

**The Parliament of the Commonwealth of Australia**

**SENATE  
FINANCE AND PUBLIC ADMINISTRATION  
REFERENCES COMMITTEE**

**REVIEW OF THE OPERATION OF THE ORDER FOR  
THE PRODUCTION OF INDEXED LISTS OF DEPARTMENTAL FILES**

**FEBRUARY 1997**

## **MEMBERS OF THE COMMITTEE**

Senator Shayne Murphy, Chair, (Tasmania)  
Senator The Hon Ian Macdonald, Deputy Chair (Queensland)  
Senator Alan Eggleston, (Western Australia)  
Senator Brenda Gibbs, (Queensland)  
Senator Kate Lundy, (Australian Capital Territory)  
Senator Sue Mackay, (Tasmania)  
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# INDEXED LISTS OF DEPARTMENTAL FILES

## Background to the Review

1.1 On 28 June 1994 a motion was put to the Senate by Senator Harradine, and agreed, requiring Ministers to table lists of files created by Commonwealth departments.

1.2 The purpose of the motion was to "make Freedom of Information more genuinely workable, by enabling Parliamentarians and the public to have some idea of what information exists. However the motion is also intended to do more than simply make things easy for persons requesting information under the Freedom of Information Act. It is designed to make coordination within the bureaucracy easier as well as ensuring that both Ministers and Parliamentarians can get a real benefit out of the vast expenditures on technology being undertaken by Commonwealth departments."<sup>1</sup>

1.3 The Senate adopted a slightly amended order for the 38th Parliament on 30 May 1996<sup>2</sup> to apply to agencies as well as departments. The order requires Ministers to table indexed lists of the titles of relevant files created in the central offices of departments and agencies. Lists concerning files created between 1 July and 31 December are required to be tabled by the tenth day of the autumn sittings, and of files created between 1 January and 30 June by the tenth day of the spring sittings.

1.4 The order requires the indexed lists to be provided in hard copy form and in electronic form on floppy disk. "Relevant files" include files relating to the policy advising functions of departments and agencies, including any relating to the development of legislation and other matters of public administration, but need not include files transferred to the Australian Archives; case-related files (for example personal representations or dealing with the personal affairs of departmental or agency clients or taxpayers); and files essentially related to the internal administration of the department or agency (for example staff or personnel matters.) The order allows for exclusion from the title of the file any part of the title which would necessarily disclose commercially confidential, identifiably personal or national security matters.

1.5 The amended order requires that after the first returns under the order are tabled, the Senate Finance and Public Administration References Committee undertake a review of the operation of the order to ascertain:

- (1) The most efficient and effective method of ensuring that the information required by this order to be tabled, is available on the public record (including in electronic form)
- (2) Whether the indexing of file lists across departments and agencies can be improved in consultation with the Australian Archives to provide uniform methods of obtaining access to government data

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<sup>1</sup> Weekly Senate Hansard 28 June 1994, p. 2100

<sup>2</sup> Journals of the Senate 30 May 1996, No 15 p. 279

- (3) Whether the order needs to be amended to take into account e-mail and electronic data storage
- (4) Any legal or practical difficulties encountered by agencies in complying with the order
- and that the Committee report to the Senate no later than the first day of sitting in 1997.

### **Conduct of the Review**

1.6 Departments were invited to provide submissions against the four terms of reference listed above. Eleven Departments (of eighteen) responded. Some responses reflected input from portfolio agencies, whilst others represented Departmental views only.

1.7 Recent reviews and current government initiatives have a bearing on the terms of reference have also been taken into account. These include:

#### Reviews

- a joint review of the Freedom of Information Act by the Australian Law Reform Commission and the Administrative Review Council<sup>3</sup> (subsequently referred to as the ALRC/ARC Report). The review was completed in December 1995
- reports on "Architecture for Access to Government Information" (July 1996)<sup>4</sup> and "Management of Government Information as a National Strategic Resource" (October 1996)<sup>5</sup> by the Information Management Steering Committee (IMSC). The IMSC operates under the auspices of the Office of Government Information Technology.

