

REPORT ON PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

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

CORRECTED

At Sydney on Wednesday 1 July 2020

The Committee met at 10:00

PRESENT

The Hon. Shayne Mallard (Chair)

Ms Cate Faehrmann
The Hon. Scott Farlow
The Hon. Ben Franklin
The Hon. Rose Jackson (Deputy Chair)
The Hon. Taylor Martin
Reverend the Hon. Fred Nile

The CHAIR: Good morning and welcome to the second hearing of the Standing Committee on Social Issues Inquiry into the State Records Act 1998 and the Policy Paper on its Review. The inquiry is examining the adequacy of the State Records Act in meeting citizens' needs, as well as the role and purpose of the State Archives and Records Authority of New South Wales and the Sydney Living Museums in light of a proposal to reform their legislative framework. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of the land on which we meet today, and pay my respects to Elders past and present of the Eora nation and extend those respects to other Aboriginal people present, as well as to those on the internet.

Today's hearing is the second of three hearings we plan to hold for this inquiry. Today we will hear from a range of witnesses, including archival experts, historians and museum and gallery specialists. We will also hear from statutory agencies and a former executive and former chair of the State Archives and Records Authority of New South Wales. Before we commence I make some brief comments about the procedure for today's hearing. While Parliament House is closed to the public at this stage, today's hearing is a public hearing and is being broadcast live via the Parliament's website—I think we had 40 or 50 people watch last time. A transcript of today's proceedings will be placed on the Committee's website when it becomes available.

All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness can only answer if they are given more time or have certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide the answer within 21 days. Witnesses are advised that any messages should be delivered to Committee members through Committee staff. To aid the audibility of the hearing, I remind both Committee members and witnesses to speak into the microphones. The room is fitted with induction loops compatible with hearing aid systems that have telecoil receivers. We really have to shout in this social distancing environment to hear ourselves and to help Hansard. Finally, can everyone please turn their mobile phones to silent for the duration of the hearing. I welcome our first witnesses for today.

MICHAEL BENNETT, Member, Professional Historians Association (NSW and ACT), affirmed and examined
LISA MURRAY, Chair, Professional Historians Association (NSW and ACT), sworn and examined
FRANK HOWARTH, Chair, Heritage Council of NSW, affirmed and examined

The CHAIR: Thank you very much. You can assume we have read your submissions and I invite you to make an opening statement and then we will come to questions. We will start with Mr Howarth.

Mr HOWARTH: Thank you, Chair. As I mentioned I am primarily here as Heritage Council chair but I was also director of the Australian Museum for 10 years until 2014, president of the Australian Museums and Galleries Association for three years until 2017 and co-founder with the National Library of Australia of a new peak body called Galleries, Libraries, Archives and Museums Peak Body [GLAM] Peak—best acronym in the business—which I will mention more about in a moment. I will draw attention to a couple of points in the submission, but I do not intend to repeat the whole submission at all.

The CHAIR: That is submission 39.

Mr HOWARTH: Just to remind Committee members, the Heritage Council of NSW has a range of statutory functions; it is a statutory body. The one or two that are perhaps closest to the aims of this inquiry are that one of the council's functions is to make recommendations to the Minister relating to the taking of measures for and respect for the conservation, exhibition and provision of access to and publication of information relating to the State's environmental heritage. It is worth noting that—it is somewhat anachronistic—the definition of environmental heritage is those places, buildings, works, relics, movable objects—which is relevant to this inquiry—and precincts of State or local heritage significance. The other key objective that is relevant is that the council should conduct community education concerning the State's environmental heritage.

From the council's view it is critically important that the reforms that are proposed here maintain the key roles of both organisations—if they remain separate, or one if it is joined—as custodians, interpreters and curators of the State's environmental heritage and history and, most importantly from the council's point of view, improve the ability of any new agency to conserve, exhibit and proactively engage the community of that environmental heritage. Summarising that, the council is very keen that the sum is greater than the parts if these two organisations are put together. The council endorses the first of the four policy outcomes set out in the policy paper, which aims to ensure that stories that shape the social, historical and cultural identity of New South Wales are widely shared and understood. In the council's view this will be a key test of the outcome of this and certainly the outcome of any potential merger of the two organisations.

The second last point that council wishes to draw attention to is that the council acknowledges that in many ways the two existing organisations are significantly different but they do overlap in key areas. The council therefore supports the proposal for two specialist committees or advisory boards for the two functional areas if the organisations are merged into a single governing body. The council believes very strongly that the future of access to cultural information in general—museum objects, libraries, archives, galleries—will be around digital and if COVID-19 did nothing else it is proving that GLAM organisations can certainly get their game together around digital access. So the council very strongly supports the enhancement of that open digital access to the State's records and archives and encourages specific initiatives for the timely identification and conservation of the State's native digital assets. That is, those assets that are not born as material documents but exist otherwise. We think that is, in heritage terms in general, a very key function. Finally, the council strongly supports the proposal that if a new organisation is created through the merger of State Archives and Records Authority of New South Wales [SARA] and the Sydney Living Museums [SLM], it be given executive agency status in line with the State's other major cultural organisations. Thank you, Chair.

The CHAIR: Thank you very much for that. Dr Murray?

Dr MURRAY: Dr Bennett and I will be doing a bit of a double act but we will keep it short.

The CHAIR: Sounds good.

Dr MURRAY: I start by acknowledging the traditional owners of the land we meet on, the Gadigal people of the Eora nation, and pay my respects to their Elders past, present and emerging. On behalf of the Professional Historians Association (NSW & ACT), I thank the Committee for this opportunity to place before you the perspective of our members and that of historians more broadly. My name is Dr Lisa Murray and I work full-time as a professional historian in the local government sector. I am the current elected chair of the Professional Historians Association [PHA]. I am joined by my colleague and association member Dr Michael Bennett, who specialises in native title historical research. We have both been accredited members of the PHA

for 20 years. The PHA commends the Government on valuing the State's history, archives, and material collections, but points to the devastating effect that ongoing budget cuts have had on the State Archives and Records Authority of New South Wales and its ability to manage and provide access to the collection, a fact highlighted by many submissions.

The association agrees with the principles that define the four policy outcomes in the public policy paper dated 8 January. However, we question whether some of these proposed reforms are the best way to achieve these policy objectives. In our submission we go through all the terms of reference, so obviously we are not going to touch on every point we made in our submission. However, we do question some of the policy outcomes that the State Archives and Records Authority [SARA] and Sydney Living Museums [SLM] noted when they responded in their submissions. They both cite policy outcome 4, "A single institution will act as custodian of the documentary and built history of New South Wales". This was not a publicised policy outcome in the document on the parliamentary website. To avoid any confusion, I wish to make it clear that our association does not agree with this policy outcome or proposed reform.

We are perplexed by the absence of any detailed analysis of the current legislation and even the proposed changes, which are light on in detail. The public has been presented with a brief policy paper that shifts the focus away from record keeping and archival access—the whole purpose of the State Records Act—and instead proposes a merger of the archives with Sydney Living Museums to create an executive agency. We ask: Where is the business case or cost analysis for this? The PHA rejects the assertion by the chair of the State Records Board in his evidence before the Committee that professional associations are merely "protecting the territory of specialists". The PHA is an advocate not only for the profession but for the practice of history, and for the public who are interested in these things that support a democratic society—namely, transparency, public access to records and historically informed debate.

Dr BENNETT: The NSW State Archives is not created for entertainment and is not simply a cultural collection. It is a service for the citizens of New South Wales. Exhibitions may raise awareness, market the archives and activate the collection, but they are not the primary function of a State Government archive, in our view. The NSW State Archives does not need to merge with Sydney Living Museums to achieve the activation of the collection. The NSW State Archives should be focusing upon continually improving and expanding access to records—to arrange, describe, preserve, digitise and catalogue the records so that community members from all walks of life can identify records that they want to see.

For example, the archives has a depth and breadth of records relating to the Aboriginal people of New South Wales that is only partially understood. Those records have a deep personal and cultural interest to Aboriginal people of New South Wales—I know that from my professional experience. Rather than exhibitions, resources could be diverted to gaining a deeper understanding of this archival material. I also wish to draw to the Committee's attention that there has not been an Aboriginal archivist employed at SARA for the past 10 years. Their role in cataloguing material, connecting with the community and making it accessible to the people has been left unfilled. The NSW State Archives needs to lead the way in record keeping practices and, along with all government departments, be responsible for ensuring that the business of government is preserved through its records.

The CHAIR: Thank you. We have resolved to have a free-flowing question session. Sometimes there will be a quite strict time allocation, but I will chair questions. Dr Murray and Dr Bennett, in essence you are not supportive of the proposal to amalgamate the two bodies? You are concerned around the archives having diluted focus—is that the way I am reading that?

Dr MURRAY: No, we are questioning why the two need to be merged together. If we had a choice we would suggest that they do not need to be merged together. We feel that while, as Mr Howarth has said, there is some overlap between the two organisations that there are significant differences that make it worthwhile having them as separate organisations. We also feel that part of the reasons for the merger are around issues of budget. We would contend that actually the Government should be supporting the archives to achieve its remit.

This idea that they do not have a mandate to do exhibitions or to have public engagement is not the case. They could achieve that under their current Act. We do not see the merger as being a reason to provide that. We believe, as we pointed out in our submission, that it would be better to look holistically at the cultural institutions in the State and encourage them to work more collaboratively together to tell the different stories of the State and its history. We do not need to merge State Records and Sydney Living Museums to actually achieve that.

The CHAIR: Dr Bennett, do you want to add to that at all?

Dr BENNETT: Just to emphasise the point, Chair, that State Records' primary purpose in our view is to preserve the archives of the State, and the focus needs to be on the cataloguing and indexing of that material.

Certainly there is a call for exhibitions. Looking in the past, going back over the last 15 years there have been some brilliant exhibitions that SARA has done—the In Living Memory exhibition, a photographic exhibition of Aborigines Welfare Board photographs, is one case. Nevertheless, its primary purpose is to make sure that that material is accessible. There is concern that there is a vast amount of material, not just relating to Aboriginal history but other records as well, government records that have not been properly catalogued and indexed as yet. We certainly recognise that this is a difficult task, but I think resources need to be diverted to that primary area as a function of SARA.

Reverend the Hon. FRED NILE: Mr Bennett, you mentioned you are not very happy with the consultative process of the review and the range of stakeholders involved. What do you believe would have been a more adequate stakeholder engagement for the purposes of the reform?

Dr BENNETT: I would think that if there was greater opportunity for historians, from my point of view in particular, to have been able to give their opinions, certainly through the committee—sadly that was disbanded towards the end of last year. I think it would have been perhaps advisable—this is the advisory committee to SARA, the community advisory committee—if that had continued to be able to, for historians and other members of the public as well who are represented on that committee to give their opinion. There was an opportunity a couple of months ago through an agency called The Royals. It was conducting Zoom meetings to get opinions. But again, from my point of view—I participated in one of those sessions—it was more about just focusing on the benefits of the merger. It was driven in that way.

Reverend the Hon. FRED NILE: Are there any other organisations that you are aware of that would have been in a position to provide valuable information about the reform but were not approached? What were those organisations?

Dr BENNETT: From my professional experience I believe that perhaps some Aboriginal representative organisations—Link-Up, for example, whose primary role is reconnecting members of the Stolen Generation with their community. It does make considerable use of Aboriginal Welfare Board records that are kept at State records. I think perhaps if an approach had also been made to some Aboriginal organisations such as Link-Up they would have been able to perhaps give some valuable input into this process.

Reverend the Hon. FRED NILE: Have you taken any legal advice on the proposed scheme, and what was that advice?

Dr BENNETT: Personally, no, but I might pass that question on to our chair of the PHA.

Dr MURRAY: The Professional Historians Association has not investigated any legal advice on the merger. We note that in evidence before the Committee that the executive director of SARA indicated that there would be some advantages in having the two organisations merge, particularly in relation to exhibitions, such as making it easier from a legal perspective to facilitate loans and things like that, which is of course a valid point. Any sort of exhibitions that get put together, obviously you are just loaning across your own facilities. However, all cultural institutions have very good structures in place to organise loans. I do not think that is a sort of legal impediment that really should drive a merger between two particular cultural organisations.

The Hon. ROSE JACKSON: I might ask Mr Howarth a question. I would be interested if you would perhaps be willing to provide a more direct view about whether you think that the merger of Sydney Living Museums [SLM] and the State Archives and Records Authority [SARA] is a good idea or not. I appreciate if perhaps you are constrained in doing that in your Heritage Council role, perhaps you could just be clear that you are doing it in a personal capacity.

Mr HOWARTH: Yes. Hear, hear.

The Hon. ROSE JACKSON: As you are well articulated, we are trying to decide among a range of questions whether that particular proposal to proceed or not. It just would be useful if perhaps you could talk a little bit more about whether you think at the end of the day that will create an organisation that is greater than the sum of the parts or in fact whether that is going to be extremely difficult, and, if it were up to you, you would not proceed. I just want to press your little bit on that, if you do not mind.

Mr HOWARTH: Thank you. If I can answer that in what might appear to be a slightly roundabout way, but briefly if I put my hat back on as the founding chair of the Galleries, Libraries, Archives and Museums [GLAM] peak body and speaking in that capacity, not as the Chair of the Heritage Council: But in that capacity the key driver for that was to try to get the collections sector as a whole to look at its assets from the point of view of a person out in the community, a user, somebody out there who wants to gain knowledge, find out information, explore issues, digital has enabled that hugely. When these organisations were set up as their individual bodies, digital was nothing, or digital access was nothing. Digital has broken down barriers and we would say in the

museum sector, with which I am most familiar, museums have gone from being "We will tell you the truth and we won't enter into any debate" to "We will be facilitators of debate, which we may or may not be part of."

Within GLAM peak, we asked if that test applied to all four sectors and the answer was an overwhelming yes, so somebody who is in the community and who wants to find out information about a particular subject about New South Wales should not have to think, "Do I need to ask that of SARA, or SLM, or the Australian Museum?" Services like the National Library's Trove system is enabling that extremely well. You go to Trove, you search, and you go out. So the first point is breaking down; that the community does not see the barriers that the professions or the governments that put around organisations. They just want information, by and large, whether that be digital or through exhibitions or whatever. So a test from GLAM peak's point of view, and my own personal point of view, is: Will any administrative change make that better? That comes back to a sum of the parts test.

A part answer to that is that I think SARA suffers from the lack of physical, if I can put it that way, outlets to its amazing collection, and Sydney Living Museums provides a number of those. That is a positive point. SARA is incredibly strong in the digital area and I think in many ways Sydney Living Museums would benefit from that knowledge as well. So we are talking about the overlap areas and areas of expertise. My personal view again would be there is still a test to be done about whether the merger will deliver both: And here I am, the councillor, of one view. The function of neither organisation should be in any way compromised by a merger, but if a merger enables either or both of them to do more, then prima facie it is a good thing.

The Hon. ROSE JACKSON: Thank you.

The Hon. BEN FRANKLIN: Would you mind if I just picked up on that?

The Hon. ROSE JACKSON: No. Please do.

The CHAIR: That is fine.

The Hon. BEN FRANKLIN: Mr Howarth, thank you. I really appreciate that answer. I note particularly in the last line of your submission you talk about the importance of it being given executive agency status. That is something I strongly agree with. By the way, I am the Parliamentary Secretary for Energy and the Arts. My view is that independence from public service departmental structures is actually incredibly important for a cultural institution to employ its own specialist staff. Do you think this is the sort of thing that could be done if it was elevated to an executive agency status by bringing the two together and that they could be that break from the department with a lot more focus on specialists?

Mr HOWARTH: If I put my hat back on as director of the Australian Museum—and this issue, the very one you talk about, applies in the Federal sphere as well; we have agencies like the National Gallery and the National Museum who are equivalent to executive agencies, but the National Science and Technology Centre, known as Questacon, was not and felt seriously compromised—at the State level I would have to say that that executive agency status that we have at the Australian Museum is significantly beneficial. It gives both the freedom to move and I would have to say probably a greater agility and innovation capacity than an agency that is more tightly attached to a major government department. If things go well, you get that benefit. I cannot speak directly for them but I think the directors of all the cultural institutions would agree with that. Having seen both sides of that in a range of capacities—I was also a director of the Royal Botanic Gardens and the Domain Trust and we have that independence there—executive agency status is very helpful.

The Hon. ROSE JACKSON: I might just ask a follow-up question on that. Part of what we are trying to do is explore all alternative options. One other proposition that has been put to us, separate to the question of executive agency status, is that which department these organisations or single organisations would sit under if it were to remain at that level. Currently they are in the arts. I think previously they had been in the Premier's department, or at least SARA had.

