



# STATE RECORDS COMMISSION OF WESTERN AUSTRALIA

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## MINUTES OF MEETING HELD ON 30 AUGUST 2012 AT THE PILBARA EDUCATION REGIONAL OFFICE, KARRATHA

### PRESENT:

Mr Colin Murphy (CHAIR)	Auditor General
Mr Sven Bluemmel	Information Commissioner
Mr Chris Field	Parliamentary Commissioner for Administrative Investigations Governor's Appointee
Ms Justine McDermott	State Archivist and Executive Director State Records
Ms Cathrin Cassarchis (Executive Officer)	Deputy Director State Recordkeeping Deputy Director Archives
Ms Isabel Smith (Executive Secretary)	
Mr Leigh Hays	

### MINUTES:

Mr Martin Fordham	Recordkeeping Consultant
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#### 1. Welcome and Apologies

The State Archivist and Executive Director State Records (State Archivist) apologised for the delayed start to the meeting caused by limited transport available from the airport.

The Chair opened the meeting at 11.45am.

#### 2. Declaration of conflicts of interest

Commissioner McDermott acknowledged a conflict of interest with agenda item 9.6.6 and stated she would excuse herself from comment and consideration of this item.

Commissioner Field acknowledged a potential conflict of interest with agenda item 6.2.1.4 and likewise advised that he would excuse himself from comment and consideration of this item.

#### 3. Notices of urgent business

Due to the late start to the meeting, the Chair suggested the meeting proceed according to the Agenda and if necessary to reconvene after lunch to complete business.

#### 4. SRC Minutes of 7 March 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 Commission **APPROVED** the minutes for publication to the website.

## **4.3 SRC Action List**

The State Archivist advised that most matters are completed or refer to an Agenda item for this meeting. In addition, the action under the item 'Separation of SRO and SLWA collections' is completed as the State Archivist and Commissioner Bluemmel have met.

The Commission **NOTED** the Action List.

# **5. MATTERS ARISING**

## **5.1 Regional Meeting Arrangements - Karratha**

The Deputy Director State Recordkeeping (DDSR) advised that lunch is scheduled for 12.30pm with representatives from about nine government agencies, representing approximately 30 attendees, expected to attend as well as representatives from at least one media organization.

## **5.2 State Records Commission Annual Report 2011-12**

The Commission noted the receipt of the first draft of the annual report and agreed to provide comment and feedback on the proposed content.

## **5.3 Lotteries Commission of Western Australia – Retention and Disposal Schedule – Restricted Access Archives**

The DDSR advised that Lotterywest provided additional information to support the request to restrict access to two categories of records associated with "Bloc relations" and that the 25 year restricted access is appropriate.

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

## **5.4 Notre Dame University – Status Under the *State Records Act 2000***

The Commission considered the information presented and **NOTED** the State Archivist's view that Notre Dame University is not subject to the *State Records Act 2000*.

## **5.5 Re-appointment of Fourth Commissioner**

The State Archivist advised that the Governor's appointee to the Commission has been re-appointed to 23 March 2015 and the appointment notice was published in the *Government Gazette* on 16 March 2012. Commissioner McDermott mentioned that confirmation from the Minister for Culture and the Arts has not been received and the DDSR advised the State Records Office would follow up.

**NOTED**

## 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 Register – Alleged Breaches

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

##### 6.2.1.1 Department of Health – ICT procurement

The DDSR advised that it has been established that in this case the Department of Health did not comply with the requirements of its Recordkeeping Plan and the associated policy and procedures. However, the Department has instituted some corrective measures and has employed an officer responsible for records management at the Health Information Network. In addition, the Department has committed to submitting a revised Recordkeeping Plan later this year.

In considering all the information, the Commission **AGREED** that the Department did not comply with the requirements of its Recordkeeping Plan; and suggested that the Department be informed of the Commission's decision and the Commission's expectation that all corrective measures and improvements are to be identified in the revised Recordkeeping Plan.

