

Appraisal Standard

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STATE RECORDS

of South Australia



Government of South Australia
State Records

Appraisal Standard

Introduction

The process of deciding what records should be made and kept is known as appraisal. The appraisal process involves gathering information, analysing and assessing requirements for records, documenting requirements, consulting with stakeholders, making decisions, and monitoring and reviewing those decisions. It is a fundamental process when developing records disposal schedules.

Appraisal is undertaken by agencies, State Records and the State Records Council, each bringing a unique perspective.

Purpose

This Standard provides:

- a process for agencies undertaking appraisal for disposal purposes, and
- a set of criteria to be used when determining whether records should be kept permanently as part of the State archive.

This Standard is consistent with *ISO TR 21946 Appraisal for Managing Records*.

Scope

This Standard applies to all government agencies as defined in section 3(1) of the *State Records Act 1997* (SR Act).

This Standard applies to all official information assets defined by section 3(1) of the SR Act, that is, information assets made or received by an agency in the conduct of its business.

Information assets refers to information, data and records, in any format, where it is created or received through the conduct of government business.

Although appraisal can also involve deciding what records to make and keep in business systems, these activities are outside the scope of this Standard.

In addition, requirements for developing a records disposal schedule and standards for managing and undertaking disposal and transfer of records are not covered by this Standard.

Authority

This Standard is issued under section 14(1) of the SR Act.

Agencies must appraise records in accordance with the requirements set out in this Standard, including where agencies use consultants to undertake appraisal on their behalf.

Responsibilities of State Records and the State Records Council

State Records and the State Records Council also have responsibilities when appraising for disposal.

State Records is responsible for

- reviewing draft agency disposal schedules
- determining how long agencies' records should be kept at a minimum to meet identified legal obligations or mitigate risks
- determining which records across State and Local Government (including public Universities) have enduring or permanent value as State archives
- making disposal determinations.

State Records Council (representing stakeholder interests) is responsible for

- reviewing disposal determinations (based on agency disposal schedules)
- approving minimum retention periods for temporary value records
- approving records proposed for permanent retention as State archives.

Process for agencies undertaking appraisal for disposal

Gather information

Agencies must understand the business activity or process that generates (or generated) the records, the organisational structures in which the business activity or process occurred, and the organisational systems used to manage the records in order to identify records retention periods and disposal triggers.

This can involve:

- research using documentary sources such as annual reports, legislation, regulations, policy, procedures, legal cases, investigations, media reports, digitised newspapers, government gazettes, etc.
- interviewing staff involved in the business activity or process or administration of the system used to manage the records.

Analyse

Agencies must analyse the business, legal, and political context of the records in order to understand:

- what specific records are/were generated, especially legacy physical records no longer created and digital records in current business systems
- when records were first generated, and whether they are still being generated
- why records were generated e.g. as a result of new legislation
- major changes in the content or format of the records
- who was involved in the business activity or process and generation of the records
- who might have an interest in the business activity or process i.e. stakeholders
- which parts of the business are most critical e.g. where there are severe non-compliance penalties or high media interest in the activity.

Agencies are expected to have a broad understanding of the main functions, activities, processes and structures of the organisation throughout its history.

Assess requirements

Agencies must use the information gathered and analysed to inform what records are required to be kept and for how long.

Legislation (including Acts and Regulations) and other documentary sources sometimes specify that certain records (or documents, or information) must be recorded or kept. Often the period that the record should be kept is not identified.

The inclusion of recordkeeping requirements in legislation suggests there is a need for evidence to be made and kept of the business activities, processes or transactions which the legislation governs to ensure accountability of a business process.

However, just because legislation requires a record to be made and kept it does not mean the record should be kept permanently as part of the State's archive. Legislation may require records to be made and kept to meet temporary accountability requirements, which may vary from just months to many years.

Mostly, requirements for retention of records are derived from an understanding of the business and legal context, stakeholder perspectives and a risk assessment of keeping/not keeping the records.