The CHAIR: They are in the Premier's cluster still because the arts is in the cluster at the moment.

The Hon. ROSE JACKSON: Yes, although a number of the submissions have referenced the fact that it would be beneficial to move particularly SARA or perhaps the new organisation out of the arts and back into more explicitly the Premier's group within the cluster. Excuse my perhaps lack of knowledge about the super cluster terminology. Do you have a view on that? If Dr Murray and Dr Bennett have any reflections on that as well, that would be welcome, but that was another point that has been contested in some of the submissions.

Mr HOWARTH: Yes. I certainly have a view. We—I will put my GLAM peak and Australian Museum hat back on—think that it is better to think of those organisations, whether it is the Australian Museum, SLM or SARA, as custodians of knowledge and information that people have a right to have access to and what will do that best. The collections sector, if I can put it that way, is strongest in the probably no-longer-appropriately-named arts cluster: Whether it should be cultural cluster or collections cluster is a moot point and can be argued forever,

but that recognition of the synergy that comes between collecting organisations working together. If they are in the same portfolio, that helps.

One of the things that the Heritage Council has said on a number of occasion is that it believed the alignment with heritage with Aboriginal Affairs and Create NSW is a major step forward and is in itself enabling a range of things that might not have been as easy to happen before. They all sit under the Department of Premier and Cabinet but under a single Minister. We think that is useful. I guess the outcome of that would be, we believe, the best place would be in that collections orientated cluster.

The Hon. ROSE JACKSON: Dr Murray or Dr Bennett, perhaps machinery of government is not something you are particularly interested in commenting on but I would invite you, if you have any reflections on what Mr Howarth was saying about the location of these organisations within the machine of government, I would welcome them.

Dr MURRAY: The machinery of government is very much of interest to historians. We love to be able to trace through and actually that is an important role of the State Archives in understanding and the context of the records: what departments they were created in and therefore how those departments and the powers they have might change over time. They are of much interest to us. I also acknowledge that the State Archives has shifted a lot. For a while it was even in the Premier's Department but sort of in the finance area rather than the cultural area.

That was felt at the time to have been a move done by the directors and I guess the Parliament under some prudent decision to try to get extra leverage for extra funding for the organisation because it is a key part of government to actually regulate records and ensure their preservation. The over-arching aim and the long-term aim of a State archive is to provide information for the people of New South Wales about the State Government and how it works and how it has cared for the community and given leadership for the community. Therefore I think the clustering back in a sort of arts cultural area would be good. I would also like to make the point that while our association believes that it would be better to keep these two organisations separate, if they were to merge we definitely feel that they should be accorded executive status, executive agency.

The CHAIR: Mr Howarth, you referred to the Royal Botanic Gardens and Centennial Park, which is an example of recent times of the Government merging two separate bodies into one. What is your experience of that in terms of outcomes?

Mr HOWARTH: Speaking entirely personally but with that knowledge of having been the director, I think a number of us in the sector greeted that original pushing together with a great deal of scepticism. But I would have to say most, if not everybody I know, acknowledges that the sum has become greater than the past for those two organisations. Under Kim Ellis and now Denise Ora, the organisations as a joint organisation are doing extremely well. Perhaps because of skills and willingness to work together, there has been a knowledge transfer and mutual respect in both directions and I think it has worked very well.

The CHAIR: I should acknowledge that I was on the board of Centennial Park during that period, which I should put on the record.

The Hon. ROSE JACKSON: One benefit that has been suggested of the merger of the organisations would be the increased capacity of the new large organisations to, in effect, muscle up to Treasury for additional resources and funding.

The CHAIR: Absolutely.

The Hon. ROSE JACKSON: Was that your experience as director of the Botanic Gardens Trust? Is that something on which you could give us any views on whether that was part of what made that successful because that has been suggested as a potential benefit of the merger here.

Mr HOWARTH: You risk me giving away State secrets.

The Hon. ROSE JACKSON: I am on the right track with my questions then.

Mr HOWARTH: All I would say is that being a statutory body—we were lucky enough in our case while I was there, to have an extremely capable board of trustees. It is not so much an ability to muscle up to Treasury. Treasury is very good at watching what is going on and detecting any attempted muscling. But it is more what I referred to earlier as somewhat innovation and agility. You have a little bit more room to play—the way Treasury works, here's a lump sum, in effect—more room to be innovative within that global budget than you might have if you are part of a capital "D" department. My experience at both the museum and the Royal Botanic Gardens that was the case. I would not agree about muscling but I would agree more about it gives you greater innovative and agility capacity.

The Hon. BEN FRANKLIN: Another argument was that it would have a greater prospect of raising money from philanthropy, particularly corporate and individual philanthropy. Do you have any comments on that from your experience?

Mr HOWARTH: I do also do some consulting work in philanthropy, so I sort of know the scene.

The CHAIR: Just another hat.

Mr HOWARTH: Another hat.

The CHAIR: You should have brought a whole rack.

Mr HOWARTH: I would have agreed with that beforehand but I have to acknowledge the success in Sydney Living Museums in the philanthropy area, notwithstanding not being an executive agency. One of the keys to successful philanthropy is being able to convince a potential donor that there is no way the Government can get its hands on your money. So if you are donating to an organisation you want to be sure that the purposes for which you are donating will actually happen and money cannot be hoovered out by a central government agency. I would say that appears to be a better situation for more independent executive agencies but the real test is—it is a long and esoteric risk here—the nature of the foundation that you use to hold the money. Some agencies, like the Australian Museum and the Art Gallery will have completely independent philanthropic foundations. I believe the Sydney Living Museum and the State Library foundations are controlled entities which means that they are not quite as independent. For major donors that does make a difference. They want to be absolutely certain that if they give you \$10 million in a moment of financial crisis it cannot be hoovered out.

Dr MURRAY: If I might add a comment on that. I think we do need to ask the philosophy of something like the State Archives seeking philanthropic funds, and ask whether this is really the role of government. Government should be funding the State Archive to provide for it. I could see some benefits, maybe, for philanthropic funds to assist the archive with exhibitions and some of their greater ambition but I do feel, in the limited experience that I have had in sort of history and the philanthropic field, that there would be some questioning around whether it was appropriate for the Archives to be seeking these funds; that people might give it elsewhere rather than there.

Reverend the Hon. FRED NILE: Earlier mention was made about budget cuts. What was the extent of the budget cuts? What consultation took place with the organisation as to the impact of those budget cuts?

Dr MURRAY: The budget cuts have been ongoing and I know that Alan Ventress has actually published them, and records around that which we refer to in our submission. One of the things to note is that it has been ongoing budget cuts but also the impact of the efficiency dividend which has been going for a number of years and that impacts, of course, not only State Archives but also many other cultural organisations. I guess the budget cut had effects like closing the city access point in 2012. It was a choice of do they cut staff or close the city access point? I note that it is interesting that now an argument is being put forward, we need to be more in front of the people, we want exhibition space and so on.

The building down in The Rocks which they rented until 2019, was actually built for the State Archives back in the 1970s. To think now that that has happened, and it was partly a result of some of the budget cuts, is disappointing. The reduction of access days in the Western Sydney Reading Room is another example of the impact of budget cuts. These are actually cutting into the public access. State Records has done an amazing job with digitisation and we take our hats off to them. But even in the role of digitisation they have had to, sort of, I guess skin the cat as best they can. They have actually done deals with ancestry and got them digitising a whole lot of records and also outsourcing the indexing of those records to ancestry. Ancestry does have a pay wall. There are ways to access it through our public library networks and things like that because they pay for subscriptions but that sort of thing of semi-privatisation of records to achieve greater public access is a very disappointing outcome. It is mainly due to the budget cuts.

Dr BENNETT: I might add a comment about ancestry.com particularly in relation to the way that it has catalogued some of the records. They do not necessarily have that expertise in reading the old handwriting and transcribing the names. I know this from personal experience that it can be difficult because of the mis-transcriptions of names and entities to access those records as well. Certainly when SARA themselves have done the digitising and the transcription—they have done a fantastic job because in-house they have got that expertise—but farming it out to ancestry.com can in a way limit access, not just because of the pay wall but just because they do not have that ability to be able to transcribe and catalogue records properly.

The CHAIR: But surely the partnership with ancestry.com in my view is quite innovative. Set aside budget cuts—and we have had arguments about that at the last hearing—but it brought forward a lot of records

well ahead of any chance to digitalise them and have public access to them—probably decades—through that innovative partnership. Would you not agree that it has produced a better outcome than we had before?

Dr BENNETT: Look, in some ways, yes. Personally and professionally, I certainly make use of those records. It certainly has changed the nature of research to a certain extent. But nevertheless, it is still only a fraction of the collection at SARA, which is vast.

The CHAIR: I acknowledge that.

Dr BENNETT: I just think that it is so essential that more resources are diverted into SARA to be able to properly, as best they can, describe the extent of their collection. I appreciate that, yes, there are budgetary constraints. I have benefited from the arrangement with ancestry.com but I do not think that should disguise the fact that an impact of the budget cuts is that that process of cataloguing within SARA has not proceeded as fast as perhaps they would have liked.

Reverend the Hon. FRED NILE: I have a follow-up question for Dr Murray on the budget cuts. What are your lines of communication? You are obviously not happy with the budget cuts. Who do you talk to in Government to try to get that resolved in the interest of your organisations?

Dr MURRAY: In the past we have always been trying to write to their Ministers and so on and we always use opportunities like this to make representations more broadly. It is an ongoing issue; it is not something that happened or started yesterday. I guess our organisation has been part of the lobbying efforts since the late 1990s in trying to give ongoing support to State Archives.

Reverend the Hon. FRED NILE: Do you go direct to the Minister or do you deal with the Treasurer at any point?

Dr MURRAY: No, we do not deal with the Treasury; we would normally write to the Minister.

The CHAIR: Being an association, Reverend Nile.

The Hon. BEN FRANKLIN: Thank you very much. Could I pick up a couple of points? Firstly, I will push back on your comment about the budget cuts in western Sydney. My understanding is that, in fact, they did shut on Monday but they are still open on Tuesdays to Saturdays, but the Monday was closed so that they can focus on digitisation and cataloguing because they were only getting five or six people in during that entire day. That is what I am advised, so I just wanted to let you know. But I guess this brings in mind the broader question about access points. I hear your point about the reading room, which was closed a number of years ago, and that it is a shame that there is not that access point now.

I also note Dr Bennett's comment in your opening statement that we should be continually expanding access to records. To me, I would have thought having all of these new properties associated with SARA gives that a wonderful opportunity for that access to records, and to give another substantial number of points where people can go and engage with history. I just would have thought, with respect, that in your role as chairing the Professional Historians Association, having a greater access to history for the public would be something that you would actually endorse. I would be interested in your comments on all of those things.

Dr MURRAY: I would like to start just by addressing the issue of Sydney Living Museums and its venues, and how much that opens up extra access to the State Archives collection. A number of their properties are really historic house museums or historic museums and they are exploring place. The nature of their properties are such that there would not be that many opportunities for exhibition really in those properties. The idea that there are so many venues that Sydney Living Museums have and we could exhibit in those places, I think, that is a very superficial look at really what the principles and ideas for those properties and exhibitions are. Certainly if there are things like the Museum of Sydney that has a broader sort of space that could open up for exhibitions, we of course encourage and love it. The more history gets out there, the more we love it.

The Hon. BEN FRANKLIN: There are 14 dedicated exhibition spaces across the Sydney Living Museums portfolio.

Dr MURRAY: Yes, but they are not all going to have relevance to the State Archive collection.

The Hon. BEN FRANKLIN: No, of course.

Dr MURRAY: I think also that a lot of the material in the State Archive collection is not the type of material that you would actually be exhibiting. I think one of the things we tried to point to in our submission was that public exhibition does not equate exactly with access. Public exhibition certainly raises awareness of the collection and allows some people—certainly that would be enough access for them. But the idea of keeping all

of the State Archive collection and making it publicly accessible is so that it can be accessed in a much deeper level. That is not going to happen through the exhibition of items.

The Hon. BEN FRANKLIN: Sorry, I was not suggesting that; I was suggesting that something like the Caroline Simpson Library in the city potentially could be used as that access point for SARA in place of the reading room, which was shut down many years ago. Exhibitions is one thing but I also want to talk about the access points. I would have thought that because of their portfolio of properties, something like that particular venue might be a really appropriate place to do it.

The CHAIR: The Justice and Police Museum, too.

Dr MURRAY: The Justice and Police Museum, I hear the Chair saying, could be an opportunity. We opposed the closing of the reading room back in 2012 in the city. We felt that it was a retrograde step and we fought that all the way, but if we could open up an access point back in the city, great, but that is not a good enough reason for a merger.

The Hon. BEN FRANKLIN: No, I agree. That is what I wanted to get to next, which is the cost implications. Having these two separate organisations has just so many different problems in terms of the duplication of everything from accounting processes to payroll processes, auditing, annual reports and all of these sorts of things. All of those costs could be pulled together and harmonised with a merger, which potentially would then free up those funds to be able to put into exactly the sorts of things that Dr Bennett was talking about earlier. Would you not agree with that?

Dr MURRAY: Where is it end, though? Why do we not just merge all of the cultural organisations? The argument that you are presenting now is where it could end up. I just feel—

The Hon. BEN FRANKLIN: No, with the greatest amount of respect, I think this is an important point. The point about this is that you have the historical archives of the city and you have one organisation that is about promoting and ensuring that the cultural archives are protected and supported, and another that is promoting and supporting the cultural and historical sites. To me, there is a synchronicity there, which there would not be with The Australian Ballet, for example.

Dr MURRAY: But you could say that there is similar synchronicity with the Art Gallery of New South Wales or the Australian Museum. I think when you merge some organisations, there are going to be savings, especially in the bureaucratic side of things. Whether all of those savings then get ploughed in is a question, I guess, for the boards and the directors to manage. I do feel that it is difficult to see, with the current policy paper, how the merging of the organisations would work to still bring forth both agendas of the different, two organisations. I think even in her evidence, the Chair of the board of Sydney Living Museums said that should any merger happen, there would need to be a really strong realignment of the financials of the organisation to ensure that the remits of both the heritage and the built history, along with the State Archives, are both represented and have an equal footing.

The Hon. BEN FRANKLIN: I could not agree with you more, and that is exactly the point that Mr Howarth was making before in terms of ensuring that they both have equal weight, and I think that is critical.

Dr MURRAY: I think it is very important.

The CHAIR: Before I jump in with some wrap-up questions, does any member who has not had a chance to ask a question have anything to contribute?

Ms CATE FAEHRMANN: No, thank you, Chair.

The CHAIR: Welcome Cate. We understand Cate thought it was a Webex meeting. We had a hearing all day yesterday as well.

Ms CATE FAEHRMANN: Apologies. I will read the transcript.

The CHAIR: Dr Bennett, I am a bit concerned that we have not had submissions from Aboriginal historians to this inquiry. We are going to reach out directly and the secretariat will contact you to help us make that contact and facilitate some submission. But, acknowledging that we are not Aboriginal, what do you think are the touchpoints for the Aboriginal community in terms of the State Archives?

Dr BENNETT: From my experience, it is certainly access to the material. Of course, a lot of the material that is held by the State Archives is extremely sensitive for the welfare board records that relate to child removal. Of course, that material is not publicly available; individuals have to go through a process of applying through Aboriginal Affairs and then go into the State Archives and Records Authority [SARA] to be able to access that information. I think that is as it should be, particularly that sensitive information.

The CHAIR: We need to safeguard that if there are any changes.

Dr BENNETT: Absolutely. Those processes need to be maintained. It is certainly not appropriate that that type of material is made digitally available—most certainly that would be my experience. Nevertheless, it is still a difficult process for particularly rural Aboriginal communities to access that information and it is a lengthy process as well. There is usually only one person in Aboriginal Affairs who will receive an application and then undertake the research to identify the relevant records in the Aboriginal Protection Board that relate to that particular individual. So that is a concern for Aboriginal people throughout New South Wales generally, but also the ongoing access issues too.

It is, of course, very difficult for community members to be able to travel to western Sydney to be able to access material at SARA. Of course, many Aboriginal people are in that lower socio-economic level and have not been able to make use always of ancestry.com records as well, so they are inhibited there to a certain extent. The other point is that there is a recognition in Aboriginal communities that sense that there is so much more within the archives that relates to Aboriginal people and their history that just has not been extracted and copied yet and I certainly believe that there is that desire on behalf of Aboriginal people to get a much better idea about some of those stories.

