

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

Organisation: Board of Trustees for the Historic Houses Trust of NSW, Sydney
Living Museums

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SYDNEY
LIVING
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The Hon Shayne Mallard MLC
Chair, Legislative Council Standing Committee on Social Issues
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Dear Chair,

REVIEW OF THE *STATE RECORDS ACT 1998* & *HISTORIC HOUSES ACT 1980* SYDNEY LIVING MUSEUMS BOARD OF TRUSTEES SUBMISSION

We are grateful for the opportunity to respond to the policy outcomes under consideration as part of the review of the *State Records Act 1998* and *Historic Houses Act 1980*.

We make this submission in our capacity as the Board of Trustees for the Historic Houses Trust of New South Wales (trading as Sydney Living Museums, 'SLM').

Please find our response to the proposed policy outcomes below.

Policy Outcome One - Three: NSW public offices create, keep and protect records as evidence of their activities and decisions; Records of enduring value to the citizens of NSW are managed, preserved and made accessible; and Citizens have timely access to records documenting the activities and decisions that shape NSW and the lives of its citizens.

The Board is supportive of proposed policy outcomes one – three as identified in the policy paper. We are strongly in favour of any measures that will support the increased accessibility to; and public knowledge and enjoyment of; the records, collections, assets and history of the State.

The proposed options for reform not only mirror the legislative trend towards increased accessibility, as seen across various other Australian and international jurisdictions (e.g. the *Archives Act 1983* (Cth); United States' National Archives Strategic Plan), but also reflect the current principal objects of SLM (as established under s7 of the *Historic Houses Act 1980*).

Accessibility sits at the core of SLM's principal objects and is reinforced in our *Strategic Plan 2017-2022* through which our vision to 'create a living future for the past', is established. Promoting and facilitating accessibility is not only part of SLM's legislative remit but is also, we believe, a foundational organisational value.

As such, the Board is highly supportive of these values being further solidified through this review process and believes that the proposed policy outcomes reflect this.

The Board will not provide specific comment on the ensuing 'options for reform' proposed in the policy paper, given they make technical recommendations on the *State Records Act 1998*, over which we as the SLM Board hold no remit.

Policy Outcome Four: A single institution will act as custodian of the documentary and built history of NSW

Identified option for reform: A single Executive Agency will be responsible for collecting, managing, preserving and providing public access to government records, objects, buildings and places of historic, social, cultural and architectural interest and/or significance to the people of NSW. This institution will replace the existing Authority and Sydney Living Museums.

The Board views the proposal to create a single Executive Agency that will replace the existing State Archives and Records Authority (SARA) and SLM as an incredibly exciting opportunity for the Government to positively shape the recording and telling of the history of NSW for future generations.

There is a clear gap in the Museum sector across the State, and Country, when it comes to innovative practices for the contemporary storytelling of our history. The Board passionately upholds SLM's remit to give our properties and places a future as valuable as their past and believes that the establishment of this proposed new entity will support this objective.

SLM is an organisation with a portfolio of 12 highly significant properties and limited collections, whilst SARA is the custodian of \$1b worth of Collections without the space to interpret and display them. The concept of a single entity is certainly aspirational, but above all else is highly logical.

Since the partnering of SLM and SARA under a shared Executive Director in July 2019 the benefits for both agencies, and the State, have been clear, and the Board has already had exposure to the enormous possibilities and asset to the State that this entity could become.

There are administrative and financial efficiencies created through the establishing of shared service delivery and the deployment of common IT systems, staff have greater opportunities in terms of career development and flexible working opportunities, and the sharing of expertise across collaborative curatorial, exhibitions and creative prospects is limitless.

In May 2020 SLM and SARA will present *A Thousand Words* at The Museum of Sydney. This marks the opening of SLM and SARA's first jointly delivered exhibition and features the collections, resources, expertise and professional capabilities of both agencies. From the previews we have seen, this exhibition is shaping up to be one of our best.

The Board of SLM will be dedicated to ensure that the important work of both agencies is not diluted by the combination of the two entities. The new entity will be of little value to the State if it does not create an offer that is an improvement and enhancement on the sum of its parts.

