

PUBLIC ACCESS TO ACT GOVERNMENT RECORDS

DAVID WARDLE

DIRECTOR OF TERRITORY RECORDS

I would like to welcome you to this Seminar today and thank the ACT Branch of the Australian Society of Archivists for their initiative in organising this gathering as one of the events of Information Awareness Month in the ACT. For myself and my colleagues in the ACT Government's Territory Records Office this Seminar really marks the count down towards the date when we can at last make older ACT Government records available to researchers and members of the community.

Today we are meeting in the lovely Corroboree Park Heritage Precinct which is recorded on the ACT Heritage Register. This precinct is associated with the Aboriginal use of the area prior to European settlement and the park here is thought to be the location of a Corroboree ground from which the name of the both the precinct and the park is taken. The first stage of the precinct was constructed from 1925 to 1927 to meet the need for housing for tradesmen involved in constructing the early commercial and residential areas of the city prior to the opening of the provisional Parliament House in 1927. The building in which we are sitting today - The Ainslie Hall, was erected in 1927 and the adjoining 1920s school building was relocated to its current location from Russell. When choosing the location for today's Seminar it was appropriate that the ASA was able to select a location with both Aboriginal and European significance.

We are approaching the tenth anniversary of the tabling of the Bringing Them Home Report in the Australian Parliament and I know that a number of you will be participating in events over the next few days to recognise this event. Our approach to identifying, managing and preparing records for access was in part a result of the ACT Government response to some of the key recommendations in the Bringing Them Home Report.

As some people here will know, today is also Empire Day – Queen Victoria’s birthday – if you listen carefully I am sure that you will hear the crackers exploding and smell the bonfires of old.

To set the scene for the reason that we are here today as a gathering of people interested, in fact obsessed could be a more appropriate word, in both the recording and interpreting of Canberra’s history I would like to quote from the Chief Minister of the ACT, Mr Jon Stanhope, MLA, when he launched Alan Fosskett’s book *The Molonglo Mystery* a year ago this weekend.

‘How can we know who we are or what manner of society we can strive to be, unless we know who we were, *what* we were, how we behaved, how we responded to history’s challenges? The study of history brings us closer to such an understanding, and the ACT Government is aware of its responsibility, as custodian of this city, to promote and enable the kind of research that records our history, and that makes the results of that research available to all.

This is a young city, by world standards, and one of the advantages of our relative youth is that it is still possible to

capture much of our urban history before its last traces disappear, making way for new malls or new suburbs. Our urban history is also, in a sense, history on a *manageable* scale - this is still a city where connections can be found everywhere'.

Today we will be exploring how to make the best use of those connections, and after all that is the theme for Information Awareness Month - Connecting Information and People.

The ACT Government enacted the Territory Records Act in 2002 with the main purposes of the Act being:

- to encourage open and accountable government by ensuring that Territory records are made, managed and, if appropriate, preserved in accessible form; and
- to preserve Territory records for the benefit of present and future generations; and
- to ensure that public access to records is consistent with the principles of the *Freedom of Information Act 1989*.

The effect of this legislation in relation to providing access to Territory Records has established a regime where records for the first twenty years of their life are available through the *Freedom of Information Act 1989* and once the records reach the age of twenty years they become available through provisions of the *Territory Records Act 2002*.

Of course not all records reach the age of twenty years. Records are created primarily for business purposes and once that business need ceases it is no longer necessary to keep most of

the records. However there are some records whose importance extends beyond their original purpose and it is these records that have a life beyond twenty years and become the archives in which we are interested today. These are the records that reflect all of the key policy and operational aspects of the management of the territory and the services provided to the citizens of the ACT.

The Access provisions of the *Territory Records Act 2002* did not commence with the rest of the legislation in 2002. The reason for this was that the government acknowledged that there was a significant amount of work to be done to prepare Territory records for access which in the first instance means locating and assessing the records that we hold. When the legislation was first enacted the government's priority was to implement a rigorous records regime across all of the government's agencies to ensure that current records were both created and managed. Now that much of this infrastructure has been created it is possible to identify the older records in the government's custody and prepare them for public access.

An amendment to the *Territory Records Act 2002* has recently been passed by the ACT Legislative Assembly to provide for a new date for public access. In announcing this amendment, the Minister for Territory and Municipal Services, Mr John Hargreaves said:

“In 2002 the government introduced the *Territory Records Act 2002*. The legislation required all Territory agencies to implement a Records Management Program, which they have now done. The Act heralded a new approach to records

management for all agencies of the ACT Government and provides the opportunity for the community to access government records.

