

TERRITORY RECORDS ADVISORY COUNCIL MINUTES

MEETING No.2 of 2008-09

28 November 2008

CONFERENCE ROOM, LEVEL 2, MACARTHUR HOUSE

WATTLE STREET, LYNEHAM

Present

TRAC: Steve Stuckey (Chair), Greg Wood, Veronica Pumpa, David Headon, David Wardle (Director, TRO)

Visitors: Jill Caldwell, June Penny (see Agenda Item 4)

TRO: Elizabeth Estbergs, Wayne Finlaison, Rohan Clark

Meeting opened: 12:07pm

Agenda Item 1. – Welcome

Steve Stuckey welcomed Council members. He also welcomed June Penny and Jill Caldwell, noting that both have agreed to continue as Council members and that, following the ACT election, appointments to the new Council have not been finalised.

He also welcomed Elizabeth Estbergs as Reference Archivist, Wayne Finlaison who has been working on the draft Records Disposal Schedules (RDSs), and Rohan Clark as scribe.

Agenda Item 2. – Apologies

Andrew Kefford, Rebecca Stubbs. Steve noted that Andrew Kefford, as the nominated Government agency representative on Council, was very keen to attend but this has turned out to be impossible in the lead-up to the COAG meeting this weekend.

Agenda Item 3. – Minutes of previous meetings

Resolution Number 1 of Meeting No.2 2008-09: The minutes of the meeting of 29 August 2008 were accepted.

Agenda Item 4. – New Appointments to Council

The Director explained that new appointments to Council had not been completed prior to the caretaker period before the ACT election. Papers are ready to go to Cabinet seeking the appointment of June Penny, Jill Caldwell and Andrew Kefford. After gaining Cabinet approval, the appointments must be considered by an Assembly Committee. The Committees of the new Assembly, and their membership, are expected to be announced on 7 December 2008. The Director expressed his gratitude to all three proposed members for the willingness to attend this meeting and expressed his fervent wish that the appointments will be finalised well prior to the next Council meeting.

In another matter affecting Council membership, the Director referred to a recent visit to Territory and Municipal Services (TAMS) by the new Minister, to whom he and the Council reported. This is the Chief Minister who as the Minister for Territory and Municipal Services has responsibility for Territory records under the new administrative arrangements. David

Wardle had taken the opportunity to explain a little of the role of the Territory Records Office (TRO), of the upcoming response to the Auditor-General's report, and of the possible role of a central archives repository in the centenary of Canberra and the cultural life of the ACT community.

The Chair expressed his pleasure at the interest displayed by the Minister.

Agenda Item 5. - Canberra 100 Submission: ACT Centenary Archives and Heritage Centre

David Wardle explained that a Submission has been developed for a project to celebrate the centenary of Canberra in 2013. The Submission, on behalf of the Territory Records Office, the ACT Heritage Library, the Canberra Museum and Gallery (CMAG) and the ACT Heritage Unit is for a repository for all ACT documentary heritage collections including Government records to be retained as Territory archives. David said that he was bidding for a feasibility study for the project in the 2009-10 Budget, noting that time was now very short if a repository was to be achieved in time for the centenary.

The Council unanimously and strongly supported the proposal. The Chair noted that less than a decade ago there were three major outstanding failings affecting ACT Government recordkeeping. In 2002, records legislation ensured the accountability and transparency of the day-to-day operations of Government agencies. Less than five months ago, Government records were opened to public access unless exempt for specified and transparent reasons. The third issue is to ensure the preservation of and continued community access to Government records. He said that a home for archival records would be applauded by the community and community organisations as it preserved a vital part of Canberra's documentary heritage for present and future generations.

Other Council members endorsed the idea that this would be a durable legacy whose cultural value would appreciate over time. They urged the Director to give this the highest possible priority.

Resolution Number 2 of Meeting No.2 2008-09: The Council strongly endorses the proposed Centenary project of an archives and heritage centre and requests that the Director of Territory Records urgently prepare a Submission to the Chief Minister outlining Council's view of the future of archives in the ACT.