Agencies should focus on assessing requirements for records of business critical parts of the organisation, as these have a higher degree of risk.

Agencies should only propose records as having permanent value where they have assessed the broad social context and believe the records have enduring value beyond the specific needs of the agency.

Document

Agencies must document the research, analysis and assessment of requirements so that appraisal decisions are accountable.

Mostly, the analysis and requirements will be documented in a records disposal schedule (RDS). Research undertaken and additional analysis and assessment may also be documented in a records system.

Records proposed for permanent retention as State archives must be justified according to one of the general principles or appraisal criteria under the themes outlined below. Agencies must explain how the records meet the criteria, not just state that the criteria has been met.

Consult

Agencies must identify stakeholders and consult them about how long records should be kept when developing an RDS.

Stakeholders can include other agencies, organisations and communities which have an interest in the agency's activities, as well as researchers and historians.

The rights of people documented in the records should also be considered when determining retention of the records.

Privacy considerations should be considered when appraising records containing personal information, however, this should not stop these records being proposed for permanent retention as part of the State's archive.

A major consideration in determining what records to keep, and what records can be disposed of, is to be aware of inherent bias that may privilege certain voices in the records above others. Records proposed for permanent retention should be inclusive, reflecting a diversity of backgrounds, experiences and perspectives.

Monitor

Agencies must monitor appraisal decisions to ensure they are fit for purpose as business activities and processes change, and when there are changes in the business, legal, political and social context.

This can involve gathering new information, analysing the new context, assessing new requirements, documenting new decisions, and consulting on those decisions.

Review

Where monitoring indicates new appraisal outcomes are required, such as longer retention, agencies must ensure that records are retained accordingly. Agencies should update their RDS as soon as practical.

For further guidance on the appraisal process see *ISO TR 21946 Appraisal for Managing Records*.

Criteria for determining whether records have permanent value

Criteria for determining permanent value records fall into two categories:

- general principles
- specific criteria under appraisal themes.

All records proposed to be retained permanently as State archives must be justified according to at least one of these criteria, with an explanation provided of how the records meet the criteria.

If the records appear to have permanent value to the State and there is no general principle or specific criteria which appears relevant, contact State Records to discuss the appraisal of these records.

General principles

Not all records can be kept permanently. In fact, only a small proportion of all records generated will be kept permanently as part of the State archive.

State Records has identified several general principles which are applied when appraising records:

Record likely to be permanent:

- **Rare.** Records which may be rare because of their age or which may be the only remaining example of a type of record that once existed.
- **Aesthetic value.** Records of original artistic or aesthetic value.
- **Consolidated.** Records which provide a consolidated summary of substantive decisions or actions.
- **Authoritative source.** Records which provide the authoritative source of evidence where there are multiple copies of the information held (and the records also meet one of the specific criteria under the appraisal themes in the next section).

Records not required for permanent retention

- **Poor physical state.** If a record is in such a poor physical state that it cannot be preserved or poses a threat to more stable records.
- **Lacking context.** Records where there is no context or the context cannot be reasonably reconstructed, for example loose photographs, slides, negatives or any other visual image media that have not been included within the official image collection and after identification and consultation with stakeholders, there are not enough details available to substantiate a location, topic, date range, individuals, purpose or other information of significance relating to the organisations core business.
- **Too costly to preserve.** The long-term costs of storage, preservation and access are prohibitive and it is therefore not feasible to retain the record.

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1. Records that support Aboriginal people and tradition

The *Constitution Act 1934* recognises the establishment of the Province of South Australia under an Act of the Parliament of the United Kingdom of 1834 and Letters patent dated 19 February 1836. This Act also recognises that the making of these and subsequent constitutional instruments occurred without proper and effective recognition, consultation or authorisation of Aboriginal peoples of South Australia.

The Apology by Parliament given on 28 May 1997, on behalf of the people of South Australia acknowledges and respects Aboriginal peoples as the State's first peoples and nations, and recognises Aboriginal peoples as traditional owners and occupants of land and waters in South Australia.

