



Subsumed Report



Report of the Director of Territory Records

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Introduction

Following the commencement of the main provisions of the *Territory Records Act 2002* (the Act) on 2 July 2002, the Director of Territory Records reported for the first time, as a Subsumed Report in the 2003-2004 Annual Report of the Department of Urban Services (Pp.202-205). That Report 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.

In September 2004 the Chief Minister, Mr Jon Stanhope MLA, opened the Records Management Association of Australasia's 21st International Convention in Canberra. He referred to the Code of Good Government released in March 2001, which provided the underpinning of the Act. He saw good records management as one of the key elements in achieving openness, responsibility and accountability in government. Through the Territory Records Advisory Council, the ACT community has "a very active role in deciding how long Government records should be kept and which records will remain in existence for future generations to understand how we have lived and how we have been governed..."

Overview

During the second full year of effective operation of the Act, government agencies have continued to make steady progress towards implementing procedures to meet their obligations under the Act.

The five Standards for Records Management under section 18 of the Act issued to date have provided the basis of agency Records Management Programs. The whole-of-

government thesaurus for titling the records of the common administrative functions of government (TVKAAA) has underpinned the Territory Administrative Records Disposal Schedule (TARDiS) for these functions. Whereas last year ten additional Records Disposal Schedules were approved, there are now 26 approved Schedules covering 84 functions of government controlling disposal of ACT Government records.

This has required a significant effort on the part of agencies. In the year ahead, in addition to the further development of agency Records Management Programs, agency attention must be directed to preparing 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 commence consideration of 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 each agency's nominated Records Manager on the development of an agency's Records Management Program, although 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 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 for 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 www.territoryrecords.act.gov.au

The members of the Council represent a broad spectrum of interests within the ACT community. The Council advances the community interest in Government recordkeeping. The term of the inaugural Council ended on 28 April 2005. The Council comprised:

Mr George Nichols (Chairman)

Dr Sigrid McCausland (Australian Society of Archivists and Deputy Chair)

Ms Veronica Pumpa (Records Management Association of Australasia)

Ms Jill Downer (Canberra and District Historical Society)

Ms Judith Baskin (National Trust of Australia (ACT))

Ms Meredith Whitten (Government agencies)

Mr Lawrence Gilbert (Aboriginal and Torres Strait Islanders)

Mr David Wardle (Director of Territory Records)

The inaugural Council scrutinised the building blocks of ACT's records regime, and provided advice to the Director regarding a wide range of Records Disposal Schedules, including the TARDiS. The vast records management experience and commitment of members of the Council was invaluable in ensuring practical and useful schedules encompassing very different subject matter. Overall, the Council provided comment on 26 disposal schedules covering 84 functions of Government. This required extensive and detailed work to ensure consistency between and within Records Disposal Schedules.

The inaugural Council admirably fulfilled its role of advising the Director on aspects of Government records management so as to maximise the value of this resource to present and future generations. The Director has greatly appreciated the goodwill, and the sincere and devoted effort and skill that Council members have brought to the task.

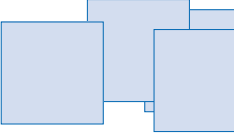
The Council of Australasian Archives and Records Authorities

The Council of Australasian Archives and Records Authorities (CAARA) was formerly the Council of Federal, State and Territory Archives (COFSTA). The ACT is a full member of CAARA and is represented by the Director. The Council meets biannually. Great value lies in keeping abreast of recordkeeping directions across Australasia and liaising with counterpart agencies.

The ACT participated in the development of a Statement of Principle regarding "Access to records of Indigenous Australians affected by past separation policies" (www.caara.org.au), and is participating in the continuing development of a Statement of Principle about more general access to records.

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. An ACT Government-wide records regime Section 33 of the Territory Records Act 2002 requires the Director to develop and approve standards and codes for records management by agencies. The Standards and associated Guidelines promulgated during 2002-03 allowed agencies to create their own rigorous records 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.

