The Archives Act 1983 – A Legal Framework for a Digital Future?

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Synopsis
This paper considers the legislative framework of the Australian government’s records and archives management, with particular emphasis on the adequacy of the Archives Act 1983 in a rapidly changing environment. It also examines the relationship of this Act with other information laws, such as the Freedom of Information Act 1982, the Australian Information Commissioner Act 2010 and the Privacy Act 1988 which have recently undergone or are currently undergoing significant reviews.

The context in which the Archives Act operates today is significantly different from that of the late 1970s and early 1980s when the Act was originally drafted and passed into law. Despite attempts in the past to review the Act, it wasn’t until 2008 and again in 2010 that significant changes eventuated, in particular those that established the National Archives’ role in directing and overseeing records management in the Australian government.

The paper addresses the following question: in the swiftly changing societal environment, is there a need for the Archives Act to accommodate changes in relation to records and information management and how may this be achieved?

Introduction
The Commonwealth Archives Act 1983 came into force 30 years ago, in 1983. Those of us here who are old enough, do you remember the way things were in 1983?

- Tatiana was at school in Russia.
- Linda was starting out at university (definitely the 1980s, look at that bad hairstyle!)
- The median housing price here in Canberra was $52,000. It’s now more than ten times that ($568,000 in March 2013).
- Ronald Reagan was president of the United States, Maggie Thatcher was re-elected for a second time in the United Kingdom and Bob Hawke defeated Malcolm Fraser to become Australia’s 23rd prime minister.

On a technical front:

- The first Apple IIe personal computer was released.
- The first version of Word for MS-DOS was distributed on floppy disk in the November 1983 issue of PC World.
- 3½ inch floppy disks, holding up to a massive 500kb on a single side had just been introduced.
• Typing pools still existed, with secretaries on typewriters being replaced by operators on word processors.

• Inspired by Captain Kirk of Star Trek fame, a Motorola engineer had developed a mobile phone, with the first version for public use coming on the market for a mere $3,995.

• LCD TV sets and remote controls became commercially available as did the Seiko wristwatch TV and the Casio 10-inch TV, enabling Australians to watch Australia win the America’s Cup from the comfort of their couch, wrist or car.

• Pac-Man arcade games were all the rage.

• We were listening to Billie Jean on our Sony Walkmans while attempting to moon walk.

• The Sony Camcorder was introduced using Betamax tapes – and we all know what happened to those.

• ARPANET, the Advanced Research Projects Agency Network, switched its networking technology to TCP/IP arguably creating the modern Internet.

• And now, you can do all those things – make phone calls, listen to music, play games, search the Net, watch videos, or send a message on one small device.

This is the context into which the Archives Act came into being in 1983. A context largely formed in the dawn of the computing era, pre-networking, pre-Internet, pre video games, pre mobile phones, and pre-YouTube and Facebook.

Technology has changed society in fundamental ways. It has changed how we purchase goods and services, access entertainment, read newspapers, do banking, conduct research, participate in meetings and do our work.

It has also changed the way citizens interact with government, and how government does its business. By 2017 the aim is for all common government interactions to be achievable online, and for all government communication to be provided in digital form. Meanwhile, government employees are teleworking, taking notes on their tablets, storing records in electronic records management systems and storing big data in the cloud.

So how has the Act coped with this dramatic change in technology, from a predominantly paper-based world where typists made carbon copies of documents for placing on file pins, to one where records are being created using social media on third-party sites and stored ‘in the cloud’? In this paper we will consider the applicability of the Archives Act to records being created using new and emerging technologies, changing expectations for access, and other developments in the ‘information space’, to determine if the Archives Act is truly an Act for the digital future.

**Establishment of the National Archives**

The Archives had operated for over 40 years before the Act came into being. The first organisation with responsibility for archives in the Australian government was the War Archives Committee. This was founded by Prime Minister Curtin in 1945, anxious to ensure that records of the Second World War would not be lost as many of those of the previous world war had been. In 1946, the role was expanded to include the preservation of all Commonwealth archives, and a fledgling Archives organisation was established. Since then, the body responsible for Commonwealth
archives has undergone several changes of name and status including as the Archives Division of
and then, at the time the Act was introduced, as the Australian Archives (1974-1998).

