

## A NOTE ON THE PRACTICE OF THE ARCHIVES AUTHORITY OF NEW SOUTH WALES

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The Archives Authority of New South Wales has just presented its 6th Annual Report, covering the year 1966 which is the fifth full year of the Authority's operations. It may therefore be an opportune time to say something of the nature, practice and policy of the Authority, especially since it is the one statutory corporation in Australia whose sole business is official archives and its work may thus be more readily seen in relief.

The Authority was created under the New South Wales Archives Act of 1960 and was constituted on 1 June, 1961. It is required by the Act in Section 13 (1), to "undertake the preservation, storage, arrangement, repair, cataloguing and calendaring, and have the custody and control, of the State archives and shall have the management of the Archives Office of New South Wales." The remainder of the Act is essentially concerned with the powers and machinery for putting this into effect, but it also contains three significant definitions.

Under these definitions, "public records" comprise records of any kind "made or received in the course of his official duties by any person employed in a public office". Public records are therefore the genus, as it were, while "public archives", a term seldom used elsewhere with this precision, are, in effect, a species; they are defined as "all public records that have ceased to be in current use in the public office in which they were originally made or received or in the public office in whose custody they have been placed after being so made or received". The third definition is of "State archives", which are a kind of sub-species of public archives; they are simply "public archives which are for the time being deposited and preserved in the Archives Office of New South Wales or in a branch of that office". This group of definitions, in its context, thus serves to emphasise, as a matter of law, not only that there is no difference in physical form between records and archives but that whatever distinction there may be between the two is one of use, or status, or perhaps of the attitude adopted towards them.

The New South Wales Archives Act is fairly sophisticated, no doubt in part because New South Wales was relatively late in establishing statutory control of its archives: legislation has existed in South Australia since 1925, in Tasmania since 1943, and in Queensland since 1958 (under an Act of 1943). The relevant Act in Victoria, however, was not passed until 1965 while no comparable legislation yet exists in either Western Australia or the Commonwealth. Nevertheless, all seven governments have long since established repositories for archives of diverse origins that are in public ownership, these repositories usually being special departments of the various 'national' libraries under whatever title the latter may be known: for example, the Archives Department in the Public Library of South Australia, the La Trobe Library in the State Library of Victoria, the Mitchell Library in the Public Library of New South Wales, and so on. All of these repositories contain non-archival manuscripts besides private and business archives, while all but two of them are also the repositories for the official archives of the government concerned.

The two exceptions to the general practice of having a single authority for both official and other archives are in New South Wales and the Commonwealth. In the latter, the Commonwealth Archives Office was

established by executive action and is part of the Prime Minister's Department. It is under the control of the Commonwealth Archivist and is responsible solely for public records of the Commonwealth, although there seems to be some evidence that it is also interested in records that may not be strictly public, for example papers of Federal ministers.

In New South Wales, however, the Archives Office was established by statute: Section 10 of the Archives Act requires the Archives Authority to "establish an office and repository to be known as the 'Archives Office of New South Wales' in which such public archives as are made available to the Authority and are considered by it to be worthy of preservation shall be deposited and preserved as State archives." This section is complementary to the definition of State archives already quoted; it will be referred to again later.

The Archives Authority of New South Wales and its "office and repository", the Archives Office of New South Wales, are thus specifically limited in scope: not merely to the public records of the State, as distinct from private or business records, but more particularly to the State archives as a special class of public record. This at least has the effect of ensuring single-mindedness and preventing whatever distractions may arise through divided interests. It does not, however, follow what is generally considered to be desirable practice, that management of the records disposal programme and control of the intermediate records repository, or records centre, should lie with the archival authority itself.

In practice the desired object is largely attained in another way, since the Principal Archivist, who is Chief Executive Officer of the Authority, is responsible to the Public Service Board for the control and operation of the Government Records Repository; the latter is served by the same staff as the Archives Office, while the Authority is kept fully informed of the operations of the Repository and it reports on these in its annual Report to the Minister. Nevertheless, up to the point of decision on whether or not a series is to be preserved as State archives, the records disposal programme is an aspect of the managerial function of the Public Service Board, in respect of public offices under the Board's jurisdiction, and is not strictly the business of the Archives Authority.

The central power of the Authority lies in Section 14 of the Archives Act which provides for the transfer of archives to the Authority. The essence of this is that no public records shall be destroyed or disposed of without the approval of the Authority, while it should be noted that it is the Archives Authority, and it alone, without any power of delegation, that may decide whether or not a public record is to be preserved as a State archive.

