

**Submission  
No 12**

**INQUIRY INTO STATE RECORDS ACT 1998 AND THE  
POLICY PAPER ON ITS REVIEW**

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## Submission to the Standing Committee on Social Issues, Review of the State Records Act 1998 by Alan Ventress, former Director State Records NSW 2008-2012

### **Background information**

I have held senior positions in the NSW Public Service at both the State Library of NSW, as Manager Collection Development 1987 to 1993 and Mitchell Librarian 1993 to 2001 and State Records NSW (now State Archives and Records Authority, SARA) as Associate Director 2001-2008 and Director 2008-2012

### **Response to Inquiry into the State Records Act 1998 and the Policy Paper on its review**

The role and purposes of State Records Authority of NSW (now SARA) and Sydney Living Museums (SLM)

Archives are important to government accountability, democracy and to history, but strict recordkeeping and the necessary infrastructure, legislation, rules and regulations at source are more important to ensure the citizens of NSW actually end up with archives!

Clearly the role of SARA as the NSW government agency responsible for ensuring the creation, safekeeping and ongoing preservation of the business records of the NSW government has not changed and should not change.

I will leave the role and purpose of SLM to other more detailed submissions from experts in this area, however the role has always been the preservation, maintenance and interpretation of a wide variety of historic houses in NSW.

Nevertheless it is regrettable to see that no detailed business case or cost benefit analysis of a merger between these two NSW government agencies has taken place despite the forensic analysis of State Records NSW that has taken place at regular intervals in the past, by the Council on the Cost and Quality of Government, Deloittes and the then NSW Department of Commerce.

### **The adequacy of the Act in meeting citizens' needs**

The State Records Act 1998 does need updating particularly the estray provisions which require strengthening to ensure the State's archives are not sold illegally, mainly through second hand and antiquarian book dealers in Australia. In addition no budget for the purchase of estrays has ever been provided by the State Government even though the purchase price of estrays can be very high.

Changes to the State Records Act 1998 relating to the 30 year rule are sensible

Financial penalties for breaches of the State Records Act 1998 have not been enforceable primarily because of the unwillingness of successive State Governments to allow State Records NSW or SARA to take legal action against agencies who have failed in their record keeping obligations. This includes ICAC who unlawfully destroyed the original transcripts of Commission hearings dating from 1989 in 2001 (see State Records Annual Report 2002-2003 page 80)

**As stated in the Review Policy Paper section 2.2 - The Act was landmark legislation by moving the focus of public records legislation in NSW from archival legacy to the contemporary business environment, it aimed to ensure public offices continued to make, keep and use records to support government accountability , and ongoing business and community use.**

In this regard nothing has changed and nothing needs to change. By proposing to re-focus the organisational and legislative priority away from this aim by concentrating on telling stories gleaned from the archives, takes the organisation back to the days of the Archives Act 1960 when the main priority was archives, family historians, history and arts related matters.

The lack of public records legislation during this period has had a lasting detrimental impact on the ability of the Archives Authority of NSW and subsequently State Records Authority of NSW and State Archives and Records NSW to influence and ensure public offices conform to the legislation supporting government accountability.

Effectively it sentenced the organisation to a diminished role in government that agencies felt free to take no notice of.

### **Factors constraining public access to and use of the documentary and material heritage of NSW**

The arrangement and description of the archives collection is the fundamental issue that constrains access to the archives of the NSW Government. There are too few qualified archivists working on the back log of archives awaiting processing and it is estimated that the time needed to process this backlog could now be approaching decades. This issue, though it has been brought to the attention of successive governments has been neglected by government both Liberal and Labor, and few resources have been committed to this important task over the years, a basic requirement for the general public to have access to the State's archival materials.

In addition the question of the administrative history of the NSW government needs to be addressed. Without the tracking of constant administrative change it is impossible to keep track of the records that agencies create. This is an area that has been either ignored or neglected with very few staff allocated to this critical task/

### **Exhibitions**

Exhibitions and exhibition planning by a proposed joint SARA and SLM will divert valuable resources and thousands of person hours away from arrangement and

description to storytelling, which can only be regarded as a low priority and a peripheral responsibility as far as State Archives and Records NSW is concerned. While exhibitions are a core function of SLM they should not be a major focus or responsibility of SARA.

The idea of using exhibitions through Sydney Living Museums to make the collection of SARA more accessible is flawed because of the lack of arrangement and description of the archives collection and the hundreds of thousands of items that are not discoverable because of lack of work in this important area. If the holdings are unknown how can they be identified for exhibition purposes?

During the period 2001 to 2012 the State Records Authority of NSW was dealing with incremental budget cuts and a decision was made to focus on exhibitions to raise the profile of the agency in government and with the wider community. To this end an exhibitions program manager was appointed and the following exhibitions were mounted for various periods, Art Meets Archives (2001) Sydney Resort of Thieves, (2002), The House of Exquisite Memory (2003), In the Realm of the Censors (2004-05), Natura Morta (2005), Romance and Industry (2005-06) and finally In Living Memory NSW Aborigines Welfare Board 1919-1966 (2006-2012) The budget for these exhibitions was drawn down from the business arm of State Records NSW, the Government Records Repository. The final exhibition In Living Memory ran for almost six years primarily because of budget constraints and the inability of the agency to fund another exhibition.