The amendment that I've introduced today provides an additional year for agencies to prepare their records for public access. We estimate that the Territory holds upwards of 20 kilometres of records. Many of these records hold information of a personal and private nature and we need to ensure that this material does not inadvertently become open for public access.

Territory agencies will use this additional time to continue to examine the records they hold and prepare them for public access. Agency records managers will also be preparing finding tools for the older records to make access to these records easier for the public."

The new date for access will now be 1 July 2008. While I acknowledge that many of you will be disappointed by this delay I hope that you will accept it and utilise this time in assisting us as we prepare for public access to the older ACT Government records.

As the Minister said agencies will use this time to examine the records that they hold and identify those records that should not open for public access. These will be the records that contain material

- affecting relations with Commonwealth and States;

- affecting enforcement of the law and protection of public safety;
- affecting personal privacy;
- subject to legal professional privilege; and
- disclosure of which would be contempt of Legislative Assembly or a court.

The emphasis is on making the greatest amount of material available however everyone in the ACT has personal information on ACT Government files and obviously it is not in your interests for this material to be freely available in the public realm. The method used to close records from public access is called a Section 28 declaration and a register of these declarations will be kept by agencies and also by the Territory Records Office so that you will know what records will not be available. You can still request access to these records to which a Section 28 declaration applies however the approach will be through the current FOI access provisions.

When making a request to access ACT Government records your first contact will be with the Reference Archivist through the Territory Records Office website. The records to which you will be seeking access will be older than 20 years, that is, they will have been created prior to 1 July 1988. The Reference Archivist will first of all have to ascertain what records are held by agencies that will be relevant to your research enquiry, where they are now located and how quickly we can get access to those records. The Reference Archivist will then contact you and make arrangements for you to access those records. The first step in responding to

enquiries will be to work out which agency had responsibility for your areas of interest and for what period so the preparation of functional histories is one of our early priorities. I am busily persuading older ACT Public Servants to write down some of their memories of early administrative structures so we know where to start our search for these records.

We do have an exciting array of older records. We have records going back to 1882 relating to the village of Hall and 1888 relating to the Oakes Estate. There are also Rural Property registers, Housing Property registers and recently the Territory Records Office came across an early Stores Control Book from the Kingston Power House.

I should also mention here that we don't have a lot of material that will immediately be of interest to genealogists, in other words we do not have a lot of name identified material. We do have a lot of material that will establish the context though for genealogical research. We are already getting approaches from people interested in their suburban or other community histories. What was the land used for prior to the establishment of their suburb, when was the scout hall, church or school built, or when did the local shops open for business – this is the information that we should be able to provide.

As you plan your research it is important that you understand the regime that has been established by the *Territory Records Act 2002*. I encourage you to become familiar with the Territory Records Office website located at: www.territoryrecords.act.gov.au
One of the first things that you can do is to look at the Records

Disposal Schedules that apply to the records in your field of interest. This will give you an idea of what records an agency now creates for their current administrative responsibilities and how long these records are kept. All of the Records Disposal Schedules that are linked to the Territory Records Office website have been scrutinised by the Territory Records Advisory Council to ensure that the interests of the community are protected by the records that are created and managed for any function of government.

I also recommend that you look at the Records Advices on the website as even though these are primarily to provide advice to agency Records Managers they will help you to understand the environment in which agencies manage their records and prepare them for your access.

One other point that I should make here is that the records for which you will be seeking access are agency records and not records of the Territory Records Office. There is no transfer of custody in the ACT as happens in the Commonwealth. Under our legislation agencies have lifelong responsibility for the records of the function that they manage, so the Reference Archivist will always have to contact the relevant agency to gain access on your behalf.

As we prepare for your access to ACT Government records we could do with your assistance. In practical terms we will not be able to have over 20 kilometres of records all examined and described by 1 July 2008, although we are making good progress. We would rather be looking for the records that will be most

relevant to your research enquiries. There are forms here today for you to let us know of your interests and also for sharing your knowledge about these records. You may have worked in the areas responsible for the administration of the ACT at some stage of your career. You will almost certainly know more about your subject of special interest than we do. Please share this knowledge with us. We will turn this information into finding tools for future researchers so expect to be pestered by us to share the results of your research.