apologies**

The Chair opened the meeting at 9.30am.

2. **Declaration of conflicts of interest**

Commissioner McDermott acknowledged a conflict of interest with agenda item 9.2.3 and advised that she will excuse herself from consideration of this item.

3. **Notices of urgent business**

Nil

4. **SRC Minutes of 5 August 2011 and 2 December 2011**

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

The Deputy Director State Recordkeeping (DDSR) advised that the minutes of the 5 August 2011 meeting had been amended in accordance with the Commission's request. The amended minutes had been circulated to Commissioners via email.

The minutes were **CONFIRMED** and signed by the Chair.

4.2 **Confirmation of Published Minutes**

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

4.3 SRC Action List

The State Archivist and Executive Director State Records (State Archivist) advised that:

- the launch for the revised General Disposal Authority for Local Government Records should be noted as completed; and
- the State Records Office (SRO) is awaiting a Council of Australasian Archives and Records Authorities (CAARA) statement of position before writing to the Department of the Premier and Cabinet regarding the National Reform Schemes.

The Commission **NOTED** the Action List.

5. MATTERS ARISING

5.1 Department of the Premier and Cabinet Retention and Disposal Schedule – Restricted Access Archives

The Commission **APPROVED** the restricted access provisions.

5.2 Re-appointment of Fourth Commissioner

The State Archivist advised that the re-appointment of Commissioner McDermott has been approved by the Governor and that the gazettal notice and Ministerial correspondence to confirm the re-appointment are being drafted.

6. MONITORING THE OPERATION OF AND COMPLIANCE WITH THE ACT

6.1 Organizational Changes

6.1.1 Register - Government Organizations – Administrative Change

The State Archivist advised that the Recordkeeping Plan for the Building Services Board was received on 29 February and that the Schools Curriculum and Standards Authority was established on 1 March.

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

6.1.2 Register - Defunct Government Organizations

The DDSR advised that the Curriculum Council is now defunct, having been superseded by the newly established Schools Curriculum and Standards Authority.

The Commission noted the recent Ports Review, which recommends amalgamation of several Port Authorities. The DDSR advised that the SRO is monitoring relevant documentation.

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 Housing – Tenancy Management

The State Archivist advised that the Department of Housing commissioned a review of its tenancy management practices in 2011 and is currently undertaking action to address the recordkeeping issues identified by the review.

In considering all the information before them, the Commission **AGREED** that a breach of the *State Records Act 2000* (the Act) could not be determined in this instance and no further action is required.

6.2.1.2 Department of Mines and Petroleum – Auditor General’s Report – Ensuring Compliance With Conditions on Mining

The State Archivist advised that the Department of Mines and Petroleum had provided information about improvements to information management practices in their Environmental division, as well as an assurance that records management practices were consistent with their Recordkeeping Plan.

In considering all the information before them, the Commission **AGREED** that a breach of the Act could not be determined in this instance and no further action is required.

6.3 State Records Commission - Risk Management

Nil

7. COMPLIANCE MONITORING – RECORDKEEPING PLANS

7.1 Compliance Monitoring

The State Archivist advised that the SRO has made a submission for funding of a compliance monitoring regime via the 2012/13 budget process and is awaiting the outcome.

8. LEGISLATION REVIEW ISSUES

8.1 SRO input into new legislation

8.1.1 *Criminal Investigation (Covert Powers) Bill 2011*

The Commission **NOTED** that the State Archivist provided a written submission to the Standing Committee on Uniform Legislation and Statutes Review, with the essential comment that the *State Records Act 2000* should not be excluded from the Bill.

8.1.2 Legal Deposit Bill 2011

The State Archivist advised that the SRO had not been consulted during the drafting of this Bill, even though it makes specific reference to the *State Records Act 2000*. The Bill has now received its second reading in the Legislative Council.

