

Subsumed Report

Report of the Director of Territory Records

This Report of the Director of Territory Records is provided to meet the requirement of Section 33 (1)(f) of the *Territory Records Act 2002* (the Act). The Director's first report, a Subsumed Report in the 2003-2004 Annual Report of the Department of Urban Services, provided a brief summary of legislation that has applied to the records of governments having responsibility for the ACT, and also outlined some of the considerations that led the ACT Government to develop specific records legislation.

On 6 December 2005 the Minister for Urban Services, Mr John Hargreaves MLA, launched the ACT component of the "Documenting a Democracy" website, making available the documents that provide the basis of the ACT's democratic institutions of government. He commented that he was:

"...proud that one of the earliest initiatives of the Stanhope Government was to pass the *Territory Records Act 2002* which provides the focus for our commitment to encourage open and accountable government. The Act ensures that Territory records are made, managed, and when appropriate, preserved for the benefit of present and future generations."

Overview

During the third full year of effective operation of the Act, government agencies have continued their steady progress towards implementing procedures to meet their obligations under the Act. The 39 approved Records Disposal Schedules for controlling disposal of ACT Government records now cover 130 functions of government (www.territoryrecords.act.gov.au).

Procedures have been developed for the Director to undertake compliance monitoring of agency Records Management Programs to assist agencies meet the requirements of the Act. Agencies continued with preparation for the opening of records to public access. All of this has required continuing effort on the part

of agencies. In the year ahead, final preparations must be made for the access provisions of Part 3 of the Act to come into force on 1 July 2007. At the same time, the Director will continue with a program of monitoring agency compliance with the Act, and will work with agencies in considering the review of the Act that is required in the second half of calendar 2008.

Roles and Responsibilities

The Director of Territory Records

Section 33 of the *Territory Records Act 2002* lists the functions of the Director of Territory Records. The range of functions is very broad with responsibilities ranging from providing advice and assistance to monitoring and reporting.

The Director works closely with Chief Executives and each agency's nominated Records Manager on the development and review of an agency's Records Management Program, and provides advice to agencies when requested. The Director does not approve the Program as this responsibility rests with the Chief Executive of the agency. The Chief Executive is also required to report on agency compliance with their Records Management Program in their agency Annual Report. The Director's monitoring responsibilities are separate from the responsibilities of the Auditor General as the Director's compliance role is to monitor the level of compliance across all agencies, based on information supplied by each agency.

The Territory Records Advisory Council

The Council's role is to advise the Director of Territory Records on the development and review of standards and codes for records management and the disposal of Government records. The Council also provides advice on Urban Services Annual Report the preservation of records about Aboriginal and Torres Strait Islander heritage. Minutes of meetings are available on the Territory Records Office website.

The members of the Council represent a broad spectrum of interests within the ACT

community with members from community organisations that have an interest in recordkeeping, including the Australian Society of Archivists, the Records Management Association of Australasia, the Heraldry and Genealogy Society of Canberra, the National Trust of Australia, and the Australian Women's Archive Project, as well as the Director and a representative of Aboriginal and Torres Strait Islanders. The Council advances the community interest in government recordkeeping. The term of the inaugural Council ended on 28 April 2005, and the second Council commenced with the first meeting in 2005-06. The second Council comprises: Mr George Nichols (Chairman), Ms Veronica Pumpa (Deputy Chair), Ms Judith Baskin, Ms Jill Caldwell, Ms June Penny, Mr Steve Stuckey, Mr Phillip Tardif, Ms Joanne Taylor and Mr David Wardle.

Members of the second Council continued the professionalism and enthusiasm shown by members of the inaugural Council. Again, members have vast records management experience and deep commitment to the role of recordkeeping as a cornerstone of good government. The Council ensures that the community interest is embedded in the procedures that make up the course of daily records management in the ACT Government. During the year, Council provided comment on a further 13 records disposal schedules, bringing the total to 39. This required extensive and detailed work to ensure consistency between and within Records Disposal Schedules. The Council is now considering a draft of a sixth Standard for Records Management dealing with digital records.

The Council of Australasian Archives and Records Authorities

The ACT is a full member of the Council of Australasian Archives and Records Authorities (CAARA), formerly the Council of Federal, State and Territory Archives (COFSTA). The Director represents the ACT at CAARA's biannual meetings.

