

**Submission
No 59**

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

Organisation: Tweed Shire Council

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Adam Lindsay
Executive Director
State Archives and Records Authority of
New South Wales and Sydney Living Museums

Dear Mr Lindsay

SUBMISSION: INQUIRY INTO THE STATE RECORDS ACT 1998

Tweed Shire Council is generally supportive of the proposed changes as they will modernise the legislation and should lead to increased transparency, protection and accessibility of state records.

Our comments in relation to each recommendation / policy outcome are below:

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

1. A single institution will be 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. This institution would replace the existing Authority 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 will be responsible for the strategic direction and policies of the new institution. 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.

It is likely to improve collaboration of information and streamlining of State Archives process. However, it would be beneficial to have a clearer understanding of what the governance structure would be, to ensure there are no additional regulatory burdens placed on the Council and the records we maintain.

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.



Council has a limited amount of records which meet the 'enduring value' criteria. This recommendation will have a minor resourcing impact on Council.

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.

Council is a "public office" under the State Records Act. To fulfil this recommendation Council will have to use resources to establish a 'closed to public access' CPA direction system.

As this would impact all councils in NSW, ideally a 'closed to public access' CPA direction system should be established by a centralised representative body such as LG NSW. This would promote consistency in approach for all councils and would result in the most efficient use of resources.

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.

Agree with this recommendation as it will promote greater compliance with the Act.

Yours faithfully

MANAGER CORPORATE GOVERNANCE/PUBLIC OFFICER