The CHAIR: If you could assist us to try and get an informed submission we will open up for a late submission from the Aboriginal community, of course, about this proposal. I would think that the SLM site also has Aboriginal context and story as well and relevance to the properties and ownership.

Dr BENNETT: Absolutely. I have done work for Elizabeth Farm, for example, looking at the Aboriginal connections there.

The Hon. BEN FRANKLIN: I think, to assist, Mr Chair, there has been some engagement with Aboriginal Affairs on this issue, but I am not sure of the specifics. I strongly support what you are saying. That would be very helpful, Dr Bennett.

The CHAIR: And we have not got a submission from them.

The Hon. BEN FRANKLIN: No, indeed.

The CHAIR: So we should follow that up too. That is really good evidence you have given us and I am anxious about that. We are also reviewing the Act. We have spent a lot of time talking about the amalgamation and, believe it or not, I have a history degree as well. I am interested in what you think the Act is lacking; this is an opportunity for us to pick it up. I have asked questions on notice to Mr Lindsay regarding some of the exclusions from the Archives Act—like the Governor and the Executive Council, in the context of the High Court decision regarding some letters to the monarch becoming public records. As a historian, I am interested in those public records. Are there areas of the Act we should be looking at that you think are not addressed properly? You might want to take that on notice. You do not have to answer now.

Dr MURRAY: I think it would be best if we do take that on notice. We certainly have addressed some of the issues as they were outlined in the policy paper and we do support things like the opening up to 20 years, so shortening that period, and making it a default open rather than, as it currently is, a default sort of closed position. We also point out in our submission around the issue of custody of the records, and I think there has been some discussion around, that records could be open but that they might remain in the custody of a particular department rather than being transferred to the State Archives to literally house.

We do point to the fact that this makes it more difficult to do longitudinal studies which, if you are interested in government policy and how that affects the community, that that can be a bit more difficult. So they are two things we have addressed. Overall I would say that we support the reforms that have been proposed for the Act; it is well overdue and we are really pleased that the Government is looking at the review of the Act, but if there are other areas of work that would could point to, and it would be safe to say we would also be leaning on our associates in the Society of Archivists because we work closely with them as well.

The CHAIR: If you could consult them and come back with any concerns around the Act or gaps in the Act. You have 21 days to do that. Dr Bennett, did you want to add anything to that?

Dr BENNETT: No, I do not have anything to add.

The CHAIR: Mr Howarth?

Mr HOWARTH: Yes, very briefly, Chair. We were talking about Aboriginal information earlier. I am aware that the Government is looking at a complete rethink of Aboriginal cultural heritage of which that information that is held in the archives in records is a key part. That philosophy there is much more about treating key objects in museum records et cetera as primarily owned by and the responsibility of Aboriginal communities

and for which museums, archives et cetera are custodians on behalf of those people—a complete mind shift. The Committee may wish to think of what would that mean about those records relating to or created by Aboriginal and Torres Strait Islander people that are held in either organisation.

The CHAIR: Thank you for that. Members can put questions on notice if they have any further questions. I thank you for coming in this morning; it has been very informative evidence for us in this inquiry. If anyone took any questions on notice—I think it was just that last little bit—there are 21 days in which to answer them. The secretariat will be in touch for that. Dr Bennett, your assistance with regard to a submission from Indigenous Australian organisations would be great.

Dr BENNETT: I am happy to assist.

The CHAIR: That concludes your evidence. Thank you for coming in this morning.

(The witnesses withdrew.)

DAVID FRICKER, Director-General, National Archives of Australia, before the Committee via teleconference, affirmed and examined

GEOFF HINCHCLIFFE, Former Executive Director, State Archives and Records Authority of NSW, affirmed and examined

The CHAIR: I welcome our second panel of witnesses for this morning to the inquiry. One witness will be appearing via teleconference from Canberra. We will start with Mr Hinchcliffe's opening statement.

Mr HINCHCLIFFE: Thank you. I begin by acknowledging the Gadigal people of the Eora Nation as the traditional owners of the land on which we are meeting and pay my respects to their Elders past, present and emerging. I thank the Committee for the invitation to give evidence today.

My time as the inaugural executive director of the State Archives and Records Authority of New South Wales, which I will refer to from now on as "the Authority", was very special. I was privileged to work with a highly skilled and talented team, and an enthusiastic and supportive board and chair. Together we delivered many successful initiatives, which I have documented in my submission. I commend the Government on undertaking this review.

Something has needed to be done for a long time to ensure that the authority can continue to play its vital role in ensuring accountability of government, which is such a fundamental feature of our democracy. During the past 20 years the authority has moved from departmental home to departmental home. This has meant that it has struggled for recognition, identity and appropriate financial support from within government that is necessary for it to fulfil its legislative obligations under the Act.

I am comfortable with the concept of the merger of the Authority and Sydney Living Museums, but only if that gives the Authority a more recognisable form, a stronger identity and increased funding to enable it to carry out the expanded statutory duties and broader remit proposed in the policy paper.

However, it would be most useful for a business case to be developed to better inform decision-making should the merger proceed or, importantly and conversely, should it not proceed and the agencies continue their partnership as separate entities.

There are several significant weaknesses in the existing Act that I believe need to be addressed in the new or revised Act. This is what I wish to focus on in this statement.

One of those weaknesses is the lack of adequate measures to ensure that public offices comply with the recordkeeping requirements of the Act. The change being considered by the Government and listed as No. 6 in the policy paper is a good first step but does not go far enough. It will have some—but a limited effectiveness in ensuring compliance with recordkeeping by public offices.

Instead I have suggested in my submission what I believe to be more effective strategies designed to ensure this compliance and accountability. For example, the requirement for all public offices to complete what I call an annual "State records compliance attestation", and increased penalties for non-compliance.

I also support giving the authority statutory powers to investigate recordkeeping non-compliance and to develop appropriate complaint handling and referral processes that are currently lacking.

Strengthening recordkeeping governance in the new or revised Act is vital so that governments remain accountable and public confidence in a democracy such as ours is maintained.

A second weakness in the current Act is a lack of specific strategies to guide digital recordkeeping. Digital recordkeeping can be very difficult and requires very different approaches from that with physical and other forms of records. Appropriate strategies must be incorporated in the new or revised Act.

The Authority's Strategic Plan 2016–2021 included a concept called "records by design", which would be a very good starting point to consider. This approach uses "by design" concepts and requires the management of digital records to be planned and factored at design stage of a project—or system, or whatever—not as an afterthought when a system is fully operational or when a project is near completion, as it is often then too late. Accordingly, the Authority will need to be adequately resourced and appropriately funded to provide the necessary what I call "digital records leadership" expected of it for both the public sector and the broader community.

It would be beneficial if the Act's associated regulatory framework is flexible enough to cope with and respond to the rapidity of change in the digital environment, for example, by updating the Regulations that support the Act regarding digital recordkeeping more frequently than is normally the case because of that change.

I support all strategies that increase community engagement and access to the Authority's collection. Expanded access for historians and researchers remains vitally important to ensure that they can continue to interrogate and report on events for the benefit of the wider community. A merger with Sydney Living Museums should provide opportunities for this increased access, including through exhibitions, which, contrary to some comments I have seen, clearly align with the intent of the current Act to expand access to the State archives. Exhibitions generate tremendous interest and discussion in the community whenever the collection materials are on display and/or are featured in the media. Changes three, four and five in the policy paper would also contribute to increasing access, which I support.

I also support the proposal to establish committees within the proposed new entity that would have statutory responsibility for advising on and approving recordkeeping standards, retention and disposal of records, and the acquisition and management of buildings or places.

For me, the bottom line is that any organisational restructure and revision of the Act must strengthen the Authority's role as the central agency responsible for overseeing government records, the State archives and public offices. I thank the Committee again for inviting me to give evidence today and I look forward to discussing these matters with you and providing further detail of what I have said in this opening statement and in my submission. Thank you.

The CHAIR: Thank you for that opening statement, Mr Hinchcliffe. We will come back to you with some questions after we hear from Mr Fricker, who is on the phone. Would you like to make your opening statement, Mr Fricker?

Mr FRICKER: Thank you, Chair. I have a brief opening statement. Firstly, thank you again, Chair, and members of the Committee for allowing me the opportunity to contribute to this inquiry. As I said earlier, I appear today in my capacity as the director general of the National Archives of Australia, which, of course, is an institution of the Commonwealth Government, but which has a long and very productive relationship with the State Archives and Records Authority of New South Wales. Most notably we are co-members of CAARA, which is the Council of Australasian Archives and Records Authorities. It may interest the Committee that I am also the president of the International Council on Archives and I am a vice-chair of the UNESCO Memory of the World International Advisory Committee. I have, therefore, a good idea of international developments around archives and documentary heritage.

The National Archives of Australia has been pleased to support the review of the Act, through my membership of the advisory group to the New South Wales Government inter-agency steering committee and through my appearance today before this Standing Committee on Social Issues. Of course, Chair, as a Commonwealth public servant I will not be commenting on Government policy. However, I do hope that I may offer information or views of some use towards the implementation of policy relevant to archives and government recordkeeping. Thank you.

The CHAIR: Thank you for that. We will come back to you with some discussion. The Committee has resolved to have fairly free-flowing informal questions. It is not an inquiry that requires time-keeping and rigid rules. Reverend the Hon. Fred Nile will begin.

Reverend the Hon. FRED NILE: Mr Hinchcliffe, in relation to your recommendation No. 1, what criteria do you propose should be used by public officials in the identification of items of continuing value?

Mr HINCHCLIFFE: Sorry, can you just repeat that?

Reverend the Hon. FRED NILE: In relation to your recommendation No. 1, what criteria do you propose should be used by public officials in the identification of items of continuing value?

Mr HINCHCLIFFE: I am sorry, I am just going to try and have a look at that recommendation. It is about identifying in advance records of continuing value which need to be transferred. This was really targeted at digital records, in the first instance. The current Act gives a period of about 25 years for when records need to be transferred. That is far too long for digital records. Digital records, if they are transferred after 25 years, you have probably got a technology box which nobody can access. That immediately puts the Authority in breach of its Act if it cannot provide access to that.

What I am getting at in that part of my submission is that it goes further to some of the things I have said about digital, but really to bring that forward so that there is an active dialogue happening between the agency and the Authority—they are planning in advance the transfer of records. I believe that has started to happen, but it needs to happen well in advance for digital so that there is minimal cost associated for either party at the time of transfer. I will give you an example. In 2014 at the authority we commenced a project we called the emergency digitisation of at-risk archives. That was a project that was looking at salvaging and saving a number of very

critically important archives that we were at imminent risk of losing. One of those was the original footage from the 2000 Sydney Olympic Games—this is only 14 or 15 years later—because the formats had changed. Even in that time period, that was really at risk. We had to source around and find an external party that had the equipment that could actually read that footage and transfer it into a digital format.

The second-best example I can give you is the transcripts from the Chelmsford Royal Commission, I think in the early eighties, following the terrible tragedies that happened at the Chelmsford Private Hospital, where I think about 26 people died. The transcripts for that commission of inquiry or royal commission were actually recorded on an obscure and state-of-the-art legal database at the time, but it ended up pretty much on a hard disc which nobody could access. We were lucky—we had some very smart technologists at the Authority and they researched and worked out a way to actually access this device and transfer those records into a format so that they are still accessible today. The reason that is important, obviously, is because you can go back then and learn and look at the mistakes and the findings of that commission.

But back to your point: Why is this so important and what steps should we do? One, there should be agreement. There should be plans made by the agency, in consultation with the authority, to plan the transfer of those records early. Two, it should be agreed what that is going to be, because that gives the Authority the opportunity to plan that work and program it based on criticality and risk. Three, it reduces the costs substantially in that transference. If you think of any sort of important system—say, for example, the system used to capture all the COVID-19 data at the moment; that will have its own challenges about preserving—if that was left for 25 years to transfer, it probably would be inaccessible. That would immediately put the Authority in breach of its own Act, because it could not provide access to it. Early transfer of that and regular transfer of that will ensure that those records are transferred appropriately, expeditiously and securely, but also the cost for both parties is at a minimum.

The reason I have also said that if there are costs associated with that they should be borne by the agency doing the transferring is because that is an extra incentive for them to put plans in place to prevent that cost, while they still have people there who know the systems, and they make the interfaces earlier that will enable that transfer to happen. I was really targeting digital records, or records of an unusual form that are facing technology obsolescence on that.

The CHAIR: It is an interesting point you make about the cost. At the moment is that transference—I did spend a period of time on the board of SARA—is that borne by SARA?

Mr HINCHCLIFFE: Yes, it is.

The CHAIR: Your suggestion—it is an interesting suggestion—is that the agencies bear the cost, and then they will be more efficient with their plans—

Mr HINCHCLIFFE: Absolutely. They build it into their plans and they will make sure that they are not going to be burdened by extra cost.

The CHAIR: Because it appears some agencies treat archives as an afterthought. Some do not even have planning—

Mr HINCHCLIFFE: They do, they do.

The CHAIR: I can just assure you that SARA has alerted all the agencies around collecting COVID-19 data for the archives. It is going to be so important to get that information for future reference.

Mr HINCHCLIFFE: Yes. I suppose that very issue of cost and resourcing to do that transferring is in part way at the centre of a lot of the angst that goes with reduced funding, which has been a problem.

Ms CATE FAEHRMANN: Can I just jump in on that one? To your knowledge, have agencies in the past had to pay for that? Do you know of other jurisdictions that do it that way, where the agency has to pay?

Mr HINCHCLIFFE: I cannot answer that definitively. I will say that with the royal commission that looked into institutional responses to child sexual abuse there was substantial work done for Family & Community Services with their records. They were not necessarily all digital, but I am sure some of them were. They certainly did end up paying a fair bit of money to get the Authority to help them catalogue, index and digitise those records and feed them back so that they could actually shorten the turnaround time for care leavers and for the Commission asking for those records. The Authority has the scope under its current Act to charge for its services. Archives is a very sensitive one, because it is felt that it is not something that normally an agency gets charged for, but I say why not? There is a cost to it.

The CHAIR: Mr Hinchcliffe, what are your dates? I know it is in your submission.

Mr HINCHCLIFFE: I was there—I started in April 2014 and I retired two years ago this month, July 2018. I was the predecessor to Adam Lindsay, who you heard from last time.

The CHAIR: Yes.

Mr HINCHCLIFFE: In fact, I was very fortunate to hire Adam. He came in in 2017 and he came in initially as our Director of Collections, Access and Engagement. That is what I brought him on for.

The CHAIR: I do not want to hog the questions. The Deputy Chair will be first. It is a perk of the job.

The Hon. ROSE JACKSON: Just leading on from your feedback to the Chair, I wonder whether you had any reflections on the co-executive director model that has been adopted under the leadership of Mr Adam Lindsay? Obviously one of the propositions—and you mentioned briefly in your opening statement—is the more official merger of the authority and Sydney Living Museums.

Mr HINCHCLIFFE: Yes.

The Hon. ROSE JACKSON: Both those organisations have shared and executive director for some time.

Mr HINCHCLIFFE: Yes.

The Hon. ROSE JACKSON: That person, as you noted, directly followed your tenure at the authority. Do you have any views on how that has worked—successes, limitations—that you might want to draw to our attention?

Mr HINCHCLIFFE: Look, no. I would never have thought it would probably happen, but having looked at it—and I suppose I have looked at it more closely recently, seeing how it is working—I note that that has been working for 12 months. It seems to be working well. Before I came to government—I spent 10 years in government—before I did that I worked in global investment banking, companies like IBM global services, J P Morgan Goldman Sachs and JWere. Change was the norm—in one place we had four mergers in a year but I think in government there is more stability in that, even though there is a lot of change. I think this will be thought out to a level—and I am confident in this—that it should and will work.

I do not see it is much different from having a large organisation with multiple aspects to it. With the multiple committee structure underneath it, that should enable those functions to continue. I think if you have got the right person in the right structure, that should work. Organisationally in the merger, I am not so concerned about. I am more concerned about how it is going to operate and to ensure the integrity of the Authority and what it is therefore is maintained and is not changed and diluted in such a way that immediately we lose recognition of what it is and what it stands for.

The CHAIR: Or damages our archival collections.