The ACT is participating in CAARA's Australasian Digital Recordkeeping Initiative to develop a standard format for the making, keeping and using of those digital records of

government having long-term value. (www.caara.org.au)

The ACT contributed to the Statement of Principle of Models for the distributed custody and management of government archival records, released on 16 March 2006, and is participating in the continuing development of the Statement of Principle - Providing public access to records in Australian government archives.

The Territory Records Office

The Territory Records Office (TRO) carries out the work program of the Director of Territory Records. The TRO creates Government-wide policies and standards regarding all aspects of the management of Territory records. Section 33 of the Territory Records Act 2002 requires the Director to develop and approve standards and codes for records management for use by all ACT Government agencies. The Standards allow agencies to create their own records management regimes within these policy parameters. For each Standard, a complementary Guideline provides more assistance to those responsible for creating and implementing their agency's Records Management Program.

Below the level of Standards and Guidelines sit Records Advices. These are issued to provide more detailed advice on specific records management issues. The Standards, Guidelines and Records Advices are available on the Territory Records Office website.

Advice to agencies

The Director is required to balance roles specified in the Act. Section 33 requires the Director to work with agencies by providing advice and encouraging consistency between agencies. During the year, the Director assisted agencies with the interpretation of some of the principles contained in the Standards and Guidelines and the use of the whole of government thesaurus.

The Act also requires the Director to examine, approve and report on certain

aspects of the recordkeeping work of agencies. The Director's emphasis reflects the developing state of agencies' records management capabilities and procedures. The commencement of compliance monitoring will provide agencies with a greater level of assurance with the application of their Records Management Program.

The Records Managers Forum is open to records managers of all agencies to provide a network for support and advice in developing common approaches to emerging issues. The Forum is valued by members on an ongoing basis, including during the present period of agencies' preparation for the opening of records to public access.

The Records Managers Forum identified a common need for training in records management, and the Director was concerned to ensure that any training properly reflected ACT specifications. A panel of internal and external providers was created by tender.

The TRO manages the whole of government contracts for Records Management Consultants and Records Management Trainers. This has proved to be valuable for agencies in simplifying procurement while ensuring the integrity of ACT's records management regime.

Common administrative functions

The wisdom of adopting a common records management approach based on the functions of government was again demonstrated with changes to Administrative Arrangements Orders during 2005-06. Changed agency responsibilities occurred with little disruption to recordkeeping systems. The common approach has been based on consistent handling of records across the ACTPS where similar types of records exist. Seventeen categories of common records presently apply, ranging from human resources, through property management, to financial management and legal services.

Whole of Government thesaurus

For these 17 common administrative functions, a disposal schedule was developed based on an approved thesaurus. The use of a common

thesaurus ensures records are titled using the same terms. This becomes vital when later searching for records. The thesaurus employed is the Territory Version of Keyword AAA (TVKAAA). Keyword AAA was developed by NSW for their use and is used under licence from the State Records Authority of NSW. The records disposal schedule for these common functions is known as the Territory Administrative Records Disposal Schedule, or TARDiS. It is based on the Commonwealth Administrative Functions Disposal Authority, and the assistance of the National Archives of Australia (NAA) is acknowledged.

A further benefit has been that agencies have had to develop only those records disposal schedules that apply to functions not covered by TARDiS – that is, records disposal schedules applying to functions that are specific to an agency. The basic structure of agency-specific records disposal schedules is now complete, although refinement will be an ongoing process in response to agencies' changing needs.

Access to records

Community awareness and enthusiasm surrounding the opening of Government records to public access continues to be widespread. The Act establishes as a right, except in certain circumstances, access to Government records that are over 20 years old. Although created for the business purposes of government, these records are a community resource acknowledged by many members of the community.

The past year has seen an increasing number of enquiries to the TRO regarding access to government records. Unless declared closed in accordance with the Act, records older than 20 years become open to public access on commencement of the Access provisions of the Act. The TRO is working closely with agencies to prepare for this event. Individual records are being assessed as necessary to ensure that information is not released where it should properly remain confidential. Agencies are investing considerable effort in evaluating and checking records in preparation for access.

External liaison

Liaising with interested members of the community, industry and professional organisations and interstate counterparts continues to have a high priority. As well as CAARA, working with the Australian Society of Archivists (ASA) and the Records Management Association of Australasia (RMAA) is most important. The intellectual and practical assistance given by members of all these bodies has contributed significantly to the records regime and its operation in the ACT.

