

TERRITORY RECORDS ADVISORY COUNCIL MINUTES

MEETING No.4 of 2008-09

26 June 2009

BOARD ROOM CANBERRA MUSEUM AND GALLERY LONDON CIRCUIT, CIVIC

Present

TRAC: Steve Stuckey (Chair), Veronica Pumpa (Deputy Chair), June Penny, Greg Wood, Rebecca Stubbs, David Wardle

TRO: Elizabeth Estbergs, Wayne Finlaison, Lynda Weller (minutes)

Guest: Anthony Polinelli – for meeting with the Chief Minister

Meeting opened: 11.05am

Welcome

Steve Stuckey talked about the arrangements for meeting the Chief Minister and the key messages he wished to convey from the Council:

- the strategic role of the Advisory Council established by the *Territory Records Act 2002* in overseeing the government's records management regime including public access to records;
- the importance of the proposed repository and the role that it would play;
- the development of a government digital records strategy; and
- the review of the *Territory Records Act 2002* and its continuing comprehensive coverage of the ACT Administration, including the legislative and judicial arms.

Council suspended their meeting to attend the meeting with the Chief Minister at 11.20am.

Apologies

Jill Caldwell, Dave Headon, Andrew Kefford

Meeting with the Chief Minister

The Advisory Council meeting resumed at 12.10pm and discussed the outcomes on the meeting with the Chief Minister.

Anthony Polinelli agreed to follow up on any issues raised after the meeting with the Chief Minister. He believed that it was a successful meeting as it provided an appreciation of the role of the Territory Records Advisory Council. He will seek advice from Garry Byles, the Chief Executive of TAMS on how to take the project for the archives repository to the next stage.

It was noted that the Chief Minister acknowledged the importance of digital records and the Council's support for a digital records strategy for the ACT Government.

The Chief Minister also noted the pending review of the *Territory Records Act 2002* and Council's interest and involvement in the review process.

Council noted that the Chief Minister underlined a commitment to work with the Director and

Council to develop a suitable archives repository.

Anthony Polinelli left the meeting.

Minutes of previous meetings

The minutes of the March 2009 meeting were approved.

Resolution Number 1 of Meeting No.4 2008-09: Minutes of the March 27 2008 meeting be approved.

Agenda Item 1. – Auditor-General’s Report (verbal report)

David Wardle explained that the Government’s response has taken longer than anticipated. At this stage, the response had been prepared for other agencies to review before being presented to Cabinet. It will be up to the Public Accounts Committee to determine if a public inquiry is required.

Agenda Item 2. – ACT Centenary Archives and Heritage Centre

Plans from the feasibility study, developed by a consultant, on refitting the suggested building were provided to the Council. The proposal includes a secure inner structure to house the records within the main building space. The consultant has provided a preliminary figure of approximately \$15 million dollars for this proposal.

David Wardle said the advice from engineers is that the building itself could not be appropriately sealed to make it viable to house records in a more open arrangement. This building will not be demolished so the consultant had developed the proposal in terms of the reuse of this building.

Steve Stuckey reminded Council that these plans only form part of a feasibility study and are the first step conducted in a short timeframe. The next step is for the TRO to obtain viable costings for this proposal.

Agenda Item 3. – Report on Access through Archives ACT

Elizabeth Estbergs said that efforts have been made during the last few months to have the ‘Find of the Month’ item made more public. ABC Radio (666) is planning to make this a regular feature once a month, with the first item presented last month by David Wardle.

Greg Wood suggested that agencies could be encouraged, possibly through an appropriate letter from the Minister, to themselves identify records for inclusion in the ‘Find of the Month’ by suggesting potential items from their holdings. The Chairman indicated his support of this idea.

June Penny mentioned that Elizabeth Estbergs contributed to the HAGSOC journal recently and this is set to continue.

David Wardle indicated that over the last month, three public acknowledgements have been made in published works as a result of research carried out from ACT records. Steve Stuckey reminded everyone that the anonymity of researchers should be maintained while research is being carried out but an awareness of what research is being conducted should be conveyed to Council. He also said that Council would like to be kept informed when acknowledgements of the use of Territory archives had been made.

Council requested that running comparisons of statistics to be included in the report. Also, any other statistics that are currently not included but may be appropriate, can be provided e.g. a breakdown of record formats requested (eg maps).

June Penny asked about the use of digital cameras by researchers and if they are encouraged. Elizabeth Estbergs confirmed that this is the case. She also said there is information available to researchers about copyright and the requirements for acknowledgement if there is an intention to

use digital images for publishing, although at this stage photographing of records has been for personal use only.

Agenda Item 4. – Review of the *Territory Records Act 2002* (verbal report)

David Wardle said there are aspects of the Act that the TRO would like to have clarified or resolved from the review e.g. declaring a standard opening day each year for government records. He said that at this stage, the TRO is selecting a potential reviewer and determining a suitable process for the review to be carried out.

The Chief Minister will need to agree to Terms of Reference and the process for undertaking the review. Council will be actively involved in the review.

