

**Submission
No 25**

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

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Date Received: 9 April 2020

Inquiry into the State Records Act 1998 and the Policy Paper on its Review-Submission

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Introduction

I have twenty years of experience as a recordkeeping professional, covering almost all the time that the NSW State Records Act (hence "Act") has been part of statutory law.

Disclaimer: This submission is my personal reflections based on my experience in the public sector and is not a submission on behalf of the Office of Sport.

The present Review into the Act is timely and welcome.

A Single Entity

The thrust of the review is to propose a consolidation of resources between the State Archives and Records Authority of NSW (the Authority) and Sydney Living Museums (SLM) to create a single entity in law. At present a single Executive Director leads both organisations.

Any consolidation of the Authority and the SLM into a proposed single entity should not blend or merge the distinct role and function of both organisations, as established by statute.

There needs to be a mechanism for these entities to separate should a future decision be made to achieve this. Maintaining distinct organisation identities and anticipation of any future machinery of Government (MOG) changes via Administrative Arrangements is of extreme importance.

Too often has the project of one term of Government, whereby there has been a consolidation of different organisations into one alignment, shifted to something else in another.

This is the prerogative of elected governments. However, without a mechanism for simplified changes, including the organisation of corporate records and business systems, then more time, resources and expense is consumed to achieve this than necessary.

Reform of the State Records Act

The reform of the Act focuses upon strengthening the democratic accountability by stressing the need for full capture of records by state government agencies and making their availability to the public easier. This is commendable and good that the elected Government is taking renewed interest in the recordkeeping function.

The general experience, that is, mine and anecdotal feedback from other recordkeeping professionals, is that more focus could be paid to the recordkeeping function in State Government agencies and this needs to change. In some areas this is changing for the better, but it needs to be universal.

A key area is missing in the proposed reforms. Records are rightly seen as key to evidence and accountability for an organisation's decision making, and a key ingredient of a democratic society, but they are not seen as a strategic resource in and of themselves for organisational and strategic planning.

Section 3.2 of the Policy Paper includes a passing reference to records as an "asset". It states, "Records of enduring value are a valuable asset to the citizens of NSW." On 26 June 2018, the Authority advised NSW agencies that there is a "new code of best practice for records management for use by public offices" whereby the *AS ISO 15489.1: 2017 Information and documentation – Records management, Part 1: Concepts and principles* was adopted as that code.¹

A crucial development in the new code is found in the definition of a record.

3.14

record(s)

information created, received and maintained as *evidence* (3.10) and as an asset by an organization or person, in pursuit of legal obligations or in the *transaction* (3.18) of business

The State Records Act is missing this strategic approach that incorporates the concept of a record as an asset into its definition of what a record is. The concept of the record as an asset raises the profile and importance of the record as part of the asset group of a state organisation and for the citizens of NSW. It also stresses that the record is a resource to utilise.

The current definition of a record in the Act is:

record means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means.

The present focus is on format, capture and, by implication, long term management – which is of vital importance - but it misses the strategic capability that informs both future planning and of enabling the mining of recordkeeping information. These can form part of a broader information strategy that helps identify strategic opportunities and better understand current resource capability.

The definition of a Record in the Act needs to adopt the concept of a record as an asset and the strategic importance of effective recordkeeping needs to be identified and adopted across all NSW Government agencies.

In Section 3.4 of the Policy Paper it was pleasing to see stated:

The importance of good recordkeeping cannot be overstated and is essential to democracy. Failure to create, keep, protect or give appropriate access to records can have significant implications for individuals and agencies.

The Government must reinforce this throughout agencies and support budget and expertise for digitisation and digital storage resources as a priority. To dispose of and digitise paper records a

¹ Theresa Fairman, Acting Executive Director, State Archives and Records Authority of New South Wales, EMAIL: *New code of best practice for records management*, Received Fri 29-06-2018 10:15 AM. Internal reference: CDOC18/42911.

significant investment is required, as is in terabytes of storage space. However, risks associated with holding digitised paper records are lessened and while access is more efficient.

The status of the recordkeeping function within organisations must be at the forefront of internal strategic support. The Authority must be given additional powers to advance this.

[END]