

**REPORT ON PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON SOCIAL ISSUES**

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

**CORRECTED**

**At Macquarie Room, Parliament House, Sydney, on Thursday 20 August 2020**

**The Committee met at 10:15**

**PRESENT**

The Hon. Shayne Mallard (Chair)

Ms Cate Faehrmann  
The Hon. Ben Franklin  
The Hon. Rose Jackson  
Reverend the Hon. Fred Nile

**PRESENT VIA VIDEOCONFERENCE**

The Hon. Taylor Martin  
The Hon. Natalie Ward



**The CHAIR:** Welcome to the 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 proposed reforms to their legislative framework. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of this land. I pay my respects to Elders past, present and emerging of the Eora nation and extend that respect to other Aboriginal people present today, as well as to those on the internet.

Today's hearing is the third and final hearing we plan to hold for this inquiry. Today we will hear from a range of witnesses, commencing with the Information and Privacy Commissioner NSW. After lunch the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, the Hon. Don Harwin will be appearing, and the hearing will be joined by Mr Adam Lindsay, the executive director of the State Archives and Records Authority of New South Wales and Sydney Living Museums.

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 owing to COVID, today's hearing is a public hearing and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. Today we will have some participants attending this hearing via videoconference—the screens to my right—including the Hon. Natalie Ward and the Hon. Taylor Martin, members of this Committee. While technology has facilitated so much of the Committee's work over this pandemic period this is still new territory for New South Wales upper House inquiries, with today's hearing in fact being the very first hybrid of a virtual and traditional hearing. As such, I ask for everyone's patience and forbearance through any technical difficulties that we may encounter today.

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 these questions 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. Finally, I ask that everyone please turn their mobile phones to silent for the duration of the hearing.

**ELIZABETH TYDD**, Chief Executive Officer and NSW Information Commissioner, Information and Privacy Commission NSW, sworn and examined

**JESSICA KAVANAGH**, Director, Legal Counsel and Regulatory Advice, Information and Privacy Commission NSW, sworn and examined

**The CHAIR:** I welcome our first witnesses for today.

**Ms TYDD:** I note that I am the NSW Information Commissioner; I am not the NSW Privacy Commissioner. I think it is important to recognise that. I am the CEO of the Information and Privacy Commission NSW. I am also a member of the State Archives and Records Authority board.

**The CHAIR:** I do not think Ms Kavanagh's microphone is working. We can hear you, but it will not go out over the web. It is very early to have our first technical problem—I did promise them. We are working on that at the moment. The Hon. Natalie Ward and the Hon. Taylor Martin can hear the witnesses; that is good. Would any of our witnesses like to make an opening statement?

**Ms TYDD:** Thank you, Chair. I welcome the opportunity to appear before the Committee in respect of this inquiry into the State Records Act 1998. As NSW Information Commissioner I oversee the information access rights enshrined in the Government Information Public Access Act 2009—the GIPA Act, as it is known. While there are jurisdictional differences between the State Records Act and the GIPA Act, both play an important role in public information governance and information access in New South Wales. I also currently serve as a member of the State Archives and Records Authority board, representing public service agencies.

My submission to the Committee acknowledges the policy aims of the review of the State Records Act, which broadly propose to enhance the creation and preservation of State records and to improve public access. In giving effect to the proposed changes there is an opportunity to embed information governance and principles of open access into record-keeping standards and processes. A key aspect of this will be to build digital capacity in relation to records management in order to meet changing public expectations and to promote and enable faster, more efficient and lower-cost access to State records. Accordingly, my evidence to the Committee recognises the alignment of my responsibilities and the proposals being, firstly, open government and, secondly, a fit-for-purpose regulatory model.

The importance of sound records management is topical in the context of the current pandemic. It is vital that decisions being made by Government are thoroughly documented, in order for governments to remain accountable to citizens both during and after the pandemic. It is equally vital that records of these decisions are preserved for future generations to enable them to understand and learn from this experience. In light of this, I particularly welcome the proposals to maximise the records authority's ability to promote open access, to help to promote good record-keeping practices and a commitment to information governance in public offices.

**The CHAIR:** Thank you for that. I think we are still having some problems with the microphones, so I might ask you just to speak up as much as you can. Ms Kavanagh, would you like to make a statement?

**Ms KAVANAGH:** No, thank you. I support the comments of the NSW Information Commissioner.

**The CHAIR:** That is fine. Ms Tydd, you talked about how you welcome the opportunity to maximise records and promote open access. Are there any components of the review of the Act that you think we should be looking at to support that maximisation of opening public access to the records? Is there any area in the Act that you think we should be looking at to amend to improve access?

**Ms TYDD:** Chair, if I might, I will respond to that question in the context of the GIPAA because of the relationship between the State Records Act [SRA] and the GIPAA. I have publicly documented and advised committees that there is the requirement for vigilance in relation to how records are managed and accessed in a contemporary model of government. Contemporary models of government see greater digitisation of records, they also see the use of technology to provide services and to inform decision-making by government. So those contexts change and potentially stretch the operation of the GIPAA in relation to what is a record. Likewise in contemporary models of governments we see increased outsourcing, use of third-party providers, and again I make the same observations in relation to ensuring that government remains accountable.

The third dimension is that government introduces—and we have seen that in this pandemic—new models of decision-making and service delivery that might cross over between what have been traditional sectors. For example, collaboration and working between the State Government and local government. Likewise the State and the Commonwealth governments, and how records are managed, preserved and accessed under those new administrative arrangements, new models of government, are also relevant to how records are defined and how

they are managed. I think those comments are possibly equally as relevant to a review of the State Records Act as they are to the GIPAA, and I note that the Chair of the State Archives and Records Authority [SARA] board has introduced some of those concepts in one of his submissions.

**The CHAIR:** Is the State Records Act nimble enough to the changing times with digital data?

**Ms TYDD:** There is a great benefit in both the language used in the State Records Act and the GIPAA in that they are technology neutral, so they envisage holding information or records in whatever format. And that positions, particularly from the GIPAA perspective, New South Wales very well. Those definitions are not seen in other information access regimes, or not universally seen in other information access regimes. That technical neutrality is a great benefit.

**The Hon. ROSE JACKSON:** In relation to compliance with the Act, as you have noticed, it is positive that the language in the Act is technologically neutral, but of course, as we know, sometimes agency compliance with requirements in Acts is not as smooth as it might be. In the context of digital records that is particularly relevant because in years gone by when a copy of a piece of paper had to be kept, that was a little bit more straight forward, perhaps, than keeping digital files when there is so much change and formats become redundant very quickly. Do you feel as though compliance with the record keeping by public sector agencies of digital records is as robust as it could be? Is there anything that we could do to ensure better compliance, not necessarily with the Acts themselves, they are reasonably well written, but to ensure that compliance is as robust as it can be?

**Ms TYDD:** If I might answer that question in respect of two dimensions. Firstly, in the GIPAA context, pleasingly, compliance with indicators of open access has improved, as I have reported in my reports to Parliament annually. There are, of course, areas where improvements could be made. That is generally secured in the GIPAA context through engagement, guidance, assistance, and we are seeing, as you will observe from our annual report, a pretty dramatic increase in both complaints reviews and advices. Our figures provided recently indicate that over the last five years in the GIPAA context we have had an 88 per cent increase in complaints reviews and advices, and I am very proud to say that the Information and Privacy Commission [IPC] has been able to manage that increase absent a backlog. That does not necessarily indicate poor compliance. It indicates that in an environment where we are doing business differently there will be new issues to consider. The GIPAA, as I have said, provides a platform and compliance has not decreased over time, it actually is increasing.

In the context of the State Records Act one of the proposals to improve regulatory outcomes that is put forward in the policy paper that goes to better regulatory outcomes is the power to compel a self-audit. If I might just explain a self-audit in the context of the GIPAA, we are increasingly using that as a legitimate and valuable regulatory tool. A year ago, 18 months ago, the IPC launched self-audit tools that can be conducted online so that agencies conduct an audit and they conduct that in respect of compliance with information access requirements. But there is also a twin, and that is privacy requirements. We are increasingly asking agencies to undertake that audit and to report back to us, and then we may, depending upon the responses, conduct a further audit.

That notion of ensuring that the regulated entities had the burden of ensuring proper regulation, but also build their own knowledge as they are conducting a self-audit, is a very powerful tool and we are finding that, although it is early days, to be a very useful instrument. I think from a regulatory perspective that serves a positive policy purpose. There is another recommendation that again serves a regulatory purpose and that is that records of enduring value, that agencies are required to make plans about their transfer of those records. That serves regulatory outcomes, because they have visibility and take responsibility for their records, but it also serves the outcomes of enabling SARA to be better positioned about their incoming work, how they will manage it, its value, and where it will be stored. I think that bringing that nexus closer, giving greater visibility, is also a positive regulatory outcome.

**The Hon. ROSE JACKSON:** The work that you and your team have done in relation to the GIPAA, what were the resourced requirements around that? Did you require additional resources to undertake more of that work with agencies in relation to compliance? Were you able to find that capacity pre-existing within your organisation?

**Ms TYDD:** We have managed that increase absent additional resources—and my comments in relation to the sustainability of that is a matter that I will address through other forums. The terms of reference that I am keen to ensure that I maintain an alignment with really go to, I guess your question goes to the viability of things like self-audit tools in terms of agency resources. And, yes, we did undertake a small contractual arrangement to have an outsourced firm develop that tool for us. It was not within our capability. It was a contractual arrangement that was very low cost. It did take our intellectual commitment to develop that and to identify the highest level or fundamental aspects of the Act that would promote compliance across, in the GIPAA context, the four information access pathways.

So, yes, we did manage it within existing resources, but we did need external expertise to develop that software. We are currently conducting a review of the software and we may need enhancements, and we also may need to promote it better to ensure that agencies understand it, use its tool and use the reports that it can generate more effectively. Our initial views as to awareness of the tool are that we do need to promote awareness. Within the IPC we will look at our strategies. If another agency was doing it, they would need to look to their own internal resources and look at their capacity in that regard.

**The Hon. BEN FRANKLIN:** I want to go now to your personal experience with SARA and how you find and what your views are about how they currently discharge their responsibilities under the Act.

**Ms TYDD:** The board has discrete functions prescribed under the Act. My observation of the board is that it is a very well-functioning board. The support to the board in decision-making comprises papers from staff that are developed through their engagement and consideration of the functions of agencies, so that retention and disposal authorities are thoroughly investigated and thoroughly considered. Most importantly, in the current context where Government is doing business differently, the exercise of the functions by the board brings an outcome that reflects the impact for all government records and seeks, with the advice of the staff, to ensure that record-keeping standards are not only promoted but also consistent. In my view—and, of course, it is a view as a board member—that higher order objective is being served very well.

**The Hon. BEN FRANKLIN:** Thank you, that is very good to know and heartening. Do you have any comments about—you talk to the board about the executive director and his role and understanding of the Act and his level of compliance?

**Ms TYDD:** Certainly my comments would go to the context of functioning within the board. As I said, the board is a high functioning board, a very collegiate board and one that is not shying away from robust discussions. At all times in my experience the executive director has been able to address, with precision and also from a strong knowledge base, the questions asked of him by the board.

**The Hon. BEN FRANKLIN:** Just looking at the current responsibilities the board has under the Act and noting that none of them are really proposed to change substantially under the new policy proposal—with the exception, I guess, of the introduction of compliance monitoring framework—how confident are you that the executive management group and proposed governance structure can uphold their accountabilities with these new changes?

**Ms TYDD:** As I understand it, the proposal seeks to preserve functions and augment functions in the regulatory space, which is the subject of my responsibilities. Those augmentations, by way of the requirement to compel a self-audit and then report back, would actually enhance the ability to regulate and also shift the burden in an appropriate position, then apply the expertise that exists within SARA to a determination as to the adequacy of that self-audit. In my view, that is a positive use of the skill and expertise that currently exists and is well demonstrated within SARA.

**Ms CATE FAEHRMANN:** Can I jump in there? Just carrying on from the Hon. Ben Franklin's questions, do you identify any potential risks with the merger, particularly in relation to the responsibilities of the record keeping and preservation responsibilities and compliance functions that SARA currently holds? Do you see any risks whatsoever with the merger?

**Ms TYDD:** From a regulatory perspective, it is important to recognise that the tool I referenced requiring a self-audit is dependent upon the agency's capacity to undertake, understand and be open and candid in their response. That reassessment, if you like, within SARA, is dependent upon the information provided by the agency. There may be occasions where the regulatory tool might need to be escalated, for example. That is not uncommon in these types of regulatory hierarchy approaches, in terms of application of regulatory tools and effort.

**Ms CATE FAEHRMANN:** Could you explain what you mean by regulatory tool being escalated?

**Ms TYDD:** Within a regulatory context generally, most academics and authors refer to a hierarchy that represents a pyramid and, at the base, is education, engagement and self-regulation. As you escalate up that pyramid, you come to more coercive powers. The self-audit tool rises from the base, clearly, but what happens if there are additional steps that might need to be taken? I would recognise that, whilst the policy paper itself does not deal with those events, there have been submissions made to this inquiry to say, "What would the next step be?", for example. Some options that exist in other regulatory environments are referral to investigate agencies that have the power to investigate. Again, back to the Government Information (Public Access) Act, I have the benefit of two statutes. I have the GIPA Act and the Government Information (Information Commissioner) Act, or GIICA. It is that Act, which is less well known than GIPAA, that enables me to conduct investigations, to make reports et cetera. SARA currently has the power to make reports, but the investigatory power those other regulatory tools might be something that should be examined more closely.

**Reverend the Hon. FRED NILE:** I have a general question. Thank you for your attendance. As Information Commissioner, I assume you are someone who is aware of what is going on in Parliament. Have you been aware of the large increase in Standing Order 52 motions in the upper House—the Legislative Council—

**The CHAIR:** Good question.

**Reverend the Hon. FRED NILE:** —which are designed to get certain documents? The impression I get as a member is that they have failed to get that information through the GIPA Act. Does that mean the GIPA Act is not always working successfully, or is there some other problem in supplying that information or those documents that has forced members to use Standing Order 52s? Sometimes we can have 10 on the agenda for one day.

**Ms TYDD:** Thank you for the question; it is a significant question. Yes, I am aware of what numerically appears to be an increase in the use of Standing Order 52. I would say that, like the State Records Act, there are exclusions from the operation of the GIPA Act and they are able to be relied upon—Cabinet-in-confidence is one of those, as is legal professional privilege. But turning back to an area of similarity between the State Records Act and the GIPA Act, are things like overriding public interest factors against disclosure [OPIADS]. In relying upon commercial OPIADS, for example, case law is actually developing and recognising that the commercial value of that information after a period of time—for example, five years; in some cases in technology, a shorter duration; sometimes a longer duration of 20 years—that there needs to be a responsiveness to realities that commercial value may decrease over time and we are seeing that in case law. That is relevant to the State records context in that guidance that is issued to agencies in relation to the directions they make—open access directions, for example—you will see that the Attorney General's guidance largely aligns with the factors in the GIPA Act.

As I understand it, that dimension, as well, is something that could, from a regulatory perspective, be considered more and informed at an operational level from operational experience. Perhaps that operational experience might be actually increased by virtue of some of these proposals, which require the self-audit and report back, which might give greater on-the-ground insight into the practices of agencies. I hope I have answered that question, Reverend Nile. It is a very complex matter and one that I have tried to respond to within the terms of reference.

**Reverend the Hon. FRED NILE:** Do you get many appeals directed to you as the commissioner? If a member is trying to get something—

**Ms CATE FAEHRMANN:** Point of order: I am sorry to do this but just given time, this really is outside the terms of reference. Chair, I ask that you put that.

**The CHAIR:** I will allow the first question but it is moving outside the terms of reference. We are not dealing with the GIPAA and Standing Order 52. An inquiry under Standing Order 52 might be worthwhile.

**The Hon. BEN FRANKLIN:** Could be.

**The CHAIR:** But we are not doing one. I will draw Reverend the Hon. Fred Nile back to our terms of reference, which is of course the performance of the State Archives and Records Authority's [SARA] Act and the proposal to amalgamate the two bodies, Sydney Living Museums and SARA.

**Reverend the Hon. FRED NILE:** I am asking questions about the GIPA Act.

**The CHAIR:** I know you are but we are not dealing with the GIPA Act. I allowed the first question, which was quite extensively answered, so I will move on. I will check in with our friends on the internet Do my colleagues on Webex have any questions?

