

Report of the Director of Territory Records

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 2003-04 Annual Report of the Department of Urban Services, provided a brief summary of the considerations that led the ACT Government to develop specific records legislation.

The rigorous records regime that was embodied in the Act applies to every agency of the ACT Government. The Act's sixth full year of effective operation has seen continued progress by agencies towards implementing procedures that meet their obligations under the Act.

In particular, the provisions in Part 3 that allow public access to records, which commenced on 1 July 2008, have engaged agencies in a considerable amount of work. The director has supported the work of agencies as they prepare their older records for access. He has liaised with the Territory Records Advisory Council and other organisations and individuals to facilitate community awareness and understanding of the procedures that apply in making records available to the public.

The Minister for Territory and Municipal Services, Mr John Hargreaves, MLA, stated in a speech to the Legislative Assembly that:

"The *Territory Records Act 2002* was one of the first pieces of legislation enacted by the Stanhope Government and followed a commitment made by Jon Stanhope in his speech *A Code of Good Government*, that Labor would establish a legislative basis to ensure that records would be properly kept and managed throughout the government. The records regime created by the legislation has now extended to every area of government. All Territory agencies have now implemented Records Management Programs which respond to the Standards for Records Management provided for in the Act. The legislation also requires agencies to prepare schedules for the disposal of their records and since the commencement of this Act, the Territory Records Advisory Council has recommended and the Director of Territory Records has approved, Records Disposal Schedules covering over 120 functions of government."

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. In carrying out this very broad role, the Director works closely with each agency's Chief Executive and nominated Records Manager on tasks ranging from providing advice on the development of the agency's Records Management Program to reporting on the agency's compliance with that Program.

The Territory Records Advisory Council

The council advises 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 in the ACT. The members of the council represent a broad spectrum of stakeholder interests within our community. They have vast records management experience and a deep commitment to the role of recordkeeping as a cornerstone of good government. Minutes of meetings are available on the Territory Records Office website (www.territoryrecords.act.gov.au).

The second council met for the two council meetings in 2007. Chaired by Mr George Nichols, other members were Ms Veronica Pumpa (Deputy Chair), Ms Judith Baskin, Ms Jill Caldwell, Ms June Penny, Mr Steve Stuckey, Mr Phillip Tardif, Mr Cecil Lester and Mr David Wardle. The director acknowledges the contribution made by the Chair of the first two councils, Mr George Nichols, and Ms Judith Baskin who has also been a member of both Councils.

The third council commenced with the first meeting in 2008. Chaired by Mr Steve Stuckey, other members are Ms Veronica Pumpa (Deputy Chair), Ms Jill Caldwell, Ms June Penny, Mr Phillip Tardif, Ms Rebecca Stubbs, Dr David Headon, Mr Greg Wood and Mr David Wardle. Appointments to the council are now being staggered to ensure continuity between council meetings.

During the year, the council received the draft Records Management Standard and Guideline on the Physical Storage of Records, and the Draft Standard and Guideline on Business Continuity and Records Management for its consideration. The council also provided advice on the Records Disposal Schedules tabled including those applying to the records of the ACT Director of Public Prosecutions and to Schools

Management Records. Council members undertake extensive and detailed work to ensure consistency between and within Records Disposal Schedules.

The Council of Australasian Archives and Records Authorities (CAARA)

As a member of the Council of Australasian Archives and Records Authorities (CAARA), the ACT is represented by the Director at CAARA's bi-annual meetings. The director accords a high priority to ensuring that ACT recordkeeping is in line with developments in other Australian jurisdictions. Recent issues have included the adequate retention of digital records and contractors' records, and the provision of public access to records.

The Territory Records Office

The Territory Records Office (TRO) carries out the work program of the Director 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 of the six present standards, a complementary Guideline provides greater guidance to agency records managers. Below the level of Standards and Guidelines sit Records Advices. These are issued to provide more detailed advice on specific records management issues. A total of 43 Records Advices have now been issued. The Standards, Guidelines and Records Advices are available on the Territory Records Office website.

In addition to developing these documents, the TRO: provides advice to agencies; maintains the whole-of-government records management thesaurus

(Territory Version of Keyword AAA (TVKAAA)); provides support for the Territory Records Advisory Council; and assists members of the public in finding records of interest to them.

Issues for ACT Government Records Management

Public Access to Records

Under an amendment to the *Territory Records Act 2002* in May 2007, the Access provisions in Part 3 of the Act now commence on 1 July 2008. Part 3 establishes as a right, except in certain circumstances, access to government records that are over 20 years old. 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 override the *Freedom of Information Act 1989* in relation to those records; and the Section 28 Declaration affects 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.