#### Initiatives

- a request for proposal issued in October 1996 under the auspices of the Office of Government Information Technology with the aim of developing a whole of government approach to records management, encompassing both paper and electronic records<sup>6</sup>.

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<sup>3</sup> "Open Government: a review of the federal Freedom of Information Act 1982", Australian Law Reform Commission Report No 77, Administrative Review Council report No 40, 1995

<sup>4</sup> "Architecture for Access to Government Information. A Report of the Information Management Steering Committee Technical Group", 25 July 1996

<sup>5</sup> "Management of government information as a national strategic resource. Preliminary Report of the Information Management Steering Committee on Information Management in the Commonwealth Government", October 1996

<sup>6</sup> Request for Proposal for a whole of government records management system as released by the Records Management Systems Working Group for the Office of Government Information Technology, 8 October 1996

**The most efficient and effective method of ensuring that the information required by this order to be tabled, is available on the public record (including in electronic form).**

1.8 Departmental submissions pointed out that this term of reference raises two issues:

- the means of providing the information to the Senate
- the means of making it available to the public.

The means of providing the information to the Senate

1.9 Responses tended to support the current method of providing the information, that is, in both hard copy and electronic form. The hard copy version is necessary to form the definitive record of the information tabled, and the electronic version is necessary because it is easier to search, transmit and otherwise manipulate electronically.

The means of making the information available to the public.

1.10 The ALRC/ARC Report considered the extent to which the information required by the order assists FOI applicants and concluded that "While the motivation behind this order .... is understandable, it is doubtful that the enormous volume of lists deposited at Parliament House will be of practical use. ... information .... would be more useful if it was made available on-line .... This would make the information accessible to a wider audience and ... be in keeping with the ... trend toward providing electronic guides to government information resources."<sup>7</sup>

1.11 Several departmental submissions also suggested that access to the information should be made available through a single Commonwealth home page on the internet.

1.12 The ideal way of providing access to the information through the internet would be through a central point of access designed either:

- for people seeking access to Commonwealth Government information generally;
- or
- for FOI applicants in particular.

1.13 However at present no such point of access exists. The IMSC has proposed<sup>8</sup> the establishment of an Australian Government Information Locator System to improve the visibility of government information holdings. The system would be a list of government information holdings made available on the internet. However this IMSC report at present has the status of a discussion draft, and the proposal has not been formally put to Government.

1.14 Two Government agencies, the National Library and the Office of Government Information and Advertising, maintain Commonwealth Government web pages which provide points of access to the homepages of individual departments and agencies, but few, if

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<sup>7</sup> "Open Government: a review of the federal Freedom of Information Act 1982", op cit, p. 83

<sup>8</sup> "Management of government information as a national strategic resource, op cit, p. 75

any, of those home pages provide comprehensive descriptions of the organisations' information holdings.

1.15 The Department which administers the FOI Act, Attorney-General's, has stated in its most recent FOI Act Annual report that "the ... Department is preparing a home page for placement on the internet. The page will include ... papers and reports on FOI." <sup>9</sup> However the home page has yet to be established. When established that home page could include the complete list of departmental files or points of access to each portfolio list at individual home pages.

1.16 The Department of the Senate could make the information available through the Senate home page. However manipulating the information, which comprises about 7000 pages of information, into a form accessible through the internet would be very time-consuming. In addition the utility of such a move would be limited given that the Senate home page is unlikely to be a favoured point of access for people seeking information about FOI or government information holdings generally.

### Summary

1.17 Public access to the information could be improved by placing it on the internet, but because of the volume of information, the process will be costly in terms of staff time. Even if placed on the internet, the "visibility" of the information will be less than ideal because an indexed, central point of access to government information holdings on the internet has not yet been established.