The funds expended on this initiative had no impact on increased funding for the agency by government and this led to the closure of the office, reading room and exhibition area at 2 Globe Street, The Rocks on 30 June 2012

In addition even if an unlikely 4 exhibitions were staged during any year by a joint SLM/SARA endeavour the numbers of visitors would be minimal in comparison to online access to item level records in the archives. Even with online exhibitions the numbers would not be significant and would presuppose the interests of potential users rather than the more democratic access to as many archives as possible through on line access to item level description and digital surrogates.

Since that time State Archives and Records has successfully partnered with a number of external organisations such as the Lewers Gallery, Penrith to exhibit materials from the collection. This approach is far more economic and sensible than an unnecessary merger with Sydney Living Museums.

The concept of storytelling through the marriage of both organisations dilutes and dissipates the core business of each organisation. Sydney Living Museums, through its successful exhibitions program has interpreted the stories of Sydney for many years and can readily continue to do this as a separate and museum centred entity at the Museum of Sydney, Hyde Park Barracks and the many historic houses managed by SLM. If Sydney Living Museum must be paired administratively with another government organisation it would be better suited with a relationship with a larger museum, for example The Powerhouse.

For many years Sydney Living Museums (formerly the Historic Houses Trust, HHT) used, and as far as I know, continues to use the collections of many NSW cultural agencies, as a source for materials for their exhibitions in the various venues managed by SLM, but predominantly The Museum of Sydney.

The collections of The State Library of NSW, Art Gallery of NSW and, Powerhouse Museum all have paintings, objects and attractive exhibitable materials which have been loaned for exhibitions at the Museum of Sydney, However, the archival material held by State Archives and Records NSW is not in the same league in their desirability for exhibition purposes have not been called upon to the same extent as the State Library of NSW, for example.

### **Digital access to archives**

The public requires, on line access to the archives down to the item level, (not just the collection level) that have been properly arranged and described by qualified professional archivists. They are not seeking yet another exhibitions space and access to physical exhibits no matter how avant garde they may be, such as the current new Hyde Park Barracks exhibit

State Archives and Records NSW prime purpose is to ensure the business records of the NSW Government are made in the first place, kept safely and securely and finally that the records/archives are used by government and by the public at the appropriate time. The key function is regulatory and should not be diverted down the path of storytelling.

The main factor constraining access apart from the need for industrial quantities of arrangement and description of archives is the poor funding arrangements for SARA which has always been an ignored mendicant in government and expected to subsist by leveraging funds raised through the storage of non-current records at the Government Records Repository, Kingswood. The slow starvation of finances has been constant over the last 20 years as has the reliance on top ups from the Government Records Repository's business, to support the statutory requirements of the State Records Act 1998.

Funding by the NSW Government for mass digitisation of the archives, down to the item level will go a long way to make the collection more accessible, not only to the government and citizens of NSW but to the world at large.

This would be a far more effective and coherent response to making documentary archival material accessible than an unnecessary re-jigging of two organisations which independently do fine work within their existing work parameters.

The question of born digital archives is also a serious issue facing the NSW Government and funding for this aspect of long term archival access and preservation has lagged far behind leaders in the area such as The National Archives of Australia, the Victorian and Queensland State Archives. Ensuring born digital materials are transferred at the appropriate time and are readable over time is a complex, massive and costly issue. State Archives and Records NSW should be

focussing on digital archives rather than wasting time, effort and taxpayers money on exhibitions for the facile purpose of telling stories!

I believe that the proposed merger of SARA and SLM emasculates SARA in the eyes of the rest of the NSW Government and sentences the agency to the perception a lesser role relating to record keeping and regulatory policy within government. This is a recipe for further marginalisation of SARA with an accompanying diminution of authority across all public offices in New South Wales.

According to John Cross, former Principal Archivist/Director, (1980 - 1999) the prevalent view back in 1992 was that Archives are the cultural tails attempting to wag the administrative dog... see p 135 Peter J. Tyler, State Records NSW 1788-2011 (Desert Pea Press 2011) This merger reinforces this situation if it proceeds.

Therefore, I strongly oppose the proposal to marry SARA and SLM as unnecessary and misguided. It is time for both organisations to stick to their core business, working from time to time in partnership but remaining separate and independent.

Finally it is clear that the Archives Authority of NSW, State Records Authority of NSW and now State Archives and Records NSW consistently been misplaced administratively within the NSW Government. The agency should be part of the Premier's Department where it would be able to direct agencies from a position of authority as its name has always implied, but regrettably has never truly delivered.

Alan Ventress

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