Around the same time, Recommendation 21 of the Bringing Them Home Report (April 1997) proposed

that no records relating to Indigenous individuals, families or communities or to any children, Indigenous or otherwise, removed from their families for any reason, whether held by government or non-government agencies, be destroyed.¹

Similar freezes on destruction of records have been in place for many years to ensure records survive that show Aboriginal cultural connection to place for native title claims.

The recent Tandanya / Adelaide Declaration² by the International Council on Archives (presented to the Attorney General of South Australia on 25 October 2019) recognises that 'colonial public archives are over-informed with the settler's perspective...at the cost of a more complete colonial narrative informed by Indigenous historical experiences and perspectives' and that 'archives can provide the resources to acknowledge human rights violations against Indigenous peoples and construct new trusted relationships between state colonial jurisdictions and Indigenous communities'.³

Given our colonial history, determining what permanent records should be kept about Aboriginal people is complex, and where possible, should be informed by Aboriginal people, as part of their right to self-determination.

We will keep records permanently that provide information and evidence of:

- Aboriginal occupation and connection to place in colonial or pre-colonial eras
- Aboriginal heritage sites and objects
- recognition of Aboriginal people as original inhabitants with native title (within a settler political and legal system)
- Aboriginal families impacted by government policies since colonial settlement including forced removal of children
- challenges of Aboriginal people accessing standard government services, and efforts to address the gap between non Aboriginal and Aboriginal people
- specific programs aimed at supporting Aboriginal people in remote communities.

¹ Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, April 1997

² <https://www.ica.org/en/icanaa-indigenous-matters-summit>

³ Tandanya / Adelaide Declaration 2019

Examples of permanent records in previous disposal determinations:

- records of advocacy conducted by Aboriginal Affairs and Reconciliation on behalf of Aboriginal people with government agencies (see RDS 2015/10 V1 3.1.1)
- records of training support provided by the Construction Industry Training Board to remote Aboriginal communities (see RDS 2014/07 V1 class 1.7.3)
- case files documenting Indigenous burial grounds and analysis of ancient Aboriginal bones by Forensic Science SA (see RDS 2019/14 V1 class 1.1.2)
- records of Electoral Commission SA projects in regional communities supporting the enrolment of indigenous people (see RDS 2019/16 V1 class 8.3.1)
- records documenting Native Title determinations advised to the Registrar General by the Attorney-General (see RDS 2011/11 V1 class 2.1.2).

Examples of records not required for permanent retention include:

- case files of Aboriginal people that receive government services that are not specifically directed or provided to Aboriginal people e.g. Aboriginal students in public primary and secondary schools
- records about Aboriginal people that would not help reconstruct Aboriginal families impacted by government policies, nor show cultural connection to place.

2. Records that document impact on people

State and Local Governments interact with people every day. These interactions may be recorded as evidence of the interaction for regulatory, program or service delivery purposes. The interaction may be recorded in a database or book (often called a register), through submission of forms, or in detailed case notes and files.

Databases and registers, and some forms, often provide a useful summary of people impacted by a government program or receiving a government service and can show basic details of the interaction and outcomes of the program or service. The summary data can be useful for scientific or humanities research, as well as genealogical or family research that can help establish personal and family identity and connections.

Case notes or files provide detailed information, often where government has a high degree of impact or influence on people's lives, potentially restricting their freedoms and making major decisions for them, such as a child removed from their family, a person whose affairs are managed by the State, or a person charged and jailed for a crime. For these often vulnerable people, the case notes or files are often needed to support accountability, including where the files document major issues with service delivery.

Apart from the impact on citizens and customers, records can document how public servants and other government workers experience the agencies they work for. These workers make up a large percentage of the State's workforce, and are responsible for delivering the services to the public.