Council noted that the Submission should explain the need for the repository, its appropriateness as a durable legacy to the citizens of Canberra, and the high level of community support that it is likely to gain.

Resolution Number 3 of Meeting No.2 2008-09: The Chair on behalf of Council should write to relevant community organisations seeking their views on a proposed Centenary project of an ACT Archives and Heritage Centre.

Agenda Item 6. – Auditor-General's Report (verbal report)

The Director reported that he now has comments from many ACT Government agencies and will be preparing a response for the Government to consider in the new year. The process is that, once the Government has agreed its initial position regarding the recommendations, the Report is considered by an appropriate Assembly Committee. The Government considers the Committee's findings before establishing its final response to the Report. Assembly Committees and their membership are expected to be announced on 7 December 2008.

Agenda Item 7. – Report on Access through Archives ACT

The Reference Archivist, Elizabeth Estbergs, noted that the report she had prepared for Council used the format agreed by the Council of Australasian Archives and Records Authorities (CAARA), which are used to provide a standard set of measures throughout Australasia. In addition, she noted that photocopying was emerging as an issue; although most people took digital photographs at no charge, not all customers found this convenient, and requests for photocopying had increased. The Director advised that all customers were required to follow the process of logging a request in “Refracker” on the Archives ACT website to ensure that proper tracking and access procedures were followed.

The issue of providing files to researchers rather than doing research for customers was of concern to Council at its previous meeting. Elizabeth reported that at present many agencies do not have their file information in a form suitable to be made available for researchers, so it is inevitable for a time that she undertakes some of the searching and sifting that might otherwise be undertaken by the customer. It is hoped that the file information will gradually become more publicly accessible.

Ms Estbergs departed after this item.

Agenda Item 8. – Valuing ACT Government Records for insurance purposes

The Director explained that once Government records were recognised as an asset, the ACT Insurance Authority required a means of valuing the asset. An interim methodology was now available, based simply on the cost of creating a file. More sophisticated methodologies will be established in the future based on the intellectual value of file contents.

Agenda Item 9. – Records Disposal Schedule for Corporate Governance Management Records

The Director advised that this RDS was being presented for final agreement by Council, following Council’s comments provided at Meeting No.3 of 2007-08. Council had requested that the Director write to Chief Executives inviting comments. As a result of the letter and possibly an article in the Canberra Times following the Auditor-General’s Report, David Wardle had been invited to address Management Council. The discussion of this RDS led to subsequent discussions initiated by the Chief Executive of Justice and Community Safety (JACS) to address issues about implications for the varied agencies that operate under the JACS umbrella.

Resolution Number 4 of Meeting No.2 2008-09: The Records Disposal Schedule dealing with Corporate Governance Management Records was adopted.

Agenda Item 10. – Draft Records Disposal Schedule for Patient Care Records

The Director noted that Items 10 and 11 were the first RDSs dealing with records specific to ACT Health. Health records of individual patients are subject to the *Health Records (Privacy and Access) Act 1997*. The records referred to in Items 10 and 11 relate to two of 9 functions that have been identified as being specific to the agency of ACT Health.

Council requested a diagram or a list of all the Health agency specific functions arising from the business analysis, showing how these functions related to the proposed suite of RDSs. Council also requested that consideration be given to having fewer RDSs to avoid confusion between multiple RDSs covering related content.

Council considered that the title, “Patient Care Records”, was unclear and encouraged confusion in what is a public document, even if its main use is internal. The present title implies that health records of individuals are involved. Council asked that the title be discussed with Health to

remove confusion with provisions of the *Health Records (Privacy and Access) Act 1997*.

Council requested the TRO to have further discussions with Health to ensure that the RDS would be clear for all staff members who were to use it, including contractors. Council was not convinced that the present RDS avoided confusion.

