

# Recordkeeping Issues Across Government

An analysis of recordkeeping issues identified by Victoria's oversight and integrity system 2010-2020

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# 1 Foreword

*“Good records management is the foundation of government accountability—the integrity of government records directly influences public perception of the integrity of the government itself. Well managed records are also central to the government’s ability to make informed decisions efficiently, and effectively provide goods and services, protect the community, and demonstrate delivery on its commitments.”<sup>1</sup>*

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In this report, Public Record Office Victoria (PROV) analyses 11 years of investigative and performance reports by Victorian integrity and oversight agencies. The analysis demonstrates that recordkeeping remains a significant concern of Victoria’s integrity system with over half of the analysed reports identifying recordkeeping issues or making specific recordkeeping recommendations.

Good recordkeeping matters because public offices cannot function without keeping accurate and reliable information about their decisions, actions and agreements. Accurate and reliable records save time by reusing information, help make good decisions and ensure information is not lost when someone leaves a workplace.

Government records, public information and data document decisions and actions that impact directly on individuals and local communities. The effective management of public information enhances our trust in government by providing evidence of decisions and ensuring compliance with legislation. Effective management of public information is also crucial for preventing, detecting and identifying corruption.

The consequences of poor recordkeeping can be far reaching and significant. Inaccurate and unreliable records mean that important information cannot be found, accountability is questioned, and in the worst instances, safety is compromised, trauma is relived and corruption can flourish. This is made clear in over 50% of the 501 reports analysed which identified recordkeeping issues and/or made specific recordkeeping recommendations following identifiable harm to individuals and communities.

This report makes recommendations for Victorian public sector agencies and PROV, with the key thread being that records management needs to be properly prioritised, supported and resourced within agencies. By prioritising, supporting and resourcing records management, agencies can prevent, identify and mitigate many of the harms done to individuals and communities which are investigated in the analysed reports.

Justine Heazlewood  
**Director and Keeper of Public Records**

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<sup>1</sup> VAGO Report “Managing Public Sector Records” March 2017 Section 1.4 <https://www.audit.vic.gov.au/report/managing-public-sector-records?section=>

# 2 Background

This report looks at recordkeeping issues identified in investigation and audit reports over an 11 year period.

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PROV monitors and analyses reports and investigations released by regulatory bodies because they often include findings and recommendations on recordkeeping. The information in each individual report gives a snapshot of records management issues faced by Government and allows us to identify actions that need to be taken in order to rectify them. PROV aims to identify systemic recordkeeping failures and issues, and to provide guidance and tools to assist public offices to improve recordkeeping and prevent future problems.

PROV reviews and analyses the investigative and performance audit reports released by:

- Victorian Auditor-General's Office (VAGO);
- Victorian Ombudsman (VO);
- Independent Broad-based Anti-corruption Commission (IBAC); and
- The Local Government Inspectorate (LGI).

This report analyses the major trends of recordkeeping issues identified within these investigation and audit reports.

## 2.1 Recordkeeping Recommendations and Issues

When reports identify recordkeeping failures, they can be shown as:

- **Recordkeeping Recommendations:** Distinct recommendations which endorse a specific course of action to improve failures in recordkeeping. Reports which give recommendations are also likely to include broad recordkeeping issues and/or themes.
- **Recordkeeping Issues:** Concerns which have been noted as recordkeeping failures; where a formal recommendation for improvement has not been made. Multiple recordkeeping issues may appear in a report.

Recordkeeping issues are broken down into the following records management themes:

- Poor processes: policy and procedures are lacking or not being complied with/non-compliance with PROV Standards/non-compliance with the *Public Records Act 1973*;
- Quality of information: incomplete or inaccurate information/unreliable records/lack of surety that records have not been altered without authorisation;
- Creation/capture of records: no records are made or evidence captured/full and accurate records are not being kept/records are not being captured into agency systems;
- Inadequate systems: systems do not have the necessary functionality/systems do not manage and store records/data appropriately;
- Security concerns: inappropriate access to records/inadequate security arrangements place records at risk of loss or unauthorised alteration or access;
- Staffing issues: lack of qualified staff undertaking records management activities/staff training is minimal or non-existent/staff are not aware of their obligations or do not meet their obligations.

# 3 Oversight Bodies

## 3.1 Victorian Auditor-General's Office

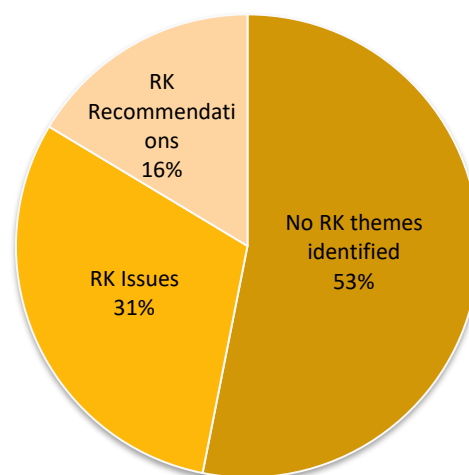
VAGO performance audits can include any of the 550 public sector agencies and private or not-for-profit providers of public sector services or functions, and grant recipients. These audits assess whether agencies are meeting their aims effectively, using their resources economically and efficiently, and complying with relevant legislation. Performance audits extend beyond the examination of the financial affairs and transactions of a government agency to encompass wider management issues of significance to the community.

Over an 11 year period, PROV analysed **354** performance audit reports released by VAGO. Of these, **166 (47%)** reports identified issues with recordkeeping and/or gave recordkeeping recommendations.