##### 6.2.1.2 Department of the Attorney General – Missing Folios

The DDSR advised that the Department had brought the matter of missing folios to the attention of the State Records Office as a potential breach of the *State Records Act 2000* (the Act) and invited the State Records Office to provide records management training to Department staff, which was conducted on 8 August. However, the SRO investigation established that it was the action of splitting files that created the appearance of missing folios and whilst the splitting of files is not a recommended practice it does not constitute a breach of the Act.

The Commission **AGREED** that no breach of the Act has occurred and no further action is required.

##### 6.2.1.3 Department for Child Protection – Informal Files

The DDSR advised this matter relates to the creation of informal files containing duplicate records which are used for quick reference purposes only. Moreover, it is not an uncommon practice and suggested that the Department be advised to include specific details about such files in the next revision of its Recordkeeping Plan.

The Commission **AGREED** that no breach of the Act has occurred and no further action is required.

#### **6.2.1.4 School Curriculum and Standards Authority – Early Destruction of Exam Records**

The DDSR summarised the issues and advised that the Authority properly followed all processes and procedures with respect to the destruction of the exam records.

The Commission **AGREED** that no breach of the Act has occurred 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 pursuant to discussions with the Director General of the Department of Culture and the Arts it was agreed that the State Archivist would put forward another request for compliance monitoring funding in the next budget round. *Further text deleted for reasons of confidentiality.* Commissioners **AGREED** that it would be appropriate for the Director General to apprise the Minister prior to the State Archivist's ministerial.

The Chair advised that it is appropriate for the Director General and the State Archivist to pursue necessary funding for Commission activities, but the Commission should remain separate from these processes. It remains the Commission's role and obligation to apprise the Minister and Parliament when the Commission cannot meet its statutory obligations.

The Commission **NOTED** the funding difficulties and is satisfied with the State Archivist's proposed course of action.

## **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 suggested that no further action is required, as it is up to the Parliament to decide on the recommendations of the Standing Committee on Uniform Legislation and Statutes Review on whether or not the *State Records Act 2000* should be excluded from application in this Bill.

#### **8.1.2 *Legal Deposit Bill 2011***

The Commission **NOTED** the information provided and acknowledged the State Archivist's submission to remove references to the *State Records Act 2000* from the definitions section of the Bill were successful.

### **8.1.3 *Personal Property Securities Act 2009 (Cth)***

The DDSR advised that discussions continue with the Department of Commerce, who are keen to pursue an appropriate legislative solution either at Commonwealth or State level. The State Archivist advised that the Director General of the National Archives is also considering the matter.

The Commission **NOTED** the update.

### **8.1.4 *State Records Act 2000 – Amendments proposed via an Omnibus Bill***

The Commission **NOTED** the information provided and acknowledged the State Archivist's petition to the Minister to support an amendment to ensure that the State Ombudsman and the Information Commissioner are not considered Parliamentary Departments.

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

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

#### **9.1.1 SRAC Minutes – 27 June 2012**

The Commission **NOTED** the SRAC minutes.

#### **9.1.2 SRAC Membership – Nomination**

The Commission **APPROVED** the recommendation for the appointment of a deputy representing State government CEOs, Mr Richard Strickland, to the SRAC. The Commission was advised that the member representing Local government CEOs had recently resigned from the SRAC.

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

#### **9.2.1 RD 2012018 – Department of Planning**

The Commission **APPROVED** the Schedule.

#### **9.2.2 RD 2011038 – Department of Transport**

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

#### **9.2.3 RD 2009096/1 – Western Australian Land Information Authority**

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

#### **9.2.4 SD 2012027 – Sector Disposal Authority for University Student Guilds**

The Commission recognised the achievement in developing a disposal authority for University Student Guilds, congratulating the SRO team. The Commission **APPROVED** the Authority.

#### **9.2.5 SD 2012026 – Sector Disposal Authority for Cemetery Boards**

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

#### **9.2.6 SD 2012021 – Sector Disposal Authority for Port Authorities**

The Commission **APPROVED** the Authority.