The Archives was formally established by the Archives Act as: ‘an organisation within the
Department administered by the Minister administering the Archives legislation’.¹ On its
establishment in 1984, the Australian Archives had a staff of 400, was storing around 368,000
shelf metres of permanent and temporary material, and received approximately three and a half
thousand enquiries from the public.² The current figures are similar with the exception of the
number of inquiries received from the public which has increased over 30-fold to more than
90,000.³

**Development of the Archives Act 1983**

The first Public Archives Bill was put forward by the Parliamentary Library Committee in 1927 in
an effort to halt the ‘cavalier’⁴ destruction of government records. However, the Bill didn’t get as
far as Parliament. It then wasn’t until the early 1970s when the government charged the
Commonwealth Archives Office with authority for the disposal of records and introduced a 30-
year rule for access to records that there was any statutory provision for government records.

The first of numerous drafts of the Archives Bill appeared in 1974. It was drafted as part of a
‘package’ of administrative law measures, together with the *Administrative Appeals Tribunal Act
1975* and the *Freedom of Information Act 1982*. The access and appeal provisions of the Archives
Bill were designed to be complementary to those of the Freedom of Information Bill, hence both
bills were initially tabled together in the Senate in June 1978, but were then considered separately
by two Senate committees, which led to the FoI Act being proclaimed a year or so before the
Archives Act.

The Archives legislation had three objectives: to establish the Australian Archives and its Advisory
Council; provide a legislative basis for management of Commonwealth records and establish a
public access regime for Commonwealth records over 30 years old.

The significance of having a legislative basis for the management of, and access to, Commonwealth
records was expressed by Colin Hollis MP, Member for Macarthur, during the second reading
speech of the Archives Bill on 12 October 1983 who said:

> The importance of placing for the first time, the Australian Archives on a sound legislative
> basis cannot be underestimated ... without legislation it cannot effectively serve the
> Government in the manner intended when the organisation was established.⁵

Following a ten-year drafting process, the Act was finally assented to on 6 November 1983 and
proclaimed on 6 June 1984. It was quite different to any previous archival legislation, and quite
revolutionary for its time, in providing for a framework that covered not only the disposal of, and
access to, public records, but also for their capture and management by government agencies.

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⁴ *ibid.*, p. 7.
Reviews and amendments

The Act largely remained unchanged for almost 13 years until, motivated by changes in community views on privacy and access to information, as well as the increasing use of technology for creating records, the Australian Archives initiated a review of the Archives Act. The Australian Law Reform Commission (ALRC) began this review in August 1996, and tabled its report in July 1998.

The report found that recordkeeping in many Commonwealth agencies was in a parlous state that could only be overcome if the Archives were allowed to adopt a pro-active policy stance. It noted that one of the main problems facing archival organisations was the predominance of electronic records, and the need to be involved in the design of electronic recordkeeping systems if there were to be any realistic hope of continuing access to the records contained in those systems. The report also recommended that the Act be replaced with new legislation to be called something along the lines of the ‘Archives and Records Act’. This Act was intended establish the standard-setting regime that would be required in a digital era to ensure that records were created, managed and preserved and hence that records of archival value would continue to be accessible.

The report made over 220 recommendations, some of which were for current activities to continue, others of which recommended reforms. A number of these related to the need to deal with the changes brought about by the increasing use of new technologies and the growing expectations for greater transparency and accountability in government. A number of the recommendations have been adopted, including:

- the renaming of the organisation to National Archives of Australia and its establishment as an independent statutory corporation (now executive agency)
- the extension of the FoI Act to cover access to records not yet in the open period, and
- removal of section 63 requiring the Archives to maintain an office in each state.

The recent review by Dr Allan Hawke AC of the operation of the Freedom of Information Act 1982 and the Australian Information Commissioner Act 2010 also considered the impact of the FoI reforms on the operation of the Archives Act. The report made a couple of recommendations relating to the Archives Act including that a comprehensive review of the FoI Act be undertaken and that the interaction with the Archives Act be considered as part of this review.

In addition to these reviews, records management has been the subject of four audits by the Australian National Audit Office since 2002. The 2006 report recommended actions for the Archives to improve recordkeeping practices in government agencies but did not note any issues with the Act.