1.18 As an interim measure, and subject to the availability of resources, **it is recommended that file lists from a small number of departments which historically have received a large number of FOI requests be put on the Senate home page on the internet on a trial basis. Links to the home pages of the departments involved be established. The trial should run for six months. At the end of the trial period this committee would assess the usage of the file lists and report to the Senate on:**

- **whether the practice should be extended to all file lists; and**
- **the most appropriate location(s) on the Internet for the lists.**

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<sup>9</sup> Freedom of Information Act 1982 Annual Report 1994-95, Attorney-General's Department, 1996, p. 41

**Whether the indexing of file lists across departments and agencies can be improved in consultation with the Australian Archives to provide uniform methods of obtaining access to government data.**

1.19 The ALRC/ARC Report considered that for the information required by the order to be of assistance to FOI applicants, "file titles will have to be more meaningful and self-explanatory."<sup>10</sup>

1.20 Initiatives are currently being undertaken to improve the indexing of file lists.

1.21 Australian Archives has endorsed the New South Wales Keyword AAA Thesaurus as the preferred Commonwealth thesaurus. It is intended to use the NSW Keyword AAA Thesaurus to:

- encourage uniformity of vocabulary government wide
- assist in the exchange of records between agencies
- assist in ready access to Commonwealth records by the government, agencies and the public.

1.22 Australian Archives has indicated a willingness to coordinate amendments and maintenance of the common thesaurus for the Commonwealth and will broker training and the provision of consultant services for advice and development of specific thesaurus components for departments and agencies.

1.23 The IMSC has recommended that Australian Archives promote the use of the Keyword AAA thesaurus for records classification, and that the Government Information Systems Policy Board endorse its use by agencies<sup>11</sup>. As noted above, the IMSC's recommendations have not yet been put formally to government.

Summary

1.24 Steps have recently been taken to improve the indexing of file lists across departments and agencies. In view of this progress the Committee makes no recommendations relating to this term of reference, but notes current developments and supports the recommendations of the IMSC.

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<sup>10</sup> "Open Government: a review of the federal Freedom of Information Act 1982", op cit, p. 83

<sup>11</sup> "Management of government information as a national strategic resource, op cit, p. 77



**Whether the order needs to be amended to take into account e-mail and electronic data storage.**

1.25 Departments were concerned that the wording of this term of reference suggested an intention to extend the scope of the order beyond file titles to the titles, or even to the content, of individual electronic documents. Departments also pointed out that much of the e-mail transmitted within departments is of the nature of conversation rather than formal communication, and that much of the data stored electronically represents information, such as rough drafting, not having the status of an official record.

Electronic databases containing records of personal information

1.26 Departments and agencies are required by the Privacy Act to advise the Privacy Commissioner of electronic data bases containing records of personal information. This information is incorporated into the Personal Information Digest which is published annually by the Commissioner, and provided to public libraries for access by the public. Therefore the intention of the order is already being met in regard to electronic databases containing personal information.

Current proposals for integrating the management of paper and electronic records

1.27 A Request for Proposal (RFP) was issued in October 1996 under the auspices of the Office of Government Information Technology with the aim of developing a whole of government approach to records management, encompassing both paper and electronic records<sup>12</sup>.

1.28 The RFP states that "The Commonwealth wishes to obtain the same functionality from the logical file as it does from the paper file. To create a logical file, electronic documents/records which are related, are linked to a common file identifier. .... The logical file is then an electronic version of the paper file."

1.29 A primary purpose of the RFP is to encourage commercial organisations to submit information on products which meet Commonwealth requirements, to evaluate proposals, and recommend to government a set of products. Departments and agencies would not, however, be bound by the recommendations.

Current practice in regard to electronic records management

1.30 Departmental submissions indicate that practices in regard to electronic records management vary significantly from agency to agency.

1.31 One Department stated that under its records management policy "a paper copy of all documents should be kept on paper files, even if the documents were originally created on electronic systems." If such a practice is followed, electronic records fall within the scope of the existing order.

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<sup>12</sup> Request for Proposal for a whole of government records management system as released by the Records Management Systems Working Group for the Office of Government Information Technology, op cit

1.32 Another Department has stated that "electronic mail relevant to .... a particular issue should be printed out and placed on relevant files. .... In large, electronic data stored by this Department relates to client information and would be exempt from tabling. However, should the order be amended to include electronic data storage, the Department would not be in a position to comply with the requirement ... as we do not have an online electronic document management system to enable us to produce a listing."

### Summary

1.33 Steps are being taken under the auspices of the Office of Government Information Technology to a whole of government approach to records management, encompassing both paper and electronic records. Under the approach being taken, electronic records would be grouped as logical files, in a manner equivalent to paper files. If and when such an approach is implemented, it would be a simple matter to extend the order to include logical files, as well as paper files.

