

**Submission
No 36**

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

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About me:

I chaired the State Records Authority NSW, 2001-2006.

As an Historian I have worked in the tertiary sector at UNE, Armidale, NSW and at the University of Sydney. From 1987 to 2009 I was the City Historian for the City of Sydney. I am a past president of both the Professional Historians' Association of NSW and of the History Council of NSW and an Hon. Fellow of the Royal Australian Historical Society.

In relation to museums, I was a Trustee of the Historic Houses Trust (precursor to Sydney Living Museums) 1996-8. I established an M Lit. at Sydney University (later merged with a similar course at UTS). This included modules for exploring the role of historians in a range of employment, including archives and museums, including research and publications and understanding the legal framework and practice of heritage work and museum practice.

As foundation Chair of the Board of the on-line Dictionary of Sydney I worked with diverse scholars, professional and technical people with a wide range of skill sets across all the major NSW cultural institutions in order to establish pioneering processes and understanding of how best to present history through digital media.

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Updating the Act

There are several commendable proposals contained in the policy paper for Review of State Records Act 1988

- It is time to review the 30 years rule.
- Shifting from the practice of 'closed until open' to an 'open unless closed' regime is long overdue and makes a lot of sense.
- Acknowledging, as in 3.2(3) that public offices are currently insufficiently obliged to take their responsibilities seriously in relation to transference of records is timely and important if the state's records are to be properly managed.
- Section 3.4 articulates serious current problems. The current 1998 Act is weak in the area of ensuring and policing the accountability of public authorities in relation to their own records. Currently there are some provisions for SARA to educate record keepers, but it is, almost by definition, the responsible authorities and organizations that request and undertake this type of education.

Establishing ways for SARA 'to monitor and enforce compliance with the Act' will be essential if the present weak powers that are limited to relying on the cooperation of public offices is to be overcome. The present arrangements serve only to assist offices already wishing to comply and leave recalcitrant public offices and authorities outside of proper methods of scrutiny. The suggestion that the Authority be given the power to require a public office to investigate its record keeping practices and report back to the Authority is heading in the right direction but is not strong. It is professionally trained archivists who know best what and how records should be kept. Some public offices have sound record keeping practices, and some have archivists, but others do not. It should be a requirement of public offices to establish in tandem with the Archives Authority how and what records are to be kept, and not simply to give the Authority the ability to investigate when things have gone wrong.

Other issues not addressed in the policy paper

Over the last decades the number of skilled archivists has been reduced, not only at SARA but across the government sector. There is a lack of resources not just for archiving, but for training and for. The Authority has kept itself viable with the aid of funding through its business arm the Government Records Repository, and whilst this provides much needed funds, it covers up the absence of adequate funding and allows ongoing budget cuts. The Authority should not have to rely on GRR funding to enable the actual work of 'archiving' is occur.

Public access and free access have been severely reduced.

- Some public records have been privatized to the detriment of 'increasing public knowledge' – most notoriously land title records, now held by NSW Land Registry Services, with access through private authorized Information Brokers.
- The paper does not address the issue of significant public holdings that are not located at SARA, such as the plans of public building held by NSW Dept. of Planning, Industry and Environment, for which fees are charged.

Related to this is the fact that there is no acknowledgment of how public access to the records is constrained by the backlog of records that remain unprocessed. Getting the records into the system is not the same as making them accessible. I am not able to comment on this in detail, but the government has an obligation to establish what the realities are in this respect, as this knowledge should inform funding levels.

The policy paper is silent on what to do about willful destruction or sale of records of the state.

The issue of archaeological artifacts relating to state owned properties is not addressed.

There is no discussion of where the SARA is best located within the administrative organization of the NSW Government, except to say that it should be merged with SLM. There should be some serious policy words to describe this suggestion but I'm afraid the words that keep coming to mind are words like misjudged, indefensible, bizarre and just nuts.

A Single entity?

The policy paper has been written to imply that this combined institutional and administrative arrangement are a 'done deal' and it is totally alarming if this is the case, given that the policy paper is nothing more than a vague thought bubble that can be punctured in so many places. The properties of SLM form a small proportion of the total number of properties, museums and houses held either by the state or philanthropic organizations that all contribute to the state's cultural identity. No business case has been made, beyond the claim that the government is committed to increasing public knowledge and enjoyment of the stories that shape our social, historical and cultural identity and that these two institutions play a leading role in telling our stories. This claim may not please the State Library of NSW, the Art Gallery of NSW, the Australian Museum, the local government City of Sydney Archives, the private philanthropic National Trust (NSW), Heritage NSW - and so on and on.

Added to this is the fact that the portfolio of properties held by SLM is, as its name indicates, Sydney centric. The name SLM annoys a lot of people, not least in Nowra where the regional property of Meroogal is located, but overwhelmingly visitors to historical houses in the region are not held by SLM. If there were to be a focus on acquiring properties that showcased the state, then the former name of 'Historic Houses Trust' would have been worth holding onto.

The policy paper emphasizes the idea of increased 'access' This misunderstands the concept of access as it applies to the State Archives & Records Authority.

What is access?

Access in relation to the remit of the Authority, is not stories. It is not public engagement. Stories are good and necessary, but 'access' means access. To records. To information. At 'item' level as well as at more overarching levels. Access requires archival and retrievable facilitation, and any diversion of current meager funding into expanding the mandate of the SARA for delivering programs to activate the collection would divert meagre staff resources from its core business.

The public requires of its archives access, including on-line access down to item level along with good clear descriptions by professional archivists describing the records

Currently there are many thousands of items unavailable because they have not yet been accessioned into the collection and recorded to make them publicly accessible. Storytelling must remain a secondary function to facilitating access to the records. Storytelling is not its core business.