It wasn't until 2008, 10 years after the ALRC review, and almost 25 years after the Act was proclaimed, that any significant changes were made to the Archives Act. These were made under the Archives Amendment Act 2008. The main changes were:

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• insertion of an objects clause which clearly establishes the functions of the Archives in identifying, preserving and making publicly available Commonwealth records, as well as overseeing Commonwealth recordkeeping
• a new definition of ‘record’ which is not format specific and which continues the focus on the information a ‘record’ contains
• arrangements whereby records in the care of the Archives may remain in the custody of agencies, and
• a requirement for agencies to transfer records to the Archives as soon as no longer required by an Australian government agency.

The latter three reforms all reflect the impact of the increasing use of technology for creating and managing records. The original definition of ‘record’ in the Act was format-specific, and did not cover the range of formats in which records were being created using the new technologies. The definition used the words ‘written or printed’ which are obsolete in a digital records environment. The replacement of the word ‘custody’ in all instances in the Act with the word ‘care’ also reflected the growing awareness that there may be a future where the Archives was not able to take records of archival value into its custody due to format restrictions, and a realisation that these may need to be maintained in agencies. The provision for earlier transfer also recognised the need for earlier intervention in the preservation of electronic records, to avoid them becoming obsolete or inaccessible before they reached the open-access period.

Further significant changes were also made to the Archives Act in 2010 in tandem with the Freedom of Information Amendment (Reform) Act 2010. The most significant of these was obviously the reduction in the open-access period for all records (except Cabinet notebooks) from 30 years to 20, to be phased in over a period of 10 years. The open-access period for Cabinet notebooks was also reduced from 50 years to 30. Consequently, the age at which records of archival value must be transferred to the Archives was reduced from 25 years to 15. This reflects changes brought about, not by the new technologies, but by changes in community expectations about access to government information – which in turn was no doubt facilitated by the ease of access afforded by the Internet.

These recent reforms represent the only really significant changes to the Archives Act in the almost 30 years since its commencement. They’ve addressed some of the issues being brought about by the changing environment including the increasing reliance on technology, the moves towards greater accountability and transparency in government and the increasing community expectations for access to records.

**Potential issues / mismatch between the Act and what it needs to do in the digital future**

Let us have a closer look at the Act now and examine how it relates to the work that archival institutions have to perform in the current technologically-charged environment. We will consider briefly some principles, functions and responsibilities stipulated in the Commonwealth Archives Act (even if some receive only a cursory mention there) and will comment on how well the Act supports their execution in the digital age which is here and now.

Let us start with a generalisation:

... if legislation is not clear on what it is saying, the reader has to try to work out what its purpose or object is. Then the reader has to interpret it to give effect to that purpose or
object. That is sometimes easier said than done but not always. Understanding what its purpose or object is may be helped by things such as the long title (in an Act) and provisions (if any) that set out the purpose or objects.\footnote{Parliamentary Counsel’s Office Western Australia, \textit{How to read legislation, a beginner’s guide}, May 2011, pp. 15-16, at http://www.department.dotag.wa.gov.au/_files/How_to_read_legislation.pdf, accessed 1 October 2013.}

The Archives Act’s long title reads as follows:

\begin{quote}
\end{quote}

If the long title (also known as the full title) is meant to set out in very broad terms the purpose or scope of an act, we may ask do ‘preservation and use’ encompass the fullness of what a modern day archival institution does?

It is obvious that our Act’s title does not set out the entire range of the Archives’ responsibilities and activities and it is probably the ‘related purposes’ that cover the examples that we are going to consider next.

But before this let us look at the objects clause, which is also meant to help to understand a piece of legislation. The objects of the Commonwealth Archives Act are outlined in section 2A which, as we have already mentioned here, was only added to the Act in 2008:

(a) to provide for a National Archives of Australia, whose functions include:

(i) identifying the archival resources of the Commonwealth; and

(ii) preserving and making publicly available the archival resources of the Commonwealth; and

(iii) \underline{overseeing Commonwealth record-keeping, by determining standards and providing advice} to Commonwealth institutions; and

(b) \underline{to impose record-keeping obligations in respect of Commonwealth records.}\footnote{Archives Act 1983, s2A, emphasis added by the authors.}

We can see that preservation and use are now complemented by the explicit intention to ensure that records management (recordkeeping) processes within the government are invigilated by the National Archives. But what exactly are the responsibilities and the powers of the National Archives in this respect if we move down the text of the Act?