**Table: VAGO Audit Report Tally**

Year	No. of Reports	Reports Identifying RK Issues	Reports Making RK Recommendations
2010	37	15	5
2011	37	16	6
2012	36	11	5
2013	35	10	6
2014	30	8	3
2015	42	13	3
2016	24	5	1
2017	26	7	6
2018	28	7	7
2019	27	8	8
2020	32	8	8
<b>TOTAL:</b>	<b>354</b>	<b>108</b>	<b>58</b>

**VAGO reports identifying problems**



### REPORTS OF SIGNIFICANCE

<b>Managing Public Sector Records</b>	<b>March 2017</b>
<p>This audit examined whether the Department of Education &amp; Training (DET) and the Department of Health and Human Services (DHHS) were managing their records in accordance with legislative requirements, and whether DPC and PROV were effectively assisting them to do so.</p> <p>The report referred to previous reviews conducted into the records management of government agencies and noted that central oversight and monitoring of agency compliance remains inadequate (and that <i>The Public Records Act 1973</i> itself hinders the efforts of PROV and other agencies to manage records effectively). It was recommended in a previous 2008 audit that the Act be reviewed.</p>	

The report concluded that PROV had made positive change since the 2008 audit, particularly in its release of improved records management Standards and agency tools, however further reform was needed.

#### Recordkeeping Issues

VAGO identified issues around insufficient executive support for, and attention to, records management initiatives, a lack of education and training in records related activities, and agencies do not have the authority to monitor compliance with Standards.

#### Recordkeeping Recommendations

DPC, as part of its review of the *Public Records Act 1973*:

1. Address recommendations made in previous reviews, particularly a continuous program of random audits on agencies to ensure compliance with The Act;
2. Address complexities and risks for records management arising from increased outsourcing arrangements and advances in technology since The Act was first drafted;
3. Work to harmonise The Act with Victoria's changed information legislation movement;
4. Incorporate the improved regulatory measures that are applied in other jurisdictions.

PROV should:

5. Seek legal advice as to each of its powers, particularly the requirement to "assist public officers" to apply PROV Standards, and what PROV's powers of inspection of records management programs' is;
6. Implement VAGO's 2008 recommendation to "introduce competency-based training";
7. Determine the appetite across Government for a Records Manager 'Community of Practice' and, if the demand is sufficient, establish this forum.

DHHS and DET should:

8. Establish agency-wide internal records management compliance programs that monitor and report to the agency head on compliance with each of the PROV standards;
9. Establish processes to ensure that third party providers are managing their records in compliance with PROV Standards.

## 3.2 Victorian Ombudsman

The Ombudsman undertakes formal investigations – some are announced publicly while others are conducted in private. In addition to this, investigations resulting from Public Interest Disclosures are conducted, and are confidential until a report is tabled in Parliament.

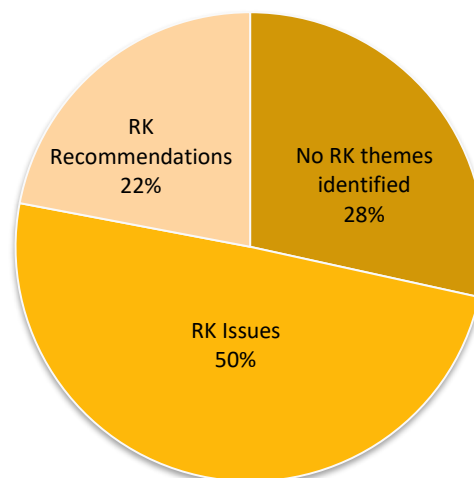
VO can look into most Victorian public organisations, their employees and contractors, along with employees of Victorian local councils and Councillors. VO cannot review cases against Victoria Police, judges and magistrates, and members of the Victorian Civil and Administrative Tribunal – these are reviewed by IBAC.

Over a 10 year period, PROV analysed **109** reports released by VO. Of these, **78 (72%)** reports identified issues with recordkeeping and/or gave recordkeeping recommendations.

**Table: VO Investigation Report Tally**

Year	No. of Reports	Reports Identifying RK Issues	Reports Making RK Recommendations
2010	7	4	4
2011	16	10	6
2012	13	7	5
2013	5	3	1
2014	9	8	2
2015	8	6	1
2016	4	1	1
2017	11	3	2
2018	11	3	1
2019	11	6	1
2020	14	3	0
<b>TOTAL:</b>	<b>109</b>	<b>54</b>	<b>24</b>

**Ombudsman reports identifying problems**



**REPORTS OF SIGNIFICANCE**

***Investigation into child sex offender Robert Whitehead’s involvement with Puffing Billy and other railway bodies*** **June 2018**

This investigation sought to answer questions around the abuse of children by Robert Whitehead, who was involved for decades with the railways, including Puffing Billy, where he gained access to (and abused) many children. Whitehead was convicted in 2015 of 24 counts of child sex offences and died later that year. The report's findings revealed that Whitehead was a life-long offender whose abuse was facilitated by the wilful blindness, indifference or ineptitude of a succession of organisations.

Whitehead's involvement with Puffing Billy goes back to 1961, a year after he was released from Pentridge Prison, having been convicted of sexual offences involving two children, and the abduction of one. Upon his release he was re-employed by the Victorian Railways and quickly became one of Puffing Billy's most valued volunteers.

Despite the persistent rumours, and an active police investigation in 1985, Whitehead remained an active volunteer until 1991. His roles gave him access to many children and to locations where his offending took place.

After Whitehead’s resignation in 1985 (whilst he was under investigation for child sexual abuse) he returned to Puffing Billy as its archivist, with unencumbered access to its records, including records of complaints. He even drafted a policy that complaints were not to be retained in the archives.