The statutory requirements are quite precise: the person in charge of a public office must notify the Authority of his intention to destroy or dispose of any of the records in his custody or control; the Authority may then inspect these records and if it requires them to be made available to it, it must within two months inform the person who gave it the relevant notice. Any such public records must then be made available to the Authority "in the same form and order as that in which they are maintained in the public office from which they are so made available". There are certain safeguards in the Act relating to the transfer of confidential records, while a public office may impose conditions restricting the use of any of its records transferred as State archives.

It will be noted that the Act exerts no compulsion upon a public office to dispose of any of its records; untoward accumulation by a public

office of records that it does not need comes, in most instances, within the province of the Public Service Board, and the Archives Authority cannot require the transfer as State archives of any records, whatever their age or importance. The Authority can, however, seek to persuade, as it has successfully on occasion, that certain records would be better in the Archives Office. At the end of 1966 the State archives amounted to almost 24,000 feet, and semi-current records to almost 94,000 feet.

While the lack of compulsion to dispose of records may be regarded as a weakness it at least avoids casting odium on the Archives Authority. This has an incidental practical value: good will and cooperation, rather than pressure, are of special importance, especially perhaps in the earlier years of a records disposal programme when an archival authority needs to win the confidence of the departments whose records it keeps. Relations between the Archives Office of New South Wales and the public offices of the State have been particularly harmonious.

The details of procedure adopted under Section 14 are relatively simple. Desirably, of course, there should be disposal schedules covering all the records of all public offices but it has not yet been practicable to achieve this. When notification of an intention to dispose of public records is received in the Archives Office, an inspection therefore is normally made by an archives officer who prepares a disposal recommendation, or "DR", containing the following information: name of the public office, titles of series, dates covered, quantity (in foolscap feet), and description. This is followed by a specific recommendation, which may be a continuing recommendation for a continuing series, to the effect that the records covered by the DR, or any series in them, be transferred as State archives or that their destruction be authorized.

In the preparation of a DR, and in the resultant action taken in the Archives Office upon transfer of a record group or series, the "subject approach" rather than the "functional approach" is used. That is to say, in principle, a single archives officer undertakes all the work relating to a given series or record group, including inspection, appraisal, arrangement, description and preparation of inventories or aids; in preference to the functional organization of staff where different specialists undertake each of these separate activities. Each DR is checked and signed by the Senior Archivist, then referred to the Principal Archivist who submits it to the Archives Authority with his own supporting recommendation or with any variation in the original recommendation that he sees fit to make. Every DR has thus had very careful expert consideration even before it reaches the Archives Authority.

The Authority itself is a statutory corporation of nine members, made up of a judge of a New South Wales court (at present of the Supreme Court); a member nominated by the presiding officers of Parliament; one nominated by the Trustees of the Public Library of New South Wales; one nominated by the Public Service Board; one nominated by the Premier to represent public offices which are not within the scope of the Public Service Act; the Director General of Education (who is at present the Chairman) or the Deputy Director General of Education; and three other members nominated by the Minister to represent the universities of Sydney, New South Wales and New England and "such historical and archival bodies as the Minister sees fit". Appointment is for a four year term, but about half the members retire every two years.

Composed in this way, the Archives Authority would therefore seem to be small enough to be workable but big enough to encompass a wide

diversity of qualifications and capacity, and to be objective in its decisions, giving due weight both to administrative and historical considerations besides taking into account the realities of finance, staff, storage space and so on. This informed disinterest is vital: State archives are by definition those public archives that are preserved in the Archives Office but, under Section 10 already quoted, they may not be in the Archives Office unless the Archives Authority considers them "to be worthy of preservation". The decision of the Authority is paramount. In practice, the Authority has generally leant towards caution, and when in doubt has wisely required the transfer of public records as State archives for further review, rather than permitting irrevocable destruction.

In assessing the importance of records for preservation one extreme view which has tended to be associated in the past with the Public Record Office is that "administrative need dictates archival value". The opposite view, sometimes associated with the United States National Archives, is that the informational aspect is supreme, although the United States is now giving increasing weight to evidentiary value. The two views seem to be coming closer together, while the tendency of the Archives Authority of New South Wales has always been towards giving due weight to both by assessing both the administrative and historical values very carefully.

In respect of the latter it is probably fair to say that any given series submitted for disposal is deliberately considered by the Authority in relation to what historical evidence might reasonably be needed in the future, for use in the kind of history that future historians might reasonably need to write. State archives in New South Wales have, however, been used to a quite notable extent for purely administrative purposes long after they have ceased to be in current use: for example, to assist in restoring historic public buildings and as evidence in a wide variety of court cases, whether by the office which originally created the records or by other public offices. The weight given to administrative value seems to have shown its worth in practice.

