12 May, 1978

Mr H.B. MacDonald,
First Assistant Secretary,
Parliamentary, Information and
Constitutional Affairs,
Department of Prime Minister
and Cabinet,
CANBERRA.  A.C.T.  2600

Dear Mr MacDonald,

Before he left Canberra for our Brisbane
Office, Professor Neale asked that a brief paper be
prepared for you, setting out the basic issues associated
with the disposing of records between the Commonwealth
and the Northern Territory Public Service.

A copy of the paper is attached. A copy has
also been sent to Mr N.M. Boyle of the Department of
Administrative Services, for his information.

Yours sincerely,

(K. PENNY)
Director
NOTES ON ISSUES RELATING TO THE DISPOSITION OF RECORDS BETWEEN THE COMMONWEALTH AND THE N.T. PUBLIC SERVICE.

1. Basis for disposition of Records.

The basic principle is that records should be available to both Commonwealth and N.T.P.S. agencies to meet their current administrative needs. This means that records which relate to transferred functions should be transferred to the control of the NTPS, while records which are of administrative relevance only to the Commonwealth should remain with it. In practice, operational records relating to transferred functions would be transferred, and policy records relating to these functions should also be transferred where they are needed in connection with current operations. All other policy records, including those relating to areas where the Commonwealth continues to exercise responsibility or which are considered sensitive (e.g. Cabinet papers), should remain with the Commonwealth. Particular attention would need to be given to the disposition of classified papers, and special arrangements may need to be made for some classes of records such as records of personnel, to whom both the Commonwealth and the NTPS may have a responsibility.

2. Ownership.

Transferred records become the property of the NTPS, which would be responsible for their ultimate disposal and for access arrangements.

3. Transfer arrangements.

Disposition of records is a matter for agreement between the Commonwealth agencies concerned and the NTPS and should be based on the functions assigned to each NTPS Agency. To the extent that its resources allow, the Australian Archives will be willing to offer informal general advice.

An explanatory statement on transfer arrangements, prepared by the Australian Archives, will be circulated to the Commonwealth agencies concerned in the very near future.

4. Recording of transfers.

It is essential that transfers of records are adequately recorded and that this information is available to both the transferring and the receiving agency. The information should also be available to the Australian Archives to enable it correctly to discharge its responsibilities, particularly in relation to provision of reference and retrieval services for agencies and in regulating access both by officials and the public to Commonwealth records and should it be so agreed, to other records (including NTPS records) which are in archival custody.
2. An explanatory statement on recommended recording procedures is also being prepared for circulation to appropriate Commonwealth agencies.

5. Access to records.

(a) Official access

Commonwealth agencies may be allowed access to records controlled by NTPS agencies (and vice versa) by agreement with the agency controlling the records. This arrangement would apply whether the records are in departmental or archival custody.

In cases where there seems to be a continuing need for an agency of one administration to have access to the records of the other, it would be desirable to establish a formal continuing agreement of which the Australian Archives should be informed.

(b) Public access

Records controlled by Commonwealth agencies are subject to official access policy administered by the Australian Archives. Access to records controlled by the NTPS would be a matter for the NTPS to determine, but it is recommended that this be consistent with Commonwealth access policy.

6. Disposal of records.

Disposal (that is, destruction or retention and transfer to archival custody) of Commonwealth records will continue to be authorised by the Australian Archives. Disposal of NTPS records is the responsibility of the NTPS. However, the Australian Archives would be willing to provide advice to the extent that its resources allow and, subject to the same proviso, and in consultation with the NTPS, undertake the weeding and destruction of NTPS records in archival custody.

7. Archives arrangements.

It must be clearly appreciated that the Australian Archives will continue to operate in the Northern Territory in the same way and for precisely the same reasons as it now does in each of the States. That is:

(a) to provide storage, disposal, lending and reference services for Commonwealth agencies throughout the Territory. These operations will continue to be on a significant scale as services extend to agencies which hitherto it has not been possible to cover;

(b) to provide reference services for the public in relation to locally held Commonwealth records and also to act as the 'first point of reference' for enquiries concerning the archival resources of the Commonwealth as a whole. This activity
3.
will develop as the Government's information policy gradually takes shape and will certainly be enhanced by the reference and access aspects of impending Archives legislation and possibly also by any Freedom of Information legislation.

It is absolutely essential, therefore, that the Nightcliff building, specially designed to allow these Commonwealth programmes to be carried out, should be retained as the main Commonwealth outlet for all such operations.

However, until the nature of the permanent Archives arrangements appropriate for the NTPS has been decided, it is possible that the Commonwealth could offer practical assistance in the shape of providing basic storage and lending services for NTPS agencies and, if requested, could advise and assist in connection with disposal matters and also assist with the administration of public access to NTPS records.

Any such arrangements would have to (i) be consistent with the interests of what will be two separate Governments; (ii) cover the possible need for additional resources to provide a broader range of services; (iii) be on a footing consistent with the general financial arrangements agreed between the Commonwealth and NTPS.


The Australian Archives has been involved in discussions with the relevant agencies since 1976. Material of potential relevance to the NTPS is already in archival custody. Working arrangements covering access to some of this material have already been determined and will be developed for further application as the need arises.