The Hon. ROSE JACKSON: I might just ask one question of the witness on the phone before I hand over to my colleagues. Thanks, Mr Fricker. One of the things that has been mentioned in various submissions and that Mr Hinchcliffe raised today is this question of enforcing compliance with archival requirements. There are a number of things recommended in the policy paper. Mr Hinchcliffe has raised a couple of additional requirements that he thinks might be useful. I wonder if you could give us any information, drawing on your international experience in terms of best practice, for what legislative or regulatory regimes we could consider to ensure compliance with archival legislation. What is the real best practice in how governments are doing this to ensure archives are properly kept?

Mr FRICKER: Thank you for the question. I do think a level of compliance—or a level of assurance—should be provided to the general public that the archival institution is properly maintaining a complete and authentic record of government activity. So I think whatever compliance powers or authorities are given to the institution from my point of view should be driven by that: What is the necessary level to ensure the ongoing trust of the public in the institution? In terms of international best practice I will probably end up referring to the Commonwealth legislation. That is the one that I think does reflect a good level of practice, which is that it is an obligation upon all government officials, all public officials: The legislation does mean it is an offence to destroy or to otherwise alter the record unless it is done with the proper authority of the archival institution.

That sort of legislation, which applies to all government officials, is a very strong point. In that way you have a legislative basis upon which compliance can be tested. I am not aware of any archival institution in the world that actually has, if you like, coercive powers to go out and test compliance or to compel people to produce evidence. Those sort of functions do belong to other authorities such as Auditor-General, Ombudsman, et cetera. But I think from my point of view if the legislation made it clear that it was an offence to engage in conduct that leads to the loss or alteration of a record other than by an authorised action, that represents a good level of practice.

The Hon. BEN FRANKLIN: Mr Fricker, could I stay with you, please? I understand that you do not want to talk about specific Government policy, so I will try to frame my questions more broadly if I can. Can I start on the whole concept of archives and how important it is that the public knows about archives and the specific collection that we hold in New South Wales?

Mr FRICKER: The importance of archives is that it is the public record that ultimately belongs to the public. It is the foundation for Australia's system of democracy and it is a foundation for Australian values. I think archival collections—and this is what distinguishes them from library collections or museum collections—are collections of evidence. This evidence is kept to uphold accountability, transparency of Government, and is maintained to protect the rights and entitlements of individuals. It is also maintained for a collective memory of a society, of a State or of a nation and it is an authentic memory. It is not a curated memory. It is not one individual's idea of what happened. It is evidence that can be returned to by anybody so that they can re-observe the events of the past and make up their own minds about history.

Of course, my friend Geoff Hinchcliffe has already made this comment: It is important that, in situations like we are facing now with the COVID-19 pandemic, archives have a very profound role to make sure that we are documenting the present so that we are guiding future actions so that Australia, New South Wales, will become more resilient and more capable to face the next pandemic because we have accumulated authentic and complete memories about current actions. These are the fundamental principles for me that should constitute an archives and an archival collection and they are the principles that should go into the principles by which anybody can access the records held within an archives.

The Hon. BEN FRANKLIN: Can I broaden that? Let me go back step. You are internationally accredited and acclaimed as an expert on these matters and we are very grateful for your participation today. Do you have any comments about the relationship and the partnership between SARA and Sydney Living Museums from what you have witnessed over the last couple of years?

Mr FRICKER: As I said in my submission, I think many benefits can be obtained by any sort of collaboration or joining up of resources between memory institutions generally so I think an important part of an archives is access and it is having those public programs that make sure that the archival collection is promoted; that all citizens of New South Wales are aware that this fantastic asset exists; and that access to the collection is made as enjoyable and as engaging as is possible, including outreach into education programs to get younger citizens engaged and involved with the history and their identity. I think that is a very important benefit that can flow from these collaborative arrangements and from the joining up, the consolidation, of those two institutions. In my submission I pointed to one distinction that I think should be maintained, to make sure that the archival collection was not seen as something which was sort of picked, which is not a curated collection.

The Hon. BEN FRANKLIN: Absolutely.

Mr FRICKER: The archival record needs to be accumulated on very neutral and objective criteria to make sure that it follows the rules of evidence, if you like. It does not sort of become constructed to suit one particular narrative of history.

The Hon. BEN FRANKLIN: I think we are all in vicious agreement on that.

Mr FRICKER: That is right. Very briefly, in my submission I pointed to what I thought was the strength of the paper in terms of establishing those committees and having a committee which was given the authority to make sure that that archival collection was being collected and maintained in a proper way.

The Hon. BEN FRANKLIN: Thank you Mr Fricker. I will pick up on that point with Mr Hinchcliffe who talked about opportunities for exhibition.

Mr HINCHCLIFFE: Yes.

The Hon. BEN FRANKLIN: I want to drill down because this is obviously one of the things we have been discussing in terms of the potential merger. How do you think the potential for the collection that you oversaw in terms of exhibitions, displays and those sorts of things will impact on public awareness of the importance of SARA?

Mr HINCHCLIFFE: As I have said and I have said again today, I think it is vitally important that that exhibition program continues as it has, and as were re-established in 2014-15. What I think it does for a community is it provides an interpretation and an access and hopefully it can trigger an interest. I think, like education and history generally, it has got an opportunity to educate our citizens and our communities. It may be through that that we will actually trigger some new things that some little child or kid will actually enjoy and discover and want to follow. We had a couple of very interesting exhibitions. I am not sure if you are aware but I think we did about five or six during my period there. We did three for the Centenary of World War I. We started off with 'A

Call to Arms' which traced through the early stages of the war 100 years ago but it looked very strongly at the social impacts. So we learnt about how that worked and that whole series right up to the final one that focussed a lot on the Spanish flu which hit in 1919.

The other one of note that I think really sits between an exhibition and an historical event was the launch in 2017 of the first public release of Cabinet papers from 30 years ago. So that was the 1987 Cabinet Papers released under former Premier Unsworth. That was an incredible event because that was the first time—in about a six-week period we digitised the full set of papers. They were unredacted. They were the full set of papers and they were published and they are still on line today. What that has given is—going back to my colleague Mr Fricker's point about confidence in the integrity of government. For the very first time I found it fascinating myself when I looked at that and I actually saw how a Cabinet worked and how a Parliament really worked for the people. It was really interesting to see. I do not know if I have answered your questions correctly in terms of the value it can give. It can also be used as a social discussion point obviously. The historians, obviously they tell stories too. These records are very different from those the library holds. They are generally the foundational pieces of government. They are often difficult to build a story out of because it takes a lot of interpretation of that story at that initial level. But nonetheless they are absolutely critically important to give us that record of government through the ages.

The Hon. SCOTT FARLOW: Mr Hinchcliffe, with the six exhibitions you did, how difficult was it for you to actually be able to get those spaces, and to be able to actually get them on show? I heard in your opening submission it seemed, in a sense, like a yearning to be able to have this forum to be able to display the wonderful records?

Mr HINCHCLIFFE: We had to be creative. We never had exhibition space at Kingswood. I am assuming the Committee has been to Kingswood.

The CHAIR: We are going to Kingswood later in the month.

Mr HINCHCLIFFE: Excellent, terrific. I really recommend it. You will be surprised and delighted. I wish I could go myself again that soon. But we had to be very creative. We wanted to use western Sydney as much as we could. We could not afford to hire, in the early stages especially, exhibition space as we did not have the money for it. We did not have the money to put on exhibitions; we just found a way to do it. We used the walls of the entry for the western Sydney records centre. We used that to host them and the reading room. Later, I think one of our last exhibitions, we actually did it in the foyer down here, I think—the Portraits of Crime. We brought that to life. I think you asked me how did we do it? Is that correct?

The Hon. SCOTT FARLOW: How difficult was it?

Mr HINCHCLIFFE: It was very difficult.

The Hon. ROSE JACKSON: Just to follow up. One of the issues to which I think my colleagues is referring is that one of the benefits that has been proposed of the merger is that it would make it considerably easier for the authority to access not only exhibition space but also assets to collaborate as part of the exhibition. I am quite interested in this as well. What was your experience? Was it challenging legally, financially?

Mr HINCHCLIFFE: It was not challenging legally because these were records that were in the open-access period. It was challenging financially, for sure. It was also challenging from a resource perspective. Our exhibition staff—and it was a very small team, I think it was one lady left, so we had to sort of start from scratch. But our people did this. Yes, we had that challenge. Adam and I used to talk about these sort of things all the time, especially when he started in his role at the time. But I have noticed from what he said in his submission, it gives them the opportunity to leverage other resources they have in the place and pool them together. Now that is something we never had the ability to do.

The other constraint we had when we did go to find places to host them, we had to fit in with their schedule and no matter how difficult that was we either had to meet it, which was a stretch because we were not ready, or we had a contracted or a short period to host. That will always happen in an exhibition centre. I think if you are going to hold physical exhibitions especially or even digital then you need to have that rolling program and timeline of exhibitions you are going to run through, just as the State Library does and the Art Gallery. We had a period and so what we then did, we were very creative, we took those on tour and because we have such a diverse distributed population across New South Wales and we had Regional Archive Centres around the State, we took them out into the regions. Some of those exhibitions are still on tour today. That brought those to life for the community.

The very first one we did was the Carrington Albums where we displayed those. They were handed back. They were almost like a government estray, that there is an escape government. They were the records, illuminated

manuscripts that were given to Governor Carrington in, I think it was, 1890-1895 when he was Governor. He took them back to England and his family has given those back to the archives. We took those around the State.

The CHAIR: They were from all the councils?

Mr HINCHCLIFFE: Councils, committees—

The CHAIR: Yes, I have seen those. It is amazing.

Mr HINCHCLIFFE: Thank you. It is incredible stuff.

The CHAIR: Beautiful.

Mr HINCHCLIFFE: When you are at the archives in a month make sure you ask to see the Carrington Albums. They were not the most valuable item in the collection but they are certainly one of the prettiest to see.

Ms CATE FAEHRMANN: Mr Hinchcliffe, I want to focus on digital record keeping because you have discussed that quite extensively in your opening submission and the submission you have given to the Committee. On page 2 of your submission I think you make potentially critical reference to the fact that the policy paper really makes scant reference to digital recordkeeping, even though the terms of reference referenced it. Do you think it is, may be use the term "unusual", for there not to be more discussion of digital record keeping in the policy paper? Does that concern you?

Mr HINCHCLIFFE: I imagine there has been a lot of discussion about it, but I am not seeing it. You have to remember that I have been retired from government for two years now so I can only go on what is in front of me. I think it was such a big thing for us to try to make that shift. My predecessors had certainly made that investment in time, resource and money to establish the first digital State Archive ever in Australia. It is a phenomenal achievement. We operationalised it through my period. It is such a big thing. It is broad and vast, and it is easy to get bogged down just in that one area, but because it is difficult and largely unstructured data, it is difficult to harness. It does need to be given consideration and thought. You have all got smartphones. Are you aware that when you, a Minister or a political officeholder are sending out announcements on their smartphones for example, that is a State record.

The CHAIR: Yep.

Mr HINCHCLIFFE: It is. We clearly know that. We know that now.

The CHAIR: And tweets.

Mr HINCHCLIFFE: But capturing that is very difficult. Having these frameworks in place—and the reason I think it is important to discuss it is that you are not going to be able to solve the whole digital dilemma, but I think having a solid argument in discussion is really important in this review so that that broadness can be added to give flexibility to be incorporated.

Ms CATE FAEHRMANN: Thank you. You mentioned in your opening statement about a digital record keeping strategy. You used the example of records by design.

Mr HINCHCLIFFE: Yes.

Ms CATE FAEHRMANN: There is no digital record keeping strategy. Was there an old one that has expired or has the State never had one?

Mr HINCHCLIFFE: The Authority has served really well in creating a series of blogs and articles called Future Proof. It has been very much focused on digital and helping agencies get through this challenge of how to manage their digital records. It has done some wonderful things. I could not have come up with half the things I thought of and wanted to do without that support and the intellect of those people in the Authority who have done that. There was a lot of work done; it has been for years in digital. But the Act has not really accommodated it. The transferring capabilities in the Act are just completely unsuited for digital because of the 25-year period, for example. They need to transfer earlier than later.

Ms CATE FAEHRMANN: So, records by design—which jurisdiction? Where is that from?

Mr HINCHCLIFFE: It is actually a concept. By design principles just mean basically that if you want to do something, you do it as a whole initiative and you start to do it at a planning stage. We created this records by design concept to say, "Okay, because you are in digital, let us try to work out a way where the transference is easy, the compliance is easy and you can do your business." How do you do that? You put a lot of time and work to plan initially how you are going to manage those records. If it is digital, you need to put more time into that. What it encapsulates is the concept of planning; how you are going to manage your digital records before you start to create them and before you start to have a problem; taking that through; how you are going to manage

them through the life cycle; and finally, how you are going to either retain them or destroy them at the end and what happens to them then. Similarly, on the flip side of that, the Authority has to be ready for that to make sure they have the systems that will then say, "We can now accept your digital archives into our digital State Archive. We will have that and that can be done seamlessly", if that makes sense.

Ms CATE FAEHRMANN: There has not been any digital record keeping strategy in New South Wales, just to be clear?

The CHAIR: I would not say that.

Ms CATE FAEHRMANN: It is just a genuine question.

Mr HINCHCLIFFE: There probably has not been a stated one. There has been a lot of work done in guiding. State Archives provides that guidance to agencies for their problems. There have been a lot of papers published on how to manage your records in the digital environment. What I am saying is that we really need to have more thought into that. Yes, a digital records strategy would be a good idea to pull together now. I brought you some copies. I do not know if you have seen the strategic plan but I thought it might be handy for you. I have just printed off the last page, which has the whole plan on the page. You will see these concepts on it.

The CHAIR: Is this from your period as executive director?

Mr HINCHCLIFFE: Yes, it is still on the website.

The CHAIR: We are probably going to invite Mr Lindsay back—or the Lindsays back—to ask some more questions. You can put that on notice to them. I do know they are doing work on digital level.

Ms CATE FAEHRMANN: Okay.

The Hon. BEN FRANKLIN: That is what I was just about to say, Mr Chair. This is a direct follow-up and one very fast thing. My understanding was that digitisation is, in fact, one of the key strategic objectives of SARA.

Mr HINCHCLIFFE: Yes, it is, but you asked me about digital records.

The Hon. BEN FRANKLIN: No, I just wanted to get that on the record, and we can follow up with you after that.

Mr HINCHCLIFFE: Absolutely. Digitisation is different again. I am sorry, I regard that as a different activity.

The CHAIR: The State has funded a project to drive this, but we should get that information. It is contemporary, too.

Reverend the Hon. FRED NILE: Mr Hinchcliffe, thank you very much for those exhibitions you mentioned you had been organising when you were in that role.

Mr HINCHCLIFFE: Thank you.

Reverend the Hon. FRED NILE: Did you ever have any controversy over the content of those exhibitions, especially those dealing with World War I and so on? Do you have any opinion on what is happening now in the United States and, to a small degree, in Australia, where people are now attacking monuments, vandalising them and so on? Will this influence the way history is treated in the future?

Ms CATE FAEHRMANN: Left of field.

Mr HINCHCLIFFE: It is a hard one to answer. Do you pull down or do you try to rewrite your history from the past temporarily?

Reverend the Hon. FRED NILE: Which I do not agree with.

Mr HINCHCLIFFE: I do not necessarily agree with that either. I can say that because I am a private citizen. I just do not agree with it. Did we have any controversy over any of our exhibitions? No, not that I am aware of. I suppose with the Cabinet papers, it was always going to have a bit of interest, especially from the former politicians who sat on both sides of the fence when they were launched. It was interesting to hear those discussions. The material, I think, was presented—I think one of the things about the exhibitions that we put on, as I recall, is that there was not a lot of interpretation; it was more about presenting what we had in a way that people could interrogate it themselves, analyse it and make their own opinion. It certainly started a lot of discussion. You would take these out to the regions and they just loved it, especially when you could take exhibition material for their region.

The CHAIR: I might jump there and then ask a question of our archivist in Canberra, Mr Fricker. Are you there?

Mr FRICKER: Yes, I am.

The CHAIR: In your submission, you expressed concern around the distinction being made if there is an amalgamation of Sydney Living Museums and the State Archives between public records, government records and private material that is brought into the collection either now or into the future. Do you want to expand upon that?

Mr FRICKER: I need to remind myself of where in my submission I was saying that.

The CHAIR: I think it is a clear distinction that needs to be made.