**The Hon. NATALIE WARD:** Thank you, Chair, and I thank both witnesses for assisting the Committee today. We are very grateful. I just wanted to go to your earlier comments about balancing the preservation of the records with the need to improve public access. Will you elaborate on the second part of that in terms of improving public access? Earlier we had some evidence about that. I am interested in the proposal because it seems to me a compelling attraction to this but I would be more interested in your comments and how you see that working [inaudible].

**Ms TYDD:** Thank you. Yes, my submission recognises that the policy proposal does appear to advance open access. It does that through the proposals that seek to reduce the—I know it is called the open access period but in my mind it works by way of closure for that 30 years—so reducing that from 30 years to 20 years certainly would open better access because of the duration. Likewise there is a recognition in the policy paper that they would be opened by default. That is powerful. To be opened by default as opposed to by way of application both diminishes or opens access, and therefore opens government and diminishes the regulatory burden on the agency who would be required to make a declaration of openness. Importantly for citizens, they do not have to apply for

this to be open. It is opened by default after 20 years. So there are advantages to agencies, to citizens, but also to access very broadly and open government by the reduction from 30 years to 20 years and that proposal to ensure that records are open by default.

**The Hon. NATALIE WARD:** Thank you. I appreciate they are what I might call to the lay observer technical aspects but I can see how they would work in practice. Can I ask you to turn your mind to how that might work with the amalgamation of the two entities or the two Acts and how, for example, Sydney Living Museums might assist with that? I am thinking more about public access physically to inspect and observe and records in fact being brought to life. I think it is Archives Alive!, if I have got that right. It is a sort of sense that these are available and are being made easily available and accessible to the public as opposed to them searching for something particular being aware that these exhibitions might perhaps bring these things to life when otherwise public access might be somewhat more difficult. Can you comment on your view of that proposal, please?

**Ms TYDD:** Thank you. I might, if I may, address that initially from an Information Commissioner's perspective. Raising awareness about the importance of information access is a statutory duty that I have and raising awareness in a way that connects with the diversity of citizenry is really important. That can occur by way of digital means, by way of a broadsheet, for example, but also by raising awareness through exposure and greater understanding, which might take a physical form. So having houses, locations, places to display records may be one of way of promoting the importance of access to government information.

As I said earlier, records take many forms. Currently the format, as I said, being neutral within the State Records Act, lends itself to a recognition that objects may also be records of enduring value. Ensuring that they are visible to the public to stimulate that right of access is certainly a policy proposal that promotes open access.

**The Hon. NATALIE WARD:** Thank you. If the other witness has anything to add? I have one more question. How am I going for time, Chair?

**The CHAIR:** That is fine. Go ahead.

**The Hon. NATALIE WARD:** Thank you. I suffer from two teenage students having to put up with me and I am constantly trying to interest them in our history and where we have come from and where we might go to as a result. Museums around the world are not the most attractive thing to them but to us are a fascinating luxury that perhaps we might have better access to here. Can you comment on that in terms of comparative jurisdictions? I do not know if you have much of a knowledge of that—if you need to, take that on notice—but where this is similarly or not similarly done in other jurisdictions, where it may have worked and where it may not?

**Ms TYDD:** As I am aware, the proposal is a ground-breaking proposal and I am very conscious of ensuring that my area of responsibility is reflected in my responses. Sydney Living Museums provides venues, opportunities, to see and experience history and part of our State culture. There is also the need to digitise records and that those digital records be presented through as many platforms as possible, which might actually mean through them being digitally available through film or soundscapes. You see, I, too, have a teenager who is interested in art and history and they can be experienced in that way. So the mechanism to provide greater exposure but also at the same time drive the preservation through retaining records and retaining them in a way that responds to our technical ability and capability, and building that technical capability within the public sector, is also vital to a proposal that seeks to advance open access at this time.

**The Hon. NATALIE WARD:** Yes. I think it saying the prospect of taking a teenager to be reading room is perhaps not as attractive as an exhibition where there might also be a cafe. My final question is that I think you mentioned one of your statutory duties is to raise awareness. Did I hear that correctly?

**Ms TYDD:** That is correct.

**The Hon. NATALIE WARD:** Thank you. They are all the questions I have, Chair.

**The CHAIR:** The Deputy Chair has a question to ask.

**The Hon. ROSE JACKSON:** I suppose I just wanted to follow on from that line of questioning. Obviously, raked in awareness and exposure is one part of the core business not only of yourself and your agency but of SARA and the work that they do. In that context the merger with Sydney Living Museums may provide additional opportunities for that to occur but there is of course the other core business of SARA, which is good record keeping and the proper maintenance and management of archives. In that context is it not equally arguable that, say, for example a merger with the Information and Privacy Commissioner functions would provide a platform to promote and advance that core business? I suppose I am asking that question not because I necessarily support a merger with the Information Commissioner but to show that when there are these agencies that have various functions so that overlap with other different parts of government and agencies and work that they do to



sort of promote and push one particular angle on that arguably distracts from or dilutes some of the other core business of an organisation like SARA.

**Ms TYDD:** As I understand the proposal, there is not a proposal to diminish the functions of the SARA board and therefore the responsibilities of SARA. Your question about synergies, and maximising those synergies, is one that I recognise. From the perspective of open government, if that is part of the policy objective—and that certainly appears to be informing the policy paper—then the merger does provide the advantages of experiential access and stimulation. Your comments around that particular structure are not necessarily within my responsibility, but I certainly take the point that other options may be available. The comment that I would be prepared to make is that it does provide another means of accessing information through non-traditional ways. Therefore, it may create an environment in which the citizens of New South Wales in particular have a heightened awareness of the value of information access. But, most importantly, it creates the need to ensure an open, accountable and transparent government.

**The Hon. ROSE JACKSON:** Would you be prepared to make any comment about whether other models would be preferable? Acknowledging that the proposed model does have potential benefits, but also at the same time that other models would be possible, would you have any reflection on what would be the optimum model?

**Ms TYDD:** I could not answer that question from experience. It is not something that I have experience of. The policy proposals are a matter for the Government. The policy proposal currently provided does seem to strengthen open access for the citizens of New South Wales, and my comments reflect that. That is certainly within my remit.

**The Hon. ROSE JACKSON:** I understand that.

**The Hon. BEN FRANKLIN:** I noted something in Mr Lindsay's supplementary answers. I thought he put it quite elegantly and I would be interested in your response.

Although SLM and SARA have some different functions, their core remit is very similar. SLM exists to conserve, protect and make accessible the State's significant heritage properties; SARA exists to conserve, protect and make accessible the State's Records and Archives. The very clear thematic link between these institutions is focussed on making the history of NSW accessible.

Is that a comment that you would support?

**Ms TYDD:** There certainly seems to be a strong thematic and legislative link between SLM and SARA.

**Ms CATE FAEHRMANN:** If we are looking at comments that you would support, a number of stakeholders have talked about successive budget cuts and efficiency dividends which have impacted on SARA's ability to—a number of stakeholders have suggested that there is a huge backlog of digitising records. For example, one witness talked about the huge store of audiovisual records and trying to digitise those from old film. Do you agree with statements that there have been successive cuts, and therefore there is a huge backlog in terms of digitising records?

**Ms TYDD:** As I understand it, the management of digitisation in SARA manifests in two forms. Firstly—and to dispose of the first method—records are created in digital form now, which is obviously increasing. They are digital natives. The transfer of those records is quite a different proposition to digitising historic records that were made in other formats. SARA's challenge is to deal with historic records and keep pace with incoming records, ensuring that it preserves both adequately. From my perspective, as a member of the SARA board, there is visibility over that. At an operational level, SARA balances those two competing priorities—the incoming work and catching up with the backlog. Within that context, it is currently managing to fulfil its legislative obligations.

**Ms CATE FAEHRMANN:** Do they currently need any more capacity in terms of their record keeping responsibilities?

**Ms TYDD:** The board's role does not extend to the financial capacity of the organisation. I would not have the appropriate insights to answer that question in relation to its budgetary position.

**The CHAIR:** We have certainly witnessed large and dedicated units out at Kingswood doing digitisation. I invite you to direct those questions to Mr Lindsay this afternoon about the budget cuts, because I know that he has a strong view on that. Thank you very much for sharing your knowledge, both in your capacity as the commissioner and also as a board member of SARA. I don't think that you took anything on notice, so therefore you don't have to come back to us in 21 days. But you might get a question from us—that can still happen.

**(The witnesses withdrew.)**

**JENNI STAPLETON**, Former Director, State Archives and Records Authority of NSW, affirmed and examined  
**LUCY TAKSA**, Former Chair, State Archives and Records Authority of NSW, affirmed and examined

**The CHAIR:** Welcome back to the hearing on the inquiry into the State Records Act 1988 and the Policy Paper on its review from the Committee on Social Issues.

**Ms STAPLETON:** I am a long-term former member of staff of State Records in its various guises. I was acting director from 2011 when Alan Ventress went on leave—you have met Mr Ventress—before the appointment of Geoff Hinchcliffe in 2014.

**The CHAIR:** Professor Taksa, are you appearing as a former chair of the State Archives and Records Authority of NSW?

**Professor TAKSA:** I am. I am also appearing as a voice for users of State Records.

**The CHAIR:** What years were you the chair?

**Professor TAKSA:** I was the chair from February 2007 to the end of 2012.

**The CHAIR:** I invite both of you to make an opening statement to the Committee. You can assume that we have read your submission, but you can nonetheless refresh us with your opening statements.

**Professor TAKSA:** Firstly, I acknowledge the Traditional Custodians of the land on which we meet today, the Gadigal people of the Eora nation, and pay my respects to Elders past and present. I also acknowledge all the diverse cultures that make up our society and State. Secondly, I thank the Committee for inviting me to address this inquiry. My name is Lucy Taksa and I am a professor at Macquarie University. I am the director at the Centre for Workforce Futures, a trained historian, a card-carrying multidisciplinary and an expert in heritage management and interpretation with extensive experience in the use, management and governance of public records. I begin by expressing serious concern about unevidenced claims that the peak bodies of historians and records management professionals exist for the sole "purpose of preserving the status quo and protecting the territory of specialists", because they collectively agree that the proposed reforms are misconceived and likely to lead to deleterious outcomes.

As the recent High Court judgement in *Hocking v Director-General of the National Archives of Australia* [2019] FCAFC 12 stressed, access to government archives has a critical impact on the body politic. We need to distinguish between access and accessibility. The broad significance of government record management and access cannot and should not be underestimated, precisely because, as the policy document states at 3.3, public access to government records "is a fundamental right for citizens in a democratic society". In the words of the International Council of Archives, they are fundamental to identity, democracy, accountability and good governance. Claims made that the policy proposals are practical, aligned with international best practice and able to ensure the integrity of records and access for the people of New South Wales, in my view, have not been supported by evidence on such international best practice for public records management because the only benchmarks referred to have been cultural institutions.

The most relevant benchmarks, I believe, would be from Canada and New Zealand, although we could also refer to the UK. In New Zealand, the government archives is "the regulator of information created by the public sector ... [that makes] sure information is created and managed well, so that it supports transparency and accountability, the shift to digital government," and I emphasise that, "and the rights and entitlements of New Zealand citizens". In Canada, the objectives of Library and Archives of Canada—and I just point out that is a different model to the model that is being considered—include, "to facilitate the management of information by government institutions", and to "advise government institutions concerning the management of information produced or used by them and provide services for that purpose".

Here I would like to stress that the proposed changes in New South Wales are also completely misaligned with the governance of public archives and records across this country. In New South Wales, the governance of SARA has been shifted back to the minor Arts portfolio, although there is some point about being overseen by Premiers. By contrast, the Federal and South Australian archives are in the Attorney-General's portfolio; the Victorian archives in the Department of Premier and Cabinet; in Queensland, under the portfolio of the Minister for Housing, Public Works, and Digital Technology; and in Tasmania in the portfolio of Education and Training. In contemplating this variability of governance and management arrangements, I am reminded of the parochial self-interested and short-term politicised thinking that led New South Wales to adopt different railway gauges in the nineteenth century, contrary to the advice from Britain promoting uniformity, which has led to long-lasting implications, not only for New South Wales but for the entire nation.

Across the world and across Australia, State archives are being integrated with digital government information management and the development of a whole-of-government strategy to ensure standards and, I emphasise, security for public records and access. In New South Wales, the Government wishes solely to focus on storytelling and the nexus with built heritage through the Arts portfolio rather than futureproofing New South Wales for the challenges of good information management for the digital age. No attention has been given to the preservation and management of digitally born government records—although I note that the previous speaker raised this as significant—and this is fundamentally different from the digitisation of previous paper-based records or other formats.

This brings me to my final point regarding governance of SARA and the proposal to merge the SARA and SLM governing boards. In my submission, I expressed concern about the problematic constitution of the SARA board under the existing Act, which privileges depositors over experts and user representatives. In my time, there was one user representative on the board. This constitution does not align with best practice governance from archives across Australia or internationally. Nor does it align with best practice as promoted by the Australian Institute of Company Directors and the Governance Institute of Australia, including not-for-profit boards, which emphasise the growing requirement for boards to address conflicts of interest and to develop, implement and disclose a skills matrix in relation to their directors that identifies the capabilities needed for a board to meet legislative and regulatory requirements. I submit to you that the current SARA board would be hard-pressed to meet a skills matrix aligned to the best practice of public archives and record keeping, and wonder whether the majority of members as depositors of records could be considered to have a conflict of interest.

As noted in many submissions, expertise regarding records management and access is fundamentally different from the management of tangible and built heritage. Accordingly, a merged board for SARA and SLM would not be in the position to comply with modern good governance expectations to enable appropriate fulfilment of the current and future needs of public records management and effective accountability. Not only is there no business plan, there was also no reference made to the SARA Strategic Plan 2016-2021. Of greater significance is the lack of attention given to risk management for a body whose holdings were valued, during my time in 2012, at \$980 million, let alone the risks associated with the management, preservation and accessibility of the digitally born records of all entities covered by the current Act.

In conclusion, in my view, the proposals threaten the future of government record keeping, management and security, preservation of paper-based, digitised and digitally born records, as well as accountability on the part of those who create, use, manage and provide access to public records in the digital age. I might emphasise that users are not solely historians, but are scholars across many different fields. Therefore, I strongly recommend the continued existence of an independent and adequately resourced records management and archives authority serving the interests of all citizens of New South Wales and not solely the parochial interests of Sydneysiders. In addition, I recommend that it be given executive agency status aligned in governance, standards and regulations with the Federal archives so that we can avoid the poor decision-making of the State's forefathers who adopted a different railway gauge for New South Wales to the detriment of the State and the nation.

**The CHAIR:** Ms Stapleton, would you like to make an opening statement?

**Ms STAPLETON:** Yes, thank you. Thank you for the opportunity to talk to you today. I hope you can hear me. I would like to also acknowledge the traditional owners of the land on which we are meeting. I have been very impressed with the standard of the submissions and the witness discussions that you have had. I think that you should be congratulated for covering the complexities of this issue quite well. It is not nearly as neat and tidy as the policy paper would suggest. Being at the end of the hearing process, I am very happy to save us all a bit of time by saying that your discussions with Alan Ventress, Lisa Murray, Michael Bennett, Julia Mant and Tim Robinson all reflect my own views, and I think those of most professional archivists, historians and, as Professor Taksa would say, other users, on the value of the proposed merger of SARA and SLM into a combined heritage organisation.

Therefore I would like to concentrate on two other points. This review was originally intended to look at ways to improve SARA's ability to manage the Government's digital operations. The proposals in the policy paper around this are sound and should be supported by the Committee. I support the many submissions and witnesses who have stated that there needs to be more attention paid to specific provisions in the Act to allow SARA to undertake active monitoring and enforcement of compliance as government moves totally into digital service delivery. Penalties need to be robust, embedded in the Act and aligned with other legislation, clearly as Ms Tydd was saying earlier. SARA needs to have the legislative firepower to ensure agencies consider data integrity and transference as they design their operational systems.

