

**Submission
No 33**

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

Organisation: Royal Australian Historical Society

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RAHS Submission on the Review of the *State Records Act 1998* Policy Paper

The Royal Australian Historical Society (RAHS) is Australia's oldest historical organisation founded in Sydney in 1901. It promotes the study of Australian history through its state-wide network of individual members and affiliated societies, and it welcomes the opportunity to make a submission in response to the Policy Paper into the Inquiry into the *State Records Act 1998*.

Overview

The RAHS does not support the creation of a new executive agency, comprising the State Archives and Records Authority (SARA) and Sydney Living Museums (SLM). It believes SARA and SLM should remain separate entities. Furthermore, the Policy Paper does not address in full the Terms of Reference of the Standing Committee on Social Issues. The role and purpose of SLM is not covered in 1(a) and no consideration is given to 'whether the proposed reforms will enhance the protection of the key cultural assets of NSW' (1(d) iv).

Comments on the Policy Outcomes under consideration

3.1 Stories that shape the social, historical and cultural identity of NSW are widely shared and understood:

1. A single institution will ... would replace SARA and SLM and consideration would be given to conferring it with Executive Agency status, in line with the State's other Cultural Institutions.
2. A single governing body ... Committees will have statutory responsibility for advising on and approving recordkeeping standards, the retention and disposal of records and the acquisition and management of buildings or places.

The RAHS does not support this outcome. The RAHS also notes that no details are provided explaining how the creation of a single institution will affect SLM.

Recordkeeping is a core function of government. Archives legislation embodies citizens' legal rights and is a vital plank in our democratic framework. It also ensures the preservation and safe keeping of the archives — the raw material of history — which are the fundamental to our society.

It is imperative that 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 is not weakened. SARA and SLM perform very different functions and provide very different services. Unfortunately, the Policy Paper reads as if the only benefit of SLM is as exhibition space — a denigration of that organisation's responsibilities.

There is potential for conflict between the objectives of each organisation, for instance in relation to competition for funding, under a single board and a common CEO. It is important that the ability of each to perform its functions and provide its services is not compromised, particularly in terms of funding and specialist staffing.

The proposed focus on storytelling is peripheral to the role of SARA in the care, custody and/or control of the State's archives. Furthermore, such emphasis on the use of 'stories' may tend to negate the evidential, administrative, legal and historical value of the archives collection. Archives are not simply museum objects. They can be visually appealing but this is not why they are retained permanently as the State's archives.

The ongoing position of SLM within the cultural landscape of NSW is not dependent on integration with SARA. Likewise, the management of the many historic houses by SLM is not dependant on SARA and has no relationship to its role and legislative mandate.

3.2 Policy outcome: Records of enduring value to the citizens of NSW are managed, preserved and made accessible

3. Public offices will be required to make and implement plans to transfer control of records of enduring value that are no longer in active business use to the Authority. These plans may involve the immediate or postponed transfer of custody.

This proposal is supported by the RAHS but it seeks assurance that any amending legislation would ensure that the 'postponed transfer of custody' is not unreasonable and is not to the detriment of the public's right to know.

3.3 Policy outcome: Citizens have timely access to records documenting the activities and decisions that shape NSW and the lives of its citizens

4. Records in the open access period will be open by default, unless the public office that is responsible for the records makes a 'closed to public access' (CPA) direction. The assessment could be based on a risk assessment, as is the case under the current provisions.

5. The open access period will be reduced to 20 years in line with other jurisdictions and citizen expectations. This change could be phased in over a period of time.

This proposal is supported by the RAHS.

3.4 Policy outcome: NSW public offices create, keep and protect records as evidence of their activities and decisions

6. The Authority will have power to issue a notice to require a public office to investigate its recordkeeping practices (whether generally or specifically) and report back on its findings to the Authority.

This proposal is supported by the RAHS.

Recommendation

The RAHS recommends that:

- The Government should not proceed with the proposal to establish a single institution, replacing SARA and SLM.
- The primary focus of SARA should be one of ensuring the ongoing accessibility of the millions of items making up the State archives collection rather than on creating exhibitions.
- To meet public expectations, SARA give priority to the arrangement and description of the collection by trained archivists to provide online access to the descriptive information about the archives as well as digital copies.

Conclusion

SARA's prime purpose is to ensure the records of the NSW Government are made in the first place, kept safely and securely and eventually that the State archives are open to public access at the appropriate time.

Its work may assist in the development of exhibitions but in no way should exhibition demands replace the necessity for SARA to exercise professional archival control over the collection. Increased public access can only be achieved through a proper funding regime for the State's archives rather than plans to integrate two disparate bodies.

Christine Yeats

RAHS President on behalf of the Council and members

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