

FIFTY YEARS OF INERTIA OVERCOME? Thoughts on a First Reading of the Archives Bill 1978

by ALAN IVES

AT 2.45 p.m. on 9 June 1978, a Friday — but not a Friday-the-Thirteenth, fortunately — the first and second reading speeches on an Archives Bill took place in the Senate Chamber of the Australian Parliament. The Bill was introduced by the Attorney-General, Senator Durack, together with the Freedom of Information Bill, and a Bill to amend the Copyright Act.

It is interesting to note that Press comment before the introduction of the Bills was virtually non-existent: only the *Sydney Daily Telegraph* mentioned the Freedom of Information Bill on Thursday, 8 June; the other Bills were not named. Press comment from *The Age*, *The Australian*, *The Canberra Times* and *The Sydney Morning Herald* on Saturday 10 June varied from no mention of any of the Bills in *The Australian* to lengthy, and primarily caustically-critical, remarks on the Freedom of Information Bill in the other three newspapers. The Archives Bill was mentioned very briefly in *The Age* and *The Sydney Morning Herald*.

If I may be permitted a personal observation, I find the Press and Public priorities confused. If there is no Archives Bill then there is really no Archives institution collecting the records of the day-by-day working of government and the public service. If there are no records, then whether or not there is 'Freedom of Information' is very largely, if not entirely, irrelevant.

The Public and the Press should know that maintenance of records in a proper manner and under decent conditions with respect to their preservation is what allows governments, at all levels, to function.

In Australia, the Public and the Press little realise what would happen if the Australian Archives closed its doors and refused to lend files in its custody. The problem has been that not only the Public and the Press but politicians, on the whole, do not realise the absolute necessity for a properly-constituted Archives Organization, properly funded and as fully staffed as necessary to carry out all its specified functions.

The Archives Bill 1978, the associated Explanatory Memorandum and the Second Reading Speech (by the Attorney-General) were obtained from Parliament House Canberra at 4.35 p.m. on 9 June; and it is largely on the basis of these documents that these preliminary comments are penned.

Paragraph two of the Attorney-General's Second Reading Speech sums up the basic aims of the Archives Bill:

The proposed legislation replaces existing *ad hoc* arrangements and conventions and establishes firm procedures governing the custody, destruction, retention, storage, conservation and public accessibility of this vast mass of record material, [that is,] of the Commonwealth's own records.

The Archives Bill is twenty-eight pages in length and has, in addition, a two-page 'Table of Provisions'. There are 54 Clauses, grouped in 9 Parts. The title of the Archives Bill, is, in full, 'A Bill

for an Act Relating to the Preservation and Use of Archival Resources, and for Related Purposes’.

Terms used in the Archives Bill are contained in Part 1, Clause 3, ‘Interpretation’; this Clause occupies about three and a half pages. This is 12% of the total Bill. In Clause 5 of Part 2, the functions of the Australian Archives are specified; there are twelve functions named. In Clause 6 of Part 2, the powers of the Archives are spelt out; there are twelve of these also. The duties of the Director-General are briefly outlined in Part 3. On other staff, only the fact that they will be employed under the Public Service Act 1922, is stated. In Part 4, considerable detail of the membership, functions and related aspects of the Advisory Council on Australian Archives is given.

In Part 5, what is meant by Commonwealth Records, the ways and means of dealing with the records, and the complex question of access, are all examined in some detail especially the question of access to Commonwealth records. Nine pages of a total of twenty-eight pages in the whole Bill are devoted to access matters — that is 32% of the total text of the Bill. Objects of archival significance of a non-standard kind, including stamps, bank notes, and coins are examined briefly in Part 6. Part 7 deals briefly with the ‘location of material of the Archives’, and custody of such material other than by Archives. Part 8 deals with the following: The Australian National Register of Records; the Australian National Guide to Archival Material; and the Australian National Register of Research Involving Archives. The final part of the Bill deals with the annual report; certified copies of records; transitional arrangements; and regulations.

The Explanatory Memorandum contains an ‘Introductory Note’, and then comments Clause by Clause on the Archives Bill. There are 54 Clauses; and in total the Memorandum contains twenty-eight pages.

For someone with the requisite background, a comparative study of the 1927 Draft Bill, the Draft Bill (or a preliminary form of such) of 1950-51, this 1978 Archives Bill, and the UNESCO Draft Model Bill for an Archives Act, would be useful.

In conclusion, and although someone will undoubtedly complain that the single sentence quoted is out of context, Senator Durack’s statement — ‘A need for reform in this area has long been recognized’ — would have to be awarded a dubious honour as one of the most extraordinary understatements of recent times. It remains to be seen whether the question mark in the title can be omitted. After all, even in 1916 W. Burley Griffin was considering an Archives in Canberra. The building never erected on Kurrojong Hill-Capitol Hill-Capital Hill was, in part, to house a National Archives. 1978 is a long way in terms of years from 1916, or, for that matter, from the date of the laying of the stone—no longer to be found on Capital Hill—on 21 June 1920. It is a long time, too, from the Draft Bill of 1927, to the Archives Bill of 1978.