This is what Geoff Hinchcliffe was talking about in, I think it was Ms Faehrmann's discussions about digital by design principles, although I would possibly disagree with Mr Hinchcliffe when he says that there is no

digital recordkeeping strategy in New South Wales, I feel that there is. Likewise, I would disagree with David Fricker when he says no archives that he is aware of have the power to test compliance or compel agencies to produce evidence. Even in New South Wales we previously used the Auditor-General to test compliance on our behalf, as they do annual audits of individual agencies. We had that checked through the legal people and there were no problems with doing things like that, it was simply outsourcing the role to someone who was already doing it—but that is a bit of an aside. I am genuinely concerned that no records from this period of systems transition to digital will actually exist in the future if SARA does not get the powers and resources to ensure they are created and managed now. I am not alone in this fear. Professor Stephen Garton of the University of Sydney wrote in his submission:

... any diminution of the Authority's key accountability functions would lead to a significant decrease in archival records across the state.

In your review of the State Records Act you have an opportunity to actually do something about the existential issues around digital records by giving SARA real legislative tools. Everything else that you are looking at in this review in my opinion is mere window dressing. Which, of course, leads me to my second point. While the proposed administrative merger with SLM may be "just nuts", to quote the former Chair of the board, Dr Shirley Fitzgerald, combining the legislation that governs SARA and SLM is not only unnecessary, I think it will actually do harm. To again quote Professor Garton from the University of Sydney, the proposed legislative merger:

... would dilute the Authority's independence and diminish its standing within NSW government.

Like Professor Garton and Ms Tydd earlier, I am also concerned about the potential impacts any watering down of the State Records Act may have on other public interest laws. You are going to say, of course, that you have no intention of watering down the State Records Act and that the opposite is your intention. If this is true why are you proposing to get rid of SARA's stand-alone legislation, and diminish its ability to deal with its unique issues by placing it in a heritage institution with a single piece of legislation?

More than just joining SARA and SLM administratively, the proposed new combined legislation is a total denigration and denial of the role of the archives. Under this proposal the core responsibilities for the archives are actually shunted off to a subcommittee. This is saying "storytelling" is as important, if not more important, than government's accountability. This merger of legislation is far more dangerous than the merger of the organisation itself. Administrative change, as you know, can be undone with the mere stroke of a pen. Bad legislation cannot. The suggestion that this should be the key outcome of a major review into the State Records Act is ludicrous and a distraction from the real issues facing SARA right now and into the future.

If I could conclude, back to possibly reflecting Professor Taksa, a former director of the Historic Houses Trust wrote in the *Sydney Morning Herald* recently that it would be a brave decision for your Committee to return the State Archives symbolically to Macquarie Street. It is a good line, is it not? The archives do not need symbolism and they do not need to be in Macquarie Street. They need legislative rigour, support from government and independence. Back to you.

**The CHAIR:** Thank you. I invite Committee members to ask questions.

**Reverend the Hon. FRED NILE:** Following up on your comments there, Ms Stapleton, you are very critical of the proposed merger and say in your submission:

The State Archives and Records Authority, as evidenced by its name, does two things: it preserves, it documents and makes available the State's archival collection; ...

Both these roles are essential.

You then make this criticism:

To lump records in with objects, buildings and places of interest reduces the Authority to a body seen merely to collect pretty things.

That is fairly strong criticism, is it not?

**Ms STAPLETON:** But I think fairly justified. You are reducing something that is intrinsically about government accountability, about citizen's rights, to display, to storytelling, to nice, pretty, digital images on a wall in a house museum. The archives are not about that sort of thing. As I say, they can contribute great stories, they can bring wonderful insight to public history, but that is not what they are created to do, and that is not their major role. My sentence about, they have two things in their name, it is State Records and it is the State Archives, it does two different functions, which work together when they are both resourced, when they are both supported.

**The CHAIR:** Professor Taksa, you referenced the other State archives and the different departments they dwell in.

**Professor TAKSA:** Portfolios.

**The CHAIR:** Portfolios, from memory, Education in one State, Attorney General in another. The history of New South Wales is similar. It was seen as a financial asset and it was sitting in the Finance Minister's portfolio for a period, it may well have been when you were Chair, I am not sure.

**Professor TAKSA:** It was, yes.

**The CHAIR:** I have a degree in history from Macquarie University as well. I appreciate the historical, artistic and cultural side of the archives, I always have. I grew up at Kingswood, so I knew all about it. I feel it fits comfortably in the Arts portfolio as a cultural asset, as opposed to a financial asset in Finance. When you described it being in all these other portfolios around Australia, it is sort of the ugly duckling that has been kicked around the place. I am putting it to you that maybe it has found an appropriate home within a portfolio under the cluster of the Premier that gives it the right sort of understanding in the public mind.

**Professor TAKSA:** Let me just address the financial ugly duckling. When SARA was transferred from Arts it was not called the Department of Finance, it was Finance and Services, I believe.

**Ms STAPLETON:** I think it was Administrative Services at that time.

**Professor TAKSA:** Administrative Services, and it was also the place where we had the chief information officer. There was a logic to a broader construction of records management, the creation, preservation, et cetera. And we in fact worked very hard to develop a relationship with the chief information officer in order to start to develop a whole-of-government approach. It seems to me that your construction of archives as a cultural entity neglects this broader point made by Ms Stapleton, broader records management responsibility, the regulatory dimension, an information management dimension of all government records, not just cultural records.

To my mind also—and this goes to the issue that was raised by Reverend the Hon. Fred Nile—there is a difference between records that are accessible for research investigation and curated information that is accessible to students of all ages, older people, citizens; wherever they come from. Historic Houses, as it was, a trust, and unfortunately has been, I think, diminished over the years, has been the holder of certain, and I think pretty, buildings because we do not have remit over, let us say, industrial heritage buildings, which are ugly; right? But they are interpreted for the citizens. The point of public archives is that they are available for citizens to interpret and to uncover the past of government activity.

I might add, the importance of this is quite evident to me, as somebody from a Jewish background. Having the records of the Nazi era, for example, allows reparations to be made. You have heard speakers from Indigenous communities. It is very important to recognise this as a whole-of-Government responsibility, part of which is not going to be included in pretty exhibitions. Although I point out to you that, during my time, there was a very significant Indigenous exhibition—among many—that not only was displayed here in the city but also had a travelling exhibition that could go to Indigenous communities. That did not require a marriage of bureaucratic or a legal marriage with Historic Houses Trust or any other body.

In terms of the question that was asked before about models, I think the Canadians have the best model because they have recognised the connection between libraries as holders of personal papers and archives, generally, and government records. They have a unified system. What is constantly being missed here and conflated is public records and private holdings. They are fundamentally different and, as I say, I do not believe that you need to have an organisational and legalistic merger in order to have collaborations across institutions—as has been done for decades.

**Ms STAPLETON:** Can I pick up on something Professor Taksa said? When you are running through the different models, even in Australia—in preparation for this I rang the keeper of the public records—what a wonderful title—at the Public Record Office Victoria [PROV]. She is a most impressive woman and I said to her, "Given where you sit and what you do, where would you like to be?" She said, "Exactly where I am now." So the PROV has been moved round, just as much as State records New South Wales. We actually had something like nine administrative moves in 13 years, so we are used to packing up and moving. She was moved from Heritage to Premier and Cabinet a few years back, but part of that move involved formal contractual arrangements with an exhibition partner—the PROV partners with the Immigration Museum on Flinders Street and they have a contract where they have to provide a certain amount of content for the display there.

They also have a partnership with their admin services department, where they have to provide input into the digital activities of government, and they also have a partnership with Attorneys-General. She said, very much reflecting what Ms Tydd said—in fact, I think she used the same words—you maximise your synergies. Now the way she does that is the fact that she is part of Premier and Cabinet and everyone will talk to her and open their doors to her. By comparison, there has been discussion about the Tasmanian model. Adam Lindsay, fairly early

in his transcripts, referred to talking to the keeper of the archives down in Tasmania. They have had a very unhappy history, not because of where they are located but simply how they have been treated in trying to undertake their record-keeping functions. They are part of the Education portfolio, and that makes sense in Tasmania—very small population, physically disparate and Education has a good budget for digital. So, it makes sense. They are actually part of the library, which also makes sense.

In Tasmania the library has a very good private papers collection, which goes right back to colonial times. They also have a museum with them, because it was something that was falling through the cracks and was not being well looked after. It is a collection of colonial furniture. They are in an unusual situation, but what lost out from that was the government record-keeping function. They have been very much ignored in that sphere, simply because they are treated as the nice lady who comes in from the library and talks to people about their records. It has not gone well for them in Tasmania and they have virtually abandoned that function because they simply cannot get buy-in from government agencies. I am just contrasting those two.

**The CHAIR:** Thank you for that perspective.

**The Hon. BEN FRANKLIN:** Can I start on the Government's issues? Professor Taksa, you said in your submission that the new proposal seems to be focused solely on storytelling and buildings. In your submission, Ms Stapleton, you talked about record keeping being shunted off to a subcommittee.

**Ms STAPLETON:** Yes.

**The Hon. BEN FRANKLIN:** I guess I wanted to put before you the suggestion that is being made, which is that underneath the board structure there will be a record-keeping committee that continues on, which has the independent power to create the record-keeping framework and standards for public offices, and I quote, "to enable them to comply with the requirements of the Act, as well as having the determination for permanent retention of records of enduring value". My understanding is that this is actually an increase in the regulatory power and profile for record keeping, under these suggestions. How do you respond to that?

**Ms STAPLETON:** I have no problem with any increase to the regulatory power of State records. I think if, as an outcome of your review, you ended up setting up a subcommittee to look into all the suggestions that have been presented to you by the various witnesses and submissions, you would end up with an even stronger regime than what you have now. I am not saying that there are big gaping holes in the regulatory situation in New South Wales; it is pretty good, but there are other things. The world is moving and there are other powers that are needed. What worries me is that those powers will be, as I say, shunted to a subcommittee and above that will be a committee looking at the heritage values—

**The Hon. BEN FRANKLIN:** But that is not the case, with the greatest amount of respect. Above that is the board. "Shunted to a subcommittee" I do not think is fair—

**Ms STAPLETON:** But that is going to be the board of the joint heritage organisation.

**The Hon. BEN FRANKLIN:** —because the structure is going to be an ongoing substantive committee that has its own statutory authority. I think it is pejorative language and I do not think it is what is actually the intent of the proposed reform.

**Ms STAPLETON:** I am sure, as I say, your intent is to give the board of State records more power to do real action and that is what is needed. But the structure you are setting up is not going to support that; it will diminish that role. If not in fact, certainly in perception.

**The Hon. BEN FRANKLIN:** In your perception.

**Ms STAPLETON:** And, I think, in the perception across Government.

**The Hon. BEN FRANKLIN:** We will agree to disagree on that.

**Professor TAKSA:** Can I add to that as an academic of organisational structures and so on? I would start off by saying that there is always a gap between intentions and impact. There are always unintended consequences. Where you are proposing two equivalent subcommittees, where you have one entity responsible for assets worth 980 million dollars or whatever it is worth now and another one for how many properties, there is an imbalance, for starters. Not to mention the fact that State records is responsible for the whole-of-government record keeping. I am emphasising that we are talking about not just government departments, but also universities, local government, authorities, and I could go on. This is huge. There is an imbalance. That imbalance will be replicated not only in the committees but also at the governance level. If, as I have argued, there has been an existing imbalance in the current constitution of the board under the Act favouring depositors, which I think needs to be changed, this situation that is being proposed will reinforce imbalances and, therefore, have a negative impact

on digital futures on whole-of-government approaches to records management. So I quite reject the argument that these are pejorative statements.

**The Hon. BEN FRANKLIN:** I was talking about that particular phrase that was used.

**Professor TAKSA:** I am looking at the big picture of government accountability for record-making throughout the whole life—record-making or creating, managing, preserving and, before the preservation happens, the decision-making by the board. It is not just about what is kept. It is decision-making about what is disposed of. Those decisions are crucial. I cannot tell you how many times as a scholar looking at—for example, railway management—management decisions had been discarded because some archivist—sorry, please forgive me.

**Ms STAPLETON:** That is all right. What was it—pejorative?

**The CHAIR:** Don't take it personally.

**Professor TAKSA:** Some archivist decided that this was not a significant record, right? You need users of records. That is why when I was chair of the board I sought expert input. If there were legal records, we went to legal bodies. If there were environmental records, we went to scientific scholars to say, "What do you think in the future? Will researchers find this valuable?" This is the critical point that I want to make here and that is we need to think about the researchers of the future and the public officials of the future who cannot foresee as we have not foreseen COVID, bushfires et cetera.

**The Hon. BEN FRANKLIN:** I hear what you are saying. From my perspective I do not think that anything you have said—and I think that they are cogent and well-argued points—undermines the current thesis of the proposal. I think that you are suggesting that this may happen rather than this will happen. That is just my view. But I think we have fleshed that out. We will continue on. I just want to raise another issue, Professor. We talked about the fact that there was no apparent focus on digital record keeping.

**Professor TAKSA:** Digitally borne?

**The Hon. BEN FRANKLIN:** Yes, indeed. I am just wondering what your view is about the Rosetta system and the new State Archives at management system that has just been implemented? Do you think that that is a good system and actually does achieve what is necessary?

**Professor TAKSA:** I have to take that on notice because I am really not on top of that at the moment. If I can take that on notice?

**The Hon. BEN FRANKLIN:** Okay. No problem.

**The CHAIR:** Yes, you can.

**Ms STAPLETON:** That would not be something that Professor Taksa would have any insight into. I am not, once again, denigrating your role—

**Professor TAKSA:** No, no, no. That is fine. That is not my expertise.

**Ms STAPLETON:** I was with State Records when Geoff Hinchcliffe was appointed and we had been doing a lot of work about valuation and things like that to bring to the attention of Government that there were major shortages in our abilities to control our collection. Geoff came from the library and basically said, "We need to align your systems so that we, once again, maximum synergies." We looked right across the world and it was very much an in-house decision made to not go with open source, to go with a proprietary system, and we chose the Rosetta system, which the State Library and I think the City of Sydney Archives and one or two of the other States at much the same time all decided because there had been a change and upgraded software. I think we all sort of reinforced each other's feeling that we have got to do something. This is it.

There have been X years of terrible pain, as there always is. I am old enough to remember when the Roads and Traffic Authority went digital. I used to say to my staff, "Really, you will get through this. We will survive." It has now, I think, come out the other side and I think State Records implementation is actually been very good. There has been a lot of customisation. I hate to think what it has cost but we are not going there. This is what you have to do. Our systems had been cobbled together from in-house going back to the 1990s. There was a disaster waiting to happen. We had to do something. So the choice of Rosetta, I think, was made on solid grounds. It may not have been what the technocrats inside the organisation would like; they would have rather gone to open source, but I think the work has produced a good result. There was a lot of pain.

**The Hon. BEN FRANKLIN:** I understand.

**The CHAIR:** I need to move us along. There is a time issue. The Deputy Chair has some questions to ask.

**The Hon. ROSE JACKSON:** Thank you. I have a range of questions. I might just ask to add this point and then we will see how we go for time. I firstly wanted to ask Professor Taksa a question. I thought that your comments in your submission and in your statement about board composition were really interesting and not things that we had previously heard a lot of evidence about so I just want to draw you out a little bit on how you would change the composition of the board, accepting your criticisms of the current composition, wanting to look forward both, if it were to remain, as a standalone board of SARA or, accepting that this is absolutely not your preference, but if it were transform into a subcommittee of a new organisation—obviously, as I say, I acknowledge that you do not prefer that—but what would you like to see in terms of the composition of that board?

**Professor TAKSA:** I think the board needs to have representation of experts, full stop. Experts. I am talking about users of records. Some of the largest users are genealogists, just as an example, and there you have your accessibility because, of course, they are the ones that really use and promote records. I notice that you mentioned ancestry at one point in your records. I think they are a very important stakeholder. Archivists, digital records managers, historians, the Information Commissioner, the Privacy Commissioner are people that are stakeholders with expert knowledge. They would be able to fill out a skills matrix accordingly. My experience on the board, and I cannot see much has changed, is that representatives of depositing bodies do not know what they do not know. They make decisions all the time based on advice by archivists with the best intentions but they really do not know anything about a user.

Just to link back to the other issue around digital, when I was a PhD student and an honours student I would walk into the archives and ask for Premier's department papers. I would get boxes—every single record from bottom to top—and I would work through them. We are in a situation now where we have fragmented records. We have no understanding by people in public entities of what they cannot discard, right, even well before it gets to any committee or board. It seems to me that you need a marriage, a confluence, between expertise and governance. If you do not have that, then you have the governance being cut off from the critical skills that are required and that is why I am opposed to a subcommittee. I have been on subcommittees and I have been on boards. The information that comes through from subcommittees to boards is always redacted for obvious reasons—time, et cetera, and not for bad intentions—but this is not good for good government decision-making in the future.

