

JOINT COMMITTEE ON PUBLIC ACCOUNT AND AUDIT

ATTORNEY-GENERAL'S PORTFOLIO

JCPAA INQUIRY INTO GOVERNANCE IN THE STEWARDSHIP OF PUBLIC RESOURCES—BASED ON AUDITOR-GENERAL REPORT 11 (2019-20), IMPLEMENTATION OF THE DIGITAL CONTINUITY 2020 POLICY

National Archives of Australia

JCPAA21-05 – Correspondence with the Crown

The JCPAA asked the following question on 29 April 2021:

1. How does the Australian Government's Digital Continuity Policy relate to documents held, received or created by the Queen of Australia that relate to the governance of Australia?

The response to the honourable member's question is as follows:

The Australian Government's Digital Continuity 2020 Policy (policy period 2015 through to 2020) did not relate to documents held, received or created by Her Majesty The Queen.

The Digital Continuity 2020 Policy, is however applicable to documents created and sent by Her Majesty The Queen to and received by Australian Government officials in Australia, such as Governors-General, Prime Ministers, or other relevant Australian Government officials. The policy also applied to copies of correspondence which were sent to Her Majesty The Queen, where those copies are retained and maintained by Australian Government officials and entities. These records are deemed to be Commonwealth records under the *Archives Act 1983* and hence are subject to the National Archives of Australia's policies and standards.

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National Archives of Australia

JCPAA21-06 – Correspondence with the Crown

The JCPAA asked the following question on 20 April 2021:

2. What happens to documents held, received or created by the Queen of Australia?

The response to the honourable member's question is as follows:

Documents held, received or created by Her Majesty The Queen are managed by Her Majesty in her capacity as the Sovereign of Australia. At this point in time, the Director-General of the National Archives of Australia (National Archives) operates in the understanding that he does not have jurisdiction over the official records held by Her Majesty The Queen, including The Royal Archives and The National Archives (United Kingdom).

Documents received by Australian Government authorities from Her Majesty The Queen are considered to be the property of the Commonwealth and are subject to the *Archives Act 1983*. These records in time will come to the National Archives. The National Archives also seeks to acquire and manage the personal records of Governors-General and Prime Ministers of Australia as part of the archival resources of the Commonwealth. These records may contain correspondence received from and copies of correspondence sent to Her Majesty The Queen.

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JCPAA21-07 – Correspondence with the Crown

The JCPAA asked the following question on 29 April 2021:

3. What are the types of documents relating to the governance of Australia held by the Royal Archives in the United Kingdom? What digital arrangements apply to these documents?

The response to the honourable member's question is as follows:

The National Archives of Australia is not aware of the types of documents held by the Royal Archives in the United Kingdom relating to the governance of Australia or of the digital arrangements that may or may not apply to these documents.

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National Archives of Australia

JCPAA21-08 – Correspondence with the Crown

The JCPAA asked the following question on 29 April 2021:

4. NAA Under the *Archives Act* the functions and powers of the NAA include: 5. (2) (f) *to seek to obtain, and to have the care and management of, material (including Commonwealth records) not in the custody of a Commonwealth institution, that forms part of the archival resources of the Commonwealth and, in the opinion of the Director-General, ought to be in the care of the Archives;* This gives the NAA's Director-General the power and responsibility to seek all documents relating to the governance of the Commonwealth (not restricted to just Commonwealth records) which are not currently held in the NAA and to determine whether they ought to be in the care of the Archives.
 - a. What steps has the NAA taken to locate any such material 'that forms part of the archival resources of the Commonwealth' held in the Royal Archives and/or the UK Archives in order to place them in the care of the NAA as required under this section?
 - b. What are the reasons for not exercising the power under section 5(2)(f) of the Archives Act to require that records concerning the governance of Australia held by the Queen of Australia in the Royal Archives in the UK be moved to the NAA in Australia?

The response to the honourable member's question is as follows:

Please refer to response for question 2 (JCPAA-06).

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National Archives of Australia

JCPAA21-09 – Correspondence with the Crown

The JCPAA asked the following question on 29 April 2021:

4. What records concerning the governance of Australia are held by the Queen of Australia in the Royal Archives in the UK? Does the Digital Continuity Policy relate to such documents?

The response to the honourable member's question is as follows:

Please refer to responses for questions 1 (JCPAA21-05) and 3 (JCPAA21-07).

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National Archives of Australia

JCPAA21-10 – Correspondence with the Crown

The JCPAA asked the following question on 29 April 2021:

4. In December 2020, Emeritus Professor Jenny Hocking was informed by NAA staff that following her successful High Court challenge against the NAA which secured the release of Sir John Kerr's correspondence with the Queen, the NAA would be releasing the correspondence between the Queen and six other GGs, from Baron Casey to Bill Hayden - 1965-1996 - 'early in the new year'. Why was this historically significant correspondence not released in the New Year as intended, and when will it be? Is the delay due in any way related to the implementation of the Digital Continuity Policy?

The response to the honourable member's question is as follows:

The National Archives of Australia (National Archives) has been working with a number of different stakeholders to identify continuing sensitivities in more than 1,340 pages that constitute the correspondence between The Queen and Governors-General Lord Casey, Sir Paul Hasluck, Sir Zelman Cowen, Sir Ninian Stephen, The Hon William Hayden and Sir William Deane. The National Archives continues to consider the correspondence and sensitivities affecting key stakeholders, which may delay the process further.

The delay in the release of the correspondence is not related to the implementation of the Digital Continuity 2020 policy nor is related to the implementation of the National Archives new policy *Building trust in the public record: managing information and data for government and community*, which came into effect on 1 January 2021.