In 1985 members of the Board knew that Whitehead was under police investigation for child sexual offences yet he was not removed until 1991. They failed to act on complaints or even record contacts.

This investigation used decades of records, sourced from various archives and other locations, as evidence of decisions and activities.

### Recordkeeping Issues

VO identified numerous issues around missing records – possibly due to the intent to hide criminal activity by Whitehead. This included removal of archived material to a private residence, and failure by the Board to appropriately document complaints.

### Recordkeeping Recommendations

The Emerald Tourist Railway Board must:

1. Implement the Records and Recordkeeping Principles to ensure documents are preserved and individuals can access records about themselves.

The Principles focused around minimum retention periods of records, creating and keeping full and accurate records relevant to child safety and wellbeing, including any incidents that occur, and providing individuals with the rights to access, amend or annotate records about themselves.

## 3.3 Independent Broad-based Anti-corruption Commission

IBAC investigates public sector corruption and police misconduct. It prioritises investigations into allegations of serious or systemic corruption and misconduct and may hold public examinations, as necessary. As a result of these investigations, IBAC may:

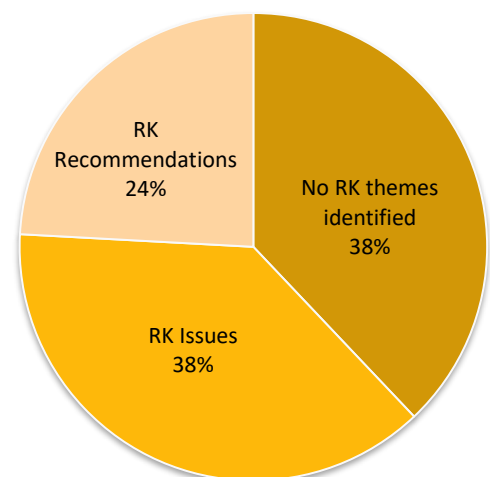
- bring criminal proceedings or refer matters to the Office of Public Prosecutions;
- make recommendations aimed at preventing further potential corruption; and
- publish reports and prevention resources.

Over a 10 year period, PROV analysed 29 investigation reports released by IBAC. Of these, 18 (62%) reports identified issues with recordkeeping and/or gave recordkeeping recommendations.

**Table: IBAC Investigation Report Tally**

Year	No. of Reports	Reports Identifying RK Issues	Reports Making RK Recommendations
2010	0	--	--
2011	0	--	--
2012	0	--	--
2013	0	--	--
2014	1	0	0
2015	1	0	0
2016	6	1	2
2017	7	2	1
2018	6	3	1
2019	4	2	2
2020	4	3	1
<b>TOTAL:</b>	<b>29</b>	<b>11</b>	<b>7</b>

**IBAC reports identifying problems**



## REPORTS OF SIGNIFICANCE

### *Operation Gloucester – An investigation into improper evidentiary and disclosure practices*

July 2020

On 16 August 1998, two Victoria Police officers, Sergeant Silk and Senior Constable Miller, were shot and killed at close range in Moorabbin while conducting surveillance as part of an armed robbery investigation.

Victoria Police responded quickly to the incident, establishing the Lorimer Taskforce to investigate the murders. The work of that Taskforce contributed to the convictions of Bandali Debs and Jason Roberts.

Operation Gloucester examined the evidentiary and disclosure practices of the Lorimer Taskforce - it identified a variety of improper practices by police officers with respect to witness statements which did not comply with proper evidentiary and disclosure practices. Other improper practices identified included:

- Descriptions of offenders were deliberately omitted from witness statements and recorded elsewhere;
- Relevant information was omitted on the basis that it was unreliable or incorrect, which was not the case;
- Fabricating contemporaneous notes (these are official written recordings of an event or a discussion made at the time of its occurrence, or while the event or discussion is fresh in the memory of the witness);
- Contamination of statements.

The evidence received by IBAC highlighted issues with respect to note-taking and recordkeeping by Victoria Police.

#### Recordkeeping Issues

IBAC identified issues around general poor recordkeeping practices as well as a lack of full and accurate records being kept. IBAC recommended that Victoria Police reviews and strengthens its systems, policies and procedures around evidence gathering and disclosure, with a focus on statement taking and recordkeeping.

#### Recordkeeping Recommendations

1. Victoria Police reviews and amends the Victoria Police Manual (VPM) and its training to ensure police officers fully understand and comply with their obligations regarding evidence gathering and disclosure practices in investigations of criminal conduct, with a focus on statements and recordkeeping. The VPM and training should include the elements of proper practices in the making, taking and disclosure of a witness statement, and contemporaneous notes;
2. Twelve months after amending its policies, procedures and training to ensure police officers understand and comply with their evidentiary and disclosure obligations, Victoria Police conduct an audit of statement making, taking and disclosure practices, and recordkeeping practices across the organisation to assess compliance. Victoria Police to report to IBAC on the outcome of this audit and any action taken to address deficiencies by June 2022.

## 3.4 Local Government Inspectorate

The LGI investigates complaints about council operations, including councillors and council staff, monitors governance and compliance, and encourages transparency and accountability across the sector.

As part of its information and guidance program, the LGI publishes reports on major investigations and compliance audits.