**The Hon. ROSE JACKSON:** My second question for now is directed to Ms Stapleton. I was really interested in your reflections and feedback on the Tasmanian experience. Again, that is something that I think we have not heard a lot of evidence about. Are there any more international or Australian examples from other jurisdictions, not of the different models—you do not need to go through them again—but examples of where there has been change, mergers and de-mergers, and have they worked or not worked? We all accept that there are various different ways you can structure and locate these entities within government, but I am particularly interested in those questions of decisions being made about merging and de-merging and how they have gone. Professor Taksa, if you have anything that you wanted to add in terms of international or Australian examples, that would be great as well.

**Ms STAPLETON:** Certainly I think it was Professor Taksa who talked about New Zealand. I suppose I should preference my comments by saying almost by definition if an archive is doing its regulatory role well, it is not beloved of Government. There is a natural conflict between you are responsible to Government, you are responsible to the public; there are individual rights, open government versus confidentiality and security issues. An archive, if it is doing its job well is never always on one side versus the other.

This can lead to administrative fallout. New Zealand is an example I am thinking of and I am wondering what I should be saying, given this is going to be recorded. Because I have been an archivist for a very long time I remember great pain there as well. Some of the local archives around America in some of the different States likewise had a falling out with their administration. You simply cut the budget and you close the archive. There is certainly one example in Australia—I am not going to name it now that I am getting more sensible about this—where that has basically happened. All power comes from above and it is very easy to crush an archive exercising what it can and should be doing by controlling its resources.

**The Hon. ROSE JACKSON:** Professor Taksa, do you want to add anything?

**Professor TAKSA:** Having looked across the world, I see no real examples of national or State archives—provincial in Canada—merging with built heritage entities. It has been called groundbreaking here but I think it is actually misconceived, to say the least. Other people have criticised it in pejorative terms. It is very short-sighted and fails to take into account government responsibility in the present and for the future.



**The CHAIR:** Having been a member of the SARA board on two occasions—I have stepped down to chair this inquiry—and having heard from the last witness, Ms Tydd, who is on the board, I need to put on the record how professional and dedicated the board is. I felt that it was implied that the board was not professional. The Act, which I don't know if this Government or the previous Government changed, prescribes certain types of people to be on the board. I sat next to an active Supreme Court judge, a police representative, a local government member, I represented the Parliament and at least one historian has got to be there. Of course, Dr Brian Lindsay, who chairs the board, is a highly qualified historian. I wanted to put that on the record in case they are reading the Hansard and feel that we did not make that point to you.

**Ms STAPLETON:** The previous Archives Act from 1960 was groundbreaking in a different way. There had not been legislation in this country until then. The previous controller of the archives that survived until that time had been the Mitchell Library. As you can imagine, the first board of the archives office was stacked with users from the education department and the library, and I think there were three or four university representatives. There was also a judge, a representative from Parliament, one from the public service board, and there may have been one other representing non-core government departments. The new Act from 1998 flipped it totally. There is one historian, a judge as well as representatives from the Parliament, the core public sector and the non-core sector, as in State-owned corporations. The rest are from the police and local government. They are all absolutely specified representatives and are appointed by the Minister responsible. There is basically one historian versus creators.

**The CHAIR:** There is a minimum of one of each of these representatives.

**Ms STAPLETON:** In practice, yes.

**The CHAIR:** I just wanted to put on record that we received very good evidence about the performance of the board that is being reviewed under the Act. The Minister has concern around the prescription of representatives.

**Professor TAKSA:** I really need to say that at no point have I questioned the best intentions and the professionalism of board members. What I was saying was that the board is overwhelmingly represented by depositors of records. The Supreme Court is represented because the legal documents are huge; the police are represented because they are a huge creator of records, and so on and so forth. My point was that those who deposit may have a conflict of interest in deciding what should and should not be kept.

**The CHAIR:** I have never seen that.

**Professor TAKSA:** They are not experts on records management and use. That was my point. I want to clear that up for the record.

**The Hon. ROSE JACKSON:** The witness is entitled to make that point based on her evidence.

**The CHAIR:** I am putting on the record the performance of the board.

**The Hon. ROSE JACKSON:** If you want to make a submission in relation to your views on board composition, you are entitled to do that.

**Ms CATE FAEHRMANN:** Did either of you take part in the review of the State Records Act 1998—the consultation process that the Government did?

**Professor TAKSA:** No.

**Ms STAPLETON:** Can I put on record that the Act has been reviewed constantly since 2012. The names and the personalities and the make-up of the review panels—I first met Geoff Hinchcliffe when he was a library representative and I was the records representative on something in 2013. This review is just the latest iteration in an ongoing process.

**Ms CATE FAEHRMANN:** As you did not take part in that review, would you care to comment on whether during that review process consultation the merger of SARA with Sydney Living Museums came up time and time again as an outcome?

**Ms STAPLETON:** Do you mean the historical review or do you mean now?

**Ms CATE FAEHRMANN:** Potentially both, but I was referring to the current review since 2018.

**Ms STAPLETON:** The suggestion of a merger has only come about since the executive director position was combined. I don't think that there was any discussion of a merger with any of the other cultural bodies, apart from the ongoing discussion around whether Library and Archives should be together, in any of that time.

**The Hon. BEN FRANKLIN:** I think that there was a round table in 2018 talking about this issue.

**Professor TAKSA:** As numerous submissions have made very clear, key stakeholders were not consulted. If we look at the qualifications and skills of the current director, they are in line with his expertise. So it is not surprising. During the six years that I was chair of the board, I lobbied directors-general—of which there were many—about the need to change the composition of the board in line with the point that I have just made. All of those members were very professional and so on, but not fit for purpose.

**Ms CATE FAEHRMANN:** There is one other aspect of your submission that I might ask you to elaborate on. In relation to the Government Records Repository, you say:

I fear that the proposed reforms seek to legitimate and authorise the privatisation of this very essential public service that ensures the highest level of records management for public records ...

Would you care to elaborate on what your fears around privatisation are based upon?

**Professor TAKSA:** Privatisation and/or shift of responsibility for records. Reading the proposals, which state that the depositing bodies should have more responsibility over their records—semi-active et cetera—seems to foreshadow that possibility. My colleague Ms Stapleton would have much more knowledge of the Government Records Repository [GRR] than me, but I do know from my time that the funding from the GRR was crucial for cross-subsidisation. The most important thing is that SARA is responsible for records even before they come in to be assessed by the board. They need to be in good standing, as it were. The standards created for preservation and maintenance during that interim term are crucial for the long-term outcome. As a public body, the GRR maintains the standards, security and all of the things that I do not believe private entities—and there are many out there—could maintain. I flagged that as one issue related to the accountability and compliance issue, which I then went on to raise.

**Reverend the Hon. FRED NILE:** Professor Taksa, in your submission you have a punchline in your conclusion.

Finally, I submit that the proposed merger of SARA and SLM and their governing bodies is misconceived and should not proceed. Such a move threatens the Government's recordkeeping, management and preservation responsibilities and will invariably reduce resources for records management and archival preservation.

Would you like to expand on your opposition to the proposed merger?

**Professor TAKSA:** I have found in this marketised world that branding, imagery and simple presentations are much more likely to get funding than serious, long-term investments needed for the future. We all love exhibitions; we all love pretty buildings; we all love having places to go, although not so much during COVID. My fear is that in this mix, particularly given the expertise of the current leadership of these bodies, that there will be a preferencing for that which can be sold as good stories, good news and reputation building rather than the hard yakka—if I can use that term—that is involved in dealing with regulatory issues as well as the preservation costs, which are huge. Basically, I just do not think that the investment in long-term activities is going to be there to the same degree if this merger goes ahead. That is my personal opinion.

**The Hon. NATALIE WARD:** Thank you both for your contributions in assisting the Committee and thank you for the long work you did in your previous roles. Can you clarify if your concerns about a possible merger are an opinion based on evidence or if that is your personal view?

**Professor TAKSA:** I base my views on decades of work, the latest of which was being involved with South Eveleigh and the preservation and heritage interpretation of the Eveleigh workshops that were sold to Mirvac. That is the latest example I have where investment by government in long-term preservation of both intangible and tangible heritage material was basically discarded. I believe there is a long track record, that I could document should the committee want or need, of a lack of investment in certain activities and investment in the more quick, easy and effectively marketed.

**The Hon. NATALIE WARD:** We are all very aware of your long-standing history. I was just interested in whether there were examples. I am grateful for your contribution about your Jewish heritage. I put on record my conflict as Chair of Parliamentary Friends of Israel. I absolutely agree with you on your example of the importance of retaining those records, but isn't Yad Vashem an example of a living museum concept where the retention of documents, the importance of that history and the documentation and records of those who perished in the Holocaust are all brought together? It is clearly so important for those stories to be brought to life and ensuring that the collection continues and is updated, and has the funding to do so. In your view, is that not an example of that working well?

**Professor TAKSA:** That is a standalone entity that is supported in various ways and does not abnegate the responsibility of the German government for the German records, or the Israeli government for their records,

or the Polish or Soviet governments for their records. In fact, without those records held by governments and also made accessible, Yad Vashem would not be able to do what it does because it draws on those. I raised the background as a migrant. Because the Polish record keeping has been so appalling, I am not in a position to find my records or local government records from that country in the way that Australians can draw on a multitude of records, from both state, federal and other sources. One set of sources does not abnegate the responsibility of government to maintain its sources.

**The Hon. NATALIE WARD:** I guess my point is that bringing them together enhances that capability and makes one point you can go to, does it not? It is an example of those two working harmoniously together.

**Professor TAKSA:** I beg to differ, because there has been no talk about merging Yad Vashem with the Israeli national archives or any other. I would suggest to you that if somebody did make that—

**The Hon. NATALIE WARD:** I may not have asked the question clearly enough. My point was about them working in harmony as opposed to them drawing away from the importance of the record keeping, in a negative sense. In fact, it might be an opportunity to enhance and bring alive some of those things and ensure that there is a central point to go to. I was just interested in whether you thought that was an example that worked.

**Professor TAKSA:** I think it is a fantastic example and I would just point out that throughout my time on the state records board the director and the archive staff collaborated with many different organisations, including historic houses trust to mount exhibitions on the war, on industry, *In Living Memory*—the Indigenous one. Those collaborations are possible without a bureaucratic merger or a legalistic merger. That is my point.

**The CHAIR:** You have taken one question on notice today.

**Professor TAKSA:** I think the Rosetta question really is beyond my skill.

**The CHAIR:** The secretariat will advise you if you took something on notice. The Committee has resolved 21 days for you to receive questions from members and for you to return your answers. Thank you both for coming today and sharing your expertise—

**Ms STAPLETON:** Can I quickly put something on the record? I am an archivist—I apologise for it—so I read the original readings of the Act for the State Records Act. I quote Reverend Fred Nile on 21 May 1998 at the second reading of the state records bill, "The Treasurer may need to look at a special allocation for the preservation or transfer of decaying records." Thank you Reverend Nile.

**The CHAIR:** Thank you for that, I appreciate it. Thank you for coming in today.

**(The witnesses withdrew.)**

**(Luncheon adjournment)**

**LUCINDA TURNBULL**, before the Committee via teleconference, sworn and examined

**Mrs TURNBULL:** I am here as a private individual, although a previous Lord Mayor of Sydney and a previous inaugural Chief Commissioner of the Greater Sydney Commission, with a lot of interest in cultural and matters of historical culture and interest in Sydney and New South Wales.

**The CHAIR:** And I would add, an author and esteemed historian.

**Mrs TURNBULL:** That is right. I have written a book, *The Colony: A History of Early Sydney*.

**The CHAIR:** I invite you to make an opening statement. You can assume we have read your two submissions.

**Mrs TURNBULL:** I think it is really a terrific thing that the Committee is exploring how best the State Archives and Records Authority can work with the Sydney Living Museums to bring to life a deeper understanding of our culture, our history and, if you like, our national and State memory. I would like to draw your attention to something I actually provided to the secretariat this morning. It is a very unprofessional photograph—and I apologise for the photographer, because that is me—that I actually took in February 2018 when I was visiting James Ruse House, otherwise known as Hambledon Cottage. On those pages are actually some photographs. Hambledon Cottage is run by amateur historians, but very committed and passionate ones—I am not using amateur in a negative, pejorative sense. They have pulled together in Hambledon Cottage, which James Ruse built and where he and his family lived, a really good compilation of the records that describe the Parramatta region. It is a combination of the depiction of those records with the place, more widely Parramatta, that actually really brought to me vividly the history of the area to life.

It is a vivid example I think of where you can bring documents, or extracts of documents, to the attention of people visiting really amazingly culturally significant buildings. It can also tell a much more vivid story about the convict era in this case and put it into a context of where people were living, like James Ruse's House, Experiment Farm, all around the Female Factory in Parramatta north. It is a very powerful thing when it happens well. I think the Sydney Living Museums have the most extraordinary range of beautiful architectural and heritage assets which are truly exceptional. All of them are truly exceptional, as well as the land and the gardens around which the buildings stand. They are really, really important and valuable. As a tool for education and communication we cannot underestimate the value of putting story into the architecture. They can be often in written form, and that is why drawing on all the knowledge of the State Archives would be a very powerful tool to bring to life the stories of the buildings in the Sydney Living Museums collection.

**The CHAIR:** Thank you. I appreciate you providing that document.

**Mrs TURNBULL:** Thank you for your work today.

**The CHAIR:** If it is okay with you, we will probably publish that on our website.

**Mrs TURNBULL:** Yes.

**The CHAIR:** I will go straight to the nub of the issue, the two sides of the debate we have been hearing from in the hearings, and that is acknowledging your submission about bringing built and records together, and as you have illustrated with this document, it rounds it out, opens it up more. The criticism we have heard from the witnesses just previously and previous submissions is that there is a danger that we will take our eye off the ball on the State Archives and the importance of collecting and storing records for interpretation and future reference and use by combining it with the museum. How do you respond to that?

**Mrs TURNBULL:** I am sorry, Chair, but the critical words dropped out of the communication. I just got a bit of a freeze. What is the nub of the issues that have been raised?

**The CHAIR:** The nub is that by combining the two bodies we are in danger of diminishing the role of the authority in terms of collecting records of the State for future use.

**Mrs TURNBULL:** I do not think that necessarily follows if there is a clear focus on the two key aspects, managing, preserving and celebrating the buildings, plus managing and preserving and bringing to people's attention the archives themselves. I do not think that necessarily follows. I think with good management and a strong, clear set of objectives in amended legislation, that necessarily follows at all, in fact the opposite could be the case. Because if you bring these documents to a wider audience for greater understanding of, say what it was like in the early years of the colony. I read the submissions from the two Aboriginal groups, Link-Up and the agency which is inside the University of Technology Sydney. There is a whole stream of documents which are of critical public interest and importance, which simply are hard to get access to and you can give them greater access

through combining it with the SLM, but also you can do it in other ways as well. I do not think the combination itself is the only way of delivering that accessibility, but it is a very, very important pathway.

**The CHAIR:** Picking up on your comment, your submission would be that the legislation needs to be very clear and a framework of strong amended legislation to make sure we protect the role of the archives?

**Mrs TURNBULL:** Correct, really important, really important. And to have a focus on digitisation of the archives.

**The Hon. ROSE JACKSON:** You talked a little bit in your opening statement about the potential value of this proposition in terms of putting stories into the architecture that is currently held as assets of the Sydney Living Museums and bringing the history and the story of those buildings to life. We have heard some evidence that, in terms of the capacity of those buildings to display material that is currently held in the archives, it is limited because the only real way you can use those buildings to tell stories are things that are linked to those buildings—to their history, to their architecture.

The suggestion that all of this archival material held by SARA will have an obvious place to be exhibited in the Sydney Living Museums assets is a bit misguided because you cannot just take any old historical archives from SARA and put them in any old historic building held by the SLM, and that if that is what indeed you want to achieve, it is better to have flexibility to work with other museums, other galleries, other libraries and other places that could be exhibition spaces as opposed to linking them in very closely with the Sydney Living Museums and the historic houses that they hold. Do you have any views on that?