It appears that section 2A contains the strongest wording in relation to records management (recordkeeping) obligations as a whole in the entire Act. Section 5 which elaborates on the functions of the National Archives only refers to the function:

(c) \underline{to promote, by providing advice and other assistance} to Commonwealth institutions, the creation, keeping and management of current Commonwealth records in an efficient and economical manner and in a manner that will facilitate their use as part of the archival resources of the Commonwealth.\footnote{Archives Act 1983, s2A, emphasis added by the authors.}
The Archives Act is also strong on obligations in respect to the handling, disposition and transfer of Commonwealth records (for example, section 24). However, unlike more recent public records legislation around the country, it does not include obligations for government agencies or agency heads to ensure that accurate, comprehensive, reliable and accessible records are created, maintained and preserved appropriately. There is an argument that for an archival system and public accessibility to government records to be fully effective, the Archives Act should establish a broad information management regime for Commonwealth agencies and prescribe specific obligations. In fact the ALRC did recommend that the National Archives should be authorised to make, as legislative instruments, mandatory standards in relation to the creation, maintenance, disposal and preservation of Commonwealth records in all formats.

Despite what can be perceived as a weakness of the Act in this respect, over the past decade or more the National Archives has been proactive in doing work to ensure that Australian government agencies establish good information and records management processes fit for the digital edge. In mid-2011 the Australian government announced its Digital Transition Policy which aims to move government agencies to digital recordkeeping; that is, to ensure that the majority of agency records are created, stored and managed digitally. The National Archives of Australia was the originator of this policy, strengthened by being in the portfolio of the Department of the Prime Minister and Cabinet at the time and with the cooperation of the Australian Government Information Management Office (AGIMO) and the Office of the Australian Information Commissioner (OAIC), and is the lead agency for its implementation. The policy sets out the requirements for all Australian government agencies, and for many agencies this means digital transition or moving from paper-based records management to digital information and records management.

In recent years the Archives Act featured prominently in other whole-of-government policies and strategies as needing to be complied with when any ICT-related or more general information management policies are considered. The most recent examples are the Big Data Strategy released in August 2013\(^\text{12}\) which has a section on data management contributed by the Archives, and our current interactions with AGIMO about the management of government information datasets on the portal data.gov.au,\(^\text{13}\) in particular in relation to metadata.

This shows that despite the not-so-well-developed mandate for invigilating records and information management in the government in its Act, the National Archives still manages to use it for cooperation at the whole-of-government level and is considered a leading agency in this respect. On the other hand, the lack of strong mandate is not invisible to external scrutiny and at times we have conversations starting with claims that ‘to comply with the Archives Act it is enough to not delete anything from a system/database’.

Another illustrative example that we would like to introduce briefly is the matter of records creation. The Commonwealth Archives Act does not include a specific requirement for agencies to create records, although, as we know, it can advise them on this. Some jurisdictions, however, have in their records and archives legislation the creation of records as a mandatory requirement; for example, Queensland, New South Wales and New Zealand.\(^\text{14}\) In the context of the


\(^{13}\) http://data.gov.au/.

Commonwealth government, it is the Public Service Act 1999 and Australian Public Service Commissioner’s Directions 2013 that contain requirements for the Australian Public Service at all levels to be accountable and have evidence of decision making:

The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.\(^{15}\)

Having regard to an individual’s duties and responsibilities upholding the APS Value in subsection 10(4) of the Act requires ...

(b) being open to scrutiny and being transparent in decision making;

(c) being able to demonstrate that actions and decisions have been made with appropriate consideration;

(d) being able to explain actions and decisions to the people affected by them ...\(^{16}\)

It is obvious that it would be impossible to be accountable in this way without creating and keeping reliable records, but they are not mentioned in the Public Service Act or the Directions. Should the Archives Act clarify this and mandate the creation of records documenting government business? This will allow the Act to capture just about every stage of the records continuum which relies on the creation of records in the first place. Of course, we all know how important it is in the digital environment to get things right at the point of creation or even before that, at the time a records or business system is conceived.

There is no time for full discussion now, but when we, the National Archives and the archival profession, look at the Commonwealth Archives Act, we need to consider other stages of the records continuum and the National Archives’ powers and responsibilities to check the relevance of the basic principles of its legislative mandate; for example, appraisal and disposal, custody arrangements, preservation powers, or the means to provide access to the archival resources.