The aim of the "Documenting a Democracy" initiative of the National Archives of Australia was to make widely available electronic copies of the documents that provide the foundations of Australian democracy. The ACT component of the website containing ACT founding documents was launched on 6 December 2005 by Mr John Hargreaves MLA, Minister for Urban Services, with attendance by the Hon. Gary Humphries, Senator for the ACT, Mr Wayne Berry MLA, Speaker of the ACT Legislative Assembly, Mr Ross Gibbs, Director-General of the National Archives of Australia and Mr George Nichols, the Chair of the Territory Records Advisory Council.

The TRO website is an important means of providing information and updates to colleagues, industry and our community about the ACT's records management practices. For internal users, the Internet website is supplemented by an Intranet.

Strategic policy

An ongoing work focus is dealing with policy issues that arise as the continuing implementation of the Act becomes embedded in workplace behaviours and community consciousness. The Territory Records Advisory Council is involved in providing advice on many of the policy issues.

Work has continued on appraising and sentencing some 5.6 shelf-kilometres of legacy records that have been inherited from previous administrative structures. 2.5 kilometres of these records have been completed. Liaison with National Archives of

Australia has continued to ensure that historical records reside with the appropriate jurisdiction. During 2005-06 agencies were consulted regarding their preferences for the means of providing public access to government records. Section 58 of the *Territory Records Act 2002* requires that a formal review of the Act commence on 1 July 2008 (five years after the commencement of the Act) and be completed within six months. Preliminary consultation has commenced with agencies to identify any issues that are emerging as significant to agencies. Consultation will gradually increase with a wider range of organisations.

Whole-of-Government Issues

Access to Records

On the commencement of the Access provisions of the Act, Territory records will be open to the public when 20 years have elapsed since the creation of the record. All records will open unless a Section 28 Declaration has been made under the Act. The effect of the *Territory Records Act 2002* is to turn off the *Freedom of Information Act 1989* in relation to those records and the Section 28 Declaration has the effect of reactivating the FOI Act for a limited number of exempt categories, the most important being personal privacy. Consequently the *Territory Records Act 2002* preserves the appeal provisions of the FOI Act and ensures that those people who would have had access under the FOI Act continue to have access. ACT agencies have been devoting considerable effort to reviewing their records to identify those that would be exempt under the Act so that those records do not inadvertently become open. There is recognition that agencies will need to have identified records which are not to be openly available and so will require a Section 28 declaration. There is also the need for adequate cataloguing and retrieval systems to allow people to find the information they are seeking. This work will absorb increasing effort over the coming year.

Compliance

As agencies' Records Management Programs and their associated procedures become increasingly robust and confirmed as a regular part of the daily routine of working life, the Director is able to devote greater attention to ascertaining the level of compliance with the Act. During 2005-06, a survey of all ACT Government agencies was undertaken to obtain information about levels of compliance throughout the

ACTPS. The survey covered some 20 elements of compliance, and this is the first occasion on which such an information base has been established. Compliance demands ongoing attention by agencies, as changes to administrative arrangements will necessitate amendments to an agency's Records Management Program. Although not onerous requirements, attention to the specifications in the Act ensure that community expectations continue to be met regarding recordkeeping aspects of the good governance of the ACT.

Digital Records

The Territory Records Act 2002 is deliberately media-independent, regardless of whether the record is paper or electronic. Although most records today continue to be paperbased, it is recognised that future records will increasingly be digital in form. To this end, a draft sixth Standard for Records Management, dealing with digital records, is now being developed by the Territory Records Office. This is a sizeable task, as it must encompass a wide variety of requirements so as to promote consistency, yet not unduly constrain solutions to present concepts or technology. It must also conform with developments in the Australasian Digital Recordkeeping Initiative which aims to ensure consistency of format across Australasia.

Future Initiatives

In the coming years emphasis will be on preparation for the opening of records to public access. Agencies must identify affected records, and members of the public must be able to find and access the records they want. Finding tools and access arrangements will need to be resolved. This new accessibility will be supported by agency Records Management Programs that are robust and tested. As the nation's capital moves towards its 100th birthday in 2013, the awareness by Council and citizens of the importance of government in Canberra's history will ensure that Territory records provide a substantial and longer-term underpinning to immediate celebrations.