The SRO has met with the State Library of Western Australia (SLWA) to discuss the SRO's concerns about the draft Bill. *Further text excluded for reasons of confidentiality.*

The Commission discussed the implications of the Bill's possible unintended consequences and considered that the SRO had an obligation to raise its concerns while the Bill is still in draft. The State Archivist advised that a Ministerial outlining the SRO's concerns will be resubmitted today.

The Commission **NOTED** the information provided.

8.1.3 Personal Property Securities Act 2009 (Cth)

The State Archivist advised that she had received draft advice from the State Solicitor's Office as to whether there is any scope to exempt government records held in commercial storage from the registration requirements of this Act. This advice will be assessed further when the final version is received. If no exemption is possible, State and local government organizations would be required to register any commercially stored records as "security interests".

This issue will also be discussed at the CAARA meeting scheduled for 15 March. The State Archivist will attend this meeting.

The Commission **NOTED** the information provided.

9. APPROVAL OF RECORDKEEPING PLANS (RKPs)

9.1 State Records Advisory Committee (SRAC)

9.1.1 SRAC Minutes – 29 February 2012

The DDSR distributed copies of the SRAC minutes during the meeting and advised that the revised General Disposal Authority for Human Resource Management Records (GDAHRM) was considered by the SRAC on 29 February. The SRAC queried whether the Public Sector Commission (PSC) had been consulted during the development of the GDAHRM. The SRO issued a whole-of-government invitation to participate on a GDAHRM working group at the beginning of the drafting process, however the PSC did not respond. The current version of the GDAHRM will be resubmitted to the PSC for comment.

The Commission **NOTED** the SRAC minutes.

9.1.2 SRAC Membership – Nominations

The Commission **APPROVED** the recommendations for one appointment of a Member (Dr Kerry Smith); three re-appointments of Members (Ms Jennie Carter, Ms Tanya Butler and Ms Julie Mathieson); and two re-appointments of Deputies (Ms Anne Seghezzi and Ms Rebecca Bairnsfather-Scott) to the SRAC.

9.2 Retention and Disposal Schedules for APPROVAL

9.2.1 RD 2011031 – Lotteries Commission of Western Australia (Lotterywest)

Commissioner Bluemmel queried the rationale for restricting access for the two categories concerning Bloc Relations and how the agency had determined that disclosure of this information would prejudice interstate relations. The DDSR will follow up and advise if the proposed restricted access period requires amendment.

The Commission stressed the importance of applying adequate scrutiny to agencies' restricted access applications. The Commission also discussed whether restricted access applications could be initially considered as part of the SRAC process. The DDSR responded that this would require a change in SRAC policy as the SRAC has been previously advised that restricted access decisions are a Commission responsibility.

The Commission **APPROVED** the fully revised Schedule and **NOTED** that further information regarding restricted access would be provided.

9.2.2 RD 2011047 – Department of Education

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

9.2.3 SD 2011011 – Sector Disposal Authority for Western Australian Universities

The Commission acknowledged the significant work done by the University representatives, over a number of years, to develop this Authority – a benchmark initiative in this State.

Commissioner Field queried whether Notre Dame University should be included in this Authority. The DDSR agreed to check this University's status under the *State Records Act 2000* and advise the Commission.

The Commission **APPROVED** the Authority and the time expired restricted access periods. The Commission also **APPROVED** the relevant Universities' requests to retain State archives and **NOTED** the SRO's intention to formalise access arrangements.

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 a particularly sensitive Department of Health file within Consignment 2489 in the State archives collection.

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

The State Archivist advised that the SRO continues to receive requests to transfer State archives. Some organisations have advised the SRO of their intention to establish their own archives storage facilities due to the inability to transfer. Individual purpose-built archives facilities would present a significant impost on government, with the establishment and ongoing management required.

The Commission **NOTED** the information provided regarding requests to transfer State archives and the SRO's intention to change the policy for the usage of the Dianella records repository to allow the non-archival storage area to be used for storage of State archives, under certain circumstances.

9.6 Recordkeeping Plans for APPROVAL

9.6.1 RKP 2011042 – Pilbara Regional Council

The Commission **APPROVED** the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 June 2013.