**Other environmental impacts**

As we have touched on a number of times, it is not just technology that is impacting on the relevance of the Act to the 21\(^{st}\) century. Open government reforms, changing expectations for access to records, an increase in the number of players in the field and greater opportunities for collaboration are also having an impact.

The move to open government was heralded in 2010 by the Australian government’s ‘Declaration on Open Government’\(^{17}\) and consolidated by the announcement in May this year that Australia had joined the Open Government Partnership, a global collaboration that aims to shift governments world-wide to more efficient and transparent practices and to improve citizen engagement and participation.

One of the cornerstones of open government is better access to, and use of, government-held information. The open government reforms mean that people expect access to government...
information well before it reaches the open-access period. In addition to the reduction in the closed-access period, the Freedom of Information reforms also brought about two other initiatives which support open government. The first of these is the Information Publication Scheme (IPS) which requires government agencies to make certain categories of information available, including details about its governance and decision-making framework. Complementing the IPS and open government initiatives, but regarded as best practice rather than mandatory, are the Public Sector Information principles. Principle 1 states that:

> Information held by Australian Government agencies is a valuable national resource. If there is no legal need to protect the information it should be open to public access.\(^{18}\)

The FoI Act also encourages agencies to make other information available for public access, through administrative access schemes outside the formal process set out in the FoI Act. By supporting and indeed encouraging early access to information, these reforms basically annul the ‘accelerated access’ provisions of the Archives Act. Interestingly, the 1998 ALRC review also recommended that the new Act provide for the early release of information, and that these provisions be duplicated in the FoI Act.

The immediacy of the online environment is also having an impact on community expectations about access to government information, making the 30-year (or 20-year) access period and the need to wait 90 days for access to previously uncollected records possibly seem quite ludicrous to some sectors of society.

Another player in the legislation field is the Privacy Act 1988 which has also recently been reformed, with the changes coming into force from March next year. The Act includes new Australian Privacy Principles, or APPs, which regulate the way all entities – government and private – handle personal information. Three of the APPs which relate to disposal and correction of personal information potentially overlap the provisions of the Archives Act, and could result in unauthorised disposal or alteration of Commonwealth records – or at least unauthorised under the Archives Act. The Archives has worked closely with the Information Commissioner to ensure that the principles and the associated guidelines specifically exclude Commonwealth records from their provision. This has however demonstrated how closely the two Acts are related in protecting how personal information is handled. It is not unreasonable to expect that over time, as was the original intent of the APPs, the public may come to demand that the same provisions that apply to their non-government-held personal details also apply to government-held personal records.

The mention of the Information Commissioner brings us to another external impact on the operation of the Archives Act – the increase in the number of players in the ‘information space’. At the time of development of the Archives Act, the Archives was the only player (with the exception of the Public Service Board which had a role mandating the creation of records for accountability purposes). As part of the FoI reforms in 2010, the Office of the Australian Information Commissioner was created via legislation. Although the name could give rise to speculation that the Commissioner was responsible for information management within the Australian government, the Act quite clearly outlines that the role of the Commissioner is to report to the Minister on matters relating to the Commonwealth government’s policy and practices in relation to information held by the government, and the systems used for that purpose. The Commissioner

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also has responsibility for privacy and freedom of information, and sees his role strongly as being that of one which supports open government.

The other ‘new’ player in the field is the Australian Government Information Management Office. Despite the inclusion of the word ‘information’ in its title, AGIMO’s role is more to work across government to support the productive application of information and communication technologies to government administration. The Archives is currently working with AGIMO on the development of the Parliamentary Workflow Solution, a whole-of-government system which will support the creation, management and disposal of parliamentary records.

While there is – currently – no actual overlap in the roles of AGIMO and OAIC with that of the Archives, the existence of two other agencies with responsibility for information management highlights the need, as noted earlier, to more clearly delineate the role of the Archives in mandating recordkeeping standards under the Act.

The Council of Australian Governments, and simply the greater collaboration afforded by technology and the changing environment, is also posing challenges for the Archives Act. In most cases, where there is a collaborative arrangement, state laws cede to Commonwealth, but in some cases, changes have been made to the Act. For example in the case of the Administrator of the Health Funding Pool which was created under the National Health Reform Act, the Regulations provided for the Archives Act to be modified ‘as if’ the Administrator were an authority of the Commonwealth. Greater challenges will be posed when we start to see more collaboration with jurisdictions outside Australian borders.