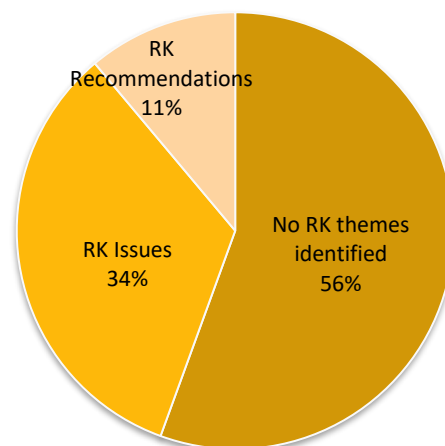
Over a 10 year period, PROV analysed 9 audit reports released by the LGI. Of these, 4 (45%) reports identified issues with recordkeeping and/or gave recordkeeping recommendations.



**Table: LGI Audit Report Tally**

Year	No. of Reports	Reports Identifying RK Issues	Reports Making RK Recommendations
2010	0	--	--
2011	0	--	--
2012	0	--	--
2013	1	1	0
2014	1	0	0
2015	1	0	0
2016	0	--	--
2017	3	1	0
2018	0	--	--
2019	2	1	1
2020	1	0	0
<b>TOTAL:</b>	<b>9</b>	<b>3</b>	<b>1</b>

**LGI reports identifying problems**



Total percentage exceeds 100 percent due to rounding up to the nearest whole numbers.

**REPORTS OF SIGNIFICANCE**

***Protecting Integrity: Yarriambiack Shire Council Investigation***

**November 2019**

This investigation reviewed claims made against Yarriambiack Shire Council's governance arrangements.

An anonymous complaint was received regarding potential offences and breaches of the *Local Government Act 1989* and other operational failings at the Council. In particular, allegations concerning community assets and resources not being properly managed or were used to the benefit of individuals.

As part of the examination, the Inspectorate identified governance areas where improvements were recommended - recordkeeping was one such area. It was found that Council did not have an EDRMS, rather a manual record filing system was used, with staff storing records in cupboards, drawers and on work desks. The archive for council records were held in three shipping containers and was not compliant with PROV's Storage Standard. The Inspectorate also found there were no back-ups of computer records prior to March 2019 - from this point all digital records were safely secured and a back-up process in place.

Recordkeeping Issues

The Inspectorate identified issues around non-compliance with PROV Standards and the PR Act, security concerns in relation to records storage, inadequate systems implemented at Council, and a lack of training and awareness about recordkeeping amongst staff.

Recordkeeping Recommendations

1. Records are to be kept in accordance with the *Public Records Act*;
2. All records should be converted to electronic format;
3. Training should be provided to staff on record storage and their responsibilities under the *Public Records Act* as a high priority.

# 4 Findings

## 4.1 Regulatory Reports

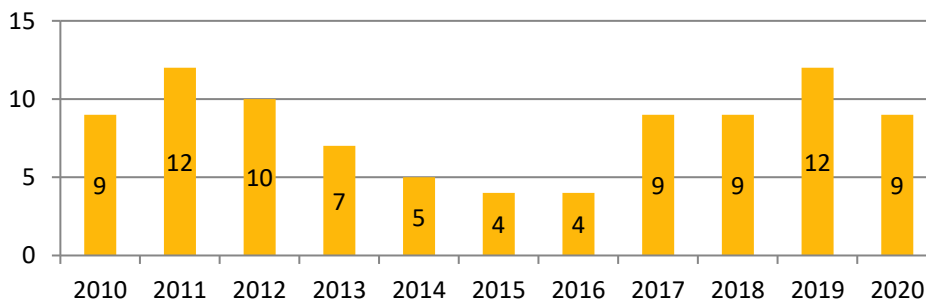
A total of 501 reports have been analysed from the four regulatory bodies. Over 50% of these reports have noted recordkeeping issues and/or made specific recordkeeping recommendations.

### Recordkeeping Recommendations

Recordkeeping recommendations tend to focus on:

- policy and procedural improvements and compliance with the *Public Records Act 1973*;
- implementing recordkeeping principles;
- ensuring more accurate data collection and maintaining comprehensive records;
- improved sharing of data with other authorised or relevant parties;
- staff awareness of their recordkeeping responsibilities; and
- implementing robust records systems.

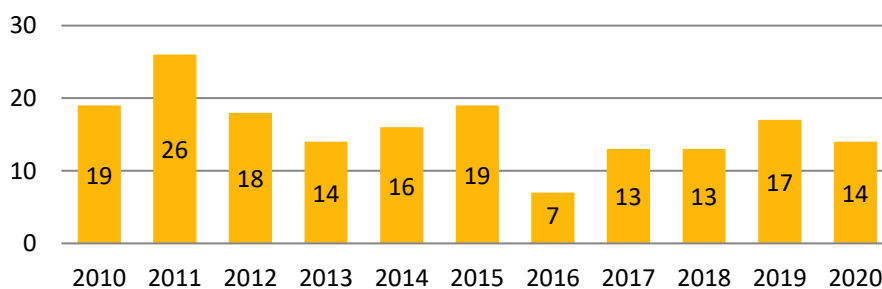
**No. of Reports with Recordkeeping Recommendations**



### Recordkeeping Issues

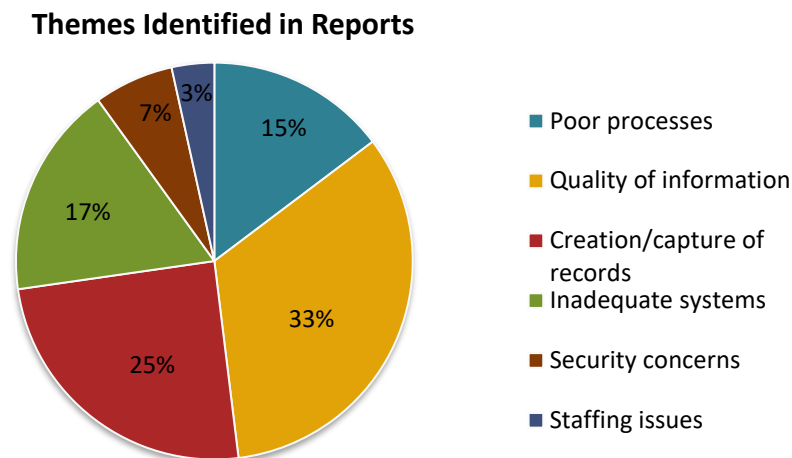
Recordkeeping issues are numerous, with the most common themes being around the creation and capture of records, and the general quality of information/data being poor and unreliable.