**Mrs TURNBULL:** I think it is really important. My understanding is that you are not going to dump all the archives in the buildings that have any kind of narrative, or factual or historical connection with the documents themselves. The power of curation is that you take, if you like, the colourful and illustrative highlights of the archives into the buildings where there is a context for doing so. If this is pursued there will be a close connection between SLM and SARA, but it does not mean they cannot work with other institutions and I really hope they do—like the museums, the art galleries, the Powerhouse et cetera. There are collections inside the Australian Museum that we can see at any given time is literally the tip of the iceberg, and similarly with the Art Gallery of New South Wales. The inability simultaneously to see the entire collection is not a reason to not proceed with this if you are trying to promote greater access and visibility and understand what is contained in the archives and match it with the buildings that actually bring those stories to life. That is a very powerful thing to do.

**The Hon. ROSE JACKSON:** My second question goes to the issues that were raised by the Chair in your previous answer. As he said, the core pieces of evidence opposing the creation of a single executive agency are that the two functions of public display and public awareness and exhibitions—and government record keeping—cannot sit as neatly alongside each other as has been suggested. I heard your previous answer when you suggested, "Why couldn't they sit alongside together?" I suppose the answer would be that one of those things is very attractive to the Government such as nice exhibitions about the history of Sydney which have the potential to make money and earn revenue from visitors. That is all very attractive from a government's point of view. The other element—government record keeping—is not only less attractive in a sort of visual sense but also potentially a bit annoying for the Government, where the archives are agencies to ensure compliance, potentially escalating compliance issues and potentially saying that they are not doing a good enough job in terms of their archiving.

That side of the work has the potential to be, at times, a bit of a thorn in the side of the Government and its agencies, when there is a view that the archiving is not up to scratch. The concern about the tension is that, over time and with limited resources—we all know those challenges—the more attractive side of the work of the single entity will get the resourcing, the attention and the focus, and the potentially more annoying side of, "Can you please ensure that you have all of these thorough and robust archiving systems", will be de-prioritised, deprived of resources, deprived of attention and will become less important. The unfortunate long-term effect of that would be that the quality of our archives declines. That is the suggestion that has been raised in other evidence that we have heard.

**Mrs TURNBULL:** I hear what you are saying but I think that is quite easily addressed by setting out very clearly the statutory obligations and objects of the archival function of the merged entity. I draw your attention to the State Library of New South Wales, which does not store government records, but which does, at the same time as being the deposit library for New South Wales, have the most fantastic collection of paintings and art. So it has public programs at the same time as it does an amazing job collecting all the books published in Australia. I do not think it is impossible to address both at the same time, is my point. Can be totally honest? A lot of the SLM buildings—or some of them, anyway—look a bit dead and lifeless. For example, I was on the city council when we considered and gave advice—because it was a State Government asset—for the renovation of the Met in about 2003 or 2004. That was a huge heritage undertaking and it looks good, but it does not seem to

be very busy; it does not seem to be full of life and activity. Even in the beautiful green square in the Met, if you go there on a sunny winter's day, there is no-one sitting there.

If we have a more lively and accessible story and programming to indicate what the Met was, what its function was, what its role was in the gold rush—which is really exciting because that is where all the gold came from and the carriages and such. There is so much colour and flavour and movement that can be brought to life, partly through narratives in the archives and pictures, which would be in the State archives, too—government pictures and illustrations and maps. With imagination you can really bring the SLM buildings to life. I agree with Peter Watts, they lack a certain vibrancy and public use now, but I do not agree with him that they are fundamentally incompatible. I think you can do both and bring them to life with a clearly expressed statutory function.

**Reverend the Hon. FRED NILE:** Thank you very much for appearing before our inquiry. You almost touched on the answer to my question. You say in your submission that, at the moment, these assets are under-utilised. What more can be done to utilise those assets?

**Mrs TURNBULL:** I think to bring them to life. That is why I am saying this is the thing that really surprised me when I went to Hambleton Cottage and was fortunate enough to be guided round by the leader of the Parramatta Historical Society. Through simply extracting notes about people's lives, especially the women's lives and the lives of the people who lived there, they brought the whole building to life. Otherwise you are walking into—it is a nice building, it is an old building and there are nice old bits of furniture and artwork on the wall, et cetera, and in the old kitchen you can see what saucepans they use, et cetera. But it is only when you see the lives of the people who lived around there and why women were sent to the female factory, et cetera, that you have this electrifying moment of really imagining the people walking in the streets, living in the buildings, what they were like. I think there is huge scope to do more of that in the SLM buildings. That will make it [inaudible].

**Reverend the Hon. FRED NILE:** Some witnesses have said that the board lacks a regional representative. Do you believe that there should be a specific regional or country representative on the board?

**Mrs TURNBULL:** I am very sorry but I am not aware. I have not really looked at the Government structure, but it is always good to have regional voices in State cultural institutions.

**The Hon. BEN FRANKLIN:** The first point I want to make is that the one I particularly love in terms of the turbulent women committing multiple crimes is being "drunk, insolent, abusive and tweaking her master's mulberry mounted proboscis".

**The Hon. ROSE JACKSON:** That is just a standard day in the Legislative Council.

**The Hon. BEN FRANKLIN:** Exactly.

**Mrs TURNBULL:** Exactly, and some of them cannot actually take a trick because in their description of women is they are either betoken, she was at least 60 years old and one was short and thickset, one was vicious, one was roguish and laughing. I mean, you just could not get the whole thing right so it actually is a perfect description of the complexity and challenges of being a woman—obviously a convict woman—who crossed the law yet again. But it is vibrant, right?

**The Hon. BEN FRANKLIN:** The poor one who smiled too much.

**The Hon. ROSE JACKSON:** Yes, that is right.

**The Hon. BEN FRANKLIN:** Anyhow, we digress.

**Mrs TURNBULL:** That was [inaudible] and insinuate, yes.

**The Hon. BEN FRANKLIN:** I want to talk about some of the macro issues. The State Archives and Records Authority does appear to be particularly well known by the public, who are not very aware. We have had a lot of evidence from academics and people who are experts who certainly are aware—those who have particular investment and interest. That is great and really important but it does not seem to have a larger public remit and understanding. That is the first point. The second point is that I note in your submission you refer to access being extremely important to democracy—access to information, access to documents. With our last witnesses there was some discussion about, for example, one lady brought up the fact that she is Jewish and that there were records from the Nazi era which were important. Then the Hon. Natalie Ward spoke about that exactly—being able to put them in a place with other items potentially was able to bring a lot more light onto these issues.

**Mrs TURNBULL:** Correct.

**The Hon. BEN FRANKLIN:** What I am trying to get my head around are the issues around opening up information and the importance of that, as you say, to democracy but broadly to a sense of society and an

understanding of what is actually important as we continue to paint a picture of Australia and of New South Wales. Would you like to make some comments on that? I think it is a really important point.

**Mrs TURNBULL:** I think it is a vitally important point. It is a critical point and I think the understanding and the realisation of greater access—and I think that some of it in the Sydney Living Museums could be elsewhere—but particularly should and could be digital so that people can search these records if they are Jewish people and their families came in the 1930s. That just gives so much weight to their story and value to their story, and validates and respects their story. I would say the same thing about Aboriginal records. I was quite surprised to know that if you are an Aboriginal person you have to go to the Aboriginal Ministry for one set of records and a State archives for another. It should be very open, very accessible and very transparent.

**Reverend the Hon. FRED NILE:** Hear, hear!

**The CHAIR:** Thank you. I will go to our colleagues on Webex.

**The Hon. NATALIE WARD:** Thank you, Chair, and thank you very much for your contribution, your submission and your interest in this inquiry. We really appreciate your assistance to the Committee. I will put out some common ground to start with. I think digitisation seems to be the common ground for everybody. Could I ask you to briefly comment on that? Then I want to go to what might not be such common ground.

**Mrs TURNBULL:** Okay. I must say that I am not really across the detail about digital access for the SARA's collection but I think it is really important that it be accessible. I mean, it would be a fantastic resource for kids studying history. You can speak to our daughter, Daisy, about that in greater detail. These government records, at the time they look as dry as dust when people [inaudible] that they give a fantastic glimpse into the way people thought and what they did at the time [inaudible]. It is a really, really valuable tool for historians and for people who are definitely not professional historians. It is a wonderful insight into the way people actually lived.

**The Hon. NATALIE WARD:** Picking up on that point, potentially that opens up the archives and the records to people who might not be able to physically go and search, might not be able to leave their home, might be elderly, might have a disability, might not be able to afford to, might be in regional areas—all of those aspects digitisation might assist. Equally in opening up with this sort of partnership it might potentially provide a wider access to even tourists when we get back to that stage of people visiting Sydney. For example, if you visit a Jewish museum in another city you can go there and see documents and records in a living environment. But equally if somebody was visiting here, they could do the same. Could you comment on that partnership and how that might actually, despite the fears, open up some of those opportunities?

**Mrs TURNBULL:** I think it definitely would and it just brings a fuller picture to life. It would bring a fuller picture of place, and history and who was doing what industry, who was asking the Government to do what. Often you can tell by Government responses what actually animated them and what basically did not animate them. It gives you a huge glimpse and insight into the way people thought at the time, which is hugely valuable. It really is hugely valuable. Merging it with other places and other collections is a very powerful thing to do.

Nobody goes anywhere these days but a couple of years ago I was in Melbourne and I went to see the history exhibition of Melbourne which was in the Treasury building, I think, or Parliament House. It was in one of those two buildings at the top of Collins Street. It is actually a really good glimpse into the foundations of Melbourne. It is terrific—really, really good. I have to say I have read a lot of history but it taught me a lot. It showed early maps and all that sort of stuff. It was so valuable, it was really, really a huge insight. I have seen other museums like that in Paris, the Marais area, showing the history of Paris. Obviously that is a lot longer than the history of Melbourne but it just sort really animates the streets you are walking around and it tells of the wider and richer places.

**The Hon. NATALIE WARD:** Because [audio malfunction] rather than being incompatible, it might be that in fact they might assist each other and, despite the terror, we might actually be able to [inaudible] as my husband is wont to say. We could perhaps do both and enhance the record keeping, the archives and the statutory requirements.

**Mrs TURNBULL:** Yes.

**The Hon. NATALIE WARD:** But by further interest, it might be that this might be a great positive. It has been one of those things we do not generally get excited about "Oh, State archives! Oh, State records!" It might be that if it becomes part of their world that potentially that could have the effect of assisting the record keeping, the archiving and the holding of Government records in high esteem and opening up. Do you see any difficulty with that statutorily or with the boards?

**Mrs TURNBULL:** No, but I think, again, the mission and the functions of the merged entity [audio malfunction] factored around achieving those objectives. If you could simultaneously place a lot of the archives or the information embedded in the archives in the Sydney Living Museums [SLM] buildings at the same time as you gave good visibility it would mean, for example, that if you went to visit the Mint or Hyde Park Barracks or whatever other assets there were—Rouse Hill, et cetera, et cetera—you could actually, you know, go into an online resource in the building and go "Historical Records, Rouse Hill". If you could pull up a whole lot of stuff you would be standing or sitting in the building getting this huge trove of documents about the building itself. That would take an imaginative director. I am sure Adam Lindsay can tell you more about that, but the potential to do that is actually really exciting.

**The Hon. NATALIE WARD:** As opposed to sitting in a reading room, having made an appointment 45 minutes ago.

**Mrs TURNBULL:** In the area where I live, Vaucluse House is a fabulous asset of SLM. People living in the area, especially schoolkids and older kids, could go to Vaucluse House and do searchable entries on the Wentworths or on what it was like in those areas. That would be of huge benefit to both the local and wider community—the whole of New South Wales—if they were interested in the history of the Wentworths, for example.

**The Hon. NATALIE WARD:** Exactly. If I can make a plug for the north side—the evil north side—using the Quarantine Station. I would not go to the reading room and look up quarantine records, but walking around there is fascinating, particularly in these pandemic times, because you see the actual buildings where people were quarantined. You are looking at living history. Naturally, you can look up those records but to see them there and see what people went through 100 years ago given what has happened this year adds another flavour.

**Mrs TURNBULL:** I definitely agree. It would really bring those places to life. I will be honest with you, a lot of them look pretty dry. When you go to Quarantine Station, there are some pretty basic illustrations et cetera. Everybody does a good job using what they can, but it is not visually arresting.

**The Hon. ROSE JACKSON:** One of the issues that we have identified, regardless of what structure is adopted going forward, is how to avoid Sydney-centricity in this. It is not just the kind of nomenclature currently employed at Sydney Living Museums. Perhaps that would change. Most of the physical assets that we have discussed as exhibition spaces are located in Sydney. The archives are currently located in Sydney. In terms of our vision going forward, ensuring that we include regional New South Wales in this storytelling or bringing assets to life, whatever you might call it, is important. You have a very strong Sydney background, both with the Lord Mayoralty and the Greater Sydney Commission, but I just wanted your reflections. In those roles, I am sure that you were also thoughtful about the balance between Sydney and the regions, so I wanted your thoughts on that balance in this context.

**Mrs TURNBULL:** That is really important. I have to confess my ignorance—I am not sure what the SLM assets or properties are and in whose hands they are held across New South Wales. That is a question that you do not have to answer here. All I am saying is that I cannot talk about that. But what I can talk about is that through greater digital access to the historical records—and this might have been when the Chamber was cut off from the Hon. Natalie Ward and the Hon. Taylor Martin—you can digitally match the records through having an online computer in any of the assets.

If you are standing in the Mint, Hyde Park Barracks, Quarantine Station or Vaucluse House, wherever you are—and that could be regionally too—you could do a search of where you are and you can have a scan of all the important records going back to the early nineteenth century about that place. That would be great for older people, retirees and young kids. It is that digital access matched with the place that is such a valuable proposition. Of course, regional access to that information is also fundamental and critical. I know that there are a lot of really important regional historic assets, but I confess that I am not sure who their custodians are.

**The Hon. ROSE JACKSON:** The answer, in some ways, is that they are not currently in the purview of Sydney Living Museums, by and large. One option could be the additional resourcing of Sydney Living Museums, or whatever the entity is called going forward, to acquire or take ownership of some of those assets. Assuming that there are relatively limited physical assets in regional New South Wales at present, do you think that a bit of an effort to have resourcing to increase their number might be of benefit to give a bit of substance and place to that work?

**Mrs TURNBULL:** In principle, yes. I have not given a lot of thought to it because I could not see it in the scope of the terms of reference, but it could be something very much worth doing. I would encourage it to happen in the context of—all of the assets in the SLM are national treasures. There is no doubt about that. They



are all national treasures in their own way. I am sure that there are similar assets in the regions, but you would need somebody who knows much more about them than I to actually evaluate and assess that.

**The CHAIR:** Thank you for your evidence today. I do not think that you took anything on notice. If you have done, the secretariat will let you know. There is a 21-day window to get that back to us.

**Mrs TURNBULL:** I am happy with that. If you have any more follow-up questions, add them to the rest.

**The CHAIR:** Members may have follow-up questions, which they may send to you.

**(The witness withdrew.)**

**The Hon. DON HARWIN**, Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, before the Committee

**ADAM LINDSAY**, Executive Director, State Archives and Records Authority of NSW and Sydney Living Museums, on former affirmation

**The CHAIR:** I welcome our witnesses to this inquiry. I invite Minister Harwin to make an opening statement.

**The Hon. DON HARWIN:** Thank you, Chair. History matters and that is why you have this reference. I am glad, finally, to have this opportunity to address some of the key questions that have no doubt been puzzling Committee members for the period that you have had this reference. Thank you for your forbearance. As Minister, I wanted to give you a better brief, but then events intervened and I left the Ministry at Easter. I thank the chairs of SLM and SARA, along with their chief executive, Adam Lindsay. But first up, some background on how my perspective and how it has developed. I have had a lifelong love of history. I studied it at school and university, and, like anyone involved in politics, you quickly realise that what is taking place around you really cannot be understood without taking history into account. As a parliamentarian, I have never been in any doubt that our parliamentary democracy would benefit if citizens had more opportunities to engage with information about where we have come from as a society.

Along the way, I have done a number of things that have shaped my view. Committee members may be aware I have researched and written history, writing on New South Wales elections for *The People's Choice* books; on Coalition women in the New South Wales Parliament for Deborah Brennan and Louise Chappell's *No Fit Place for Women?* book; and on Premier Carruthers in *The Premiers of NSW*. I was a member of the Sesquicentenary of Responsible Government History Project Committee at the invitation of the Carr Government. I have had experience in the museum sector. In 1994, I was the project manager for the museum of immigration feasibility study with Peter Root and Kylie Winkworth. That work directly led to the establishment of the Migration Heritage Centre at the Powerhouse Museum. I was proud of its work and horrified when the director decided to scrap it along with the rest of the museum's social history brief and staff in 2012.

