

NEW FOUNDATIONS FOR THE N.S.W. ARCHIVES

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The archives profession in New South Wales has arrived at a climax in its history, a goal for which both archivists and other interested persons and bodies, private and official, have been working for about 50 years. In November, 1960 the Archives Act was passed by the New South Wales Parliament largely in accordance with recommendations made by the Trustees of the Public Library of New South Wales. The act was proclaimed to take effect from the 1st June, 1961. This is the direct result of agitation and planning, whose roots go back to the 1880's, but the real foundations of which were laid in 1911 when the Trustees of the Public Library put proposals before the Government that a separate Archives Office be established.

Although this proposal of 1911 lapsed, a compromise was effected. The Public Library of New South Wales became the recognized archival institution, and operated as such until the proclamation of the Act. This "de facto" State archives worked under the authority of a Premier's Department Circular and a Public Service Board Instruction both of which were issued and re-issued at various times from 1912. These authorities instructed public offices that no records of any kind should be disposed of without reference to the Principal Librarian. This was obviously only a partially effective system and some records are known to have been lost during this period. However, through the interest and energy of successive Principal Librarians and Mitchell Librarians an estimated 7,000 feet of archives had been gathered into custody by 1953, when a separate Archives Department of the Public Library was established to perform the function. By 1961 when the Act was proclaimed, some 14,000 feet of archives were in custody.

Under this arrangement public offices wishing to dispose of records called for an examination to be made by a professional officer of the Mitchell Library and later by an officer of the Archives Department. Based on this examination a recommendation was then made to the Principal Librarian concerning the disposal of the records. According to his decision the records could then be destroyed, or, if permission were refused, the records would be transferred as State archives for retention.

The Archives Act has produced little change in basic procedure. The most important factor is that it gives legal authority to previously existing practice, and hence more adequate control over the disposal of records. The most noticeable result to date is that departments are now referring in all cases where disposal of records is involved. Indications are that in some cases departments have in the past been exercising a certain amount of discretion and destroying relatively unimportant records without authority. The records involved appear to

have had little or no value in any case, but it is an effective proof that without adequate legislation records having archival value can be destroyed despite due safeguards. It is almost axiomatic in the archival profession that the people least aware of the potential archival value of records are those people most intimately concerned with the creation of the records.

The Archives Act establishes an Archives Office of New South Wales under the control of an Archives Authority. In this respect it is the first legislation of its kind in Australia. In all other states where archives legislation exists the State Library has been created the archival authority, but in New South Wales the Archives Office is a body corporate independent of the Public Library of New South Wales and no longer responsible to the Trustees.

The members of the Authority are as follows:-

Dr. H.S. Wyndham, C.B.E., M.A., Ed.D., Dip.Ed., Chairman,
(Director General of Education ex officio)

G.M. Gray, Esq., C.B.E., B.A., Deputy Chairman, (Under
Secretary, Premier's Department, nominated by the Premier)

The Hon. Mr. Justice W.H. Collins, LL.B., (Judge of the
Supreme Court)

Mr. Senior Inspector J.R. Clancy, (Nominated by the Public
Service Board)

Dr. George Mackaness, C.B.E., M.A. D.F.A., D.Sc.,
(Nominated by the Trustees of the Public Library of N.S.W.)

John Metcalfe, Esq., B.A., F.L.A., (Librarian, University
of New South Wales)

F.H. Rogers, Esq., M.A., F.L.A., F.N.Z.L.A., (Librarian,
University of New England)

Major-General J.R. Stevenson, C.B.E., D.S.O., E.D., (Clerk
of the Parliaments, nominated by the Presiding Officers of
Parliament)

Professor John Manning Ward, M.A., LL.B., (Challis Professor
of History, University of Sydney)

Mr. G.D. Richardson, M.A., who is also Principal Librarian of the Public Library of New South Wales, and Mitchell Librarian, has been appointed Principal Archivist. The staff is at present Public Library personnel attached for duty to the Archives Office, and no immediate change in this situation is envisaged. The staff was considerably expanded immediately prior to the proclamation of the Act and now consists, besides the Principal Archivist, of six professional graduate officers, two junior clerks, one stenographer, three records attendants, and one junior records attendant.