We will keep records permanently that provide information and evidence of:

- registration of people receiving a service or participating in a program which
 - were required as a public register
 - are unique to South Australia
 - provides summary information useful for research
 - provides information establishing relationships of people and places
- individual cases of government intervention in people's lives which
 - show the initial impact of a new program or service, OR
 - establish precedent
- issues with services and programs intended to support vulnerable South Australians, such as appeals and investigations
- handling of deaths in the care or custody of South Australian public institutions
- the experience of working for the public service, especially the cultural aspects and response to major events e.g. staff newsletters and records of celebrations, or how public servants handled major events such as the COVID-19 pandemic
- official proclamations by judicial officers after a hearing, or by agreement, which parties are bound by
- the origin of human remains kept by public bodies and consent for their collection and use.

Examples of permanent records in previous disposal determinations:

- registers of loans through HomeStart Finance (see RDS 2018/13 V1 class 5.7.1)
- registers of admission and discharge of patients and clients to health units (see GDS 28 V1 class 2.3.1)
- records of complaints by victims of crime under the Act regarding their treatment and compensation as received by the Commissioner for Victims' Rights (see RDS 2015/09 V1 class 1.3.1)
- records relating to policy advice or advocacy assistance in unfair dismissal cases where the claim has across-government implications (see GDS 30 V2 class 8.3.1)
- offender records, provided by the Department for Correctional Services to the Coroner as part of a coronial investigation (see RDS 2015/08 V2 class 4.1.1)
- master version of Court Orders, includes proceedings, transcripts and judgements of the Licensing Court in determination of applications and appeals (see RDS 2012/13 V1 class 2.1.6).

Examples of records not required for permanent retention include:

- individual cases that document the routine operation of regulation and services
- records that would be owned and managed by the person if their affairs were not managed by the government e.g. records of the day to day management of personal estates for living customers where Public Trustee manages their personal affairs such as paying utility bills
- information provided to people in their interactions with government, where the responsibility for keeping the record belongs to the person e.g. individual results given to students at public primary and secondary schools
- records of worker use of, or exposure or likely exposure to, hazards known to have a cumulative or delayed health effect such as asbestos
- records relating to attendance at properties as proof of being onsite such as visitor logs or building admittance registers.

3. Records supporting rights and entitlements

Why do we need a birth certificate? ... in almost all societies a birth certificate is a basic legal document that gives identity to a child, and automatically bestows a number of rights such as the right to health care, nationality, schooling, passport, property ownership, voting, formal employment, or access to banking services. While, for the family of the deceased, a death certificate ensures their right to inherit property, to access business and financial entitlements, and to claim any available insurance benefits.⁴

Records can provide evidence of a person or organisation's identity and status in our society, which can establish rights and entitlements. Records of civil registration of births, deaths and marriages are a common example of personal records. Records of company or association registration are examples of organisation records.

School admission registers are perhaps a more surprising example of this type of record, and are used for many purposes including enabling people to receive healthcare and government services, obtain an Australian passport, or confirm their birth date or spelling of names. Employment registers can also have value beyond their immediate purpose.

Often summary records documenting rights and entitlements are the basis for genealogical research and establishing identity and family of origin, because of their especially authoritative nature.

Other records can provide evidence of specific rights and entitlements, such as a right to vote (electoral rolls are integral to the conduct of free and fair elections), a right to property (indefeasibility of the Title is guaranteed by the government through the Torrens System of Title Registration), or authority of executors or administrators to administer a deceased estate (case records of the probate process establish this, as well as establish the validity of wills and how estates are to be distributed).

We will keep records permanently that provide information and evidence of:

- legal proof of identity or status
- registration of persons that establish rights and entitlements
- registration of organisations that establish rights and entitlements
- civil rights of citizens
- current and past ownership of, or rights to, land, property and waters (since colonisation).