1. Standard for Records Management No 1 – Records Management Programs
2. Standard for Records Management No 2 – Appraisal
3. Standard for Records Management No 3 – Records Description and Control
4. Standard for Records Management No 4 – Access
5. Standard for Records Management No 5 – Record-keeping and Outsourced Government Business

Below the level of Standards and Guidelines sit Records Advices. These are issued to provide more detailed advice on specific records management issues. Seven Records Advices have so far been issued:

1. Records Advice No 1 – What is a record?
2. Records Advice No 2 – What is Normal Administrative Practice (NAP)?
3. Records Advice No 3 – Email as a record
4. Records Advice No 4 – What is a recordkeeping system?
5. Records Advice No 5 – Electronically created records
6. Records Advice No 6 – Executive Records
7. Records Advice No 7 – Preparation for the implementation of an Electronic Records Management System

Standards, Guidelines and Advices will continue to be issued as required, although the bulk of the work in creating the policies of the ACT's recordkeeping regime has now been established. During 2004-05 work commenced on a Standard for Digital Records. This work is expected to continue during 2005-06.

Advice and encouragement to agencies

A number of the functions specified for the Director in Section 33 of the Territory Records Act 2002 relate to working with agencies by encouraging, advising, assisting and training. The Act also requires the Director to examine, approve and report on certain aspects of the recordkeeping work of agencies. This dual role continues to be kept in balance.

Records Managers Forum

A Records Managers Forum, facilitated by the TRO, meets six times a year to provide advice and support through a network of Records Managers from agencies. This forum is appreciated by participants allowing consideration of common approaches in dealing with issues as they emerge.

Training

The Records Managers Forum identified a common need for training in records management. It was of concern to the Director that any training should properly reflect the regime instituted in the ACT. Accordingly, in 2004 a tender was issued to create a panel of training providers, including trainers both internal and external to Government. The TRO manages the whole of government contracts for Records Management Consultants and Records Management Trainers.

Common administrative functions

At the time of the development of the Act, agency Chief Executives expressed the view that there should be consistent handling of records across the ACTPS where similar types of records exist. Seventeen categories of common records were identified, ranging from human resource and OH&S, through fleet and property management, to financial management and legal services. The common approach that has been adopted is based on the functions of government.



Whole of Government thesaurus

To achieve a common functional approach and to ease the burden of compliance with the legislation in relation to 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 chosen 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. It is an example of the high level of cooperation between jurisdictions.

Another benefit of this common, functional approach is that agencies need only develop the thesaurus and disposal schedules for the functions specific to their agency. A further benefit is the efficiencies gained when functions are transferred between agencies. For instance, when Environment ACT moved from Urban Services to the Chief Minister's Department, records were easily transferred from Records Management Program to Records Management Program.

TRO Website

Inevitably and understandably, the implementation of new procedures has involved a number of ways of providing advice and assistance to agencies during the year. Communication has been assisted by the development of both an Intranet and Internet website.

Access to records

In the first years of the operation of the Territory Records Act 2002, the issue of public access to records did not receive the attention it will come to receive. Many members of our community are most interested in gaining improved access to Territory records, and the Act establishes access as a right except in certain circumstances.

It was pleasing to see so many researchers at activities promoted by the TRO. The widespread interest in the opening of access to Government records confirmed the views underpinning the Act, namely, that Government records are a community resource that the community is well aware of. As the Chief Minister commented:

Of course records are created for the business purposes of government; however it is these records that after careful stewardship become the documentary heritage of the ACT community.

External liaison

Liaising with interested members of the community, industry and professional organisations and interstate counterparts has had a high priority since the commencement of the ACT Archives Project in 1998. The importance attached to these activities has not lessened with the operation of the Act.