**No. of Reports with Recordkeeping Issues**



## Records Management Themes

One-third of recordkeeping issues related to the quality of information: incomplete or inaccurate information/unreliable records/lack of surety that records have not been altered without authorisation. The insufficient creation/capture of records within organisations accounted for one-quarter of recordkeeping issues.



## 4.2 Agencies Identified in Reports

Agencies identified in regulatory reports have been broken up into the following categories:

- Whole of Victorian Government (WoVG)
- Departments
- Local Government
- Education
- Health
- Emergency Services
- Justice
- Water & Land Management
- Transport
- Regulation
- Other

### WoVG

Five regulatory reports do not specify individual agencies, rather they have been focused government wide.

### Departments

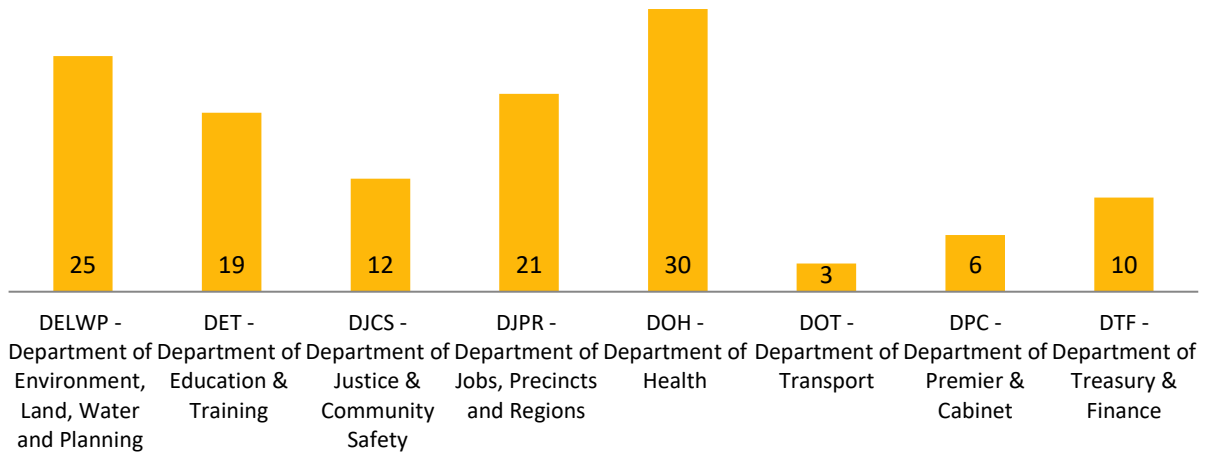
Victorian Government Departments as a collective have been audited the most out of any area. This may not be surprising given how large and complex the functions of the individual Departments are.

Department of Health has been identified the most in reports (30 times), followed closely by the Department of Environment, Land, Water and Planning (25 times).

**Note:** As this report covers a substantial period, a number of changes have occurred to Departments. To maintain consistency, some of these have been grouped into the current name/function of the Department, as follows:

- **DELWP - Department of Environment, Land, Water and Planning**  
(incorporates DEPI - Department of Environment & Primary Industries; DPI - Department of Primary Industries; DSE - Department of Sustainability & Environment)
- **DET - Department of Education & Training**  
(incorporates DEECD - Department of Education & Early Childhood Development)

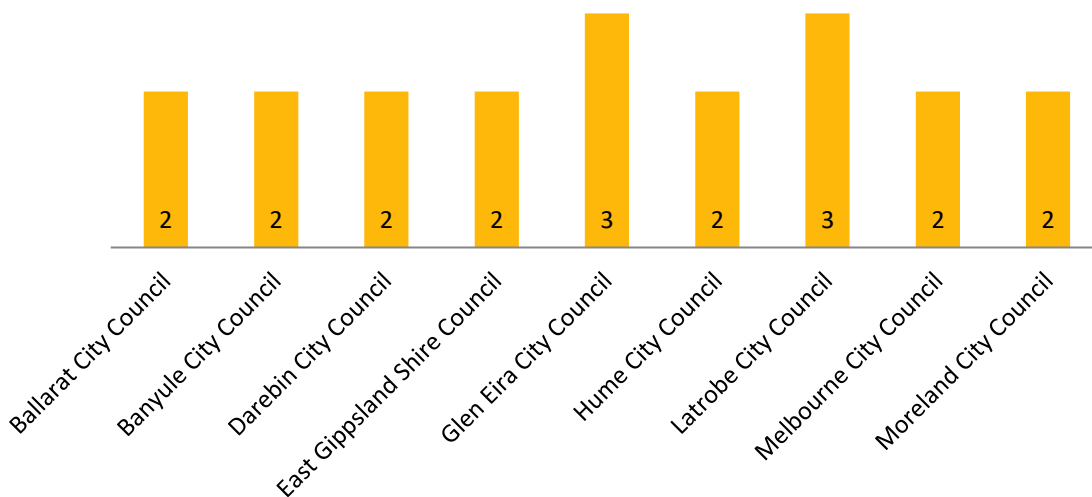
- **DJCS - Department of Justice & Community Safety**  
(incorporates DOJ - Department of Justice; DJR - Department of Justice and Regulation)
- **DJPR - Department of Jobs, Precincts and Regions**  
(incorporates DEDJTR - Department of Economic Development, Jobs, Transport and Resources; DBI - Department of Business & Innovation; DPCD - Department of Planning & Community Development)
- **DOH - Department of Health**  
(incorporates DHHS - Department of Health & Human Services).