Mr FRICKER: Yes. I guess the main issue relates to my earlier comments to the Committee that personal papers are very useful resources for historical research and for an understanding of the past, but at the end of the day it is a voluntary deposit and it is the gift of the donor to sort of cherry-pick the version of the records that is left with the institution. So there might be a tendency to have a more glorious past registered in those records than perhaps the whole truth, whereas government records it is quite different; policies have to be quite clear that there is no sort of voluntary deposit involved in that, that it is an authentic, reliable record which conserves evidence of what actually took place. So that is primarily the distinction that I make there, that, of course, personal deposits, voluntary deposits are to be welcomed. If they fit within an acquisition policy that appraises the cultural and historical significance of those documents, that should, quite rightly, form part of the documentary heritage of the State of New South Wales.

The CHAIR: If I could cut in there. There is a concern, a potential possible misunderstanding from the public that private documents that come into this amalgamated body could, in a sense, have the authority of the State Archives over them and they actually are not of that standard.

Mr FRICKER: Precisely. As a resource for thorough objective historical research then there has to be quite a different standard applied to government records that are archived as opposed to personal voluntary deposits.

The CHAIR: So a recommendation, if we were to proceed with this process, would be to make a clear distinction of those records that come in in that process.

Mr FRICKER: Yes, respectfully that would be my submission that for the State Archives to be a trusted, respected institution for the State of New South Wales that distinction should be built into its operations under legislation.

The CHAIR: I asked this question of the historians before. We are reviewing the Act itself. Are there any parts of the New South Wales Act you would be in a position to comment on? It is dated; it needs reviewing. Are there some areas that we could look at reform in terms of archive collecting?

Mr FRICKER: I might just join my voice to the discussion that the Committee was just having around digital records.

The CHAIR: Yes, please.

Mr FRICKER: I do think that even the term that is used, "active business use", that a record which is no longer in active business use might go to the archives—I would be just be quite wary of using those terms because in the digital world that phrase does not mean much. Things are in active business use forever. The other thing is that it is based on a very analogue idea that one record can exist in one place at one time and, therefore, when it is no longer being used on that particular desk of that official, then that one record can be physically transferred to the State to be archived; whereas in a digital world it may be quite legitimate for an organ of the State to want to keep that historic information on their database because they are still using that for decision-making and policy-making, but it is quite properly also transferred to the archives because archives are also in active business use. The idea that something in the archives is not being used is an anathema to me. Archives are always actively in active business use as well.

Again, if I can respectfully suggest that when we think about the digital environment in which government operates today, and indeed all society operates today, we just have to be mindful that what we are trying to do is preserve and keep acceptable evidence of government activity and, as Mr Hinchcliffe has already said, in the digital world as soon as a digital record is created it is vulnerable to technological obsolescence. So we should not wait until it is no longer in active business use because it is archived; it should be archived and preserved as soon as its archival value is recognised, because that does not deny the creating authority to continue

to use the record. That is just in general terms. If I had to come down to one issue I do think the digital issue should be foremost in constructing legislation for the twenty-first century.

The CHAIR: Thank you. That is mind-blowing just the concept.

Mr HINCHCLIFFE: I was going to say I completely agree with that and that is why I raised it in my submission; I think it is so important.

The CHAIR: When it is a document that throws an entitlement to within archives, it is still being evolved and developed.

Mr HINCHCLIFFE: It can always be called back by an agency too.

The CHAIR: Old files were like that too. Any other questions from members?

Reverend the Hon. FRED NILE: Just a general one for Mr Fricker about Cabinet papers and so on that are now being made available. In your submission you talk about the reduction of that closed access period down to 20 years. Do you see any problems with material being released from Cabinet papers and others in the shorter period?

Mr FRICKER: Thank you, Reverend Nile. Yes, that is correct. In my submission I did note that the proposal is talking about a 20-year closed period, or records cannot be opened for 20 years, and I did say that would parallel the Commonwealth legislation. My lived experience of that transition period of reducing that access period from 30 years down to 20 years has been quite a successful process. I think it helps the public expectation that public records would be in the public domain in a reasonable period of time while it is still sort of in living memory and people have got the opportunity to learn from those records and the sensitivities have sufficiently diminished in that 20-year period. Of course, I do, again in my submission, note that exemptions should always be considered. Not every record of government ought be in the public domain after a 20-year period and I think to protect personal privacy, to protect security, confidentiality et cetera, certainly exemptions do need to be present in legislation, but they need to be clearly understood and explained to the public.

Reverend the Hon. FRED NILE: Thank you.

The CHAIR: I agree. Thank you for that. Gentlemen, thank you both for your evidence today, it has been very informative. If any Committee members have further questions they can put them on notice. I am not sure if you have taken anything on notice today; I do not think you have, but if you have, there are 21 days to come back to us or if any of us give you further questions in writing the secretariat will be in touch with you in that regard if it happens. Thank you for your evidence today; it has been helpful.

(The witnesses withdrew.)

(Luncheon adjournment)

ANNE HENDERSON, Former Chair, State Archives and Records Authority of NSW, sworn and examined

JULIA MANT, President, Australian Society of Archivists Inc., affirmed and examined

TIM ROBINSON, Professional Member, Australian Society of Archivists Inc., affirmed and examined

The CHAIR: Good afternoon and welcome to the afternoon hearing of the Inquiry into the State Records Act 1998 and the Policy Paper on its Review by the Standing Committee on Social Issues. We welcome our panel of witnesses for the next hour. We have your submissions and you can take those as read, but I invite you to make an opening statement to the inquiry. We will start with Ms Henderson.

Ms HENDERSON: I got to know more about the State Records, as it was then known—or the State Archives—as chair. My initial observation was that across the board in society—not just in New South Wales—very few people know what an archives is about. It was always astonishing to me that even though there is an Act and there are requirements under the Act, departments constantly do not observe the Act in regard to records. There was never an audit of what was happening and there seemed to be scant interest from those with responsibility for the records and archives to do anything about it. To say something good, resources were meagre—meagre to nothing—for what was required and, in general, my view was that nothing would happen to Records or Archives until its presence in the community was recognised by a majority of people. By that I mean the leaders of the community and those for whom the archives form part of their belongings; their inheritance.

My view from the start was that the loss of its CBD presence was a bad thing. My real view was that Sydney is expanding hugely and I was never negative about the Archives or the Records being at Kingswood, but I really thought, and I said this to numerous—the Premier and a few others—the Archives' could have been a really good artistic cultural centre to bed itself down in the west of Sydney. You have the State Library here and the archives had a real chance to be a presence in western Sydney as a big, major cultural and historical institution. In addition to that, a lot of Indigenous New South Wales is from the west of Sydney. There are no Indigenous records in the archives except what might be in some boxes somewhere. There is no Indigenous person there anymore—there were lots of arguments for that but that got nowhere. In my view, presence also needs physical presence—it needs a building. If it is not going to be a big building in western Sydney then it will have to be a building somewhere else.

The Archives is kind of a mystery. People do not even know what it is. My view was that we were starting from scratch and until it was recognised widely across the community what the value of an Archives was—and for politicians that it had some value to them personally as leaders—until that happened, nothing would happen. Quite frankly, I think it needs a much faster investment. An investment for digitisation should be done on some kind of regular formula for the amount of digitisation needed to be done, the cost of that digitisation, and every year a certain amount of money should be given. But apart from that, there must be some kind of physical presence and that is why I welcome this move to put New South Wales historic buildings in with the Archives because I think the two together could make the Archives a real presence.

The CHAIR: Thank you for that, Ms Henderson. Ms Mant?

Ms MANT: Thank you and I thank the Committee for the opportunity to attend today's hearing. I pay my respects to the traditional custodians of the land on which the Parliament sits, the Gadigal people of the Eora nation and to Elders past, present and emerging. The Australian Society of Archivists [ASA] membership includes individuals and organisations from across the public, private and community sectors. We work with paper, audiovisual and digital formats. We bring to our work a specialist professional understanding of archival theory and practice, which is designed to support the creation, management, description, preservation and access to records and archives. In simpler terms, that records are made, kept and used.

This review of the State Records Act comes at a critical juncture in the digital transformation of the work of the State of New South Wales. On 18 June 2020 the New South Wales Government announced that it will invest a record \$1.6 billion into its Digital Restart Fund to make the State the digital capital of the southern hemisphere. The Government is taking advantage of new technology to deliver better services with a focus on infrastructure, security and customer experience. At the other end of this digital transformation, though, are the digital records and their accessibility over time. The Act needs to support the State Records and Archives Authority [SARA] to prepare for and coordinate the management of the archives of tomorrow and to deal with the challenges of genuine digital transformation and the maintenance of digital evidence.

We encourage the Committee to consider measures to strengthen the Act and ensure there is adequate definition and resourcing of SARA's key role supporting government record keeping, including digital transfer arrangements, compliance monitoring and an independent regulatory framework. We agree with the measures put

forward in the policy paper to make records open access by default after 20 years, unless subject to a closed to public access direction. We would recommend that a public right to appeal against access directions be included in the legislation, similar to the provisions under section 56 of the Government Information (Public Access) [GIPA] Act. However, the ASA is not supportive of the creation of a new entity amalgamating SARA and Sydney Living Museums, as proposed.

We want a strong, independent archives authority with a strong Act behind it, adequately resourced to meet its functions across the State—it is not just about Sydney. We have not heard any convincing argument or been privy to any business case as to what would be gained by creating a new public entity with an amalgamated Act. I note Ms Spark's testimony at the last hearing listed refreshed branding, public programs, shared services and greater resources—all of which could be or are being done without amalgamation. Our concern is what is lost in the process, not to protect our patch of professionalism but to support accountable government and the rights of New South Wales citizens to access records, whether under the GIPA, privacy or State Records Acts.

The proposed new entity structure appears to add an unnecessary layer of governance and complexity. Currently the SARA board is responsible to Parliament through the Minister, as is appropriate. As we understand it, two committees will replace the SARA board and the Historic Houses board of trustees and report to a new board. It is our view that this has the potential to create strategic, operational and conceptual risks for both entities and dilute the mandates of both SARA and Sydney Living Museums [SLM]. I note the questions this morning around executive agency status and presence of a building and I pose the question: Could SARA not obtain executive agency status on its own, if that is a key objective of the Committee? The costs of amalgamation will be considerable to the functions of both organisations. It is not clear that the proposed amalgamation will cut costs to government administration, but could take considerable resources to effect.

The brief of SARA is complex and not always well understood by the public, but its value to New South Wales is immeasurable and we commend initiatives that promote its usability and visibility. The ASA contends it is the responsibility of the State Government to actively resource the authority to ensure that physical and digital records are made, kept and used, and to not rely on philanthropic or private funds to support increased accessibility. I have invited Tim Robinson, a professional member of the ASA, to join me today. Tim is one of our foremost practitioners with an expert knowledge of access regimes in New South Wales and he will briefly speak to his concerns.

The CHAIR: Thank you. Mr Robinson?

Mr ROBINSON: Thank you for the opportunity to speak today. Before I start I pay my respects to the traditional custodians of the land on which we meet, the Gadigal people of the Eora nation and Elders past, present and emerging. My name is Tim Robinson and have been an archivist since 1980. For the past 30 years I have worked at the University of Sydney. Comments I make today are purely personal and do not represent the views of the university in any way. I am currently on leave pending retirement later in the year. The unit I led at the university had responsibilities for corporate record keeping compliance with the State Records Act 1998, compliance with the GIPA Act and the two privacy Acts. I have worked with those four pieces of legislation since their inception and have been particularly occupied with their interactions. I was a member of the NSW State Archives and Records Authority's digital advisory group for 10 years and was chair of the NSW Right to Information/Privacy Practitioners Network for seven years until 2015.

A former NSW Ombudsman, in talking about freedom of information when it was introduced in 1989 and the early nineties, said that in a democracy the right to access government information is second only to the right to vote. This right, and the rights of citizens to the privacy of their personal information held by government, is meaningless if government records are not created, kept and protected as evidence of the activities of government. Proper record keeping underpins the operation of the Government Information (Public Access) Act 2009 [GIPAA] and the privacy Acts. It is concerning to me to see in the review of the State Records Act policy paper that record keeping is placed last in the four proposed reforms; the sharing of stories is listed first. With respect, government records are not created to tell stories. They are evidence of government actions that protect the rights of citizens and document the responsibilities of government. If complete, accurate and authentic records are not created, kept and protected by government any possibility of accountability or meaningful access to government information by citizens is removed.

Electronic records represent the greatest current threat to privacy and challenge the operation of the GIPAA. Their ubiquity, volume and complexity can make them difficult to manage over time, as well as vulnerable to unlawful access, use and disclosure. The majority of applications for access to information under New South Wales laws are by citizens seeking their own information. It is in government records that citizens' personal and health information is held. If government records are not properly managed from creation to disposal—and in our world, as I am sure you know, "disposal" does not necessarily mean destruction; it means a

range of activities from retention on a continuing basis to destruction—citizens' rights and expectations of privacy cannot be met. If records are not created, they cannot be accessed. If they are not complete, accurate and authentic, any access is meaningless. If they are not protected, privacy is lost. If they cannot be accessed due to technological or administrative change, access and privacy regimes are hollow.

In order to protect citizens' rights, access to government information and the protection of their privacy, government record keeping standards must be given priority. New South Wales government agencies and the organisations that fall under the regime have benefitted from the world-class expertise and leadership in record keeping, particularly for electronic records, that has come from the existing NSW State Archives and Records Authority. This momentum must not be lost. We are right in the midst of the industrial revolution of electronic records. We need an authority that does not have its purposes diluted. Its focus must not be lost. For these reasons, I am not in favour of joining SARA with Sydney Living Museums. To my mind, this will create a body with a confused mission, its focus lost and the citizens of New South Wales the losers. I am very happy to expand on any of my comments.

The CHAIR: I thank witnesses for those opening statements. The Committee has resolved to have a fairly informal questioning process—not a structured one, as such. I invite any Committee members who might like to kick the ball off. We will begin with the Hon. Ben Franklin.

The Hon. BEN FRANKLIN: Ms Henderson, getting to the point of the merger, to me it would potentially, if it happened, make SARA and SLM an institution that would be as big as the museum or the State Library of New South Wales. In your submission you stated one of your driving motivations is to increase the visibility, the respect, the understanding of archives and the NSW State Archives. I guess I would ask you to discuss the advantage of having such a major institution in combining the two of them, in terms of the muscle—which is a term we have used with previous witnesses today—and the advantages that that could provide.

Ms HENDERSON: I have been around the world visiting archives. Washington was outstanding; London was outstanding. Wherever you go to an outstanding archives or records-keeping place they have presence. The National Archives on the river at Kew, with its shutters on the windows to keep IRA bombs out—you can tell it was not built yesterday—is a magnificent place that the public can access easily from public transport. The only problem now is if people in high places think that you can do just as well on a paddock out at Birmingham and they can sell the site for real estate coin—that is what the director is up against at the moment, when I spoke to him a few years ago.

I came to the New South Wales Records position myself not realising exactly how it was structured and what it meant—I knew what it did—and I was astonished at how ignorant even high-up levels of the public service were about records, even though they were under the Act for that to be part of their business. I can only think that until you get a physical presence of the Archives in people's heads—and if you are not going to construct a beautiful building out in the west somewhere for people, like a Powerhouse Museum or whatever, that says, "This is your Archives", you are going to have to find another way to do it. I think this is what this is all about. I think if your historic houses, which are part of the record, combine with the records I cannot see why you will not have excellent record keeping. I have seen the archives at work out there in Kingswood. You have excellent record keepers, a high-class standard of record keeping. There is no reason why that should change. All you are doing is bringing two things together as one, making it a much bigger and more important entity, making sure it is better resourced.

My only fear about all this would be that if Historic Houses requires a lot of maintenance money I would not want the bean-counters to start cutting down the funding. In all of this, I think it is time to take a look at what Records has to do. If Records has to digitise so many hundreds of kilometres of paper records there has got to be some sort of model that says, "We aim to get so many of these records done by 2029. That means we have to do X number every year. That will cost us XYZ" and whatever. That goes into the budget for the records in the next 10 years. Then with the buildings, if you are not going to spend \$500 million or whatever building a gorgeous place at Penrith or wherever you are going to choose, okay, you have got these beautiful historic houses. Presumably they are all over the basin of Sydney. If they belong to the entity then they are yours to do with what you will.

The storytelling is very important. If you go to Washington and you go to the big museum at the archives building there, the whole place is alive with kids, people, visitors, whatever. The building is as much a part of the record as the records, and yet the records are brilliantly kept, with brilliant digitisation. Okay, they are a bigger community, they have got much more money, blah blah blah, but we can work on what we have got. But we have to do it realising that a picture is worth a thousand words, to use a cliché, and that if people cannot see the records—they can see the library but they cannot see the archives—then they do not have an interest in it.