The Archives Act requires any public office wishing to dispose of records to submit a report on the records to the Archives Authority; the Act provides that "the Authority may inspect any such public records", and if it so decides "any such public records shall be made available to the Authority". The system that has been evolved from this basic authority is that the Senior Archives Officer submits a report on the records to the Principal Archivist based on the Department's report, and the examination of the records. This report includes recommendations as to disposal. The Principal Archivist forms an independent opinion, which may or may not agree with the disposal recommendation of the Senior Archives Officer. If necessary a further examination is made. When some conclusion is reached the entire report, including the description of the records, any necessary correspondence, the Archives Officer's recommendation, and the concurrence or counter-recommendation of the Principal Archivist are submitted to the Archives Authority by the Principal Archivist. In this way it will be noted that the independent opinions of at least two, and frequently three, professional officers are involved in each disposal transaction besides the deliberations of the Authority itself. This is a more than adequate safeguard.

The Act requires that the Department be informed of the Authority's decision within two months of the original notification by the Department of intention to dispose of records. If the Authority requires the records to be made available to it to be kept as State Archives, the Authority must take possession of the records within two months. Consequently each transaction must be concluded within four months. In practice each transaction takes considerably less time, usually being concluded within six weeks unless complications arise. The Act, of course, gives power to the Authority to authorize the disposal of records under schedule. This is covered in Section 15(2) which deals with the destruction of specific public records or "public records of a class".

One obvious difference between this Act and other archives acts, particularly in Australia, is that the New South Wales Act lacks a confiscation clause. The Tasmanian Public Records Act, 1943, for instance, provides for confiscation (with "adequate compensation") of archives out of official custody. The lack of such a clause is, at first sight, a shortcoming. However, Section 18 prohibits the sale, destruction or export of public archives and imposes a penalty of up to one hundred pounds. Although not immediately apparent, this section fulfills the same purpose as effectively as a confiscation clause. An archival estray cannot be confiscated unless the archival authority is aware that it exists. Such knowledge may come from one of several sources. Some such sources for instance are direct information, rumour, or from the fact of the estray being offered for sale in one of a number of ways (e.g. to the archival authority, to some other official or private body who informs the authority, or at auction).

authorities under which they operate. Policy need be established by the Archives Authority of New South Wales only on two matters - archival estrays, and its relations with the Mitchell Library. These matters have been dealt with above.

By-laws have not yet been formulated, but they will receive consideration during 1962. For the present the Act itself dictates practice and will, of course, continue to do so. For the moment the Act is supplemented by eight resolutions of the Authority. These mainly concern conditions of access, and conditions of copying and publishing extracts, and they all cover matters necessary for the interim management of the Office prior to the promulgation of by-laws.

The Act in practice has proved itself to be simple, straightforward, and effective. There are one or two minor inconsistencies but nothing of importance, and nothing that cannot be clarified by by-laws. Of particular interest are the distinctions drawn in the definitions in the Act between "public records", "public archives", and "State archives". Shortly after the passing of the Act the comment was made by an archivist that it provided for everything an archives act should cover and in addition some things thought to be unnecessary by that critic. The latter part of this statement was not developed so detailed comment is not possible, but six months of work with the Act has proved that no Section is unnecessary, and that it provides in the most direct way for those purposes for which it was created.

NEWS NOTES FROM STATE ARCHIVES

Public Library of South Australia. Archives Department. Mr R.L. Jenkin and Miss B.M. Morgan have joined the staff. Mr G.L. Fischer, the Archivist, in writing to tell of these appointments, spoke of "large and interesting acquisitions of official and private material" and we hope in the next issue of Archives and Manuscripts to give some information about these.

State Library of Western Australia. J.S. Battye Library of West Australian History. Miss Margaret Medcalf is going overseas on long service leave in January 1962. She has been granted additional leave without pay to enable her to stay for the whole year, during which time she hopes to gain further experience of work in local history libraries and archives.

Public Library of Queensland. Queensland State Archives. An important transfer which recently reached the Archives consists of the Governor's despatches and other records of Government House, from the date of Queensland's establishment as a separate Colony (1859) to about 1904. These records have been on an indefinite loan at the Department of History and Political Science at the University for a number of years, but were transferred to the Archives in October.