## Local Government

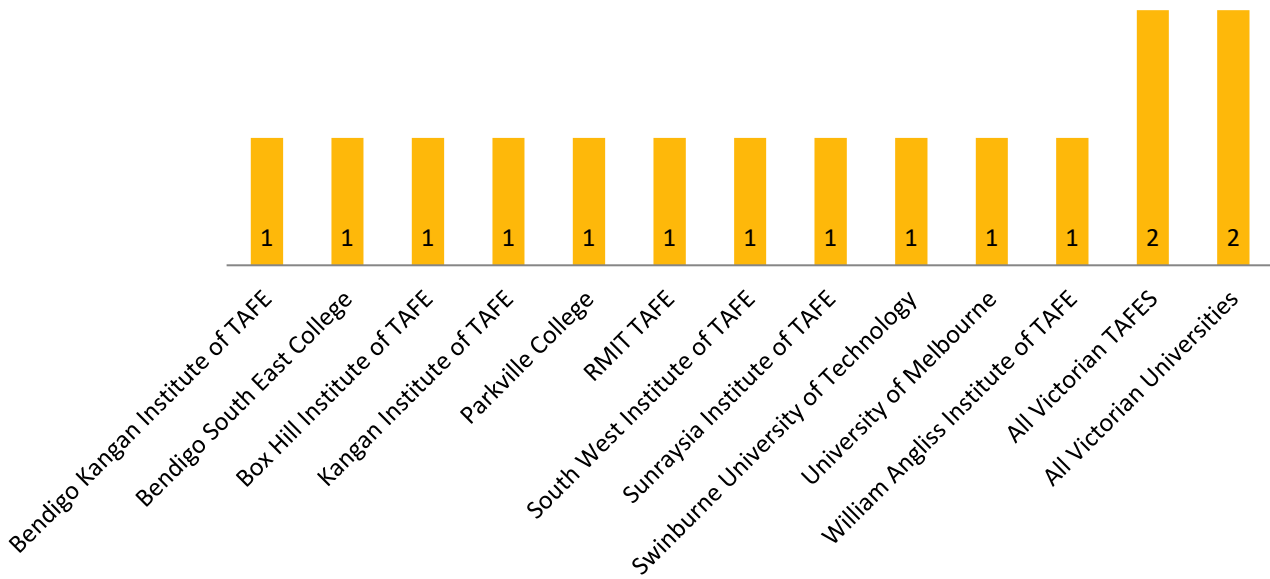
Of the 79 Victorian Councils, over 50% were identified in reports as not meeting recordkeeping compliance. Glen Eira City Council and Latrobe City Council were the most frequently reviewed (three times each).

### *Councils identified two or more times*



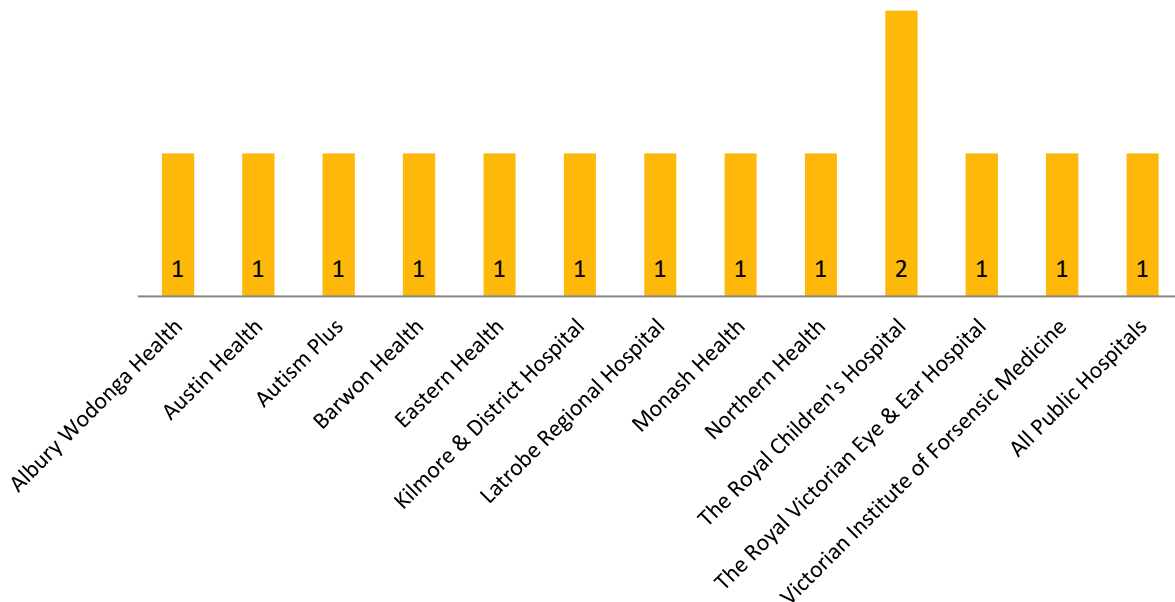
## Education

Almost half of all education-related reports were focused on TAFEs.



