

**Submission
No 49**

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

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Inquiry into the State Records Act 1998 and Policy Paper on its review

Thank you for the opportunity to respond to the Inquiry into the State Records Act 1998 (the Act) and associated Policy Paper that is currently under review. In my submission, set out below, I will address the Terms of Reference and the policy paper where relevant to my experience and concerns, as I understand more detailed and comprehensive submissions have been made by professional bodies and associations of which I am a member.

Professional Experience

I am a consulting historian with over 25 years' experience researching and writing on a wide range of sites and subjects. Much of my professional work has been in the heritage industry and for this I have researched in a wide range of the collections held by State Archives and Records Authority (SARA) and the Sydney Living Museums (SLM) collections. My work has included research in collections associated with rail and road authorities, land records, map and plan collections, liquor licencing and hotel history, public transport, court and legal collections, bankruptcy, marine inquiries and probate records. My academic work, on colonial violence and convicts in the Hunter Valley has also brought me in touch with the vast Colonial Secretary's records, convict records and colonial police records held by SARA. I have served as the President of the History Council of New South Wales (2009-11), Chair of the Professional Historians Association NSW & ACT (2015-19) and as a board member of the NSW Heritage Council, including as Deputy Chair and on Council committees (2012-19).

Response to Terms of Reference

As stated above, this submission responds to those sections of the Terms of reference that are relevant to my experience and concerns, and as such, I will only refer to those specific sections below.

a) the role and purpose of the State Records Authority of NSW and Sydney Living Museums

It is appropriate and timely that the role and purpose of both SARA and SLM are reviewed to ensure they remain relevant and effective in their respective activities, public usefulness and connection to relevant organisations and government authorities.

b) the adequacy of the State Records Act 1998 (the Act) in meeting citizens' needs

A review of the adequacy of the Act in meeting the needs of citizens is a worthwhile exercise after more than twenty years in its current form. However the review does not appear to address the

adequacy of the Act in regards to other record keeping and access legislation, including the *Government Information (Public Access) Act 2009* (GIPPA), *Privacy and Personal Information Protection Act 1998* (PPIPA), *Health Records and Information Privacy Act 2002* (HRIPA), and the *Copyright Act* (Cwlth), all of which have been enacted or reviewed since 1998 and that have influence on access to public records

c) factors constraining public access to and use of the documentary and material heritage on NSW

The lack of a city office, closed in 2012, has resulted in less use of the collection by heritage professionals in particular. Tight deadlines and budget constraints for heritage work means the distance to Kingswood, the unreliable access to public transport and the time required in calling up records and research has reduced SARA's role in this industry. This in turn has reduced the potential impact of the collections held by SARA in telling the story of NSW through one of the largest direct story telling industries directly engaged with the heritage of the state.

The digitisation of records, while ongoing, appears to be in favour of records most relevant to family history and genealogy. This has been achieved largely through collaboration with private companies such as Ancestry or through the digitisation of name only indexes of the larger collections. The commercialisation of public records through pay for service companies like Ancestry should not be a substitute for better access through public means.

The increasing backlog of transferred records that have not been processed is another factor constraining public access to the documentary and material heritage of NSW is. This work is largely dependent on volunteers to complete, the only reasonable approach with current funding and staffing arrangements. However, a number of large and complex collections, such as lands records or the collection from the former State Rail Authority and other related railway collections, remain largely inaccessible to all but the most experienced researchers. In some cases, these researchers are referred to by staff as the best point of contact for those wishing to use them.

d) the operation and effect of the proposed reforms in the Policy Paper, in particular:

iii) whether the proposed reforms will increase public knowledge and enjoyment of the stories that shape our social, historical and cultural identity, enhancing social outcomes for the people of NSW

It is not clear from the terms of reference for this inquiry nor from the policy paper how the proposed reforms would increase public knowledge and enjoyment of the stories that shape the identity of NSW. The collections held by SARA, notwithstanding the limits on access I have outlined above, are already well accessed by a range of professional and personal researchers and presented in a multitude of stories, historical works, film, television, interpretative heritage, family histories, art and performance. Similarly the collection of the SLM, particularly through their Caroline Simpson Library collection, has and is widely used by the history, heritage and cultural sectors to tell stories of NSW. The exhibition program of SLM further enhances this with both site specific and broader historical exhibitions. Both institutions continue to collaborate with other government institutions such as the State Library of NSW and non-government cultural institutions to tell stories from their collections.

There is however a danger in the idea of increasing public enjoyment. Many histories that are contained within the collections of the archives are not enjoyable, but are rather confronting, distressing and violent. It would be a mistake to assume that all history or all stories told need to be enjoyable, and to shape the way the archive is used via this. Even those buildings currently managed by SLM, particularly those with a government history, are sites of potentially difficult histories. Important histories about institutional abuse, frontier violence, criminal behaviour, corruption at all levels are held within the archival collections. But neither is it a necessarily binary choice of dark or light story telling. These two contrasting themes can co-exist, and do so on many sites and in many collections.

Policy Paper options for reform:

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

There appears no particular explanation in the policy paper as to how or why the combining of SARA and SLM would more widely share stories that shape the social, historical and cultural identity of NSW. Instead, the paper appears in part to confuse the core purpose of each institution. In Section 2.1 of the policy paper it asserts that while SARA is the custodian of the nation's oldest archive and largest collection of government records documenting the history of NSW, it has no mandate to deliver programs to activate the collection. The paper goes further, stating that having two separate organisations fails to exploit potential synergies that would deliver richer, more heterogeneous stories about NSW.

This is not a failure. SARA and SLM have two quite separate roles and both are already well suited to develop synergies with each other and with other organisations. SLM has had a long and proud history of telling diverse and interesting stories about Sydney and NSW through their specific exhibition spaces at the Museum of Sydney, Hyde Park Barracks and the Justice and Police Museum, and specific stories related to their range of historic house museums. Of the twelve properties currently under the management of SLM, only four –Museum of Sydney, the Mint, Hyde Park Barracks, Justice and Police Museum–had a past life as government institutions. The main records for the remaining properties have either been gathered together by the historians, archivists and curators at SLM, or exist in other institutions outside of SARA. In this respect, it is not clear how combining the two institutions would benefit the story telling ability of these particular assets.

SARA has also had a program of on site, travelling and online exhibitions since the early 2000s, with a growing presence through their social media channels. However the primary role of SARA is as custodian of these collections. It is through their collaboration with other institutions, including SLM in its current form, and with the users of the collections, the family historians, professional and research historians, film and television researchers, performers and artists that SARA and the collection can most efficiently create the synergies and tell the heterogeneous stories that they desire. With an increased focus on the connections already in place, SARA could achieve wider synergies across a broader range of public and private institutions than merely with SLM. Storytelling could be further enhanced through a program of Fellowships, modelled on those run by the State Library of New South Wales as an example, that would encourage historians, researchers

and others to delve deeply into the collections of SARA and tell the rich and diverse stories that are held within the files of the State's collection.

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