1.34 Information on databases containing personal information is already being provided under the Privacy Act.

1.35 In general, Departments have expressed concern at attempting to extend the order to electronically stored data at this stage, and some have indicated that it would be impossible for them to comply with such an order.

1.36 The Committee makes no recommendations relating to this term of reference, but notes and endorses current initiatives to develop a whole of government approach to integrated management of paper and electronic records.

**Any legal or practical difficulties encountered by agencies in complying with the order.**

Legal difficulties

1.37 None of the Departmental submissions indicated legal difficulties in complying with the Order.

Practical difficulties

1.38 The information provided under the order for the period 1 January 1996 - 30 June 1996 constituted, in the hard copy version, about 7000 pages of information occupying about 3/4 metres of shelf space, and in electronic form, 89 floppy disks containing about 20 megabytes of information, equivalent to approximately 115,000 file titles.

1.39 Although several Departmental submissions indicated that the processes for producing the list are becoming more efficient as staff become more familiar with the task, all responses indicated that the production of the lists is costly. The process is labour-intensive because each title needs to be examined against the criteria by an officer familiar with the file's contents to ascertain whether the file is a "relevant file", and because of the need to censor the title if words in it could disclose confidential information.

1.40 A number of submissions suggested that, given the expense of compiling the lists, the extent of usage should be monitored in order to assess whether they are a cost-effective means of achieving the objectives sought by Senator Harradine.

1.41 One Department is trialing a system of identifying the relevant files at the time they are raised, rather than retrospectively, to see whether this will significantly improve efficiency.

1.42 One response stated that the timetable requiring tabling of a list soon after the preparation of the budget causes difficulty since staff are involved in both processes.

National security

1.43 The Department of Defence expressed concern about providing titles of classified files. Although the titles of classified files are edited to avoid revealing information which might compromise national security, the Department believes that analysis of a "collage" of individually innocuous file titles can provide information to foreign intelligence agencies. The Department recommends that files whose national security classification is Confidential, Secret or Top Secret should be excluded from the Order. These categories of files comprise some 13% of the total number of files tabled by the Department in its most recent response to the order.

Summary

1.44 No Departments or agencies have reported legal difficulties in complying with the order.

1.45 The information required by the order each six months comprises about 7,000 pages or about 115,000 file titles. Departments and agencies are concerned at the expense of providing this information and have suggested that its use should be monitored to assess whether the order is a cost-effective means of achieving the objectives sought by Senator Harradine.

1.46 The Department of Defence is concerned that the operation of the order could compromise national security.

**1.47 It is recommended that the order be amended to exclude the titles of files whose national security classification is Confidential, Secret or Top Secret or their equivalent.**

### **Continuing Scrutiny**

1.48 The Committee has noted a number of activities within the Commonwealth relevant to the creation and dissemination of the lists of Departmental files. The work of the Office of Government Information Technology and of Australian Archives on a whole of government approach to records management is not yet complete. Trials by individual departments in identifying files at the time of their creation which will be placed on the list and the Committee's proposal to make the list available on the internet will also take some time to produce results. Therefore the Committee will revisit this matter and provide a report to the Senate in 12 months.

**Shayne Murphy**  
**Chair**

## **APPENDIX 1**

### **SUBMISSIONS**

- 1 Department of Transport and Regional Development
- 2 Department of Social Security
- 3 Department of the Treasury
- 4 Attorney-General's Department
- 5 Department of Health and Family Services
- 6 Department of Industrial
- 7 Department of Finance
- 8 Department of Industry, Science and Tourism
- 9 Department of Defence
- 10 Department of the Environment, Sport and Territories
- 11 Department of Immigration and Multicultural Affairs

## **APPENDIX 2**

### **DETAILS OF MEETINGS**

#### **PRIVATE MEETINGS**

##### **Private Briefing**

29 November 1996

8.00am - 9.00am

Committee Room 1S5

Parliament House

CANBERRA

##### **Private Meeting**

10 December 1996

12.05pm - 12.28pm

Deputy President's Suite SG 44

Parliament House

CANBERRA