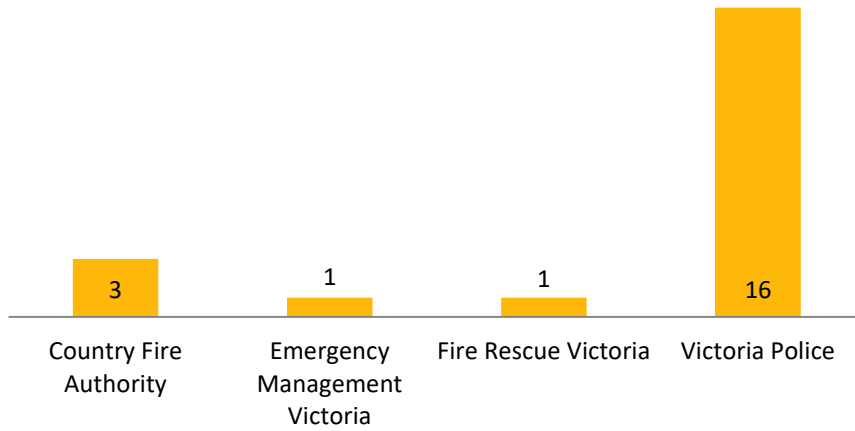
## Health

This was a mixture of reports focused on hospitals and health service providers. The Royal Children’s Hospital was identified twice.



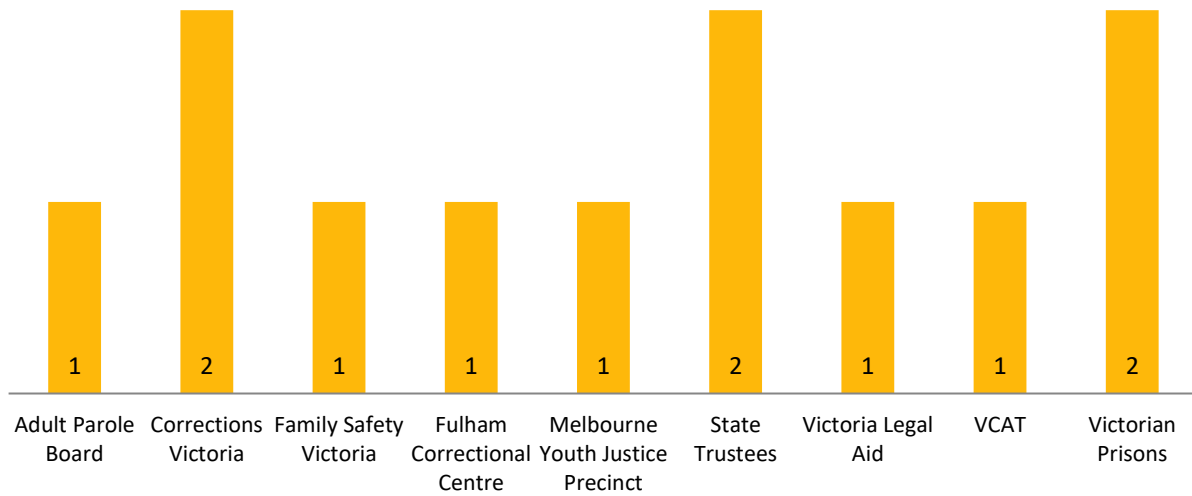
## Emergency Services

Victoria Police is one of the highest individual agencies targeted. The specific function of IBAC may contribute to such a strong focus on this sector.



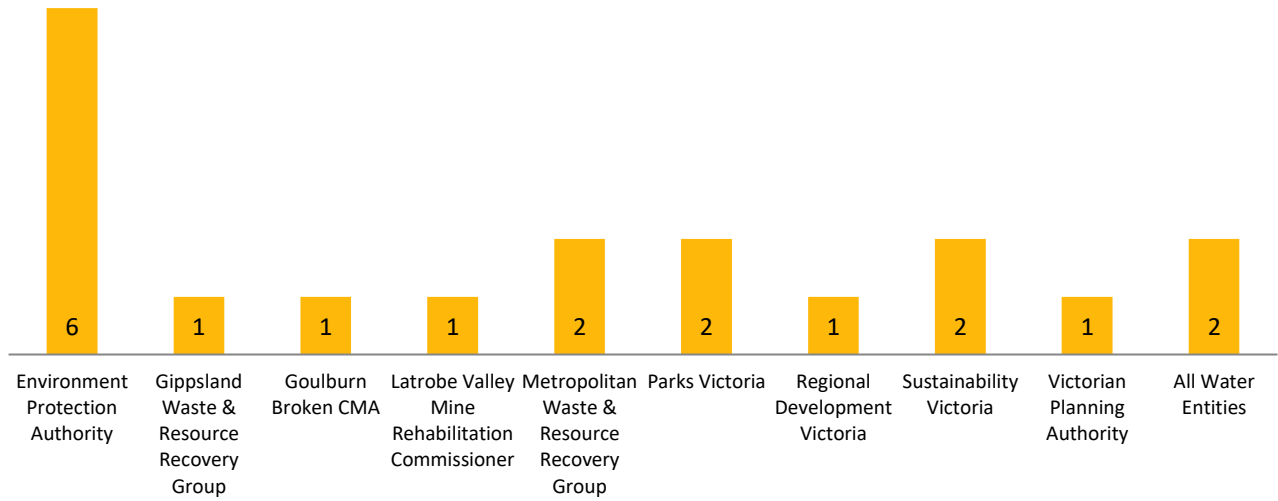
## Justice

Corrections Victoria, The State Trustees and Victoria's Prison System were the most frequently reviewed.