⁴ United Nations Development Programme, 2015, *Why birth and death registration really are "vital" statistics for development*, <http://hdr.undp.org/en/content/why-birth-and-death-registration-really-are-%E2%80%9Cvital%E2%80%9D-statistics-development>

Examples of permanent records in previous disposal determinations:

- records of civil registration of births, deaths, marriages, sexual reassignment, adoptions, and name changes by the Attorney General's Department (see RDS 2012/13 V1 class 4.4.1)
- school admission registers for public primary and secondary schools (see GDS 22 V4 classes 4.2.1 and 4.2.2)
- electoral rolls listing persons who were entitled to enrol and eligible to vote (see RDS 2019/16 V1 class 8.4.1)
- records of current and cancelled Certificates of Title maintained by the Registrar-General (see 2011/11 V1 class 3.5.12)
- probate case files from the Supreme Court containing applications, grants issues, letters of administration, and correspondence between applicants, their solicitors and the courts (see RDS 2012/06 V1 class 8.2.1).

Examples of records not required for permanent retention include:

- individual cases documenting evidence of authority to act for a specified period of time e.g.
 - licences granted for asbestos removal
 - occupational licences
 - permits or authorisation to act under the law.

4. Records that document impact on place

The State of South Australia is a political entity that has sovereignty over a geographic area. The State and Local Governments of South Australia are responsible for managing the defined territory of the State and create many records relating to the use, management, protection and restoration of the land and waters. Records can provide evidence of the changing landscape and the impact of pre-colonial and colonial activity on the environment and natural resources.

Concerns about the environment, including the soil, native plants and animals, rivers, lakes, and oceans, and the climate have been around for a long time and continue to be of concern to residents and citizens and the broader global community. Records that document direct observations of, or report on changes in the weather, land formations, waterways and natural phenomena such as plants and animals have value for showing changes over time.

Government has had a significant role in collecting natural phenomenon, such as plants, soil, and animals, often for research purposes. For example, the State Herbarium collection is used for research and advice on plant systematics. Data recorded in catalogues about items collected often provide evidence of the origin and history of specimens and are essential for the management of the collections.

Since colonisation, there has been significant impact on the land and waters of South Australia through the design and construction of assets and infrastructure (including houses, buildings, factories, roads, railways, bridges, dams, pipes, power lines) as well as through practices such as farming, irrigation, mining and industry. Records can provide evidence of the planning and development of the State.

Records of the response to environmental changes as well as records of disaster and emergency management planning and response can also show the impact of government on the environment, and the results of natural and man-made disasters.

We will keep records permanently that provide information and evidence of:

- observations and images of the natural environment post colonisation, such as weather records and field books
- the origin and history of collected items
- key aspects of the design, construction and maintenance of State assets and infrastructure, including assets no longer owned by the government
- key aspects of planning and development of the State that provide evidence of broad impact on the land and waters
- key aspects of the management of natural resources including damage to ecosystems and loss of habitat
- key aspects of emergency and disaster planning, response and recovery.

Examples of permanent records in previous disposal determinations:

- records of jetties, wharves and other marine assets owned by the State, including their design (see RDS 2010/12 V1 class 3.1.7)
- records of accession of flora into the State Herbarium, part of the Department for Environment and Water (see RDS 2019/09 V1 class 2.1)
- summary reports by the SA Research and Development Institute (PIRSA) relating to assessments on the State's marine, aquatic, climate, crop, farming, agribusiness, food, wine, livestock, pasture, seed or other environments (see RDS 2019/08 V1)
- Crown survey field books by surveyors in the Surveyor-General's Office (see RDS 2011/11 V1 class 4.1.3).

Examples of records not required for permanent retention include:

- detailed records summarised elsewhere e.g. records documenting applications made by the Department for Planning, Transport and Infrastructure to local councils and the Development Assessment Commission to clear vegetation in rail corridors where environmental management plans, assessments and approvals for rail corridors are retained permanently
- detailed records of environmental impact on a very specific location, especially private property, e.g. records of applications to local councils to install on-site wastewater systems or to connect these systems to a community wastewater management system
- detailed project records for construction of infrastructure, or restoration of the environment
- development applications for every property.

5. Records of events and changes in society

History might be understood as a cumulative river of events, causes and effects leading to the present day.⁵ And written records were traditionally a ‘must-have’ of the historian.⁶

Although the techniques and methods of historical research, and the sources used, are changing, archives are still a major source of evidence and information about past events, influencing what is remembered and what is forgotten.