But, back to the Archives Act – and its prospects for a digital future. Will it be overtaken by technology or does the principles-based approach leave it admirably equipped to handle anything technology can deliver?

Where to from here? The future
The Act changes all the time, either as part of a considered review as in 2008 or 2010, or in conjunction with changes of other pieces of legislation. The latest version\(^1\) was prepared just over a month ago on 12 September 2013 to change any references to the Federal Magistrates Court of Australia to the Federal Circuit Court of Australia, as in April the Court was renamed.

The Act can be compared to a palimpsest: a medieval manuscript on parchment from which the text has been scraped or washed off so that it could be used again and again. However, often the original writing or images can be discerned from underneath the later additions. According to Wikipedia some historians are beginning to use the term as a description of the way people experience time, that is, as a layering of recent experiences over faded pasts.\(^2\)

This is similar to the daily experience of working with the Archives Act. Whatever the faded past’s intentions and meanings were 30 years ago, we have to work with the reality of now and the Act is our strongest tool in ensuring that the government not only governs the country, but also creates and maintains evidence of its activities through records in all forms and shapes, including complex databases, websites with increasingly sophisticated functionalities, enormous amounts of data, and so on.

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\(^1\) At the time of the delivery of this paper at the ASA conference on 17 October 2013.

The history of the Act’s amendments shows how each new layer has been added to reflect new circumstances, such as the advent of new technologies or new legislative frameworks or simply the general mood and attitudes towards records and information in society.

While the Act proved to be relatively versatile and usually allows the National Archives to implement new initiatives, a detailed study of it, section by section, can reveal room for improvement. One way of approaching a future review of the Act is to adopt a principles-based methodology. This is the approach that was used by the ALRC when reviewing privacy laws in 2008:

Principles-based legislation relies on principles to articulate the outcomes to be achieved by the regulated entities ... Principles-based regulation can be distinguished from rules-based regulation in that it does not necessarily prescribe detailed steps that must be complied with, but rather sets an overall objective that must be achieved ... A key advantage of principles-based regulation is its facilitation of regulatory flexibility through the statement of general principles that can be applied to new and changing situations.\(^{21}\)

This approach was also used more recently during the ALRC review of the Copyright Act, and by the drafters of the recently enacted Public Governance, Performance and Accountability Act.

It could be argued that the success of the introduction of the Digital Transition Policy was supported by the principle-like reference to imposing ‘recordkeeping obligations in respect of Commonwealth records’ in the Archives Act’s objects clause. On the other hand, our Act’s access provisions are more detailed and more rules-based with the lists of exemptions, forms of access and steps of notification of access decisions. It can also be argued that this part of the Act could benefit from a broader less prescriptive approach, especially in the age of open governments and public expectations of immediate online access on the one hand, and on the other hand, a more cautious approach to releasing personal information about individuals. Access restrictions and exemptions in the context of the Commonwealth government are not restricted to personal information and may also stem from such considerations as national security, international relations, or business confidentiality. There are many competing interests that need to be managed through the use of policy and procedures to give practical effect to any principles set out in legislation. This is, however, a separate issue which is not addressed here.

It appears, though, that on the international archival scene the principles-based approach has been implicitly used in at least two relevant documents which will be only briefly mentioned here. They are the 1985 UNESCO RAMP study, Archival and records management legislation and regulation: a RAMP study with guidelines, by Eric Ketelaar and the International Council on Archives’ 2004 draft Principles for Archives and Record Legislation (heavily leaning on the content of the RAMP study). These documents identify the main archival concepts, principles and processes that should be reflected in archival legislation around the world, such as:

- a definition of records and archives
- the inalienability and imprescribility of public archives
- a national archives system

Some of the principles identified then and in the Commonwealth Archives Act are still the same, but others may need to be re-evaluated and some questions asked and answered, such as:

- What is a record and is there a need for another discussion?
- Distributed custody: when is it appropriate and what is the role of the Archives, and how does it relate to the principle of inalienability and imprescribility of government records?
- What should be the powers of government archival institutions? Should their enforcement powers be strengthened?
- In the age of crowdsourcing what is the role of the community in appraisal decisions and description of records?

In short, at present we have more questions than answers and these need to be considered when the review of the Archives Act takes place.

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