9.6.2 RKP 2011046 – Department of Treasury APPROVED

9.6.3 RKP 2011048 – Department of Finance APPROVED

9.6.4 RKP 2012001 – City of Greater Geraldton APPROVED

9.6.5 Amended RKP 2011039 – Department of Education APPROVED

9.6.6 Amended RKP 2011043 – Department of the Registrar, Western Australian Industrial Relations Commission

The Commission **APPROVED** the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Recovery Plan by 30 May 2013.

**9.6.7 Amended RKP 2011044 – Lotteries Commission (Lotterywest)
APPROVED**

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 DDSR advised that in addition to the Recordkeeping Plans (RKPs) noted in the attachment, ten RKP review reports are also due this week. The SRO has contacted the agencies concerned.

The Commission **NOTED** the progress report of RKP reviews.

9.9.2 Progress Report – Retention and Disposal Schedule Reviews

The Commission **NOTED** the progress report regarding R&D reviews.

9.10 Department of Health – Six Monthly Implementation Report

The DDSR advised that submission of this report had been deferred pending submission of the Department of Health's RKP review report, due by 8 March.

10. MANAGEMENT OF THE STATE ARCHIVES COLLECTION

10.1 Recovery of Estrays

The State Archivist confirmed the successful conclusion of two estray matters related to Public Works Department Plans and Valuer General's Office Property Maps.

Further text excluded for reasons of confidentiality.

The Commission **NOTED** the information provided.

11. DIGITAL RECORDS INITIATIVE

11.1 Digital Records Initiative Progress Report

The State Archivist advised that the Online Retention and Disposal Application (ORDA) is approaching finalisation and is expected to be launched soon. There will be an arrangement to share ORDA with the other CAARA member institutions free of charge, however the SRO is investigating the feasibility of making the software commercially available to international institutions.

The Commission discussed the issues involved with software commercialisation, such as the costs involved with ongoing maintenance and support; and consideration of any legal ramifications associated with future use of the software.

The Commission **NOTED** the information provided.

12. ESTABLISHING STANDARDS AND GUIDELINES

12.1 Register - SRC Standards

The State Archivist spoke to the register and proposed that the entry for the Managing Photographs as State Records standard be removed as it is a very low priority for the SRO. The Commission **AGREED**.

The State Archivist also noted that review of the General Disposal Authorities (GDAs) for Administrative Records and Financial and Accounting Records had not progressed due to resource constraints. *Further text excluded for reasons of confidentiality.*

Some discussion ensued regarding the possibility of engaging lead agencies for projects such as the GDA for Financial and Accounting Records review.

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

12.2 Register - Guidelines

Nil

12.3 Sector Disposal Authority Program

The DDSR advised that there was sufficient funding to continue the Sector Disposal Authority (SDA) program until mid-June 2012, with a possibility of extension. SDAs for Port Authorities and Cemetery Boards will be developed during this time.

The SRO has also established a Working Group to develop an SDA for the records of University Student Guilds.

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

13. ITEMS FOR INFORMATION

13.1 State Records Office Operational Activities

The Commission **NOTED** the report.

13.2 State Records Commission Activities

Commissioner Bluemmel advised that he will be speaking at a Records and Information Management Professionals Australasia seminar on 20 March. **NOTED**.

14. PUBLIC PROGRAMS AND OUTREACH ACTIVITIES

14.1 Public Programs and Outreach Activities

The State Archivist advised that nominations have been called for the 2012 Margaret Medcalf Award and requested a nomination for a Commissioner to participate on the judging panel. Commissioner McDermott **AGREED** to participate on the panel.

The State Archivist reported that the SRO is still awaiting a response from Mr David Ferriero, Archivist of the United States, regarding delivery of the Geoffrey Bolton Lecture. Should he agree to deliver the Lecture, the SRO will explore opportunities for organising other events nearer the time. The SRO would need to work around Mr Ferriero's availability and therefore there may be implications for the timing of the August Commission meeting.