### **9.2.7 RD 2007010 – Architects Board of Western Australia Review Report**

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

### **9.2.8 RD 2012004 – General Disposal Authority for Human Resource Management Records**

The DDSR stated that the Commission had approved this Authority out of session and advised that it has been published on the State Records Office website.

The Commission noted the information provided and **CONFIRMED** the Authority's approval on 25 June 2012.

## **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**

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**

The Deputy Director Archives (DDA) advised that the State Records Office continues to regularly receive requests to transfer State archives, including formal requests to transfer as well as more general enquiries, and summarized the broad details on recent requests.

The Chair suggested that such requests could serve as practical, graphical examples in the Commission's annual report to illustrate that agencies are formally requesting to transfer archives, the potential for the loss of state archives is real (e.g. Mt Lawley Primary School fire) and to reinforce the need for archival storage.

The Commission **NOTED** the information provided.

## **9.6 Recordkeeping Plans for APPROVAL**

### **9.6.1 RKP 2012022 – St Andrew's Hostel Inquiry**

The DDSR advised that although the Inquiry's records will be transferred to the custody of the Public Sector Commission upon windup, the records will be managed in accordance with the Inquiry's Plan.

**APPROVED**

- 9.6.2 RKP 2012020 – Polytechnic West**  
The Commission **APPROVED** the Recordkeeping Plan and **REQUESTED** submission of the Records Disaster Management Plan by 31 December 2013.
- 9.6.3 Amended RKP 2011045 – Council of Official Visitors**  
**APPROVED**
- 9.6.4 Amended RKP 2012002 – Department for Communities**  
**APPROVED**
- 9.6.5 Amended RKP 2012005 – Architects Board of Western Australia**  
**APPROVED**
- 9.6.6 Amended RKP 2012006 – University of Western Australian**  
**APPROVED**
- 9.6.7 Amended RKP 2012007 – Occupational Therapists Registration Board of Western Australia**  
The Commission **NOTED** that the Board's records are now managed in accordance with the Australian Health Practitioner Regulation Agency – see also 9.7.1 of these minutes.
- 9.6.8 Amended RKP 2012008 – Department of Commerce**  
**APPROVED**
- 9.6.9 Amended RKP 2012009 – Western Australian College of Teaching**  
**APPROVED**
- 9.6.10 Amended RKP 2012010 – Bunbury Port Authority**  
**APPROVED**
- 9.6.11 Amended RKP 2012011 – Murdoch University**  
**APPROVED**
- 9.6.12 Amended RKP 2012013 – Legal Aid Western Australia**  
**APPROVED**
- 9.6.13 Amended RKP 2012014 – Shire of Dandaragan**  
**APPROVED**
- 9.6.14 Amended RKP 2012015 – Department of Regional Development and Lands**  
**APPROVED**
- 9.6.15 Amended RKP 2012017 – Department of Transport**  
**APPROVED**
- 9.6.16 Amended RKP 2012019 – Department of Planning**  
**APPROVED**
- 9.6.17 Amended RKP 2012023 – Western Australian Electoral Commission**  
**APPROVED**
- 9.6.18 Amended RKP 2012024 – Esperance Port Authority**  
The Commission **NOTED** the review report and **APPROVED** the Recordkeeping Plan.

**9.6.19 Amended RKP 2012028 – Public Transport Authority of Western Australia**

The Commission **NOTED** the review report and **APPROVED** the Recordkeeping Plan.

**9.6.20 Amended RKP 2012032 – Edith Cowan University Student Guild APPROVED**

**9.6.21 Amended RKP 2012034 – Shire of Wyndham East Kimberley APPROVED**

**9.6.22 Reviewed RKP 2006042/1 – Bunbury Water Board APPROVED**

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

**9.7.1 RKP 2011026 – Australian Health Practitioner Regulation Agency**

The DDSR advised that the General Disposal Authority for National Bodies is still under development.