Greg Wood asked about how the Act defines a review. David Wardle explained that section 58 does not stipulate exactly how any review should be undertaken, only the timeframe for the review.

Elizabeth Estbergs asked about consistency between the FOI Act and the Territory Records Act. David Wardle said this will need to be included in the Terms of Reference.

It is intended that a brief to the Chief Minister including the Terms of References, and the selection of a consultant to conduct the review, will be finalised by the next Advisory Council meeting. Council requested that they would like to be kept informed of the development of the Terms of Reference.

Agenda Item 5. – Records Disposal Schedule for Personal Security Records (follow up from referral to ACT Government Solicitor)

David Wardle reminded Council that the original request for this disposal schedule was made by the National Archives of Australia as part of a national approach for the movement of personal security records across jurisdictions.

As requested by Council, the ACT Government Solicitor (ACTGS) was asked to consider the appropriateness of this records disposal schedule. The ACTGS looked carefully into the *Territory Records Act 2002* and found there currently is not an appropriate method for the TRO to allow for the transfer of records outside of the ACT. The response provided by the ACTGS focused on section 23 (Protection of Records measures).

Greg Wood indicated that in his view the key issue in the draft Records Disposal Schedule was the possibility of ACT Government records being removed from the coverage of the *Territory Records Act 2002*. He thought that the Disposal Schedule should only allow the transfer of personal security records to other jurisdictions where the person covered in the records gave their consent. He thought that a legal opinion should be sought to confirm that such a transfer was only allowed in these circumstances (i.e. that the subject of the records had given their consent). It would be useful to the TRO if the lawyers might provide wording for the Disposal Schedule that made the limit of this intent quite clear.

Council asked if wording could be included within the preamble to the records disposal schedule setting out further requirements for the process of transferring personal security records.

Council requested that they would like to be made aware of the final decision by the ACTGS.

Agenda Item 6. – Records Disposal Schedule for Schools Management Records

There were no comments received by the TRO during the consultation period.

Resolution Number 2 of Meeting No.4 2008-09: The Records Disposal Schedule for Schools Management Records was adopted.

Agenda Item 7. – Territory Administrative Records Disposal Schedule (TARDiS)

Wayne Finlaison noted that the majority of comments provided by Council have been integrated into the draft. The intention has been to make scope notes more generic, allowing for wider use by more agencies. This should broaden the use of TARDiS across the ACT Government. He said that broader consultation was made with agency Records Managers. Wayne Finlaison also explained that this review of TARDiS has been aimed at trying to anticipate the reviews of operational disposal schedules that are to follow.

Each of the functions will be made separate Notifiable Instruments. This will not occur until after the next Records Manager’s Forum on the 7th July so all of the Records Managers can be fully briefed on the proposed amendments.

A change sheet will be provided to Council at a later date.

Resolution Number 3 of Meeting No.4 2008-09: A briefing will be provided to Jill Caldwell and Veronica Pumpa prior to the adoption out of session of the revised Territory Administrative Records Disposal Schedule.

Agenda Item 8. – Draft Records Disposal Schedule for Ombudsman Complaint Management Records

Lynda Weller explained that the process for the development of this revised schedule was slightly more complicated than usual to ensure that the schedule is consistent with the Commonwealth Records Authority also utilised by the agency.

Greg Wood asked if it was necessary for the function scope note to appear at the top of every page of a records disposal schedule. This practice takes up a reasonable amount of each page, particularly as they have become longer with the inclusion of more navigational statements. Council have requested that this issue be presented to the Records Manager’s Forum to find out what method they would prefer.

Steve Stuckey expressed concern that there are currently no RTA records within the case management classes and would like the class containing significant cases to be reviewed for potential retention.

Agenda Item 9. – Draft Records Disposal Schedule for Security Coordination Records

Veronica Pumpa will provide comments on this records disposal schedule out of session.

Greg Wood raised the issue of records disposal schedules referring to the Cabinet Handbook, and wanted to confirm if Cabinet records are kept for permanent retention. Steve Stuckey said that the Cabinet Handbook is not a Notifiable Instrument, and therefore cannot be used for the retention or destruction of records. He also asked what legal authority the Cabinet Handbook has. David Wardle suggested that the wording contained in the Cabinet Handbook could be used in records disposal schedules rather than placing a reference to the Cabinet Handbook. In other words, the Cabinet Handbook should be consistent with records disposal schedules, not the other way round.

New Records Advices

- **46. Roles in Public Assess**
- **47. Principal Officers and their responsibilities**
- **48. Requests for access to ACT Government Records by other jurisdictions**

June Penny asked about the last dot point on Records Advice 46 in regard to the inclusion of ethnic groups rather than only focusing on Aboriginal and Torres Strait Islanders. David Wardle

explained that Aboriginal and Torres Strait Islanders are specifically mentioned as a particular group within the *Territory Records Act 2002*.

Other Business

No other business was presented.

Possible dates for next meetings

4 September 2009

27 November 2009

Meeting closed: 2.20pm

Minutes confirmed on: 4/9/2009

Signed

Steve Stuckey (Chair)