More relevantly, I spent six years as the Parliament's representative on the board of the State Archives and Records Authority in 2006—reappointed in 2009. I served—I think it was a direct overlap—under the chairmanship of Professor Lucy Taksa and I am certainly well placed to comment on the work of a number of the directors of the organisation, including Alan Ventress and Jenni Stapleton. Also of relevance, I worked for former Arts Minister Peter Collins. During that period, I saw Peter's close work with the Historic Houses Trust—although I was not directly involved as the arts policy adviser—and, of course, with Peter Watts, and was privy to his decision to widen the Trust's brief beyond house museums to include Hyde Park Barracks, the Justice and Police Museum and the Museum of Sydney on the site of the first Government House. He saw the potential for SLM to play a wider role than the conservation and curation of a few heritage-listed houses. But it would be fair to say that Peter Watts, as his evidence alluded to, was less convinced and would have preferred to maintain a very small scope for the trust.

This is really the key point: New South Wales is the only State or Territory without a museum that has a legislative mandate to be responsible for the history of the State. It has been a long term goal of many in the history community to address this. That is just a matter of fact. SARA's sojourn in the finance cluster was not a positive experience. There was a number of quite serious threats during that period. There was always the spectre of budget cuts, but far worse there were three attempts at privatising the Government Records Repository, which was a direct consequence of being part of the finance cluster. Public engagement was not seen as important and public exhibitions stopped. I want to make it very clear that in my view that increased its vulnerability. Former SARA Chair, Anne Henderson has given evidence about that and she advocated strongly for the transfer of SARA to the DPC cluster, where it is now.

With SARA back in the Arts portfolio from 1 July 2018, I encouraged three organisations with the clearest history briefs within the portfolio to collaborate better. They were, of course, the State Library, Sydney Living Museums and SARA. In fact, I convened a history roundtable held on 9 October 2018 at the State Library. Apart from staff from Create NSW and those three organisations, the Museum of Applied Arts and Sciences had staff there, as did the Australian Museum, and the following organisations were represented: the Professional Historians Association; the Society of Australian Genealogists; the Royal Australian Historical Society; Museums and Galleries NSW; the History Council of NSW; and the City of Sydney's historian, Dr Lisa Murray was also present.

The objective of that roundtable was to come up with collaborations focussing on the story of Sydney and New South Wales, their origins, Aboriginal connections, convict history, migration heritage and, of course, all in the context of the internationally significant collections that we have here in New South Wales. Three relatively modest initiatives were agreed upon that required about six months work, 12 months at the outside, by the State Library, SARA and SLM. It was a start and I made it very clear that I would be watching with interest and, if still the Minister in 12 months' time, would want to see this collaboration bearing fruit. I was disappointed.

What is the policy objective that the New South Wales Government is trying to achieve? I think that is the theme of a number of the statements that have been made in testimony or submission to this Committee. It is very simple. New South Wales needs a State cultural institution with a history focus embedded in its legislated mission and that is focussed on its collection—an evidence base that will allow everyone who engages with them to make up their own minds about our history. I hope that will lead to a better informed society, better equipped to make decisions about its future. Another equally important objective is to make that evidence base more comprehensive by strengthening the record-keeping requirements currently in the State Records Act.

Why a merger of SLM and SARA? This is an idea whose time has come. The evidence is in the submissions and the testimony you have heard. We need to grasp this opportunity. I have seen SARA up close for six years and I saw how the narrow approach, which was storage focussed, ignoring public engagement, left the organisation dangerously vulnerable and underfunded. And I saw up close how the Historic Houses Trust [HHT], as it then was, rose magnificently to the challenge of taking on the Museum of Sydney and Hyde Park Barracks and I am confident that they can do it again. I have set them a goal of being an organisation that is greater than the sum of its parts and I will back them in to make sure it happens.

Can we be sure the current important functions will be maintained within the new merged organisation? That I think is a theme of a lot of the people who work in either archives or specialise in conserving the heritage of place-based museums. I was heartened to see the head of the National Archives, Mr Fricker, in his evidence describe the committees that are part of the proposal as one of its strengths. I have noticed some commentary about how the committees will interact with the board, and I think there might have even been some evidence about that this morning as well.

I should start by correcting a few misconceptions about the SARA board. It is not actually a governance board at all in its current form. It has no operational jurisdiction over how SARA is run or how it handles its finances. For example, the decision to move SARA from the Arts portfolio to what subsequently became the Finance cluster by the former government was only mentioned to the board by Alan Ventress after the event. Board opposition was immaterial. The SARA board is really a committee whose principal role is to advise SARA on document retention and determine the period they are retained and whether they are to be part of the permanent State Archives collection. Hence its composition. It is kept informed of statutory compliance by government agencies and whatever else directors choose to tell them. Under good directors they are also asked to contribute in terms of advising on the strategic direction that SARA should take as well.

In short, the new committee envisaged in the policy paper will play much the same role as the current board. There is no reason why any of those document retention decisions have to be referred to the governance board of the new organisation other than for information, although clearly the board will need to be represented on the committee. Similarly, SLM has a committee that focusses on the heritage of its houses and places already. It should be enshrined in the legislation for a merged entity to provide a level of comfort to those who have concerns about the historic houses legacy. With these two committees having a statutory basis the board of the merged entity could resemble the more governance and philanthropy-focussed boards that the other State cultural institutions have.

Another important issue for the merged entity would be engaging with similar collections at a local level, including some of our great museums at a regional level, such as those at Murwillumbah, Newcastle, Orange, Wagga Wagga and Bathurst, a number of which are undergoing significant expansion or upgrades with Regional Cultural Fund funding. The new merged entity should also find a way of interacting with the 300 volunteer-led smaller museums around the State. But the most important thing will be to get the legislation right. The staff of the Powerhouse Museum—or should I say the director of the Powerhouse Museum, was allowed to vacate the social history field. The defence that was given was based on legislation—no legislated mandate. History as a discipline was not embedded sufficiently in the Museum of Applied Arts and Sciences [MAAS] Act. I am not going to make that mistake on this occasion.

Where to from here? Finally, I just want to make it very clear on the public record the process that I am following. This is a significant policy proposal and there are many important stakeholders. As an upper House Minister I am very aware of the emerging view in the House about how we should approach policy and legislative change. The Procedure Committee is considering this now, as members would be aware, at the instigation of the

Hon. Mark Latham, drawing upon the substantial work done by Professor Percy Allan, AM, the Steering Committee Chair of the Evidence Based Policy Research Project sponsored by the newDemocracy Foundation. I have had some input into the framework that he is pushing, having met with Professor Allan to discuss with him how it can work in the context of our House. In his joint submission with Mark Latham to the Procedure Committee, he describes it thus:

1. A Green paper process
2. A Parliamentary Committee hearing on public responses to the Green Paper
3. A Government response to the outcome of the Parliamentary hearing in the form of a White Paper Decision and Bill
4. A Selections of Bills Committee decision on whether to refer the Bill to the House or to a Standing Committee for further inquiry

This policy paper I have referred to you—the review of the State Records Act 1998—is the green paper and we are now in the second stage. Your report will inform the white paper and any legislation that goes to Cabinet for consideration. Some will be critical of the fact that a business case was not included in the policy paper. I accept that criticism, but my preference was to see if there was in-principle support from this Committee before proceeding to costings.

I also think there is a strong argument that a Minister should canvass his Cabinet colleagues first on the issue of new expenditure. That time is, of course, when the white paper was produced with the option of another inquiry if felt necessary by the Selection of Bills Committee. It is a different paradigm for our House and I am happy to have this worthwhile initiative also operate as a case study for how our House might work on contentious legislation in the future. In fact, I am happy to share this with members privately—it does not need to be tabled—Professor Allan has done a bit of a review on how we are proceeding on this matter and made some suggestions as to how we can do it better in the future, which I welcome.

**The CHAIR:** On this matter we are dealing with now?

**The Hon. DON HARWIN:** Yes. Because there are strengths in the way we are approaching it and perhaps some ways we could have done it a little bit better—I could do it a little better as well. They are, of course, observations about the process, not the substantive policy matter, which was not what he was looking at. I think he concludes in the paper by saying:

The Minister is to be commended on three counts.

- (e) First, for proposing a constructive way to integrate a Green and White Paper policy development process with the Legislative Council's new use of Select Committees to inquire into Bills,
- (f) Secondly, for putting this idea into practice by commissioning a government Policy Paper on desirable reforms to a particular Act and its administering agencies, and
- (g) Thirdly for requesting a Parliamentary Select Committee Inquiry to inquire into and report on the Act and the Policy Paper before the Government finalises its policy position and drafts a Bill.

I apologise for taking the time but I thought all of that would probably be directly relevant to some of the questions you have, so I wanted to get that on record first.

**The CHAIR:** Thank you, Minister. Mr Lindsay, would you like to make an opening statement?

**Mr LINDSAY:** Yes, I do. Good afternoon and thank you, Committee members, for affording me the opportunity to address you again in respect of this inquiry. I start by acknowledging the traditional owners of the land on which we gather, the Gadigal people of the Eora nation, and pay my respects to the social, cultural, economic, artistic and spiritual contributions of Gadigal Elders past, present and future. I feel privileged to be a witness on the final day of the Committee's hearings. The inquiry has elicited a number of public submissions and witness testimonies, through which we have heard the opinions of many stakeholders with diverse interests, backgrounds, expertise and experiences. To me, though, it has been very clear that we all have something in common: We all passionately believe that history matters.

This shared belief remains at the very core of the inquiry and the policy paper, first tabled with the Committee on 8 January this year. Indeed, as many have noted, the policy paper is a brief document. It is neither a definitive commercial strategy, nor is it a bill before Parliament. Rather, it represents an idea, signalling the intention to create something new and to introduce significant improvements to the centralised understanding and control over the record-keeping and archival practices of public offices. It serves to stimulate discussions about what this proposal might look like in practice. A bold idea, regardless of merit and promise, must also be supported by a bold vision. I would therefore like to take this opportunity to present to the Committee our vision for this proposed new cultural institution, noting that many of the following words are taken from a document that I have formally tabled with the Committee.

We are proposing to create a new executive agency that will illuminate the history of New South Wales by protecting the material and sharing the stories of our past, to inform and shape our understanding of the present. A New South Wales strategy for history is something we must create and equitable access is at its core. This new cultural institution will have the responsibility and capacity to improve, increase and diversify the way that people access and engage with the State's history—both colonial and pre-colonial—and will prioritise the inclusion of First Nation voices in the telling of our history. With this as the intent, it follows that the foundation for this new cultural institution is the collections, assets, staff, infrastructure, expertise and capacity of the existing SLM and NSW State Archives and Records Authority. A discussion about a new entity devoted to our history that did not include these two institutions would be unthinkable.

Together, SLM and SARA believe that the places and records of our past can enrich our lives and create a deeper understanding of who we are through preserving and making accessible the memory of the State to everyone. The NSW State Archives collection is among the most culturally significant archival collections in the world and Sydney Living Museums holds a portfolio of some of the country's most significant sites and properties. As one, a solid basis is created for a forward-looking, innovative institution that signals New South Wales' commitment to the cultural assets of the State, while growing the public collection that records our history in line with contemporary technologies, philosophies, accessibility and the public interest.

Where SLM lacks considerable collections and archives, SARA holds an extensive and globally significant collection that documents unique moments and stories from our past. Where SARA lacks space to engage people, SLM holds historically important properties ideal for interpretation, programming and exhibitions. Where SLM has the existing expertise and infrastructure to support education, marketing and digital content production, SARA has the expertise and infrastructure to support collections and archives management, digitisation, research and policy-making. The new cultural institution will embrace storytelling in an inclusive way, acknowledging multiple perspectives and broadening the possibilities for people in New South Wales of diverse ages, backgrounds, interests, education and skill levels to engage with our past.

The institution will have an increased capacity for regional outreach and connection through an expanded touring program and regional partnerships. It will be able to develop education programming and resources to provide more relevant and in-depth access to the State archives collection and its significant properties than ever before. The increased remit and weight of the new cultural institution will enhance the public profile for archiving and history that both SLM and SARA have been unable to garner in the past. This increased cultural cachet will have huge benefits in the space of fundraising, philanthropy, corporate sponsorship and overall competitive strength when appealing to government for funding, all of which comes from being a more substantial organisation. The creation of a new cultural institution will be a prime opportunity to develop a publically recognised Australian history brand that can serve as a contemporary entry point for the public to access collections, ultimately leading to greater audience engagement with the stories of our past.

This is essential for the people of New South Wales to garner value from the collections, assets and expertise of this institution—again, something that SLM and SARA have struggled to achieve independently of one another. As an executive agency, the new institution will have greater flexibility and agility to attract the best talent. The increased capacity and remit will also afford the existing staff of both organisations more expansive development opportunities and career prospects. Underpinning all of this is the level of care for record keeping and conservation for significant places that is undertaken by today's institutions, with enhanced powers to ensure that the Government preserves the records of the State and its important places.

Existing functions and activities will not be jeopardised or lost. Archiving and protecting built heritage will not be jeopardised or lost. Rather, a cultural institution dedicated to history will provide a greater platform to emphasise the important work of archivists, curators, record keepers and historians. These roles are fundamental to a new organisation. They enable the fulfilment of its core mission—a core mission that will be legislatively mandated just as the current institutions are legislatively mandated to achieve these outcomes. Additionally with increased visibility of these roles and functions and a more engaged citizenry, I believe this cultural institution will be held at an even higher level of accountability. As a halo benefit, SLM and SARA have been able to establish a series of administrative and financial efficiencies through their 12 months of partnership.

The creation of this institution will remove legal and administrative fences that exist between SLM and SARA and it will lead to greater efficiencies, allowing more important Government resourcing to be diverted back into activities that really matter. It is the intent to be as efficient and as effective as is possible so that all possible revenue and resources can be devoted to presenting history with contemporary relevance to engage a new and younger audience, because it is from this new up-and-coming audience that our future colleagues—the archivists, curators, historians, logistics professionals as well as future leaders, donors and board members—will come. The consequence of not engaging them and yes, often on their terms, will be devastating; like dying in slow motion.

And so we have a line between generations of leadership, and I refer to the previous generations with the greatest of respect as it is they who created the best practice of their time, just as we are trying to create the best practice of ours. The former board chairs and chief executives of SLM and SARA have developed these foundations for the future. I remain thankful to them not only for their historic endeavours in leadership but also for their continued interest in the future of their legacies. I also acknowledge their contributions to this inquiry, which provide valuable resource for the years ahead.

Throughout these hearings we have talked at length about how we can set ourselves up for the future and better anticipate the requirements of digital record keeping. I would ask the Committee to apply that forward-thinking lens to the entirety of this proposal. If history matters, like I feel we agree it does, then let's create a future for it. Let's be at the forefront a history institution with the capacity to continually innovate, to be nimble and to transform itself to engage audiences of the future. This proposal will create a cultural institution that will craft a more engaging and accessible future for our past. Thank you.

**The CHAIR:** I appreciate those comprehensive opening statements. I ask you to provide that to our Hansard team, who meet our record-keeping requirements. You have entered this in your presentation but I am going to revisit it. The nub of the issue, it appears to me after hearing lots of evidence and reading lots of submissions in this inquiry, is that the principal historical side of the State archives and the Sydney Living Museums is acknowledged: That there is an opportunity there. But it seems to me the issue by and large is around the issue of the contemporary role of the State archives to enforce strong record keeping in Government agencies and collect those and retain those. Later on, those records become historical. The argument is that those two are not compatible and if there ever is a financial crisis in the future archives will be the one that suffers under that situation. I know you both have touched on it in your presentation but how do you address that principal and nub concern that keeps coming through from opponents of this proposal?

**Mr LINDSAY:** Firstly, I would say that I do not believe that they are incompatible. I see the fundamental role of disposal of Government records, ignoring the creation aspect of the continuum for a second, and the determination of what is an enduring record of the past and should therefore become a State archive, I see as exactly the same as the archival version of a collection-building policy and practice. Therefore there is an amount of future thinking that is involved in building that collection for generations of the future so I do not see that there is an incompatibility with Government record keeping and collection management practice that sits in a museum.