Although we are overwhelmingly positive about the prospective new entity, we caution that the implementation of this proposal must be met with a commitment to the complete re-baselining of budgets and funding. The huge financial undertaking required to successfully launch a new cultural institution cannot be overstated.

The State must support the full and proper funding of this proposal from the establishment of the new entity through to the year-on-year resourcing and budget that will be required to ensure the fulfilment of the agencies revised statutory mandates and its overall success.

Identified option for reform: A single governing body will be responsible for the strategic direction of the new institution. Sub-committees will be responsible for advising on and approving arrangements for recordkeeping and the acquisition and management of significant buildings or places.

The proposed creation of a Board with strategic direction over the new entity mirrors SLM's current administrative arrangements as established under the *Historic Houses Act 1980*. Similarly, the SLM Board currently holds powers to create advisory sub-committees to provide expert advice and capacity, as required. We feel that this structure is largely effective and support it being implemented in the revised legislation.

We do, however, note that the *Historic Houses Act 1980* currently contains requirements under s6 for at least one trustee to have knowledge or experience in history and one in architecture. Given the responsibilities vested in the Board in relation to the care, control and management of the historic properties we are custodians of, this expertise has been of importance to our decision making.

We agree that a sub-committee that delivers expert advice on architecture, heritage, construction and property management to the 'Strategic Board' is essential. This sub-committee will ensure that the functions and capabilities of the current SLM Board, which will remain important to the new entity, are not lost.

The governance structure presents opportunity for the Board to receive considered advice from a committee of experts in history and architecture, which is of great value. A level of expertise in these fields, the understanding and representation of which are vital to run the new organisation, should also be maintained at the Board level.

Specific Recommendations in relation to the *Historic Houses Act 1980*

Further to the options for reform identified in the policy paper, the Board has two recommendations for changes to be incorporated into the revised legislation in relation to the *Historic Houses Act 1980*.

Section 7 of the Act currently establishes the principal objects of the Historic Houses Trust, which can be briefly distilled into caring for and promoting accessibility to the 'historic' buildings and places and associated collections in our custodianship. The Board would like to propose that all references throughout the Act to 'historic buildings or places' be amended to 'significant buildings or places'.

Our rationale for this proposed amendment is as follows; the use of the word 'historic' has proven to be limiting in terms of the acquisitions SLM has made, and been able to make, during its 40 years. The Trust was initially established in 1980 to care for and manage the colonial property Elizabeth Bay House and property acquisitions have mainly continued along this vein, with places of contemporary significance falling outside of our remit.

In line with the expansive and broad ranging collections that will form part of the new entity, through the inclusion of SARA, we feel it would be consistent to broaden the scope of property acquisitions imposed by the use of this language. The Burra Charter and the *Heritage Act 1977* can provide relevant information on categorisations and types of significance however the new entity must also have the ability to determine significance and enable us to tell stories of emerging relevance to NSW, ones that have not yet been conceived of or imagined.

We want to be able to tell the stories of all Australians, from our enduring Indigenous history, our historic patterns of migration, through to the contemporary social issues we collectively face. The Act should reflect the increased mandate of the proposed new entity, and not inhibit it.

Finally, under section 8 of the Act, 'Powers of Trust', there is currently no explicit provision to undertake, provide or facilitate the undertaking or provision of commercial and retail activities and facilities which has created ambiguity for SLM in the past. The Board proposes that explicit

provisions for this activity are included in the new legislation with the object of supporting the viability of the management of the agency. There are similar provisions in acts such as s12(2)(j) of the *Western Sydney Parklands Act 2006*.

Commercial activities like venue hire and retail/restaurant leasing are crucial to the financial viability of SLM, and will only become more essential with the drastically increased remit of the new entity. Furthermore, commercial activity has been an important contributor to the public enjoyment, interest and awareness of our sites and has been essential in activating and fulfilling our mission in a contemporary Australian setting.

Once again, we appreciate the opportunity to provide this submission for your consideration. Please do not hesitate to make contact should you wish to discuss any of the above contemplations further.

Yours sincerely

Naseema Sparks, Chair
Historic Houses Trust of NSW