The State Archivist advised that the *City of Light* event on 20 February was very successful. There was a very positive engagement with the Western Australian Museum and the City of Perth, with great potential for future partnerships. A report on media coverage has been requested. The event was regarded as valuable for developing the SRO's profile in the wider community and showcasing the diversity of its collection. The Commission congratulated the SRO on the success of the event.

The SRO will be considering public program opportunities for the centenary of World War I, with potential regional involvement.

The Commission commended the SRO on its work to raise its profile through events such as *Eating the Archives* and *City of Light*.

The Commission **NOTED** the report and proposed date and time for presentation of the Margaret Medcalf Award and requested that diary dates for this and other events be coordinated direct via their office assistants.

15. STATE ARCHIVIST'S REPORT

15.1 State Archivist's Report

The State Archivist spoke to the report and advised that the review of the Department of Culture and the Arts (DCA) portfolio has been presented to the PSC. There has been no further progress.

With regard to the separation of the SLWA and the SRO collections, the State Archivist reported that the scheduled meeting between the Chair of the Commission and the Chair of the Library Board did not take place. Prior to the scheduled meeting, the Director General of the Department of Culture and the Arts (DCA) requested advice on the matter from the State Solicitor's Office (SSO) and the meeting was deferred to allow parties to consider the advice. The SRO subsequently queried with the DCA whether the Consequential Provisions of the Act had been taken into account. Further advice sought by the DCA was received this morning and will be evaluated by the SRO.

Further text excluded for reasons of confidentiality.

The State Archivist and Commissioner Bluemmel **AGREED** to meet in the first instance to discuss the advice received. Following this, the SRO and the Commission will reconsider the position. The Chair also advised that he was happy to meet with the Chair of the Library Board and the Director General of the DCA if necessary.

The State Archivist advised that the DCA had organised an independent audit to determine an equitable budget split as part of the financial and administrative separation of the SRO and SLWA. SRO considers the draft budget report presented by Ernst & Young to be fair and, based on this, has indicated that it will accept the final recommendations of the report which is expected to be finalised by next week.

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

16. NEW BUSINESS

16.1 SRC Annual Report 2011/12

The State Archivist spoke to the paper and suggested that the 2011/12 Annual Report (the Report) should focus on the three chief business objectives identified in the SRO's strategic plan. A supplementary attachment was distributed at the meeting which outlined the proposed overarching theme of risk. It was proposed that the Report cover the risks of not meeting the requirements of the Act, such as the inability to receive both hard copy and digital archival transfers; the lack of a compliance monitoring program; and the inability to progress certain business objectives.

The Chair stated that it was pleasing to see an early consideration of the Report and stressed that a key Commission power lay in its ability to report directly to Parliament. The Chair suggested that the theme of risks to records was a compelling one, as it helped to convey an important message that valuable records could be lost unless action was taken. It was also suggested that the risk associated with the absence of compliance monitoring primarily lay in the fact that the Commission could not meet one of its statutory obligations and drew attention to compliance shortcomings within agencies.

The Commission **NOTED** the proposed content of the Report and **REQUESTED** that any contentious issues relating to potential breaches of the Act be raised in a timely manner.

16.2 Lonnie Awards – State Records Commission Award 2012

The State Archivist advised the Commission, in confidence, that the winner of the State Records Commission Award for 2012 was the Disability Service Commission, with a special commendation to Main Roads Western Australia. The winner would be announced at the Institute of Public Administration Australia function on 23 March. **NOTED.**

16.3 SRC Karratha Meeting

The DDSR advised that the SRO has been researching arrangements for the next meeting in Karratha, including a possible venue, local media and agency contacts,

and archival records for display. The SRO will provide further details to the Commission once confirmed.

The meeting closed at 11.30 am.

NEXT MEETING – Thursday 30 August 2012 at 9.30 am – Karratha (venue to be determined)

SIGNED.....

DATED.....

Mr Colin Murphy
State Records Commission