The other aspect that you touched on in terms of a financial crisis—and I heard some of the intimating from previous witnesses—does not increase, I think, the risk of that happening. There can be any diversion of funds at any time by Government or by management away from any one particular point of an organisation's remit. There is a legislative mandate to do what SARA does and what SLM does and this policy preserves both of those. I think the risk is certainly not heightened but I do see a stronger agency with better ability to generate revenue from a number of sectors to be better able to weather that storm and the fluctuations of Government funding.

**The CHAIR:** Like an executive agency?

**Mr LINDSAY:** An executive agency. It is quite interesting we have renewed vigour in SLM for philanthropy—an area where archives have lagged behind worldwide, but particularly here in Australia. In fact, our archives is not set up with deductible gift recipient [DGR] status and cannot receive cultural gifts so one of the strong attractions for new donors into SLM is experiencing the archives. We are seeing quite an interesting and fruitful partnership there, particularly donors who are interested in funding digitisation of collections.

**The Hon. DON HARWIN:** I thought Mr Fricker from the National Archives put it very well. The reality is that with the exception of the Sydney Opera House the other six cultural institutions—although perhaps it is a bit premature to call SARA a cultural institution—are all collecting organisations; right? The focus is on the collection. In a sense there is a synergy with the library because of course they are a deposit library but the difference between SARA and the three museum organisations is as Mr Fricker says. SARA must have a comprehensive collection: The others have curated collections. But nevertheless the focus is on collection. Actually the two have great synergy. I do not think that there is any conflict at all.

I totally agree with Mr Lindsay about the fact that I think that SARA will be a better organisation for association with a cultural institution. I used to be quite surprised when I was told by SARA staff that there was no potential for philanthropy and when I was told that we did not need to have DGR status, for example. That perplexed me. More recently I have seen the Australian Institute of Aboriginal and Torres Strait Islander Studies in Canberra which itself also is a collecting organisation—a bit like in some ways SARA. Well, quite to the contrary it has DGR. It also has a foundation and it is getting a lot of support. Frankly, its collections are not dissimilar to the collections that SARA has on the Aboriginal protection and Aboriginal welfare boards, which were of course the organisations that oversaw the taking of children that we now refer to as the stolen generations.

I believe that many of you have now seen the collection out at SARA. I am sure you would agree that there will be lots of people who want to support the preservation of and, more to the point, the engagement with the collection. In my evidence, as you said, I strongly believe that a greater emphasis on engagement is actually a form of insurance to make sure that the State archive collection remains valued and put into an independent entity, such as an executive agency, with the sort of high profile boards that our cultural institutions have. I believe actually it is better protected than any of the iterations it has had up to this time.

**The Hon. ROSE JACKSON:** I thank both Minister Harwin for coming along and Mr Lindsay for coming along again. I will continue on from the questions asked by the Chair because he is right: In terms of the evidence we have heard there has been a lot of agreement about some elements of the legislative review and policy paper that you put forward so I do not really feel the need to go over all the things that everyone agrees on and the excellent proposals that you have put forward, Minister, in a range of those areas.

But of course there is an area of disagreement in relation to the proposal to create the single agency. I think it is not as though people believe that there is any active intention to de-prioritise archival work but that the interest from Government seems to be more so on the arts and cultural side—the exhibition side, the public display side—and that, while there is no active intention to remove or diminish the archival side, it is just less interesting. It is less interesting to Government and it is less interesting to the public.

I want to push a little bit on this idea of assurances that the less interesting, the less publicly well known but incredibly important government record-keeping work will be protected in the way that we need it to be protected. I have had a couple of archivists say—I think it was in evidence—that in some ways, the more important job of archivists and archives is not what to keep but what to destroy. Once something is destroyed, it is lost to future generations as an archive and as an historical record. If those decisions are being influenced by, "Is this something sexy that we can put on display?", that is the wrong way to make decisions about our archives. So I want to press on the assurances that over time that will not be the way the decisions will be made about our government records.

**The Hon. DON HARWIN:** No, Rose, it will not be the way they are made and I can give you that absolute assurance. As I said in my opening statement, the main role of the existing board is to make those decisions on retention and disposal upon the recommendation of staff. In legislation we take that decision so seriously that we do not even let the staff make that decision themselves; we mandated a legislative process. So important that we consider that the board needs a representative of the Parliament, a representative of the judiciary, a representative of State-owned corporations and a representative of the police and other justice agencies. We take it extremely seriously and, having sat there, it is not, as you describe it, "sexy work"—

**The Hon. ROSE JACKSON:** There has been so much reference to sexy in this Committee. I think it is weird.

**The Hon. DON HARWIN:** —going through the disposal authorities. I think you heard from Lucy Taksa this morning, who was always clinical going through every disposal authority. It used to drive some of the public sector agency representatives up the wall. She would go through in clinical detail and her job was—and I backed her every time people lost their temper with her and said, "No, this is exactly what we as a board should be doing." It would be my expectation and that is why I thought it was essential that we had a committee that did the same thing as the current board in the structure—that would make those decisions and will continue to protect the public interest.

**The Hon. ROSE JACKSON:** I am a bit worried about the structure in terms of having concerns. I think that the structure—if we were to go down that path—is relatively robust. It really is, firstly, the priorities of leadership, which was the first question that I asked—and I hear your assurance; and secondly, the resourcing. In their submissions to this inquiry, both the chairs of SLM and SARA said really clearly that this will only work if the resourcing is there. That is almost a direct quote from the organisations themselves right now. That resourcing question—to achieve the fantastic goals about preserving history or preserving archives that we all agree on—Minister, I will ask you about resourcing. I genuinely believe that you are committed to this, so what I am more interested in is: What assurances do we have about your successes? Because, as I said, I am prepared to accept your answer, which will be, "I will ensure that they are adequately resourced." But that is not necessarily an assurance that we can all rely on going forward when priorities change, when Ministers change and when interest levels change.

**The Hon. DON HARWIN:** Rose, you raise a very good point. I am glad you feel that the structure is robust. I think the structure is robust and that is important. I would say this: During my opening statement, one of the things I made very clear was that I thought it was essential to get the legislation right because I do not believe you build an organisation around people; you build them around a legislated mandate. That is why I want a history-focused organisation with a clear, legislative mandate. I will take as a compliment the nice things you said

about me; equally, I will give a bouquet to the executive director. He is very good, too, but his successor may not be, so we must set up in the legislation a robust structure to ensure that it is bigger than one person. I totally agree with you on that and that is what I believe we are doing.

The objectives of the organisation will be clear and we are maintaining the existing legislative structure of the archives. Frankly, I would expect them to scream in the future if they are not getting the support they need from the organisation—and the same from the other committee that is being proposed. I will just make one last point, then I will stop: The answer you have about, "Will they get the funds?", could in fact be raised about virtually any public policy initiative that any government in any portfolio, ever, raises. Can I give you an ironclad guarantee? I cannot. I believe the best guarantee I can give is to have the organisations together under one Act with a clearly outlined mandate and a robust approach to how they do their job.

**The Hon. ROSE JACKSON:** I will just ask one more question. Apologies for my ignorance, but does the change to executive agency status require Cabinet approval or is that something that you, as Minister, can just do?

**The Hon. DON HARWIN:** It can be either put in the legislation or agreed to by the Premier.

**The Hon. ROSE JACKSON:** I suppose the follow-up would be: As it has not been to Cabinet yet, as you have described, the Premier—

**The Hon. DON HARWIN:** No, I have not taken any aspect of this to Cabinet yet, because it is in a green paper, as I said in my opening statement, so I could see what the reaction is.

**The Hon. ROSE JACKSON:** No, I appreciated that.

**The Hon. DON HARWIN:** So we are proposing to put executive agency status in the legislation so that it is clear.

**The Hon. ROSE JACKSON:** Okay.

**The CHAIR:** And cannot be reversed. Of course, Cabinet is watching our inquiry regularly.

**Ms CATE FAEHRMANN:** I want to go back to the resourcing issue that the Hon. Rose Jackson raised. Firstly, you said you have done the green paper status and you mentioned that this inquiry process is potentially similar to a white paper process based on that procedures committee. So a business case is not in development at all?

**The Hon. DON HARWIN:** No, I will wait for your report. Seriously, I am waiting for your report to see what you think of this proposal in principle, based on everything—the evidence that has been brought to you, both the pros and the antis—to see what you have to say. Then I will amend the proposal accordingly.

**The Hon. ROSE JACKSON:** One of the challenges with that, Minister, is that one of the justifications that has been used repeatedly is financial, that there will be efficiencies, savings, we will raise more money. So it is quite hard for us to make a decision about whether that is valid or not, whether that is good evidence or not, without a business case to test those propositions. It sounds good.

**The Hon. DON HARWIN:** Yes, I do see that but, as Minister, and in terms of the way Cabinet Government works, when I am proposing the expenditure of money or even reallocation of the same amount of money, it is more appropriate for me to talk to my ministerial colleagues through the Cabinet committee system first. Now, I know you have had that evidence and I am not going to comment on that evidence. All I have said today though is largely in terms of why I think it is the right thing to do so therefore I propose to make the case to my Cabinet colleagues in terms of whether it is more money or the same amount of money. I think the right time to do that is having heard what the view is in principle about the proposal and then I will refine it down to a white paper and I will prepare a bill. As I have made clear there would be the option of the Selection of Bills Committee, as there is with any bill, to refer it to a standing committee for another look.

**Ms CATE FAEHRMANN:** Of course, if you are talking, Minister, about going to Cabinet asking for the same amount or potentially more and if you are spruiking philanthropic donations for this new entity, which has been a big feature of Mr Lindsay's presentation or evidence to us, there is the potential that the Government funding portion will decrease over time.

**The Hon. DON HARWIN:** Yes. See, I do not really buy that. At the moment we have an unprecedented \$2 billion cultural infrastructure spend right now.

**The CHAIR:** That is right.



**The Hon. DON HARWIN:** We are doing an extraordinary range of things. There is incredible support for what we are doing, which is allowing us to spread it a little further. But in terms of the foundations that each of the cultural institutions currently have, that is for top-up, really. That is the way it operates. Those foundations are by and large independent. Some are completely independent and they do not work like that. Their funds cannot be raided. They are there to do additional things to add lustre to the work of the cultural institutions, not to supplant what needs to be funded through recurrent spending.

**Ms CATE FAEHRMANN:** We heard as well from some witnesses about the backlog that SARA is experiencing in terms of digitising historical records. Will you try to ensure that there are more resources to speed up that process to ensure it gets done? Is that part of your objective as well? I ask because they are some of the concerns that we have heard—that that work will be potentially—

**The Hon. DON HARWIN:** Absolutely. Let me just give you an insight into how much of a priority this is. As part of the Powerhouse Parramatta project we are actually digitising 300,000 of the 500,000 items in the collection. As part of the Regional Cultural Fund expenditure of \$100 million, from memory I think it is either \$20 million or just a little bit below the \$20 million—oh, no; I am sorry it is \$5 million of that \$100 million that is going into digitising regional collections, not even for museums in the State family. So there is a huge emphasis on digitisation already. Yes, sure: We would like to have everything digitised as quickly as possible but that cannot be done. We would need to get significant supplementation to digitise the entire collection of all of the cultural institutions straightaway.

But, look, my expectation is that this will increasingly be seen as a priority by Government because we have just been through COVID-19 and there is an increased focus by all of the cultural institutions on digitisation as a result. Inevitably I think in coming budget processes there will be more attention paid to the digital presence of cultural institutions.

**Ms CATE FAEHRMANN:** To be honest, not to mention the number of jobs that have been lost within the creative industries. If there is potential to employ some people assisting with that, then surely that is something that, you know, has a lot of potential as well.

**The Hon. DON HARWIN:** Sure. Absolutely.

**Ms CATE FAEHRMANN:** If the workers there and it is a huge benefit to the State.

**Reverend the Hon. FRED NILE:** I think the plan you have outlined with the new agency, the various stages and the white paper and green paper and so on is very good. I even think it is a good political decision to involve Mark Latham, which will probably engender further support from the upper House. But I am just curious as to how you influence this structure you are setting up from the Government's point of view of Government policy. How do you see that happening, or are you not really worried about that?

**The Hon. DON HARWIN:** Well, Reverend Nile, I think the interaction between the Government and the new entity will be very similar to the interaction that exists at the moment with the State Library, the Art Gallery, the Opera House and the other museum trusts. I have a very good relationship. There is an understood reporting process between the executive teams of the cultural institutions and the Minister and of course the Minister also has the role of appointing all the boards of the cultural institutions. So I find there is really good dialogue but there is also a great deal of respect because the boards of the cultural institutions and all of their very significant supporters make an enormous contribution to the cultural life of our State. I am always very much guided by what they think is important to the cultural institutions as well.

**Reverend the Hon. FRED NILE:** The other question relates to your own future.

**The Hon. DON HARWIN:** Oh yes?

**Reverend the Hon. FRED NILE:** You are a key person in this. You live and breathe arts; you always have. If for some reason you resign or were forced to resign—

**The CHAIR:** He is a survivor.

**Reverend the Hon. FRED NILE:** —have you a number two within the Ministry who would have the same vision as you to carry this through?

**The Hon. DON HARWIN:** I really do not know how to answer that, Reverend.

**The CHAIR:** Minister, you can take it on notice.

**The Hon. DON HARWIN:** I am not planning to go anywhere though.

**Reverend the Hon. FRED NILE:** Good.

**The CHAIR:** We saw that.

**The Hon. ROSE JACKSON:** Yes, that is right.

**The Hon. DON HARWIN:** If I can help it. Thank you, Reverend. That is very nice of you to say that.

**The CHAIR:** Today's inquiry is the first hybrid inquiry, just so you know. We are used to being guinea pigs in the Standing Committee on Social Issues, it appears. I now invite our colleagues on Webex to ask questions.

**The Hon. NATALIE WARD:** Thank you very much. Thank you both for coming and assisting the Committee and for your vision and leadership in this area. If I could just turn to some tricky issues, I think some issues have been raised but I would like to ask about the Government Records Repository. There is a suggestion that the Government might be considering perhaps privatising or somehow moving that aspect through this process. What is your response to that? What would you say to that proposition in the course of this inquiry?

**The Hon. DON HARWIN:** Well, I just want to make it very clear that that is not on the agenda and that proceeding in this direction in my view ensures that the intrinsic link between SARA and the Government Records Repository will never be broken. As I alluded to in my earlier evidence, there are at least three instances in the past of privatisation being looked at by the Government Records Repository and the idea of breaking that link. While I was a board member both in 2006 and 2008 while that was raised under the previous Government, I opposed at that on behalf of members of the House. Fortunately we stopped that. I think that came up again early in the term of our Government. I helped to stop that and I know the Hon. Shayne Mallard opposed that as well as did the Hon. Peter Phelps who succeeded me on the trust. I am not having a bar of that. I firmly believe that by putting GRR into an executive agency with a high profile board, the threat of that happening in the future will go away.

**The Hon. NATALIE WARD:** Your proposal is that that structure will ensure that is not a possibility.

**The Hon. DON HARWIN:** Look, I do not think you can never say never, but honestly I think that the commercial operations of the Government Records Repository are an essential addendum to the archival work of SARA in its current form and the merged entity in a possible future form. It is essential that they stay together. I believe they will in this new history-focused body and that might possibly even be able to be addressed in the legislation, but I probably should not have said that.

**The Hon. NATALIE WARD:** I did not hear that. It cut out. I did not hear anything.

**The Hon. DON HARWIN:** I am sure Hansard did not see it or hear it either.

**The Hon. BEN FRANKLIN:** I would just like to talk about a few things specifically. Firstly, can we just go back to the backlog of digitisation issue—

**The Hon. DON HARWIN:** We will have to probably let Adam—

**The Hon. BEN FRANKLIN:** Yes, that is where I was heading. Mr Lindsay, can I thank you for your very comprehensive set of answers on notice? I thought they were excellent and provided a whole lot of factual material for us that go to the nub of some of the real issues. I just want to say it is one of the best responses to questions on notice that I have seen, so thank you for that. I want to highlight this because Ms Faehrmann did speak about this. There has been some suggestion in them that there is this enormous backlog of digitisation and it is increasing and becoming overwhelming. It is not being done. Could you just speak to that?