Apart from the history of events, large or small, there is also interest in how society has changed or is changing.

Social change in the broadest sense is any change in social relations. Viewed this way, social change is an ever-present phenomenon in any society. A distinction is sometimes made then between processes of change within the social structure, which serve in part to maintain the structure, and processes that modify the structure (societal change).⁷

Potentially any records could document past events and show social change, so deciding what records to keep, and therefore what will be remembered, is one of the most challenging tasks of an archive. Often it is only with hindsight that the significance of an event or extent of social change can be recognised.

Government has a significant role in collecting printed material, objects, and art including items that reflect the history and development of the State. Like for research collections, data recorded in catalogues about items collected often provide evidence of the origin and history of items and are essential for the management of the collections.

Government also has a role in preserving built post-colonial heritage. Records that document decisions about preserving our heritage are potentially an indicator of social attitudes and values, and the records are likely to have value for understanding heritage sites and objects.

We will keep records permanently that provide information and evidence of:

- historic incidents including natural disasters and major accidents
- key aspects of the planning, management and staging of unique events across South Australia.
- delivery of artistic and performing arts activities by State run cultural institutions
- the origin and history of collected items
- changes in government programs and services that demonstrate a new approach or direction
- identification, development and management of sites of conservation, cultural or heritage significance
- political and ceremonial engagement between South Australia and other sovereign states and powers.

⁵ Woolf, D 2019, *A Concise History of History: Global Historiography from Antiquity to the Present*, Cambridge University Press, p.3.

⁶ Ibid. p.299.

⁷ <https://www.britannica.com/topic/social-change>

Examples of permanent records in previous disposal determinations:

- records of accident investigations by the Rail Safety Regulator or Rail Operator (see RDS 2010/12 V1 class 5.4.1)
- records of development of university curricula. (see GDS 24 V4 class 7.7.1)
- master program and season brochures and finalised program proposals and assessment reports of the Adelaide Festival Centre Trust (see RDS 2016/13 V1 class 5.10.1)
- records of the establishment of unique events run by local councils (see GDS 40 class 91.1)
- records relating to inspection and assessment by the Department for Environment and Water of places nominated for heritage listing, including advice to the Minister (see RDS 2019/09 V1 class 58.1)
- records relating to official visits to South Australia including Heads of State, Heads of Government and members of the Royal Family (see RDS 2006/16 V1 class 1.26.1 superseded).

Examples of records not required for permanent retention include:

- records documenting the routine approval to conduct events e.g. records relating to the application to the Department for Environment and Water for permits to conduct events or activities in Prescribed Areas (including Marine Park or Sanctuary Zones)
- records documenting the arrangements and mechanisms for staging and marketing events and productions
- records received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency (these are not official records under the SR Act).

6. Records documenting public policy

Public policies are initiated by the government of the day, often arising from political parties as part of election campaigns, or being developed from within the public service. These policies often have implications for communities, businesses and individuals in the State. Examples of public policies include: introducing a market-based compulsory third party insurance model, ensuring there is affordable and reliable energy, and improving mental health care for older people.

Records of the formulation, development, determination, implementation, evaluation and review of public policy are likely to be found across a number of government agencies and can comprise a broad range of records including research, legal advice, briefings, policy proposals, meeting notes, surveys, public hearings, submissions, and reports. Public policy may also involve development of new or amended legislation.

Cabinet is the central decision-making body of the South Australian Government. Cabinet is a product of convention and practice and does not have terms of reference or legal status. Consequently, the outcomes of its deliberations may require action to be put into effect by:

- the Governor in Executive Council
- individual ministers whose executive power is derived from legislation
- holders of statutory office, or
- the Parliament.⁸

Cabinet has a major role in public policy.

