

Report of the Director of Territory Records 2006 - 2007

Introduction

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 outlined the considerations that led the ACT Government to develop specific records legislation.

The commencement of the Act in 2002 heralded a new approach to records management for all agencies of the ACT Government. This rigorous records regime has extended to every area of government and to every one of the upwards of 20 shelf-kilometres of Territory records. During the fifth full year of effective operation of the Act, government agencies have continued their steady progress towards implementing procedures that meet their obligations under the Act.

The Legislative Assembly passed an amendment to the *Territory Records Act 2002* in May 2007 to provide a new date for the commencement of access to older Territory records. The Access provisions in Part 3 of the Act will now commence on 1 July 2008. The Director will support the work of agencies as they prepare their older records for public access. As required, the Director will liaise with the Territory Records Advisory Council and other organisations and individuals to ensure community awareness and understanding of the procedures that will apply for accessing Territory records.

The Chief Minister, Jon Stanhope MLA, in launching a book about Canberra's history at the Causeway Hall in Kingston in 2006, commented:

“How can we know who we are or what matter of society we can strive to be, unless we know who we were, what we were, how we behaved, how we responded to history's challenges? The study of history brings us closer to such an understanding, and the ACT Government is aware of its responsibility, as custodian of this city, to promote and enable the kind of research that records our history, and that makes the results of that research available to all, through accessible, mainstream publications such as Alan Foskett's *The Molonglo Mystery*.”

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 its Records Management Program in its 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 agency's level of compliance with their own Records Management Program.

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 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 (ACT), 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 present Council, the second, comprises: Mr George Nichols (Chairman), Ms Veronica Pampa (Deputy Chair), Ms Judith Baskin, Ms Jill Caldwell, Ms June Penny, Mr Steve Stuckey, Mr Phillip Tardif, Mr Cecil Lester and Mr David Wardle. Members have vast records management experience and a 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 the sixth Records Management Standard and Guideline dealing with digital records and on a further 19 Records Disposal Schedules, bringing the total to 56. This required extensive and detailed work to ensure consistency between and within Records Disposal Schedules.

The Council of Australasian Archives and Records Authorities

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

Issues facing Australian and New Zealand record keepers are similar, so it is valuable to contribute to the development of procedures whose adoption is likely to become widespread. 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). Another important issue for all jurisdictions is ensuring that contractors create and retain adequate records, and make those records accessible.

The ACT contributed to CAARA's 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 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. The Territory Records Office Standard for Records Management Number 6 – Digital Records was notified in 2007.

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 is providing 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.

Whole of Government Thesaurus

During 2006-07, changed agency responsibilities occurred with little disruption to recordkeeping systems due to 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.

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 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.

Agencies have continued to develop Records Disposal Schedules for functions not covered by TARDiS – that is, 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 and their experience in utilising their Records Disposal Schedules to dispose of their records. The 56 approved Records Disposal Schedules for controlling disposal of ACT Government records now cover 145 functions of government (www.territoryrecords.act.gov.au).

Access to records

Part 3 of the Act commences on 1 July 2008 and establishes as a right, except in certain circumstances, access to Government records that are over 20 years old. Unless declared closed in accordance with the Act, Territory records older than 20 years become open to public access on commencement of the Access provisions. Although created for business purposes of government, these records are a community resource and the TRO is handling an increasing number of enquiries.

In 2007-08 public access will be a major work focus for agencies, which are investing considerable effort in evaluating and checking records in preparation for access. Individual records are being assessed to ensure that information is not released where it should properly remain confidential.

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 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

The provisions of the *Territory Records Act 2002* are now well known across government and members of the public are now becoming increasingly aware of the Act. This has led to the emergence of many new policy issues now that a consistent approach to records management across the ACT Government has been achieved. The Territory Records Advisory Council and the Records Managers Forum are involved in providing advice on many of the policy issues.

The Forum discusses concerns that may be clarified by means of Records Advices, which have been increasingly used to provide information and assistance to Records Managers while encouraging a similarity of approach on many procedural matters. Some 34 Records Advices have now been issued.

Work has continued on appraising and sentencing some 5.6 shelf-kilometres of legacy records that have been inherited from previous administrative structures. Some three kilometres of these records have been completed. Liaison with National Archives of Australia continues to ensure that historical records reside with the appropriate jurisdiction.

Whole-of-Government Issues

Access to Records

On the commencement of the Access provisions of the Act on 1 July 2008, Territory records will be open to the public when 20 years have elapsed since the creation of the record. All of these 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 for public access. Records which are not to be openly available will require a Section 28 declaration.

Government agencies will use the additional year now available to continue to prepare for the opening of records to public access. 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. Agencies will dispose of records no longer required for business purposes and preserve those records that are to become Territory archives.

With the opening of records to public access, agencies need to be able to find the records that members of the public may request. Agency Records Managers will prepare finding tools for these

older records that will become open to public access and support the new position of Reference Archivist in assisting members of the public in their interpretation and use of these records.

Agency consultation revealed value in providing an initial central enquiry point for members of the public uncertain as to which agency they need to approach. This will be especially valuable in cases where functions have moved between agencies and where enquiries involve more than a single agency. As the initial contact, the Reference Archivist, to be located in TRO, will need a good knowledge of recordkeeping systems in many agencies.

The ACT Branch of the Australian Society of Archivists organised a seminar on ‘Public Access to ACT Government Records’ at which the Director presented the keynote address. It was gratifying to see the enthusiasm for utilising ACT Government Records from the audience which represented a broad spectrum of the community.

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. 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 paper-based, it is recognised that future records will increasingly be digital in form. Accordingly, 2007 saw the release of a new Standard, Standard for Records Management Number 6 – Digital Records, and its associated Guideline, following widespread internal consultation across Government and with the Advisory Council. The content of this notifiable instrument conforms with developments in the Australasian Digital Records Initiative, which aims to ensure consistency of format across Australasia. This Standard and its associated Guideline is now available to be incorporated into agency Records Management Programs.

Future Initiatives

The coming year’s emphasis will be on preparation for the opening of records to public access. Agencies need to be able to identify their records, and members of the public need to be able to access the records they want. Finding tools and access arrangements must be in place and operating. This new accessibility must be supported by agency Records Management Programs that are robust and tested. The focus of compliance activity will be on ensuring that adequate arrangements are in place for the commencement of the Access provisions of the Act on 1 July 2008.

Work will commence on new Standards and Guidelines dealing with issues such as Storage for Records, and Business Continuity and Records Management.

In preparation for the 100th birthday of the nation’s capital in 2013, Territory records that are retained as Territory archives will provide a substantial and long-term resource for a range of centenary celebrations, and give practical implementation to the Chief Minister’s commitment that “...the ACT Government is aware of its responsibility, as custodian of this city, to promote and enable the kind of research that records our history...”

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