**CLEARED**

**9.7.2 RKP 2012031 – Metropolitan Redevelopment Authority**

**CLEARED**

**9.8 RKP Reports – Reports on Reviews**

**9.8.1 Review Report RKP 2003087/1 – Busselton Water Board**

The Commission **NOTED** the review report and **REQUESTED** submission of an amended Recordkeeping Plan once the EDRMS has been fully implemented.

**9.8.2 Review Report RKP 2003105/1 – Western Australian Meat Industry Authority**

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

**9.8.3 Review Report RKP 2004007/1 – Department of the Attorney General**

The Commission **NOTED** the review and the intent to submit an amended Plan by 31 August 2012.

**9.8.4 Review Report RKP 2004041/1 – Western Australian Greyhound Racing Association**

The DDSR advised that the Association had engaged the State Records Office to conduct the review and prepare the review report. In addition, the State Records Office conducted an information audit and is working with the Association to complete a Recordkeeping Plan and establish systems on the proviso the Association employ a suitable person to manage the set up. The Commission **NOTED** the review report and the intent to submit an amended Plan by 29 March 2013.

**9.8.5 Review Report RKP 2004205/1 – National Trust of Australia (WA)**

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



**9.8.6 Review Report RKP 2006027/1 – Department of Corrective Services**

The Commission **NOTED** the review and the intent to submit an amended Plan by 19 October 2012.

**9.8.7 Review Report RKP 2010058/1 – Department of Health**

The DDSR advised that the Department is due to submit its Recordkeeping Plan in December, and sought the Commission's approval on recommendations.

The Commission endorsed the recommendations; supported deferral of the six-monthly report due in October; and **NOTED** the review report.

**9.8.8 Review Report RKP 2007007/1 – Shire of Morawa**

The Commission **NOTED** the review and the intent to submit an amended Plan by 30 September 2013.

**9.8.9 Review Report RKP 2007016/1 – Shire of Plantagenet**

The Commission noted the review report and **REQUESTED** an amended Recordkeeping Plan be submitted by 28 February 2013.

**9.8.10 Review Report RKP 2007034/1 – Legislative Council**

The Commission **NOTED** the review and the intent to submit an amended Plan to the Speaker by 1 September 2012.

**9.8.11 Review Report RKP 2003070/1 – Esperance Port Authority**

See Item 9.6.18.

**9.8.12 Review Report RKP 2004199/1 – Public Transport Authority**

See Item 9.6.19.

**9.8.13 Review Report RKP 2007023/1 – State Records Commission**

The Commission **ENDORSED** the review report for submission to the Minister.

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

**9.9.1 Progress Report – Recordkeeping Plan Reviews**

No report.

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

No report.

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

See Item 9.8.7.

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

The Commission **NOTED** the Minister for Energy's approval of the Horizon Power Recordkeeping Plan.

## 10. MANAGEMENT OF THE STATE ARCHIVES COLLECTION

### 10.1 Recovery of Estrays

#### 10.1.1 Roe Field Book

The State Archivist summarised the circumstances surrounding the discovery of a JS Roe field book at the WA Museum and arrangements for its transfer to the State archives collection.

The Commission **NOTED** the information provided.

#### 10.1.2 James Mitchell Papers

The State Archivist summarised the circumstances surrounding the identification of state archives among a collection of papers of Sir James Mitchell that were due for auction, and the subsequent withdrawal of the selected items from auction and their transfer to the State archives collection. In addition, the State Records Office has received a request for compensation.

The Commission **NOTED** the information provided and the successful recovery of the stray.

*At this time (12.36pm), the Commission suspended the meeting to host a lunch with invited guests and media representatives.*

***The meeting reconvened at 1.35pm.***

## 11. DIGITAL RECORDS INITIATIVE

### 11.1 Digital Records Initiative Progress Report

The DDA advised that the Online Retention and Disposal Application (ORDA) is due to go live for agency use and that Damien Hassan gave a presentation on ORDA at the International Council on Archives Congress which generated interest and several Australian archives institutions have expressed interest in obtaining ORDA.