One of the difficulties met by any archival authority arises from the special types of material that are forming a growing proportion of public records. These include punch cards, magnetic tape, and so on, for which there has already been some demand for preservation by scholars, although for the most part they might properly be considered as working papers, and therefore ephemeral records, used as an intermediate step in the preparation of a final record. To that extent they are in much the same class as stenographers' notebooks. Records of this kind create peculiar problems since, for subsequent use, they require special equipment which is expensive and sometimes bulky, whereas it is quite impracticable for all such equipment to be retained and kept in working order for an indefinite period. In general it would seem that for special materials of this kind the only practicable solution is, first, to decide what records merit preservation because of the unique information contained in them, and, secondly, to have that information transcribed into a more usable form. This particular problem is under consideration in many parts of the world; the Archives Authority of New South Wales does not pretend to have solved it.

Another common problem to be faced by any archival authority is that of the confidential nature of records. Initially the Archives Authority of New South Wales decided that, without the specific approval of the Authority itself, no State archives would be made available for public use until they were fifty years old. A similar period of restriction was at that

time commonly applied in Australia and elsewhere, but more recently, notably in the Public Record Office, there has been a trend towards reducing it. In 1966 the Authority decided in principle to reduce the period of restricted access to thirty-five years and sought the views of the public offices about this. In the event, from February 1967 most State archives more than thirty-five years old will be available for research use by accredited scholars holding a reader's ticket to the Archives Office of New South Wales. Naturally some records will be restricted for much longer periods, especially where public access to them is likely to cause pain and embarrassment to living persons. Mental health records are an obvious case in point. The Authority has few records where the security of the State is relevant.

The objections to restriction of any kind are well known and often stated: research is inhibited; the whole evidence is not available, so the record must be incomplete if not one-sided; the Government itself suffers most in that its side of the story cannot be told; and so on. The archivist may chafe under restrictions of this kind no less than the scholar, but besides the need for the archivist to retain the confidence of those whose records he keeps, there is also a need for public officers to be able to act freely in their work without constantly looking back over their shoulder. In spite of objections it seems certain that in New South Wales, as in probably most other places, there will continue to be a period of restricted access for State archives which is not likely to fall much below thirty-five years for most records.

The practices and procedures outlined above represent a fairly sophisticated kind of control, at least by comparison with what was common in Australia until quite recent years. It is undoubtedly an artificial form of control by contrast with the largely fortuitous survival of records in the past, when preservation depended in large measure upon the whims of those in office and upon available accommodation; it is often said that history is written by the survivors, but the survivals amongst past records have often been accidental. Now, on the other hand, a conscientious decision is being impartially made with the specific object of preserving records for both administrative and historical purposes, which raises the question whether the totality of the archival evidence may be changing. Clearly there is a change to the extent that the evidence will be more comprehensive than in the past, and not merely because the output of public records is absolutely greater.

Moreover, the fact that some public records will deliberately be preserved for public use may make the historically-minded or the posterity-conscious a little less impartial in the creation of records. "Just for the record" is now a common phrase; people are probably more aware of the record than before and may, consciously or not, tend to make the records that they create a little less frank than they would otherwise, or a little less impartial through minor variations that show their own actions rather more favourably. So the quality of the evidence of public archives may in time be affected too, and therefore their value may proportionately diminish. These are, however, theoretical possibilities for which there is little real evidence, rather than practical consideration at the present time.

The telephone on the other hand has fairly certainly affected the totality of the record of a given transaction, although no doubt public records have at all times been affected by verbal communication that has not been noted on the file; the telephone merely makes this easier. The scholar must, however, take into account that contemporary records may

be less likely to document all the reasons than were those of earlier times. In any case it should be clear that, comprehensive as public records may be in this country, because of the paternal nature of Australian Governments and the pervasiveness of their activities, no public records, except in respect of a purely internal governmental transaction, are likely ever to tell the whole story.

The Archives Authority of New South Wales is fully sensible of these various aspects in the denomination and preservation of the State archives of New South Wales, and of the problems associated with them. It operates within the framework of an Act of Parliament which, on five and a half years' experience, seems to be a well-framed and practical piece of legislation that provides full scope for considered judgement by a board of members having high qualifications and wide individual experience. While the Act is obviously not perfect, it nevertheless does represent the highest development in a formal statutory framework for the preservation of official archives that has yet been achieved in Australia.