As required, the director continues to liaise with the Territory Records Advisory Council and other organisations and individuals, to ensure community awareness and understanding of the procedures that apply for accessing Territory records. Although created for the business purposes of government, these records are a community resource and the growing level of community awareness of the value of these records is demonstrated by an increasing number of enquiries.

The director continues to support the work of agencies as they prepare their older records for public access. Individual records are being assessed to ensure that information is not released where it should properly remain confidential. Records that are not to be openly available require a Section 28 declaration made under provisions of the *Territory Records Act 2002*.

In preparation for 1 July 2008, a Reference Archivist was appointed on 1 January 2008. In addition to providing advice about arranging and describing records in preparation for access, the Reference Archivist has been working with agencies to prepare finding tools to assist in meeting enquiries about these older records. The Reference Archivist has also been working closely with agencies on the identification of records that are anticipated to be of interest to researchers. To assist researchers, a series of short finding aids has been produced and, with assistance from others, more detailed research guides on specific topics are being prepared.

Once Part 3 commences, the Reference Archivist will focus on assisting members of the public in their interpretation and use of the records. As well as providing a central enquiry point for members of the public, advice will be especially valuable in cases where functions have moved between agencies and where enquiries involve more than one agency. The tasks facing agencies remain considerable, however the prospects are exciting, offering new opportunities for research by community members.

Compliance

The more fully established the procedures under the Act become, the more the work of the director will focus on compliance. The director's role is to monitor





agencies' levels of compliance with their own Records Management Programs, whereas the Auditor-General has more wide ranging responsibilities under the *Auditor-General Act 1996*.

In November 2007 the Auditor-General announced the commencement of an audit "to determine whether agencies' record keeping policies, systems and procedures are in accordance with relevant legislation, government policies and accepted record keeping standards and principles". Audits have been undertaken in a number of agencies, including examining the role of the TRO in overall records management.

The director's 2006-07 Annual Report made clear that his compliance focus during 2007-08 would be on agency preparation for public access: "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" (Annual Report of the Director of Territory Records 2007-08, p.6). While there will be attention given to other compliance aspects of an agency's Records Management Program during 2008-09, the emphasis on public access is expected to continue as agencies become familiar with day-to-day procedures involved in appropriately responding to enquiries from members of the community.

Additional Records Management Standards

As flagged in last year's Annual Report, work commenced on two new standards and guidelines dealing with the physical storage of records and with business continuity and records management. These documents received initial scrutiny from the Territory Records Advisory Council, and are now being considered by agencies as is required by the Act.

Review of the Standards for Records Management and the Act

Standards must be reviewed "as soon as practicable within five years of the date of commencement", and the first five standards commenced on 2 July 2003. In practice, to review the effectiveness of the standards requires also an evaluation of the effectiveness of the guideline associated with each standard. The review will also include the whole-of-government records management thesaurus (TVKAAA), and the Records Disposal Schedule for administrative records (TARDiS).

Accordingly, 2007-08 saw the commencement of work on reviewing these five standards and guidelines, TVKAAA and TARDiS. An initial review has been undertaken and discussions are now being held with agencies to gain a consensus view of any changes that may be required.

In addition, Section 58 of the *Territory Records Act 2002* says that the Minister must review the operation of the Act as soon as practicable after 1 July 2009 and must report to the Assembly within a year. The review of the standards and related instruments is a precursor to a review of the Act, and the findings from the present review will inform the broader review when undertaken during 2009-10.

Future Directions

The immediate task for 2008-09 is to establish as routine the procedures associated with the opening to public access of those Territory records for which more than 20 years have elapsed since their creation and for which no Section 28 Declaration has been issued.

The director's compliance efforts in the coming year will again be directed towards securing appropriate public access to records.

After the commencement of Part 3 of the Act (public access) the review of the standards, guidelines, TVKAAA and TARDiS will be completed. Then, in 2009-10, the Act itself is to be reviewed.

The Territory Records Office must be ready to meet the interest in Canberra's history as the city approaches its centenary in 2013. Alliances with other institutions both within and outside of government will be vital to harness the documentary heritage resources that are available to this community, as well as to researchers outside of this jurisdiction that have an interest in the history and development of this region.

The infrastructure to house, interpret and provide access to this material will need to operate in parallel to the responsibilities for the creation and management of the current records of government.

For more information:

David Wardle

Director of Territory Records

Phone: (02) 6207 0194

Fax: (02) 6207 2003

Email: david.wardle@act.gov.au

Website: www.territoryrecords.act.gov.au

www.tams.act.gov.au