The DDA advised that, in conjunction with the WA Museum, the State Records Office is developing specifications for a new collection management system and there is a good deal of interest among members of the Council of Australasian Archives and Records Authorities in contributing to development.

The Chair asked whether additional information, or possibly a demonstration of ORDA, is available. The DDSR agreed to arrange a demonstration.

The Commission **NOTED** the information provided.

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

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

The DDSR advised that the General Disposal Authority for Human Resource Management Records and its linking table is on the State Records Office website and that there has been no progress on the review of the other two general disposal authorities. The Chair suggested that the Departments of Finance and Treasury may be useful to assist with the reviews.

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

### **12.2 Register - Guidelines**

Nil

### **12.3 Sector Disposal Authority Program**

The DDSR advised that the program was considered a great success from government agencies' point of view as well as from the State Records Advisory Committee. The funds for the program have been exhausted and therefore the program cannot be continued.

The Commission **NOTED** the report and commended all SRO staff involved in the development of such a successful initiative.

## **13. ITEMS FOR INFORMATION**

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

The DDSR advised that the State Records Office attends regular meetings of the Shared Services Decommissioning Office Supplementary Services Working Group and the Records Decommissioning Reference Group; providing advice and support where necessary.

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 was pleased to advise that Mr Fred Chaney has agreed to present the 2012 Geoffrey Bolton Lecture.

The Commission **NOTED** the report and congratulated the State Archivist on securing an excellent speaker.

## 15. STATE ARCHIVIST'S REPORT

### 15.1 State Archivist's Report

The State Archivist spoke to the report and advised that the recent attendance at the International Council on Archives Congress provided excellent opportunities for State Records Office staff to, among other things, discuss ORDA, the collection management system, and shared archives storage facilities with the NAA.

The State Records Office will hold a 2-day strategic planning workshop, which Commissioner McDermott has agreed to facilitate. The aim will be to ascertain the essential things that the Office can achieve over the next 12 months, given limited resources.

The State Archivist provided an update on the financial and administrative separation from the State Library of WA (SLWA) stating that discussions continue with the SLWA regarding the separation of the SLWA and the SRO collections. The Chair advised that there appears to be some agreement with the Chair of the Library Board that, in order to properly ascertain the extent of the exercise, both parties need to allocate staff as soon as possible and start the process of assessing the collections. Further, it appears that there still remains the issue of whether State archives identified in the SLWA collections would be transferred to the State archives collection. It has been agreed that the Department of Culture and the Arts will support a refresh of the business case for a new archive repository, which it is hoped could be finalised by November 2012.

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

## 16. NEW BUSINESS

### 16.1 Disposal Authorisation of State Records Commission Time Expired Records

The Commission **AUTHORISED** the destruction of temporary records in accordance with the approved Retention and Disposal Schedule.

### 16.2 Mount Lawley Primary School Fire – Destruction of State archives

The DDA briefed the Commission on the extent of damage to records as a result of the fire, including the loss of major research records to celebrate the 100 year anniversary of the School.

The Commission **NOTED** the report and the significant loss of irreplaceable State records and Archives.

### 16.3 Town of Claremont – Disaster Recovery

The DDSR briefed the Commission on the minimal loss of records, mainly email records, as a result of the fire and the actions performed to recover records.

The Commission noted the report and the minimal loss of State records and **SUGGESTED** that matters about the destruction of records and the lack of archival storage should be well covered in the Commission's annual report.

The meeting closed at 2.25pm.

The Chair thanked the State Records Office for the preparation and conduct of the meeting.

**NEXT MEETING – Friday 7 December 2012** at 9.30 am – Alexander Library Building Board Room (followed by a demonstration or similar event and an informal lunch with invited guests).

SIGNED.....

DATED.....

Mr Colin Murphy  
State Records Commission