**Mr LINDSAY:** Certainly. Firstly, I will mention the incoming material into the State Archives collection. The collection grows by up to three kilometres every single year. Within three months of receipt of any new material, we get complete physical control over that material. There are two, if you like, broad aspects to digitising material. First, it is the physical control to allow you to understand what physically is in that collection. Then there is the intellectual control to understand what is intellectually in that collection. That then leads to a full catalogue record. The digitisation is then the second step where you capture the digital asset and then those two things get published online. Just digitising without the cataloguing does not allow discoverability, but ironically and conversely cataloguing without digitising can result in discoverability, because the catalogue can be uploaded to the website and people can understand what is in there and then request a digital copy.

So there are two aspects to the backlog: One is a cataloguing backlog and one is the creation of digital-image-capture backlog. The first aspect is the incoming material into the collection. We document that to full physical control within three months of receipt. In terms of resourcing, we devote an enormous amount of resource to making sure that incoming new material is fully controlled.

**The Hon. BEN FRANKLIN:** So the backlog is not increasing.

**Mr LINDSAY:** Exactly. I explained that to then make the point that the backlog is not increasing. In terms of the existing backlog—the backlog has been there for a number of years—the biggest portion of the backlog actually happened when the State Records Act 1998 was passed, because a number of agencies seeing more stringent requirements coming into play dumped an enormous amount of material on the archives that they did not have the resource to actually go through and catalogue. That has both a cataloguing backlog and digitisation backlog. I will not reiterate the answers in my supplementary questions because they give some figures to this, but we are devoting an enormous amount of resource within business as usual resourcing to reducing that backlog. That has resulted in over 900,000 new items becoming discoverable online this year. Some 200,000 of those are digital images and the remainder are catalogue and index entries that allow researchers and historians and anyone who is interested to discover those items in the collection. Before that, the public simply would not know they are there.

If I may just draw a link to one of Ms Jackson's earlier points around just collecting and displaying the sexy stuff—I have added to the "sexy" count, sorry—200,000 out of those 900,000 are digital images, are photographs, the more sexy stuff in the collection. The overwhelming focus, even with an internal drive towards new audiences through engagement and exhibitions—there is no focus lost. This is the largest number of entries in the collection ever being made discoverable online in a single year. It does not decrease that. There is also a natural defence against what you are talking about. In an art gallery or in a museum, people are going and collecting things to display tomorrow. The board is deciding on significant records that the public office network are creating. They will never become open to public access for a minimum of at this stage 30—but in future 20—years, so it would have to be a very long-range and strategic person to even be thinking about display. It is then the historians' and the curators' job to go back and see what stories they are telling us. There are two really important defences naturally against what some of the witnesses have kind of been put forward as a threat.

**The Hon. BEN FRANKLIN:** One thing that has come through this inquiry from a range of submissions and people who have given evidence is Indigenous issues, and how and if this new entity could actually or would actually elevate Aboriginal storytelling and history, if you would care to comment on that.

**The Hon. DON HARWIN:** Yes, I certainly would. I also came in on the tail end of Lucy Turnbull's evidence and I think there was a question about Sydney centrality.

**The Hon. BEN FRANKLIN:** That was actually my next question, Minister.

**The Hon. DON HARWIN:** Well then I'll leave it for you.

**The Hon. BEN FRANKLIN:** Yes.

**The Hon. DON HARWIN:** Look, I did actually earlier refer to the Aboriginal Protection Board [APB], Aborigines Welfare Board [AWB] material that is in the archives. One of the things that in fact is happening at the moment as a result of the Unfinished Business Report on the Stolen Generations is a renewed focus on the places where the Stolen Generation were taken. They are four: one at Bomaderry, one at Cootamundra, one at Kempsey and one at North Parramatta. I think one of the recommendations was that there be commemoration, and places of truth-telling and healing at each of the sites. One possible suggestion that has been put forward was that in fact that is exactly the sort of thing that Sydney Living Museums should be in some way supporting, whether or not—they should be in the custody, I think, of Aboriginal people, but there probably needs to be a role for Sydney Living Museums in supporting those efforts, given their curating and conservation capabilities and experience. I think that is important.

Secondly, let me put it this way. If you look at Infrastructure NSW's Cultural Infrastructure Strategy, which came out, I think, in 2016 just before I became the Minister, and the Cultural Infrastructure Plan, which was prepared by my Create NSW staff to help guide the Government's investment in future cultural infrastructure, both of them put a premium on the importance of telling Aboriginal stories. For example, the Infrastructure NSW strategy cites visitor economy survey work that was done for, I think, Destination NSW, saying that one of the biggest disappointments of visitors to Sydney, whether they are interstate or international, is they do not feel they get enough of a sense—despite the fact that we were the place of first contact between Aboriginal people and Europeans—about what happened before 1788.

Now if you look at our existing cultural institutions and their capacity to tell those stories—obviously through performing arts, the Opera House can do that. The art gallery does that and will be able to do that even more in terms of Aboriginal visual art. The library has material but principally the library is a library. Of the three museum trusts, I believe this merged entity can start to address that problem, that failure to do this. I believe that one of the most essential roles that this merged entity can do—MAAS does not have that brief. It is applied arts and sciences. The Australian Museum, well, really is a natural history museum as opposed to a social history

museum. I think the capacity for a merged identity with a legislated history mission takes us somewhere where we are not going at the moment. I think this is the opportunity to redress that.

**The Hon. BEN FRANKLIN:** I have said this before, but the beautiful balance that I think has been achieved at the Hyde Park Barracks in terms of telling stories of Indigenous Australians and those who arrived—I think that has been done beautifully.

**The Hon. DON HARWIN:** I am glad it has impressed you because I think the SLM staff have done an amazing job of it. It is immensely to their credit. I just want to say that shows what this organisation is capable of.

**The Hon. BEN FRANKLIN:** To follow up on the Sydney centricity which of course you—it will not come as a galloping shock to know this is an area of particular focus for me. I thought Ms Faehrmann actually asked a very sensible and intelligent question on this matter which I would like to shine a spotlight on and ask what is the plan here.

**The Hon. DON HARWIN:** Firstly, it is true. Until Jack Ferguson brought in Susannah Place, it was just pretty much the homes of wealthy white colonialists that HHT looked after, as it then was. Important though preservation of those houses is—and I do not for a minute want to diminish their heritage significance—obviously there needs to be a wider brief. At some point Meroogal at Nowra got added to the portfolio and that was a good thing. I am not exactly sure how that happened, but it happened, and as a former Shoalhaven resident how proud we all were of it. Beyond that, there is Elizabeth Farm, there is Rouse Hill in western Sydney, which is good, but clearly there needs to be a greater focus outside.

That is why I said in my evidence—and I meant this very seriously—there is a need for this sort of organisation to start to rebuild the network of museums across the State, because really if you look at the 300 or so volunteer-led museums plus the regional museums, a number of which I mentioned, their collections are generally very history-focused. Yes, they also have some applied science, particularly equipment. The Greens Gunyah Museum at Lockhart is the classic with its magnificent collection of agricultural equipment, but again it is very much a history focus. This museum should lead efforts to rebuild that network of museums because it is not necessarily about adding things to the asset base of this merged entity. It is about supporting very similar collections, both documents and places, houses, movable cultural heritage, other objects. I can envisage the capacity for a merged entity like this to work on that network and make suggestions about ways that the State can help those regionally based museums more. That is certainly not just my view. Have a look at you, as a member of the museums and galleries inquiry in the last Parliament. I cannot remember if you are on this term.

**The Hon. BEN FRANKLIN:** Yes.

**The Hon. DON HARWIN:** Lucky you. You will have noticed the need for this sort of an approach being raised in any number of submissions to that inquiry and I honestly believe that what can be done through this merged entity is actually address some of those concerns.

**The Hon. ROSE JACKSON:** I did just want to follow up from that comment and say it is really good to hear that there is the potential for regional networks as a built-in, core part of the proposal going forward. I think that the gem and fossil museum in Bathurst is another fantastic collaboration potential in that it is in a very historic building and the collection there is a fantastic historic bequest

**The Hon. DON HARWIN:** Absolutely.

**The Hon. ROSE JACKSON:** It just seems to me that at present those synergies—another word that would come up a lot if we conducted a word search in this Committee *Hansard*—are not being used to the best advantage in our regional collections.

**The Hon. DON HARWIN:** Yes and no. The Australian Museum inherited the collection of the old Geological and Mining Museum. In fact during this period when Australian Museum is under major renovations, all of that collection has been given to the museum at Bathurst to be put on display. But I agree with you on the general proposition, which is that—and it used to happen much more. Again if you look at the evidence to the museums and galleries inquiry about how the Powerhouse Museum used to work, they had a much stronger focus in the past on working with local museums. I think we do need to, as a State, look at that again and see how we can work towards those linkages.

I would note in passing that the art gallery is quite good at that in terms of packaging up exhibitions. The Australian Museum is packaging up good exhibitions as well and putting them on tour and some of them go to the regions, but mostly they are of such high quality they are in demand in other capital cities and indeed they are sold overseas. They actually earn income for the Australian Museum and help fund the Australian Museum Research Institute, which does some amazing work.

**The Hon. ROSE JACKSON:** You mentioned in your opening statement one of the things that has been a factor in motivating this policy proposal is the fact that New South Wales, I think you said, was the only jurisdiction in Australia that does not have its own standalone museum of New South Wales history.

**The Hon. DON HARWIN:** I would not say that. I would say none of its existing museums have a mandated responsibility for the history of the State, whereas all of the other States have a museum that has that as part of their mandated mission.

**The Hon. ROSE JACKSON:** Whilst the creation of this new cultural institution may provide some opportunities for that through, say, the Museum of Sydney or the Hyde Park Barracks, if that is your intention to create a mandated place for the history of New South Wales, why are not you proposing that we create a museum of the history of New South Wales? If that is a motivating factor, that could be relatively easily addressed with the creation of that museum, that body. I think I can see from your opening statement this goes some way to addressing some of that but it is not that. It is not the creation of that body, that entity.

**The Hon. DON HARWIN:** It is the creation of the entity, in fact, which will support that, which is something that a government in the future might be able to do. I do not rely on the fact that maybe this Government might be able to do it, particularly if it gets another term. But, Rose, I am being quite—I would put it this way. I mean we are literally spending right now well over \$2 billion on cultural infrastructure, right. It is a quarter of a billion at the Opera House, another quarter of a billion at the art gallery, \$845 million I think on the Powerhouse, almost \$60 million on the Australian Museum. With the library the amounts are smaller, but amazing things are being done because there is so much support for the library in the community. I think if I bowled up at the Expenditure Review Committee and said "Could I have another billion for a Museum of Sydney?" I might be back to Pearl Beach permanently.

**The Hon. ROSE JACKSON:** Sure. Yes, I understand.

**The Hon. DON HARWIN:** So that is one way of answering the question, but the other way of answering the question is this: you do not necessarily need a big edifice to be able to do the job. What, if anything, COVID has taught us is there is in fact an incredible appetite for this sort of content online. Digital museums are very much going to be the way of the future. You would have, I am sure, if Mr Lindsay was doing his job, been briefed on the phenomenal success of the *A Thousand Words* exhibition and have seen the way that the public is interacting with the collection and you know that is a valuable thing. That is increasing engagement. It is causing people to think about our history, to think about our issues. Really, that is a marker of the way forward. I think the Museum of Sydney is a small space, but it is nevertheless a good space, which will enable it to tell stories.

Setting up a merged entity will give you the capacity, if you are focusing on exhibitions or if you are just focusing on physical items in the collection, to curate exhibitions. But curated exhibitions can be shown in any number of different places. They can be collaborations with other State cultural institutions, for example, the Powerhouse or the Australian Museum in their spaces. Or, more to the point, they can be collaborations with regional museums or the smaller museums and once you have got the entity, you kickstart it and hopefully you get the momentum to have a bigger physical footprint maybe in the future.

**Reverend the Hon. FRED NILE:** Minister, in your introductory remarks you mentioned sadly you were aware—I think it was the Powerhouse Museum—a display had been dumped. I am not sure what you are talking about, but how do we prevent that happening?

**The Hon. DON HARWIN:** Yes. What it was was the whole Migration Heritage Centre concept that was set up at the Powerhouse Museum as a result of a feasibility study I worked on back in 1994. That was, I thought, a really good program, but because social history was not one of the legislated briefs of the Museum of Applied Arts and Sciences, when choices had to be made about where to put resources, a director in the past decided that that was not needed, and therefore got rid of the staff and stopped doing programs in that area. I just think that was very sad.

**Reverend the Hon. FRED NILE:** What happened to the material?

**The Hon. DON HARWIN:** I believe it is archived. I believe that MASS passed it on to the State Library. Although I am not absolutely sure, I think that is what I was told.

**Reverend the Hon. FRED NILE:** You can take that on notice.

**The Hon. DON HARWIN:** I will take that on notice. But I would make the point that migration heritage would fall foursquare in the mission of this new organisation and that could be progressed.

**The CHAIR:** That is a glaring gap in our storytelling in our State.

**The Hon. DON HARWIN:** Yes. They did amazing work and I think I have got a file somewhere, Mr Chair, so I am very happy to show you some of its great work that it did in the late nineties and up until the 2012 period.

**The CHAIR:** The population of the migration wall and some of the displays done at the Maritime Museum just demonstrates that there is a demand for it too.

**The Hon. DON HARWIN:** Yes. Huge demand.

**Reverend the Hon. FRED NILE:** My mother and father would thank you very much for resurrecting—

**The CHAIR:** Thank you Reverend Nile.

**The Hon. DON HARWIN:** I should have mentioned one other thing when we were talking about Sydney centricity before, in particular it is not just Sydney versus the regions. It is also central Sydney versus the west. I actually think that SLM's Elizabeth Farm property at Parramatta and the potential of the Heritage Core Precinct in North Parramatta—in particular the North Parramatta girls home, which was a Stolen Generation place but not one run by the APB or the AWB, as it became, and the female factory—is something that is ideally suited to SLM's capacities. That is something that should be addressed as well. I am exploring that. It is a complex site but in terms of the various interests of Government departments, particularly Health, and finding a way forward for Cumberland Hospital to go elsewhere—but it is certainly something that is very much at top of mind as well for me because of its role for women's history.

**The Hon. BEN FRANKLIN:** Mr Lindsay, in your answers to supplementary questions I note that you said it is important when we are conceiving of the most contentious part of this, which is obviously the joining of these two organisations, that it is not a takeover, that it is not a merger even, but that it is an entirely new institution. I thought perhaps you might like to tell us what that means as finally wrapping up this inquiry.

**Mr LINDSAY:** Certainly. I think there has been a lot of interchangeability with the word "merger" or "amalgamation" and creation of something new. Certainly the way we look at this is the creation of a body that has our history as its central mandate. I think we have conceived of it that way because it is a gap in what New South Wales offers in terms of its cultural, social, economic history and storytelling. It is also so that staff, stakeholders, people who shaped both SLM, formerly HHT, and SARA into what it is today do not feel like it is a takeover of one of the other, or that it is a merged or hybrid entity, so that when we are looking ahead after this is—if it is—supported, created, we do not have internal factions of SLM and SARA, or the former SLM and the former SARA, that we think of this as an inspiring opportunity that is the creation of something new.

I envisaged that when I had first heard about this as a proposal from the Minister and talked a lot about this at the history roundtable that I was present at: That if we were to create something to address this gap in terms of history, any merger of two cultural institutions or three cultural institutions would be controversial and when you are talking about with the library in the mix—and they were one of the major players at this history roundtable—it could easily have been perceived that one was taking over the other. I think the attraction of this is you have got two entities that are of similar size, that are able to complement one another, and that one's deficiencies is the other's strengths, and together they are able to create, as the Minister said, something more than the sum of its parts. It means that conceptually, creatively and I think from a staff and eventually public engagement point of view, it is really important that we do not think of this as a merger or an amalgamation, that we think of this as a creation of something new with the staff, collections, infrastructure and expertise of the two entities best placed to work together to forefront history.

**The CHAIR:** Thank you both the Minister for coming in and Mr Lindsay for returning. I want to acknowledge I think it is laudable that you have used this Committee process to sort of explore the green paper and notion and not just bring legislation to Parliament, and that we been part of that process knowingly or unknowingly. Thank you for the time today. I think there were one or two questions on notice. The secretariat will let your office know. It is 21 days to reply to that and if there are any others lodged, it is the same period. That concludes our public hearings for this inquiry and you will no doubt be hearing from us very soon. Thank you.

**(The witnesses withdrew.)**

**The Committee adjourned at 15:10.**