The Hon. BEN FRANKLIN: I presume that was why you were so instrumental in pushing for the archives coming under the Arts portfolio in the first place?

Ms HENDERSON: I did—with a certain amount of blowing up at the back of the scenes, yes. But to me when it was with Finance it was just a piece of money, or a piece of the budget.

The CHAIR: Infrastructure.

Ms HENDERSON: I think after four or five years we had three or four different people who we reported to in the department, each one moving on to another higher echelon. Part of the problem is that it is too bureaucratised. If you go down to the State Library of New South Wales you have got a director there. It is his library and he is working to make it his domain. Okay, Records is slightly different, but there is no-one really at an executive level driving that entity and using it in the way that New South Wales needs to use its records. You cannot just have them away there for scholars to come and check out things, or a few people to come and check out details. Look at what happened with genealogy. Out of the woods came some smart marketeers. They got all the records for peanuts and now they have got a multibillion-dollar industry around the globe of people checking their families and their history and whatever.

To my mind, the Records is one of the most valuable things New South Wales has got and I think you should make it work. Use it to engage people with their past—engage people, even, with their present. They will not do it if you do not physically go out and get them. You are not going to get them out at Kingswood. You will get a few people in the car park, and a lot of good people go out there to help. But if you have not got the money to build the building, use the buildings you have got. I cannot see why you will lose anything because if you have got two in one, work on both. I mean, hospitals do surgery at one end and physicians at the other and they still manage to do it.

The Hon. BEN FRANKLIN: I think that is a great analogy.

The Hon. ROSE JACKSON: Can I just ask you a follow-up question about the use of the Sydney Living Museum sites as a physical presence for archives. One of the issues that has been raised, I think primarily by a former Chair of the Historic Houses Trust although others have referenced it, is that those sites are not neutral or generic sites; that they themselves have particular history, particular meaning, and they are just not the sites where you could go and get interesting bits of the archives and sort of plonk them in. I really understand what you are saying: That the combination of the records of the archives and the physical presence of Sydney Living Museum could really work except that you perhaps could not just put any old archives in the particular sites that Sydney Living Museum manages.

Ms HENDERSON: I would not imagine that is what would happen. If you go out to the University of Western Sydney, the Whitlam Institute has an old building there. It has its own presence and whatever, but you can do displays and you can do storage out there. The Archives has had displays out there. I think the Archives can make those old buildings better. You would have to be very careful that the way in which they were used was in sync with the way in which they exist; I mean, the sort of things that they are. But there is a heap of stuff in the records that could make those buildings much more interesting to the public. I mean, you could use the buildings—to start with the buildings—and then go and work the records back from the buildings.

If you go down to Canberra, the record keeping is the same as up here—you know, high class and everything else—but the resources are enormous and they are still trying to get another building in the centre of Canberra. I am on the Advisory Council. But they now have two huge repositories out at Mitchell, one of which is a very good place for them to work and have meetings and whatever but still want another big building like the library in the centre of Canberra. But this is New South Wales. This is the biggest State in Australia. I go down to Melbourne and the State of Victoria's Archives and I have to say that they have done a hell of a lot better job down there than you have done up here. It is embarrassing. That is partly because about 20 years ago or something they did a deal with the National Archives of Australia [NAA]. But those days have gone now. We have to find a way to drag this institution forward and do what is being done with records across the globe.

The CHAIR: Ms Henderson, the NAA?

Ms HENDERSON: The National Archives of Australia.

The CHAIR: I thought so. I just thought Hansard writing it down to check up.

Ms HENDERSON: Sorry about acronyms. I thought I was in bureaucratic heaven here with acronyms.

The CHAIR: It helps our Hansard. I know Ms Mant is itching to respond to this. Mr Franklin, you wanted to ask something?

The Hon. BEN FRANKLIN: I just wanted to ask a particularly about the Victorian issue. What do they do that is different?

Ms HENDERSON: Well, they have got a building that is a much nicer looking building. It is in Richmond, I think. Now look, I am not saying that they are world class and out ahead of everything, but that building makes a difference and they also do a lot in collaboration with the National Archives of Australia. I have also believed for a long time—I know that the Archivists are very good and the records people are very good at keeping in touch with each other and whatever—that a little bit more cooperation between the States and the National Archives of Australia could go a long way and maybe Governments could even get together on the basis of working out how they could better manage resources around that idea, too. With some of the smaller States, the Archives are really hardly there at all.

The CHAIR: Ms Mant, would you like to make a contribution to this discussion?

Ms MANT: Thank you, yes. I do note that State Archives and Records had a building until 2012 in the city and prior to that in the city it was housed within the State Library and, you know, it is not like things have plummeted since 2012. This is an ongoing issue around resources. If the problem is that you need a physical presence in the city, which of course is an argument put for other cultural institutions like the Powerhouse and, you know, the people who work at the University of Western Sydney might feel that they are, at Kingswood, quite the centre of the universe there. There are 85 kilometres of records that have to be stored and they are stored at Kingswood. You can have a physical presence in the city. You can use one of the historical house buildings that was suitable for the purpose and that was not a house museum in itself as a reading room. Many of them are not suitable just for converting to a reading room and there are requirements around that, but you are still faced with the issue of bringing records back and forward.

We need to be very careful we are not confusing access and accessibility. We are talking about the accessibility to records. There is a whole State to count and that is why we have regional archive repositories as well. It is not just about Sydney. It is about those other regional centres and people there being able to access records about them and those places. So then the argument is put forward that we move towards digitisation; that access through digital records is a way to overcome, there the balances between discoverability—online being able to discover digital records that have meaning to you and in a way that is the same with exhibitions. You can do digital exhibitions. Why do you need to have a physical presence in this day and age? But of course you need a combination of the two.

In the end what is the problem we are trying to solve? Do you want a reading room in the city? Create one. If you have the resources, put one together. I am surprised that we would put forward as an argument the sort of expediency of donating Sydney Living Museums to SARA as a resource to be exploited to solve the problem around their accessibility. I do not think that is fair to the museum sector. It has built that up over many years and it is a very specific function and jurisdiction that it has itself and you would not want to lose that. They are not just empty buildings. They are there as house museums for that purpose.

The Hon. BEN FRANKLIN: With respect, I do not think anyone is saying that. I think it is about the synchronicity between both the archives and the landmarks—that they could actually work together. I do not think that that characterisation is correct.

Ms MANT: But work together to create physical exhibitions is what you are saying.

The Hon. BEN FRANKLIN: Yes. Well, that is one thing.

Ms MANT: Physical exhibitions would bring some people but, you know, we have a big wide city here of Sydney and not everyone comes into the city. We know that. They go to Parramatta. They go to Kingswood. They go to Penrith. They go to other parts of the city. So, yes, that is true: The Historic Houses Trust could provide some means of exhibitions. Exhibitions cost money and resources. These days, SARA has put on a very successful digital exhibition and in some ways you have a much wider reach that way as well. Access to the State records is not hindered under its current legislation. What hinders it is the accessibility of users being able to research and find out what is available to them and access it without going to Kingswood or to the city, if there was a city presence. If that is the problem you are trying to solve, then that is fine. The Committee needs to look at ways to do that.

What we are concerned about is not with Sydney Living Museums or other cultural institutions adopting a collaborative approach to providing access to State archives. But what you are going to lose with a diluted legislative approach if you amalgamate and then you create an Act which deals with quite different functions—managing house museums on one level, heritage, and dealing with government's record keeping and access to records over time on the other—and emerging them here with a sort of overcomplicated structure, it just seems to me that you are not actually going to solve a problem. You are going to create more. It might work in the short

term for a little bit of presence but if that is what you are trying to solve, presence in the city, I think there are easier ways to solve it.

The CHAIR: Thank you. Reverend Nile, do you have questions?

Reverend the Hon. FRED NILE: Thank you. We have had a suggestion that there should be an Aboriginal representative, and Indigenous representative, in the records department looking after Aboriginal or Indigenous records. Do you have any thoughts on that?

Ms HENDERSON: There used to be one but I think resources were such that the position has sort of faded.

Ms MANT: Yes, unfortunately that is the case.

Reverend the Hon. FRED NILE: There was one. There is nobody there now. How do we restore that position? Who would fund it?

Ms HENDERSON: Well, I guess it would have to come out of general funding for the Archives but all the time I was there they were up against it. There was a review over a period of three years which took, I suppose, the best part of a million dollars or more going out to private enterprise, like Ernst & Young or someone else, to work out how you could separate the Government Records Repository, which in New South Wales funds by charging departments and works at Kingswood, in competition with places like Grace and others. There was this review and a whole heap of energy and money was sapped out of the limited resources of the Archives while we had this review, which cost a fortune. At the end of it they concluded nothing could be done, which is what the bean counters at the Archives had told them before we even started the review. In many ways, the way in which the Archives is being managed is not due to the directors or anything; it is due to the department that is in charge of it. I see this new move as a wide-sweeping way to overcome a lot of the problems with the management of the Archives, partly because the administrators do not even know what happens to Archives. It is over there and they give it a bit of money and they hope that it shuts up.

Then I suppose the idea was getting the Government Records Repository [GRR] separated was that they would make money out of the GRR so that would then fund something else. Then of course it was pointed out that if you lose that funding to the Archives, who is going to give the Archives the money that they are going to lose from that? It was simple stuff, ABC mathematics, but it cost \$1 million or something for the Government to work it out. At some point the Minister, the Government, the Parliament have got to get on top of what is not a very well-managed problem of the New South Wales Records and Repository. I do not see that anything will change. Looking after the Records is perfect—everyone does everything they can. I admire the people who work out there because they get very little for the work that they do and it is a complete love of what they do. But there has got to be better resources, better managed resources and a way in which you can get around the problem that very few people in this whole State and probably country have a clue what the role of an Archive is. It is not just there for historians to go and dig out stuff.

Okay, people can go and check their family history, death records or whatever, but it is so much more than that and if people do not see that—and they will not see it if you do not have places where they can engage with it. You can do it online but as we are finding out with this virus, life online is not as easy as you think. Things flash across your screen and they flash across your screen but if you take the kids for a visit to something and they spend an hour going around engaging with stuff, and there are so many wonderful ways in which you can engage those, as you all know, walk into these places now. It does not have to be hugely expensive. The other thing that happened at Archives. There is a very clever young lady out there and she was actually being asked by local councils out west to come in a help them do displays for local history and local things because they did not have anyone—or could not afford to have the sort of person she is. There are a heap of things in there if you look at the archives that Archives can give back to the community because of its expertise and because of what it has.

Ms MANT: If I might follow up briefly on the question around Aboriginal engagement of the archives. There certainly was a designated position for many years and that actually did lead to—which I know the Committee has heard previously around, an extremely important exhibition in the history of SARA which was In Living Memory. It ran for many years. Not just because, I think somebody said, there was not enough money to put on another one but I would absolutely disagree with that contention because it actually had an amazing impact on the Aboriginal communities across New South Wales. The thing about archives is, yes, sometimes that is right, you do not think about it until you need it, but when you need it, it can be the most special thing in the world. For those communities this was a State agency reaching out and saying "Come with us and develop an exhibition." It was not just "Tell us who is in this photo?" It was a now and then so families felt connected, communities felt connected.

In terms of impact and trust building with Aboriginal and Torres Strait Islander communities in New South Wales, the series based on the Aboriginal Welfare Board photographs, taking government photos and turning it into something that the community embraced, was a wonderful initiative. It was led by SARA and also by having a designated Aboriginal officer working in State Archives and Records. I would probably hazard a guess that it was budget cuts that led to that not being replaced when that person moved on, as people do and are entirely to. I think it is always a pity when you have got one group and it is a project officer type funding.

The CHAIR: Well put.

Reverend the Hon. FRED NILE: Is it possible to engage the New South Wales Aboriginal Land Council as a sponsor for that indigenous worker?

Ms MANT: I guess again it is a little bit like: Whose responsibility is it? Is it not the State Government's responsibility to ensure that it has employed appropriate people? It could work that way if they were interested in terms of where the funding comes from. Sometimes project funding is just that and you are never really seen as part of the team or part of the agency, you are just seen as being on the side. Engagement with Aboriginal communities must be seen as a key pillar of what State Records does because it is an important trust building exercise. Those communities want to deposit their records with State Records and Archives. It does not really fit in with their jurisdiction. You build up trust, you have got to follow through because otherwise the legacy is worst if you do not.

The CHAIR: We will lodge some questions on notice around that position with Mr Lindsay.

Ms CATE FAEHRMANN: Thank you for appearing today. I have a question in relation to the huge challenges of digital record keeping, which is particularly addressed in the joint submission of Ms Mant and Mr Robinson and your concerns about this merger meaning that it will be potentially be less likely to manage the complexities of this. You say that the policy paper does not encompass any strategies for dealing with the challenge other than requiring public officers to identify what 20-year-old records they will transfer to the archives. It does not resolve the strategy; does not resolve any of these critical accountability issues. Will you outline to the Committee if possible some best practice examples that may be happening in other jurisdictions around dealing with the very overwhelming task, when you think about it, in relation to the digital records that are being created in the various public offices? Are there best practice examples that you can think of? Mr Robinson may have an idea on this too.

Mr ROBINSON: My concern is in a competition for resources in any kind of joint organisation—I am trying to avoid using the word "sexy" but I will use it—the sexy exhibition area, the stuff that will get you publicity is going to draw resources from those backroom operations which are, frankly, often seen as boring, technical and tedious but, in fact, underpin record keeping. In fact, I would point to SARA as an exemplar of the kind of leadership in the world of electronic record keeping. I have spoken to colleagues from overseas who refer to and use the documents, the guidance developed, the policies and procedures developed here in New South Wales.

Over my time as an archivist which is long, the world has changed enormously and we have continued to change with it. A lot of the leadership in thinking worldwide has come from Australia and significantly from New South Wales in how we approach these issues. I would not necessarily be hung up on looking at overseas and what they are doing. As I have said in my submission, we need to build on that momentum that we have. The wisdom and foresight amongst the staff we have already had, sadly some of whom we have lost, needs to be continued. That is my worry. As I said, without records you have got nothing, the accountability of regimes do not work.

The future of record keeping is, of course, digital and the future of the archives is, of course, digital. I do not entirely follow the argument about physical buildings. I think part of the process the Committee is looking at, and the review of the Act in its entirety, is surely we are building for the future. We have entered into a post-COVID world so I also find the idea of thinking about physical spaces where people can access physical records as being interesting, to say the least. We know the demand is for virtual access, and that can be done. I am not advocating the digitalisation of everything. I might make the point, and forgive me if I am saying this, teaching to suck eggs, digitalisation is not electronic record keeping. The future archives are all digital. They have got to be managed over time and available digitally over time. My vision of the future of State archives is not a place; it is a site and a series of incredibly intelligent systems that provide access to citizens to records. I am sorry, I have not answered your question—

Ms CATE FAEHRMANN: Just to jump in to clarify one thing and Ms Mant might jump in with this. Therefore the policy paper that we are looking at which has 3.4 the policy outcome, New South Wales public offices create, keep and protect records as evidence of their activities and decisions. Essentially the one change that the New South Wales Government is considering is that to encourage public offices to take greater

responsibility for the day to day management of records. But that is just that the authority will have power to issue a notice to require public office to investigate its record practices whether generally or specifically and report back on its findings to the authority. Considering what you are saying that does not sound as though it is strong enough.

Ms MANT: I think that is the issue. In terms of best practice certainly New Zealand in many of these ways being smaller and technologically able does have some very good policies and practices in place and worth looking at. I am happy to provide some more information on that. Interestingly we had an international conference last year and Adelaide which we hosted over 650 archivists from across the world attended. It was very successful. Estonia—very high delivery of digital services, much like where New South Wales wants to go and also has an extremely interesting record keeping and archives practice. Yes, where you have it, it follows, but you need to invest in it and you need to plan for it. Our concern is not just about a physical presence here, and what the merger might entail, this review is critical to be able to put in place the strength that is required in the Act to ensure that as New South Wales invests in digital transformation in a really big way and that the record keeping underpins that.

So it is not that it is an either/or in that sense; it is just that we feel that that is a distraction. It is not going to deliver and it is not going to help; the merger does not help. What we want the Committee to really consider is how the Act itself needs to be strengthened. Some of those things, I note that is a discussion about what level of resourcing and compliance measures you would feel comfortable to put forward. We said 20 years. If you are thinking about computer processes, we change our systems every five to seven years. If we are going to wait, will we just park that system of software, hardware, servers, cloud environments, black boxes and vendor agreements for 20 years and then transfer it to the digital archives? It is not going to be possible. You cannot open your WordPerfect files from the 1990s without format-shifting being in place. There are literally practical applications that you need to think. The 20-year transfer rule is not going to work.

