



**The Hon. Don Harwin MLC**

Leader of the Government in the Legislative Council

Special Minister of State

Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts

Vice-President of the Executive Council

Ref: IM21/9879

Mr David Blunt  
Clerk of the Parliaments  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Blunt

**RE: NSW Government Response to Recommendations from the Social Issues Committee Inquiry into the State Records Act 1998 and the Policy Paper on its review.**

Please find attached the NSW Government response to the report entitled *State Records Act 1998 and the Policy Paper on its review* by the Standing Committee on Social Issues for tabling in the Legislative Council.

Yours sincerely

**Don Harwin MLC**

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Vice-President of the Executive Council

DATE: 8.4.21

Received at 11:40 am  
Wednesday 14 April 2021

Committee Finding/Recommendation	Government Response
<p><b>Finding 1</b></p> <p>That the committee strongly supports the proposal to create a single new cultural institution with Executive Agency status, in place of the existing State Archives and Records Authority of New South Wales and Sydney Living Museums, to collect, manage, preserve and provide access to government records, objects, buildings and places of interest to the people of New South Wales. Moreover, the committee believes this new cultural institution will strengthen and diversify access to and engagement with the history of New South Wales.</p>	<p><b>Noted.</b></p>
<p><b>Recommendation 1</b></p> <p>That the NSW Government document a detailed analysis of all aspects of the proposal to create a single new cultural institution in place of the existing State Archives and Records Authority of New South Wales and Sydney Living Museums.</p>	<p><b>Noted.</b> Following the recommendations of the Social Issues Committee, the NSW Government is finalising its proposals for amendment to the State Records Act and the Historic Houses Trust Act. The Minister proposes to have a further round of consultation with the Social Issues Committee prior to presenting amending legislation to parliament.</p>
<p><b>Recommendation 2</b></p> <p>That the NSW Government ensure that the proposed new cultural institution is:</p> <ul style="list-style-type: none"> <li>• supported by sufficient baseline funding to successfully care for Collections, Archives and assets, and to fulfil its mandate</li> <li>• empowered to activate its assets to achieve commercial income as part of its core activities.</li> </ul>	<p><b>Noted.</b></p>
<p><b>Recommendation 3</b></p> <p>That the NSW Government ensure the legislation giving effect to the new cultural institution clearly defines the government recordkeeping and archival functions of the institution, based on the existing functions of the State Archives and Records Authority of New South Wales.</p>	<p><b>Noted.</b></p>
<p><b>Recommendation 4</b></p> <p>That the NSW Government ensure the governance structure supporting the new cultural</p>	<p><b>Noted.</b></p>

<p>institution is inclusive and represents a wide range of skill and expertise sufficient to manage the institution's broad remit.</p>	
<p><b>Recommendation 5</b> That the NSW Government ensure the legislation giving effect to the new cultural institution bestows a clear state-wide mandate, such that the objectives of the legislation clearly acknowledge regional and remote New South Wales as areas of specific consideration.</p>	<p><b>Noted.</b></p>
<p><b>Recommendation 6</b> That the NSW Government ensure, in any amended or new legislation regarding government recordkeeping and archiving, that:</p> <ul style="list-style-type: none"> <li>• records in the open access period be open by default, unless subject to a 'closed to public access' direction</li> <li>• the open access period be reduced to 20 years.</li> </ul>	<p><b>Noted.</b></p>
<p><b>Recommendation 7</b> That the NSW Government ensure, in any amended or new legislation regarding government recordkeeping and archiving, that public offices are required to make and implement plans to transfer control of records of enduring value that are no longer in active business use to the State Archives and Records Authority of New South Wales.</p>	<p><b>Noted.</b></p>
<p><b>Recommendation 8</b> That the NSW Government ensure, in any amended or new legislation regarding government recordkeeping and archiving, that a monitoring power be included to require public offices to investigate its recordkeeping practices and to report back its findings, when directed.</p>	<p><b>Noted.</b></p>
<p><b>Recommendation 9</b> That the NSW Government:</p> <ul style="list-style-type: none"> <li>• work in partnership with Aboriginal people to manage and care for highly sensitive and confidential Aboriginal records and enable greater access to them</li> <li>• consider appointing Aboriginal archivists within the State Archives and Records Authority of New South Wales.</li> </ul>	<p><b>Noted.</b></p>