It was noted the following tabling of draft Records Disposal Schedules for Council that they are posted on the TRO Intranet to encourage comment from all ACT Government agencies.

Dave Headon left the meeting at 1:45pm.

Agenda Item 11. – Draft Records Disposal Schedule for Population Health Care Management and Control Records

Council discussed at some length the location of some classes of records, between this and other Health RDSs and the Health Records Act. For instance, if this RDS is about planning, and the Health Records Act is about individuals, where are located records about epidemics and pandemics, about policy, strategic or tactical decisions made during an epidemic or pandemic (such as “everyone should be vaccinated”), and about the outcomes and assessments of the planning? Another example concerned records of decisions about strategic procedures.

Council requested the TRO to have further discussions with Health to ensure that the RDS would be clear for all staff members who were to use it, including contractors.

Agenda Item 12. – Draft Records Disposal Schedule for Victims Support and Redress Records

The Director explained that this RDS has been evolving for some time, as it began purely as records of the Victims of Crime Support Unit. Unlike Items 10 and 11, there were no equivalent disposal authorities from other jurisdictions to provide guidance.

As the scope of the RDS broadened, it became necessary to ensure there was no overlap with health records. Records under this RDS are administrative records and not medical records. However it is necessary for any agency using this RDS to manage these files in a coherent fashion, so that medical details are not placed on these files inappropriately.

Council requested the TRO to have further discussions with JACS to ensure that the RDS will be clear for all staff members who are to use it, including contractors.

Veronica Pumpa left the meeting at 2:15. She informed the chair that she will forward any comments on revised Standards 1 to 5 (agenda item 13).

Agenda Item 13. – Revised Standards for Records Management Numbers 1 to 5

The Director informed Council that the Standards for Records Management made under provisions of the *Territory Records Act 2002* required that a review be undertaken after 5 years of operation. To meet this requirement, Records Solutions, an independent records management and recordkeeping consultancy company based in Melbourne, had been contracted to undertake a review of the Standards and associated Guidelines that have now been in operation for five years. Comments by Records Solutions were then discussed with agencies to obtain input from all parts of Government. The result was that most changes are small, and none represented a significant change of direction. Amendments may mostly be characterised as keeping the Standards up to date.

Council discussed the need for all documents to contain a Protective Security Marking (Standards 1 and 3). David Wardle explained that this requirement has arisen since the commencement of the Act, and mainly refers to the familiar classifications of Cabinet in Confidence, Commercial in Confidence, and the like. Council suggested including the concept

of “where appropriate”, rather than requiring “unclassified” or equivalent to appear on every Government document.

The Chair expressed satisfaction that the Standards had stood the test of time, with both agencies and an external consultant happy with the result, which involved only minor amendments.

Resolution Number 8 of Meeting No.2 2008-09: Council agreed to the revised Standards for Records Management Numbers 1 to 5, subject to the amendment discussed.

Agenda Item 14. – Other Business

Council discussed the status of records that had originally been created by Government and were now outside the direct control of government. Since the commencement of the Records Act, ownership of records is required to be addressed in any sale, joint venture or outsourcing contract. The Director explained that arrangements may vary according to the degree of Government ownership of the particular organisation. Council reiterated its concern that records which were once Territory records now in private hands were dealt with appropriately.

Agenda Item 15. – Next meetings

It was agreed that Friday 27 March 2009 would be the next meeting date, barring unforeseen circumstances, and the meeting after that should be considered for Friday 26 June 2009.

Council discussed the desirability of meeting the Chief Minister, who as the Minister for Territory and Municipal Services has responsibility for Territory records. It was agreed that the next meeting would be a suitable time; however, if the Canberra 100 Submission required earlier action, the Chair and Director should seek a meeting with the Minister before March.

Resolution Number 9 of Meeting No.2 2008-09: Council requested that the Director arrange a meeting of the Council with the Chief Minister and Minister for Territory and Municipal Services, Mr Jon Stanhope MLA.

Meeting closed: 2:45pm