How do we then do it? How is it going to be possible? Maybe it is around managed transfers when you have distributed arrangements with agencies to ensure that records of citizens are not lost at the time when they are in the open access period in 20 years, if that is appropriate. If it is about people, often it is 50 years or 100 years; we do not make things about people necessarily open straight away. There are conversations to be had around that. That is not happening in this review. We are getting bogged down in the ideas of whether or not there is a building to access records in paper format in Sydney. The other thing is, it is one point. The independent regulatory framework is important as well around the compliance measures. How do we make sure that agencies are going to do it? I noted some submissions suggested criminal charges and things like that. There is a whole framework for if you are acting corruptly. Destroying records is already—I listened to that but I do think that you need to do compliance monitoring and look at an independent framework like the Office of the Information Commissioner or the Privacy Commissioner or things like that. There are models to be concerned with here and that we should look at.

The Hon. ROSE JACKSON: I just wanted to follow up about the departmental compliance. This was something that Ms Henderson mentioned as well, suggesting that it was limited. There has been a bit of feedback from a number of submissions that that is one area that can be improved. I would invite other suggestions that you had—I think additional resources for the task. You mentioned some submissions have suggested some kind of criminal sanctions, but there were also suggestions just around stronger investigatory powers, stronger penalties and issuance of certificates or attestations of compliance. I just wanted some feedback from Ms Henderson and/or the representatives of the archivists as to any of those measures that they thought would assist with the compliance side.

Ms HENDERSON: If there is a ruling under the Act that records must be preserved or whatever, would it not be intelligent, when we have an end-of-the-year assessment of our financial position, to have an end-of-the-year assessment of our records position, without making it criminal or anything else? The departments have to put more emphasis on the fact that there has to be recognition of what their obligations are under the Act. I would not have thought it was very difficult for a department to have a small section that is responsible for seeing that they make a report to government at the end of the financial year of what records had to be removed, put into deposit or whatever and that there is an assessment, like an annual report, on how the record requirements have been carried out. That would be a very simple thing. That is what I am talking about: an audit. I remember years ago being very personally involved with refugees at Villawood. I remember saying to Amanda Vanstone at the time, "Why don't you do an audit? Your department does not even know who it has got." Shortly after that we had Cornelia Rau. I think in the big departmental jungle, an awful lot of stuff just goes into the mist. If there is a regulation that at the end of every year every department has to make a report as to what it has done in regards to its obligations under the records Act, that should be a long way toward solving your problem.

The CHAIR: I spent two periods on the board myself; I am not sure if you are the Chair when I was there.

Ms HENDERSON: No.

The CHAIR: It does seem ad hoc, the submissions from departments—

Ms HENDERSON: Yes.

The CHAIR: —for a plan for their management of records and the decision to destroy things.

Ms HENDERSON: I think—it was either Mr Geoff Hinchcliffe or Adam Lindsay—there was an attempt in my last year or so to get the departments to make a report as to why their records had not been passed on or whatever. There were some attempt. But unless it is coming from the top down, the departments must make this report. They have to do it with all honesty and check it out.

The CHAIR: Mr Robinson is giving me a wave.

Mr ROBINSON: With respect, I do not agree. There is little point in doing these things post-hoc. The way to address it is in system design. I am sure people have heard of the concept of privacy by design. That actually, I think, follows a record-keeping practice that we have followed for 20-odd years. When you are designing a business system—and this is the role of the record-keeping authority: to set those standards—you have to build in the record keeping so that the system by default creates proper records. I have seen systems—sadly, too many—where just before go-live or just after go-live someone has said, "Oh, but what about the records or the privacy?" At that point it is too late. Millions, sometimes tens of millions, of dollars have been invested in a system and it does not meet all the business requirements.

It gets back to "We are building a system. What are the business requirements for this system?" That includes not merely the business transactions themselves, but issues of compliance, accountability and the protection of privacy. If you have designed those in at the start, if that is mandatory for any agency building a new system, your compliance audits will be very easy, but it goes back to the start. Sadly, in my 40 years of experience of this stuff, it is usually not the case. I can think of examples where it has been, but it is not. Again, this is the role of the authority to say to people, "These are the things that you must do", and it requires legislation to back it ultimately because there will always be competing priorities and someone will think of a reason why we can save a little bit of money here by not worrying about making sure we produce proper records.

The CHAIR: Do you think we should now, in our recommendation in regards to the review of the Act, say that specifically design in the archival record-keeping and reporting in every department?

Mr ROBINSON: We need a strategic approach that looks forward.

The CHAIR: Across the board.

Ms HENDERSON: Can I comment there? I am not against any of that.

Mr ROBINSON: No, I was not suggesting that you were.

Ms HENDERSON: I think that should be a part. The process is not my problem. I just think it has to come from the government to the departments that there is a regulation that they have to abide by annually.

Mr ROBINSON: Absolutely.

Ms HENDERSON: How they do it, whatever system, that is up to them.

The CHAIR: And some are very good at it. Police and Health know about it.

Ms HENDERSON: The authority cannot be in charge because the authority does not know what is being hidden. You find your health records on a dump down south somewhere that some hospital's chucked out.

The CHAIR: Or a filing cabinet.

Ms HENDERSON: There has to be in departments a regulatory records section.

The Hon. ROSE JACKSON: One of the suggestions that I think Mr Hinchcliffe had was the transfer of the cost, as it were, of compliance to the departments. He was suggesting that that would assist with the "by design" element because it was much cheaper to do it by design. If it was built in at the beginning, the cost for the department will be cheaper as opposed to trying to fix it all up at the end when it was all much more expensive. Is that something that you think might assist with that?

Mr ROBINSON: Yes, and ideally the project should not be signed off until the relevant requirements have been addressed adequately.

The CHAIR: I think that is actually recommended in policy. You are all agreeing on that one too.

Mr ROBINSON: Yes.

The CHAIR: That is very good. Ms Mant, in your submission, point 2 of Summary of Key Issues states:

The current Policy Paper is proposing combining legislation for two very different entities ...

It goes on to state:

... this has the potential to create strategic, operational and conceptual risks for both entities.

That is a pretty serious concern. Do you want to expand upon that?

Ms MANT: I think there might be a willingness to make it work now in the short term, but in the longer term, what does it look like? You have to rename the entity. Hopefully, it would not have the word "heritage" in it. What is its mandate going to be? What is this new board? What are its objectives going to be? There is no real detail around it. Yes, there will be some statutory requirements built into the work of the committees; we understand that is the plan and that is around disposal schedules on one level, which is the retention—how long you keep records for and some of those standard settings—and around the property maintenance or the purchases of properties and the trust side. They are statutory, yes, but then they move up to a board. It is the sort of lack of clarity about what is the purpose of this and what is its jurisdiction. Ultimately, if there are not the resources to back this, if there is not the clarity of purpose, which we cannot see—there is nothing to judge that on at the moment—we do not see that exhibitions or storytelling are a good enough rationale for this.

So it makes it hard to ensure that over time, not with the goodwill of the current executive or the current board as moved together, so maybe over the first five years it will all look rosy, and then someone will come and say, "Look, here is this entity here; it is really about the past", and suddenly that whole challenge that we have just talked about that we really feel very concerned about is how well the Government is going to manage its records so that in the future there will be access. So it is not just about access. A right to public access is not just for now for the paper-based archives; it is for the digital archives. So we are concerned that it is melding together, either exploiting the resources of the Sydney Living Museums for the purposes of SARA, which would not be fair to the museum sector which has built this really important initiative up or, separately, exploiting the resources of SARA to support a sort of heritage-based exhibition centre. Now I know that is not the intention of the current, but that is what can happen.

Archivists tend to think long term; so we do not think about the current expediency, we think about the long-term implications and we are just concerned that this dilutes the importance of both entities in order to achieve unclear objectives. As I said, if it is about an executive agency status we would welcome SARA being an executive agency; if it is about a presence in the city, we have always said we did not think it was a good idea to shut the city centre either, but it does not solve the problem of access because you are still going to have to order records to come from Kingswood—there is no way around it; they are not coming out here to be stored. So that is what we are talking about, that there is operational risk. It is unclear what is planned and so it is hard to say with confidence what is likely to happen.

The Hon. BEN FRANKLIN: Can I pick up on that, Mr Chair? I hear what you are saying but the problem is that if you want to have a strong SARA I think that this proposal is trying to achieve that. We have heard a lot of evidence saying that if you join the two they become a critical mass in terms of an authority that then has more muscle and it is going in for budget negotiations, that has a capacity to be able to raise funds philanthropically, that can cut a whole lot of duplications in terms of accounting processes and payroll and all sorts of things, which then frees up more money and so on, in this new substantial body, which can then be a body promoting a love of history in New South Wales. It is that weight that you asked for in your opening statement; you want a strong authority. I am just interested as to why the opposition in terms of that. I guess I would ask you, without framing it, to just comment on that.

Ms MANT: I understand, of course, the current executive director manages both entities at the moment, and I do say that a lot of what has been presented as the advantages of this amalgamation, the combining in the legislation, is happening now and I say that is great; that is a decision of the Minister. I would also say that a lot of shared services can happen—a lot of the HR and payroll is not managed by SARA at the moment; it has already moved.

The Hon. BEN FRANKLIN: Some can but a lot cannot legislatively, unfortunately—it cannot.

Ms MANT: But how critical is it and how much are the savings? We do not know because we do not have a business case to assess that. We were talking about the National Archives of Australia before. They want a building and the reason why is because they have physical records to maintain and they are going to continue to want a presence in Canberra and money that has gone on rent and all the rest of it. If I said to you, "Let us merge them with the National Trust of Australia", a few of you might blink about that and think, "Is that what you are

doing? Is that what you are trying to get to?" I guess we look at the Sydney Living Museums in that regard as well; they are just different structures. Ultimately there is an interesting history and there was a love of that and that is what archives are often used for, but there is this other role that SARA has, which is around government accountability and regulation and how do you make sure the two go together?

You will have noted in our submission we did make a reference to a merger some years ago between the National Film and Sound Archive in the Australian Film Commission, which was put together as an idea that you could again deliver some benefits through this shared service, and it did not work and ultimately it was much more costly to both entities and they demerged, because you are looking at a cultural entity with a regulatory entity; you have to have the resources and the backing behind it and I just do not see that the money is going to be there for SARA in the short term.

The Hon. BEN FRANKLIN: With respect, that is just an assumption from you.

Ms MANT: Well, it is an assumption that it will be available as well.

The Hon. BEN FRANKLIN: The Government has also said that the funding and the resources will be there. So that is just an assumption.

Ms MANT: So where is the focus on philanthropy then? The Sydney Living Museums are excellent at generating philanthropic support and I would not think it would be fair to them to use philanthropy to support the activities of SARA; that should stay within the Sydney Living Museums purview, I would think, if they are raising money for that purpose.

Reverend the Hon. FRED NILE: There have been cutbacks by the Government.

Ms MANT: There have been cutbacks by the Government, successive cutbacks, which is how we have ended up with a position that they are struggling to deliver the accessibility—the access is there but the accessibility of the records. Ancestry is a proud sponsor of the Australian Society of Archivists. I have got no problem with that and I have got no problem with series-based support, like for family history and genealogy, and there are some series that lend themselves, particularly photographs or family history records, that State Records hold. There are maybe two million catalogue entries for State Records. I looked up the digital archives; in 2018 we did a survey of archives' digital holdings and, at the time, SARA reported they had one terabyte of digital records—I assume that included some digitalisation or maybe it was transfer. Last year's annual report identified 70 gigabytes of digital records came into the archives. Seventy gigabytes is a couple of high-definition movies; it is a few high-definition movies, it is not much. So there are issues.

The CHAIR: Mr Robinson, you have been trying to get my attention and we are running out of time.

Ms MANT: He should have been trying to get mine and I would have been quiet.

Mr ROBINSON: If I ruled the world, if there was a need for the joining of agencies, I do not see an argument to join SARA with an agency that is one of many who can use the resources of SARA. I would be looking at synergies across agencies. The most obvious that would leap out at me is to have a records commissioner in the same way there is an information commissioner and a privacy commissioner. The compliance roles of those fit very neatly together, and I have spent the last 30 years of my life working on this. The connections are indisputable; you cannot do one without the other. If that were the motivation, I would suggest that that would be a thing to explore. I would put records as paramount because without records you have neither privacy or information access, or that is my view. So if we were looking at that kind of future those are the synergies that I think would be very powerful.

The CHAIR: Ms Henderson, do you want to add anything in conclusion?

Ms HENDERSON: I think except for the people who always worked in archives, there is not a great deal of understanding of the fact that without resources the archives will diminish and deplete and whatever. If you look across the world, whether it is libraries, archives, cultural institutions, more and more you have to involve the private sector in some capacity. I have always believed that some of the most valuable stuff you have got in New South Wales happens to be in the archives and no-one is coming up with any good ideas about how to make that work for New South Wales. It is not enough to just have it all just sitting there, whether it is on a screen or in a box; you have got to make it work. Everyone now in this global community realises that you have to use your talents and make them work, and the archives, to my mind, is a minefield; data is a minefield right now. There have been a few projects that the archives have managed with other operations, where they have been able to get digitalisation done because there is a spin-off at the end, but there needs to be a great deal more thinking about how you are going to make what you own, make more of your resources come back to you. I just cannot see any problem.

I do not understand why if you combine Historic Houses with the collection of records in New South Wales that either has to be diminished. I reckon they will each complement the other and build a much bigger mass, and once you get that recognition you have better will from the people to give it resources, and if that is the case, the politicians will also have more will to give resources. I think the real problem with the Archives is it just does not come on the spectrum; they are just not noticed. When you talk to senior people they say, "What is Records?" All I can say is that it is overdue for the community after me—I am too old. Go and do it, but you have got to make it work; you just cannot have it sitting there.

Ms MANT: I will say just one brief thing, that information is an asset and we need to recognise that and resource it adequately.

The CHAIR: I think we all agree with that too. It has been good to have this contrasting panel today—and often in agreement as well. Thank you for coming in and giving your expert evidence on behalf of your organisations and from your experience. I am not sure if anything was taken on notice but if there was, you have 21 days to respond. The secretariat will be in touch with you if that is the case. Members may choose to lodge questions on notice in the next few days, which you also may receive. Thank you for coming in this afternoon.

(The witnesses withdrew.)

WILLIAM OATES, Archivist, sworn and examined

MICHAEL ROLFE, Chief Executive Officer, Museums and Galleries NSW, sworn and examined

The CHAIR: Good afternoon, gentlemen. Thank you for coming to the Inquiry into the State Records Act 1998 and the Policy Paper on its Review by the Standing Committee on Social Issues. You are our last witnesses for this afternoon. We have your submissions but I invite you both to make an opening statement and then we will go to questions. Mr Oates?

Mr OATES: Why am I here? As a young records officer I watched the development of the 1998 State Records Act and its extension into the jurisdiction that I was working in, in the year 2000. I enjoyed the State Records Act coming in at that stage. I am not just a public servant record keeper but a regional record keeper of 30 years' experience.

The Hon. BEN FRANKLIN: Hear, hear!

Mr OATES: I am an archivist with curatorial experience going by managing museums and I have participated in community exhibition projects, including sending projects from the regions to Sydney. I have a few things that I would like to put into these two minutes. The first is that I looked at it the way that you are looking at it there and you have four objectives. I see the fourth objective as the most important—evidence: the idea of creating records for the purpose of evidence and being able to prove what we are doing as a government. I also say that if you are working in archives it is important to remember that archivists will never meet the majority of our clients—they are not born yet.

The vast majority of people who will work with our stuff are yet to be born and that makes it really difficult to use a user pays scenario in attempting to fund archives because you cannot take the money off the people who use the records in the long run. The other thing that I will hear during this is the idea of changing significance over time—that with the best will of any archivist or any legislation, you will have records that will become more important over time. So, stuff that we entirely missed as being significant 100 years ago can become incredibly significant to future generations. If I get the chance I will try to elucidate on that later. Thank you.

The CHAIR: Thank you for that, Mr Oates. Mr Rolfe?

Mr ROLFE: Thank you, Mr Chair. Museums & Galleries of NSW [M&G] appreciates the opportunity to comment on its support of the proposed policy outcomes that are under consideration. Overall, from the organisation's perspective, we feel that these are practical proposals that will achieve better outcomes for the New South Wales cultural landscape, if properly resourced and implemented. In particular, with regard to our remit, we look forward to working with an enhanced capacity to support delivery of programs statewide, and regionally, of course. M&G is an organisation that helps small to medium museums, galleries and Aboriginal cultural centres create exciting experiences for visitors and audiences throughout the State.