As well as CAARA, working with the Australian Society of Archivists (ASA) and the Records Management Association of Australasia (RMAA) is considered to be 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 Territory Records Office has participated in the Australasian Digital Records Initiative which

was set up by all of the Australasian Archives and Records Authorities to develop a standard format for the management of digital records of long-term value.

Strategic policy

An ongoing work focus will be dealing with policy issues that arise as the continuing implementation of the Territory Records Act 2002 becomes embedded in workplace behaviours and community consciousness. The Territory Records Advisory Council will be involved in providing advice on many of the policy issues.

A few examples have emerged. The ACT may hold some records that should properly reside with the Commonwealth and vice versa. With the good will that exists between the two jurisdictions, this is worked through as cases arise.

Another example is legacy records that have been inherited from a previous administrative structure. Work has commenced on appraising and sentencing these files. Some 1.2 shelf-kilometres of files have been appraised and sentenced, of the total of some 5.6 shelf-kilometres.

In addition, the Act is required to be reviewed formally from 1 July 2008 and to be completed within six months. Where a similar requirement existed in NSW, consultation commenced some 2_ years before it was due. The Director began preliminary consultation with ACTPS agency Records Managers during 2004-05. Consultation will gradually increase as a wider range of views is sought.

All Australian jurisdictions have participated in an initiative of the National Archives of Australia to place key constitutional documents on a website, "Documenting a Democracy", which is hosted by the National Archives of Australia (www.foundingdocs.gov.au). During 2004-05 the TRO worked with the National Archives of

Australia and a panel of constitutional experts to identify records of significance to the ACT's current democratic framework.

Whole-of-Government Issues

Access to Records

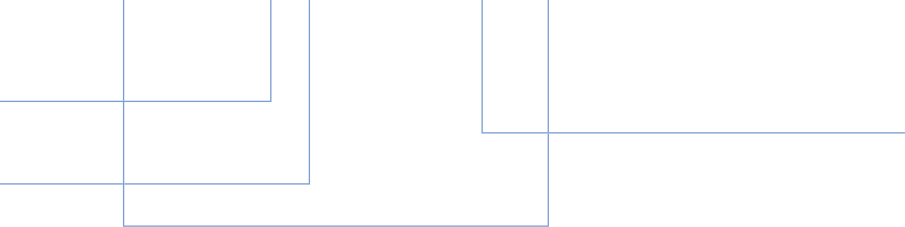
After 1 July 2007, Territory records will be open to the public when they reach 20 years of age. All records will open unless a Section 28 Declaration has been made under the Act. The effect of the *Territory Records Act 2002* is to turn off the *Freedom of Information Act 1989* in relation to those 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. Before July 2007, ACT agencies will be reviewing their records to identify those that would be exempt under the Act to ensure that those records do not inadvertently become open.

The attention of agency Records Managers has started to focus on July 2007 when records created prior to 1987 will become open for public access. There is recognition that agencies will need, by then, 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 is likely to absorb increasing effort over the coming year.

Records Disposal

Agencies have agreed to common titling conventions and common Records Disposal Schedules for functions that affect multiple agencies. Common functional Records



Disposal Schedules result in a better and more useful product, although requiring a greater initial effort.

A considerable amount of work was undertaken in 2004-05 to develop the Records Disposal Schedules for agency-specific functions. Those agencies having functions that remain without an applicable disposal schedule are aware of this requirement and are actively addressing it.

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.

To this end, in May 2005 the Director issued Records Advice No.7 – Preparation for the implementation of an Electronic Records Management System, which sets out the steps that agencies should undertake before implementing an Electronic Records Management System.

In addition, work has commenced on a sixth Standard for Records Management, dealing with digital records. 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.

Future Initiatives

In the foreseeable future, emphasis will be on ensuring the robustness of agency Records Management Programs and in preparing for the opening of access to records on 1 July 2007. 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, such as a central reading room, will become important. In the longer term, arrangements for the preservation of recognised archival material may also require consideration.

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