The functions of Cabinet include the final determination of the policy to be submitted to Parliament. Policy matters are discussed in Cabinet and a decision is taken. The decision then becomes binding on every member of the Cabinet, who must defend it even if they did not agree with it.⁹

Public policy is about developing a whole of government position on an issue, establishing a strategic direction for the State, and potentially leads to many governance and management decisions (see theme 8) as well as changes in government structures required to implement the policy (see theme 9).

We will keep records permanently that provide information and evidence of:

- new and emerging public policy issues
- public policy proposals and determination of public policy through Cabinet decisions
- whole of government policies issued and promoted
- substantive review of the implementation or outcomes of public policy
- development and review of legislation in support of public policy.

⁸ Department of the Premier and Cabinet n.d., *About Cabinet*, <https://www.dpc.sa.gov.au/responsibilities/cabinet-and-executive-council/cabinet/about-cabinet>

⁹ Parliament South Australia, n.d. *The Government of SA*, <https://www.parliament.sa.gov.au/en/About-Parliament/The-Government-of-SA>

Examples of permanent records in previous disposal determinations:

- original Cabinet and Cabinet Sub-Committee agenda, submissions, notes, comments and decisions (see GDS 18 V4.1 classes 5.3.1, 5.3.2, 5.3.7, 5.3.10)
- records of the review of public policy such as the Compulsory Third Party (CTP) Insurance Scheme Competition Model (see RDS 2019/03 V1 class 2.2.1)
- records of submissions, advice and briefings from agencies to their Minister relating to contentious or significant issues (see GDS 30 V2 class 7.2.2)
- records relating to the development or major review of legislation administered by the agency (see GDS 30 V2 class 13.13.1).

Examples of records not required for permanent retention include:

- agency internal policy and procedure documents that interpret and implement public policy, such as work health and safety policy and procedures.

7. Records of governance and accountability

The values and standards outlined in the Code of Ethics for the South Australian Public Sector build upon the four foundations of public service – Democracy, Impartiality, Accountability and Diversity.

Good record keeping supports a democratic government and enables greater transparency and accountability.¹⁰

State and Local Governments govern with authority within a specific jurisdiction. Governance often refers to the activities of boards and councils that have control and oversight over organisations, whereas management often refers to the day to day activities of chief executives and managers.

Governance and management bodies make decisions, and spend public funds, on behalf of the community. Records provide evidence of formal decision-making (such as agenda, papers and minutes) and the implementation or execution of strategy and public policy (such as plans and policy documents).

Records can also provide essential evidence for accountability such as providing proof that a process was fair, impartial and unbiased, consistent with policies and procedures, and able to withstand internal or external scrutiny.

Many formal accountability structures and mechanisms exist to oversee the integrity of public administration in South Australia and provide independent assurance to Parliament that government is operating properly and in accordance with the law.

We will keep records permanently that provide information and evidence of:

- formal governance and management by authorised bodies including resolutions and decisions
- policies and procedures issued by government to regulate an industry or government itself, including establishing standards of professional conduct
- accounting for public expenditure at the end of financial year
- management of Crown assets on behalf of the community such as Crown land
- independent examinations of agency financial reports and operations, controls and matters of public interest
- complaints that have progressed to an investigation, potentially showing issues with decision-making or processes
- the constitutional process of adjusting electoral boundaries to reflect demographic and population changes.

¹⁰ Office of the Commissioner for Public Sector Employment, Induction to the South Australian Public Sector, <https://www.publicsector.sa.gov.au/induction>

Examples of permanent records in previous disposal determinations:

- master copies of agenda, minutes, reports and proceedings of board and committee meetings (see GDS 30 V2 class 2.6.1)
- master copies of policies and procedures of the Surveyors Board relating to governance of the State's licensed and registered surveyors (see RDS 2012/2 V1 class 1.4.1)
- case files of investigations into agencies by the Ombudsman (see RDS 2012/12 V1 class 1.4.1)
- records of formal communications in the conduct of examinations by the Auditor-General at the request of ICAC, a Minister or the Treasurer (see RDS 2012/23 V1 classes 3.1.1, 3.2.1 and 3.3.1)
- records relating to the consolidated or summary annual statements of accounts not captured in the agency's annual report or the Auditor-General's annual report (see GDS 30 V2 class 6.6.1)
- records of acquisition, donation, care, storage, maintenance and disposal of anatomy specimens by universities (see GDS 24 V4 class 9.2.1)
- register of community land and associated management plans, and records of local council classification of land and revoking land from classification (see GDS 40 V1 class 9.3)
- research and advice on redistribution of electoral boundaries and proclamation of new electoral subdivisions and districts (see RDS 2019/16 V1 classes 5.1.1 and 5.1.2).

Examples of records not required for permanent retention include:

- records of sub committees supporting boards or committees, where reports are submitted to the main decision-making body or decisions are of limited scope or impact.
- public registers that provide evidence of accountability for specific periods e.g. registers of local council elected member interests, allowances and benefits
- records of Parliament (these are not official records under the SR Act).

8. Records documenting government authority

As a state of Australia, South Australia retains the power to make its own laws over matters not controlled by the Commonwealth under Section 51 of the Australian Constitution. And like other states, South Australia has its own constitution, as well as a structure of legislature, executive and judiciary.¹¹

*The South Australian Parliament is based on the British Westminster system of Parliamentary Government. South Australia operates under responsible Cabinet Government: the Governor acts on the advice of the Ministers (i.e. the Cabinet), headed by the Premier. The Ministers each are in charge of government departments; and they are Members of Parliament on the Government side of the Chamber. Every Minister is also a member of the Executive Council.*¹²

Records that document the government's authority to act, and exercise of this authority, can establish the framework within which the citizens can hold the government accountable.

The authority to govern and act is not static and can be impacted by machinery of government changes and reforms.

Machinery of Government (MOG) refers to the allocation of functions and responsibilities between departments and ministers. These allocations reflect a government's strategy and priorities and changes may often be made following an election or to support new policy directions.

MOG changes are the prerogative of the Premier and can include: appointing ministers, establishing or abolishing departments, transferring responsibility for functions, legislation or departments between ministers, and transferring functions within the public sector.

*The Governor in Executive Council, on the advice of the Premier, appoints ministers, establishes administrative units (departments) and formally allocates responsibilities to ministers.*¹³

We will keep records permanently that provide information and evidence of:

- the delegation of authority to appointed officials at points in time, documenting the right to perform duties and functions of the State
- formal arrangements of governing bodies including terms of reference, constitution, and business registration
- agreements between governments including defining how the tiers of government will work together
- assent of legislation, and the making of regulations, rules, proclamations and notices by the Governor

¹¹ Australian Government, *How Government Works*, <https://info.australia.gov.au/about-government/how-government-works>

¹² Parliament South Australia, n.d. *The Government of SA*, <https://www.parliament.sa.gov.au/About-Parliament/The-Government-of-SA>

¹³ Department of the Premier and Cabinet 2019, *Machinery of Government: Implementing Change*, https://www.dpc.sa.gov.au/_data/assets/pdf_file/0006/91482/Machinery-of-Government-Handbook.pdf

- the publication of government proceedings in the South Australian Government Gazette
- judgements or rulings determining the extent of jurisdictions and powers
- formal instruments, delegations or authorities establishing the functions, jurisdictions, boundaries and operations of government.

Examples of permanent records in previous disposal determinations:

- records of official assignments given to the Minister by the Premier as well as changes to Ministerial portfolio responsibilities (see GDS 18 V4.1 classes 5.11.1 and 5.11.2)
- records of establishment, amalgamation, abolition and winding-up of councils, council subsidiaries, and trusts (see GDS 40 V1 class 1.2)
- delegations of authority of power to boards and committees (see GDS 30 V2 class 2.4.1)
- agreement between the State and Local Government maintained by the Local Government Association (see RDS 2012/3 V1 class 1.2.2).

Examples of records not required for permanent retention include:

- records of operational delegations to employees within agencies

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