We are working with some 500 places and spaces with which we connect directly. They are many and various, from professionally staffed and resourced—essentially, local government—to those that are volunteer and community led. In that context, and with support from Create NSW, M&G has worked with both Sydney Living Museums [SLM] and the State Archives and Records Authority of New South Wales [SARA] to support New South Wales regional museums and galleries through our mentoring and internship programs, and in a variety of professional and skills development workshops. Over a number of years now SLM has partnered with and supported us across a range of those. In essence, we facilitate connections across museums and galleries as a way of growing their capacity, expertise, resourcing, opportunities and engagement. This is at the core of how we have assessed and responded to the policy proposals.

We see great benefit and there has been evidence by the quality of some of the programing that has been touring as exhibition content programs, from both the archives and Sydney Living Museums. We see even more significance coming from the capacity that an enhanced organisation would provide to the skills and professional development opportunities that that scale of operation would allow.

The CHAIR: Thank you for that. I imagine one member of this Committee will be keen to ask some questions mentioning the word "regional".

The Hon. BEN FRANKLIN: Absolutely.

The CHAIR: I invite him to open up the batting.

The Hon. BEN FRANKLIN: Sure, thanks very much, Mr Chair. I will start with you, Mr Oates, if I may. I loved hearing you talk about particularly focusing on regional archiving and I guess my question is a

broad one: How can we, in your view—how can the representation of the State archives collection be improved in regional New South Wales? Obviously, there are some current initiatives that SARA is undertaking, but what else can be done in terms of the regional focus in the archiving area?

Mr OATES: State archives has used regional archive repositories for many years and I work in one of those regional repositories, in Armidale. The model is patchy and underfunded, and because I belong to a different legal entity and am dealing with New South Wales State archives under a memorandum of understanding and an agency agreement, as an archivist I feel there are some grey areas in the material that I am handling. However, I also feel that with the eyes and ears of the State archives out in the regions, our ability to visit a lots of the small localities, local museums and local collections gives us a great insight into what is happening that the people at SARA do not get because they are basically servicing the vast majority of their people from the Kingswood repository. So, yes, underfunded and patchy.

The Central West of New South Wales has no regional archive repository—nobody has put their hand up in all the time that I have been there. You have Charles Sturt University running the repository out of Wagga, the University of New England running the repository out of Armidale, Broken Hill City Council working with Broken Hill, and you have Wollongong, Newcastle and, more recently, Shoalhaven, but you still have this massive hole in the middle. So, if you have a systematic program, you have to have the whole of the State covered by regional archives and appropriate funding in place to run them.

The CHAIR: Are the ones you mentioned satellite repositories of the Kingswood?

Mr OATES: They are independent institutions that have a memorandum of understanding with the New South Wales State archives.

The CHAIR: Thank you, I did not know that.

The Hon. BEN FRANKLIN: I will go to Mr Rolfe, if I may. One of the issues—well, really, one of the nubs of the actual issue—that we have heard today and broadly on this is that in terms of opposing this idea of bringing the two organisations together is that it will diminish and dilute the work of SARA particularly and the archives. I am interested in both of your comments on whether you believe that there will be negative outcomes from bringing the two organisations together that cannot be overcome, and comments on any of the current functions that are pursued by both organisations and whether they would be at risk in a proposed merger.

Mr ROLFE: I do not believe that there will be negative outcomes. I see positives in the proposal. Some of what we are talking about is missing, but it is about the capacity of storytelling which, from our perspective—the Museums And Galleries NSW perspective—is what archives perhaps have been missing. The storytelling is evidenced by some of the exhibitions and programs that SARA has put in place over recent years, I think since the current management structure has been in place. There is a real life given to what has been perhaps information—records that have not seen the light of day. That storytelling is incredibly rich. It is great, from our perspective, to see that resource being matched with the objects and the capacity that curation can bring to it. I think that you are going to see a more capable entity develop as a result of what is being proposed. That is to the benefit of both sides of this argument, I believe.

The Hon. BEN FRANKLIN: Mr Oates, I guess from my perspective I do not see it as an either/or. I see that the very important record keeping that potentially will not be of interest to a broader population but will be of interest, as you say, to people who have not even been born yet can go hand in hand with a number of the records that then could be put on display and shown and encourage people to take an active interest in history. Do you see that those two could go together?

Mr OATES: I am not too worried either way about which way you jump with the two entities. For me a lack of resource is a lack of resource in the regions. Whether it is an amalgamated entity that can bring more resource out or two separate entities, it really does not worry me. I know a lot of my peers in the archives profession are incredibly worried about being distracted from the main game, which is, as I said, the collection of records as evidence. We do that very, very well, but we are also struggling with the fact that we are heading into this digital domain that is becoming harder and harder to manage.

At an institutional level we are struggling daily with keeping our own IT departments in check and making sure that the records are going to be fit for purpose in 500 years. That is another part of the archives mantra: we are not looking at keeping records for a short period of time; we are looking at keeping records with a view of 500 years. A lot of the IT people who have been trained in this current generation do not see 500 years as any target for them. The software obsolescence and the technological obsolescence that we have seen in the last two or three decades has wiped away a mass of records from all over the spectrum. I am neither here nor there for whether you have got one institution.

The Hon. BEN FRANKLIN: I understand, and I hear your point about an increase in resources, obviously, and it is well made. Can I ask, in terms of a specific recommendation that this Committee could make, would you be supportive or would you suggest that saying that there should be a dedicated authority in the Central West of the State, as there is in a range of other regional areas, is something that we should make as a recommendation?

Mr OATES: If you had a model where every region was covered, then yes.

The Hon. BEN FRANKLIN: But it was the one that you recommended specifically—

Mr OATES: It is the hole, yes. There is nothing in the Central West at present.

The Hon. BEN FRANKLIN: Thank you.

Mr OATES: That said, we are under pressure in Armidale and my peers are under pressure in the other repositories to maintain our funding through the universities to provide our service to the State.

The Hon. BEN FRANKLIN: Understood.

Reverend the Hon. FRED NILE: Mr Rolfe, thank you for your submission from Museums and Galleries NSW. When there was talk of a merger in this inquiry we have had some people very nervous about it, opposing it and so on. I am just wondering how many of them know what has already happened. In your submission you report the new current administrative partnership under a joint executive director, from the outset, and that Sydney Living Museums and State Records are in fact in partnership from July 2019. Further, you state:

... we have been alert to the prospect of the increased capacity the joining of these two entities will bring.

Do you think a lot of people have no knowledge of that partnership arrangement that is operating?

Mr ROLFE: I am very familiar with it, so I would have to say I am surprised to hear that, but I am not doubting that that has occurred. We have been fairly close to the game, of course. It has been very much characterised by the energy that we feel has happened as a result of that merge—the energy, but also the focus. Again, to my earlier point that we place importance on storytelling capacity, be it digital or be it museum-based exhibitions or be it professional development, that capacity has clearly been enhanced. We are enthusiastically still agreeing with the proposal.

Reverend the Hon. FRED NILE: In your submission you conclude with this paragraph:

The inevitable need to rebrand and name the new institution also represents a clear opportunity for growth and the potential to build new audiences ...

Do you have any recommendations on that stage of the merger?

Mr ROLFE: No, I do not, but—

Reverend the Hon. FRED NILE: A rebrand and a new name.

Mr ROLFE: There have been conversations about a "Museum of New South Wales". It did strike my thinking that this is an opportunity to create a brand that is built around that idea. Of course, branding is the domain of a marketer, and we are all very much aware of how branding can successfully help deliver programs. It is probably a question to ask someone more clever than I in that area, but I do see it as an opportunity. As I said, the Museum of New South Wales idea seems like it might find a home.

The CHAIR: There was some criticism—I do not think it was fully valid—in some submissions that Sydney Living Museums was too Sydney-centric, and of course the NSW State Archives, as we have discussed with your evidence, Mr Oates, has got a broader remit across the State. I would be interested to play around with a recommendation that talked about resourcing the acquisition of important historical properties outside of metropolitan Sydney, because it is all in the basin, I think. Mr Rolfe, how would you feel about that? Then, Mr Oates, in the context of your archives and being able to work out ways of doing exhibitions in that sort of infrastructure, how would you feel about that?

Mr ROLFE: If I may, it really again goes to the question of resourcing and the scope that the Government feels is appropriate for this organisation. You are right: Meroogal is the only regional—

The CHAIR: In Nowra.

Mr ROLFE: In Nowra. There are, of course, many historic homes and properties in New South Wales, in regional New South Wales. I think most of them come under the auspice of the National Trust of Australia (NSW). However that relationship works, I have not had conversations around that point, but it did cross my mind

that it is an overlap that probably should be considered as part of how this proposal would work going forward. There are advantages in standardising and consistently applying the approach that has been suggested.

Mr OATES: I looked through the submissions to the Committee and saw one from Mr Clive Lucas, who is a long-time National Trust board member, but I did not see one from the National Trust of Australia (NSW) itself. That surprised me greatly, because we have in New England a couple of very, very good National Trust properties that would fit the remit that we are talking about here now: the Sir Henry Parkes museum in Tenterfield and the Saumarez Homestead in Armidale, both of which I do a lot of work with, because we have the archival material that supports the infrastructure and the buildings. So there was an unanswered question sitting there in the lack of a submission talking about where the National Trust of New South Wales could fit in with future plans and how your funding model might be built in to take advantage of those type of premises and resources in the State.

The CHAIR: I think there could be a whole new inquiry to deal with National Trust relationships. I think the Woodford Academy in the Blue Mountains, which is another National Trust property, is very rarely open. That is just an example.

The Hon. ROSE JACKSON: Just following up from the Chair's question, Mr Oates in your submission you mentioned that the nomenclature of Sydney Living Museums does seem to be quite limiting in terms of the capacity of that organisation, at least as currently named, to participate in significant purchases or asset management outside of Sydney. I just wanted to draw out what I think is a final point in your submission. While it is only a name in a way, I think it is a useful point about the way it might be perceived by people in regional New South Wales.

Mr OATES: Crusty country people like myself pick up very, very quickly on nomenclature. We say derogatory things about Sydney people from time to time. I have said that under oath, too.

The CHAIR: That is a big adverse mention for the whole of Sydney.

Mr OATES: But, yes, it is part of the branding and the packaging there of what you have got in the Sydney Living Museums. The Historic Houses Trust of New South Wales was not a bad name in the old days but we do feel it. The other thing we feel is that coming into the archival repository in Kingswood is a fair hike from a lot of New South Wales to come in to Penrith, particularly if you have flown into Kingsford Smith, to then have to turn around and head your way west. Back in the old days, of course, you had an archival repository in The Rocks and it was much, much easier for us in the country to fly in or come in using alternative transport and have that repository in The Rocks that we could go to. But you would not argue that Kingswood is a bad repository because it is fabulous; it has everything you want but it is just hard to get to. But if he had a more decentralised model there, then fewer people would be heading their way into Kingswood and they would be going to other sites.

The Hon. ROSE JACKSON: Perhaps also a more digitised model. There has been quite a lot of discussion with the Committee so far about efforts to put more of the records online. It is clearly an immense challenge but one that, if properly resourced and focused, would presumably provide increased access to people who were really going to struggle in a fundamental way to access the physical documents.

Mr OATES: Yes. It is an obvious solution. One of the greatest introductions in the last couple of decades has been Trove and our ability to access newspapers online through the National Library. Thus, again, you look something like *The Tenterfield Star* newspaper, which digitised itself before Trove came into being. They were unable to move the digital space across into the National Library and it still sits there on the website of the Tenterfield Shire Council—in a digital format, but unable to be accessed anywhere other than through the Tenterfield Shire Council. If you are going to have a digital capture program you need a decentralised digital capture of program where you are capturing the records and feeding them into your central repositories. You would not want to see all of the records having to go to a central point to be turned into digital records.

We—I say "we"—in my role as the archivist at the University of New England I have digitised records in Armidale that have gone out to a world market and have been used in international research. That is now forming part of climate science across the globe. They were shot with a reasonably low-tech solution in a little regional repository. The idea of somebody trying to sell you a great big all-encompassing digital hub where everything has to go into be converted, there are some economies of scale but there are also other economies of scale in keeping things happening out in the localities where the records are created.

The Hon. ROSE JACKSON: Thank you, Mr Oates. I might ask a question of you, Mr Rolfe. One of the criticisms of the proposed merger between Sydney Living Museums and SARA is that perhaps it is a little bit ill thought through, there is no business case, for example, and an alternative proposal has been to sort that on hold, perhaps is one way of describing it, and undertake a much more fulsome, broad, strategic inquiry into

museums and galleries in New South Wales generally, and that an outcome of that might be a proposal to do something like this—or perhaps a Museum of New South Wales or something along those lines. Do you think that might be a preferable way forward here—I understand you have indicated your support for this proposal but perhaps while some of the work in the business case and other elements are still in train—to sort of step back and have a more comprehensive look at galleries and museums in New South Wales?

Mr ROLFE: Yes. Look, I was just thinking, listening to Bill Oates answering that last question, that in other forums and in other submissions, and in work we have done with Local Government NSW, we have been actively pushing for consideration of a statewide strategy for museums and galleries in New South Wales to put in place an overlay that looks at the myriad of issues and the complexities involved. But, no, I think that this proposal has proved itself and will add to the benefits of the State directly, and sooner than perhaps that initiative will allow. But I still think it is very important. We are dealing with quite small organisations and larger ones. We are working with local government. We work with major cultural institutions. What is missing, clearly, is that overlay but I think it would be quite innovative and beneficial to the industry and it could provide benefits locally, regionally and statewide.

The Hon. ROSE JACKSON: One of the other suggestions used in the support of the merger is that SARA largely a record keeping organisation has records an archives and Sydney Living Museums has place, has space and an obvious partnership: SARA has things that it wants to show. Sydney Living Museums has places that that can occur. There has been a suggestion that perhaps it is not as straightforward as that. Someone who works very closely with museums, galleries and exhibiting spaces, there has been the suggestion that you cannot just take records and archives and put them into specific historical sites that are not neutral or general. That, in fact, the properties that Sydney Living Museums manage whether it is the barracks, the museum of Sydney or other premises only work as exhibition places really for works that are linked to that site, or have some connection to that site. They are not just neutral boxes. As someone who is doing a lot of work in the exhibition world, what are your thoughts on that pushback on the idea that they could work together in that way.

Mr ROLFE: They are different things. Archives are different to museum collections but they are all brought together by storytelling. They do not exist without stories and without that embellishment. I do not mean to answer the question quickly but it is about storytelling. It can only be enhanced by the relationships that a single organisation would bring.

The CHAIR: Mr Oates, coming back to the regional arrangements with State archives, hat is the business model? Is it State archives funding or is it stand-alone? How does that work.

Mr OATES: The university has its own archives and we have a very substantial regional collection that we have built up since 1957. The State archives that relate to our region are basically on loan.

The CHAIR: In your existing archives?

Mr OATES: In our existing space.

The CHAIR: Piggybacking onto your—

Mr OATES: Yes, they sit there. We have a program historically that was called the Archives in the Bush Program that used to give us \$50,000 a year to support those records. That funding has been whittled away and constrained to the point where last year I did not bother applying.

The CHAIR: That is on the State archives or from the State?

Mr OATES: From the State archives. The Archives in the Bush Program is provided by SARA.

The CHAIR: A memorandum of understanding would cover the management of the documents?

Mr OATES: Yes, we provide the same standards as what SARA has. The goal of the State Records Act 1988 and the goal of what you are looking at now is to improve the storage and standards of all record keeping in government instrumentalities. So if archives' records are being held then you are maintaining them at an archive standard.

The CHAIR: I agree with that. Is that the same model at the other institutions you mentioned?

Mr OATES: Yes.

The CHAIR: It has been interesting to hear from you gentlemen. Thank you for travelling down today.

Mr OATES: I came last night and I will be picking up records to take back to archives tomorrow.

The Hon. BEN FRANKLIN: Multi-tasking.

The CHAIR: Going out to Kingswood?

Mr OATES: No, Concord.

The CHAIR: Thank you for your expert evidence and your experiences you have shared with the Committee. I do not think you took any questions on notice. If any questions on notice are lodged by members of the Committee within the next few days, you will have 21 days to respond to them.

(The witnesses withdrew.)

The Committee adjourned at 14:33.