Having said that, I am aware that during my time as Chair of the Authority, several in-house exhibitions were developed that did indeed provide access. The motivation for these was to raise the profile of the relevance of the Authority in the face of dwindling funding and lack of government interest. It was recognized at the time that this was not core business, but nevertheless some excellent exhibitions were created. I will return to this a little later.

Our stories are informed by a myriad of things, objects, memories. Archives inform stories and SARA does and will continue to assist in the curatorial development of our stories. As will other archives, museums, private citizens, libraries, private and public collections of all types, business collections and so on. On occasions SARA may contribute significantly to an SLM exhibition, but this is a partnership already established. There are no good arguments for straining this into a merger.

Given that state archives are primarily paper based records, it is impossible to argue their adequacy for most museum displays or curated exhibitions. Given that the SLM portfolio is heavily skewed towards Sydney it does not represent NSW, and given that the portfolio is heavily weighted to historic houses – indeed that was included in its prior name – it does not have the exhibition facilities, spaces or historical connections that make a good fit with many of our stories that are tilt towards, for example, industrial history or technological history – both of which ‘fit’ more readily with other museums, both public and private, such as the MAAS (Powerhouse Museum) , Museum of Fire, Tramways Museum –and on and on. All these museums can and do collaborate with SARA at the level of records. There is nothing particularly ‘fitting’ about SLM.

Further, claims that combining the material culture of SLM and SARA is how best our stories can be told is simply ludicrous, given that SARA records do not include or cover many or even the majority facets of our social, historical and cultural identity. SARA does not and never will hold records or memories of the Australian Opera, the plans of your favourite houses, the history of the pubs, stories or records about our favourite artists, their art, the story of any non-government industries, from car manufacturing to making ice-cream. The list goes on and on.

Two illustrations of the absurdity of claiming that SLM and SARA are a good fit for telling our stories.

1 Celestial City: Sydney’s Chinese Story, MOS, 2014

This was a successful exhibition that drew on loans from local Chinese families, as well as libraries and galleries and other museums with Chinese artifacts. The temporary gardens set up in the forecourt of MOS drew nothing from any archive. The archival material required to tell this story related to SARA records at a couple of points such as 19th C immigration restrictions, but by far the greater archival focus was on records from the National Archives - tickets of leave, documentation of ‘exemption from the dictation test’, shipping and customs records related to opium, smuggling etc. Records relating to many of the prescribed occupations open to Chinese in the early 20th Century relied on local government records – the City of Sydney ran the markets where Chinese traded, and engaged in a major inner -city slum clearance program with racial overtones of clearing out the Chinese. Suburban archives hold records relating to market gardening. In the forecourt of MOS temporary gardens were Sydney stories rely on many records and artifacts, and often the State archives would be of little relevance.

The idea of partnering with a range of private and state institutions, including, sometimes, SARA is sound, but the idea of merging SLM with SARA is non-sensical.

2. In Living Memory, State Records Authority, The Rocks, 2006 2012

This exhibition used photographs from the former NSW Aboriginal Protection & Welfare Boards (1919 - 1966). The exhibition launch included a ceremonial smoking of the records inside the Archives office and for many it was a painful experience. ‘Enjoyment of the stories’ does not come close to what was happening. Many Indigenous people came to an exhibition for the first time in their lives and for many it was the first time they had ever seen photographs of things like their parents’ weddings, officiated by government mission superintendents and the like. It was painful. But it opened the door for many people to find some of their personal history and it helped with healing. It toured the regions to 18 venues across the state and it provided real and material assistance to NSW people searching their lost pasts.

Q. What house or building in the SLM portfolio should have been used for this kind of exhibition? The portfolio of grand houses would have been inappropriate. The MOS is not focused on NSW. Perhaps the Hyde Park barracks, already laden with painful stories?

So yes, SARA can 'do' exhibitions, and in this instance a neutral space such as the Archives Office in Globe Street provided a venue. It remains true that curatorial work is not its core function, and but this example does raise one last question not addressed in this policy document.

Give SARA a profile.

A presence for the State Archives and Record Authority in the heart of the city was extinguished when its office in The Rocks was closed in 2012. The inconvenience of having to travel to Kingswood in the outer western suburbs to physically access records was a blow to some users, but more importantly the closure of The Rocks office announced to the world that the NSW government did not care about providing a profile for its state records. The Kingswood facility has many good functional features but it is to all intents, hidden from the people it is supposed to serve.

The Authority needs a flagship building in the heart of the city. It could be an historic building, or a modern building or anything in between but it must be visible and accessible. It might not house many records or staff, but it will have a reading room that provides, at the very least, digital access, indexes and archivists to set people on the research path. It will provide access to NSW foundation stories. Think of the Archives building in Washington where literally millions of people visit and 'see' the Declaration of Independence, Constitution etc. NSW will not provide anything so grand, but currently it lags badly behind other Australian archives. The National Archives building is a 'presence' within the cultural precinct of Canberra. The Public Records Office of Victoria provides a high profile public face in North Melbourne close to other cultural places. The State Archives and Records Authority of NSW is a sad, underfunded, lost entity.

In summary:

A review of the State Records Act 1998 is very welcome. The overarching desired policy outcome 3.2 that the records of enduring value to the citizens of NSW are managed, preserved and made accessible is essential to the wellbeing of our collective historical memory and abilities to understand both the past and the present issues that engage and inform our society.

However, the arguments enunciated at 3.1 for 'altering current administrative arrangements' through creating 'one institution responsible for collecting, managing, preserving and providing public access to government records, objects, buildings and places of historic, social, cultural or architectural interest to the people of NSW' and forming a single governing body to steer 'the strategic directions and policies' of such an unwieldy and disparate set of purposes is misguided, indeed is plainly ridiculous.