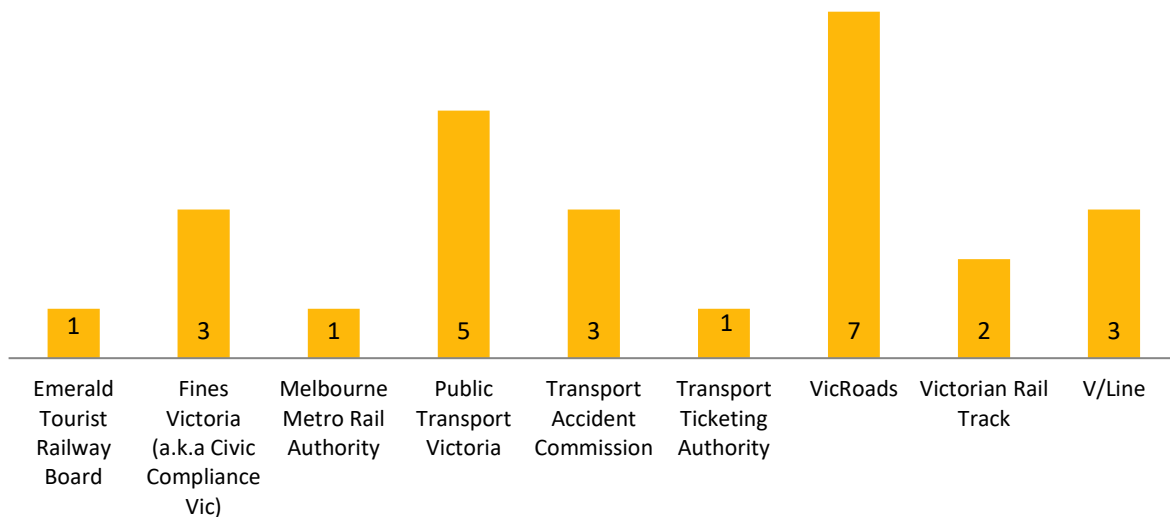
## Water & Land Management

The Environment Protection Authority has been heavily audited, identified in six reports as not meeting recordkeeping compliance.



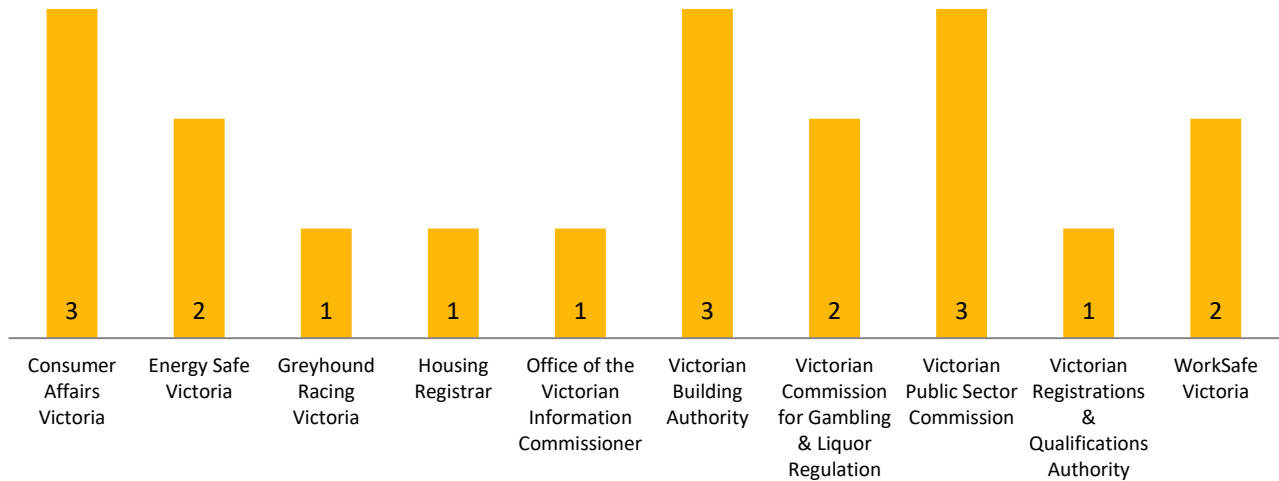
## Transport

Public Transport Victoria and VicRoads had the most recordkeeping compliance issues, followed by Fines Victoria, The Transport Accident Commission and V/Line.



## Regulation

Consumer Affairs Victoria, the Victorian Building Authority (previously known as the Building Commission), and the Victorian Public Sector Commission (previously known as the State Services Authority), were identified the most frequently in reports (three times each).



## OTHER

Major Projects Victoria had the most recordkeeping compliance issues.

PROV was identified once (as noted in the reports of significance – VAGO Report *Managing Public Sector Records*, March 2017).





# 5 Conclusion

Recordkeeping remains a constant theme in regulatory audit reports, with a continual appearance of recordkeeping failures across all sectors of government. Recordkeeping failures are systemic, chronic and pervasive. Over 50% of the reports analysed identified recordkeeping issues and/or made specific recordkeeping recommendations. The reports consistently find that full and accurate records are not being created and captured, that it is difficult to find reliable data and information, that processes and systems are inadequate, that security is poorly managed, and that staff lack the necessary knowledge and skills.

Keeping accurate and reliable evidence of decisions and actions for as long as lawfully required is crucial for the effective functioning of the public sector. This becomes especially important for legal proceedings, audits, investigations, royal commissions and inquiries. Good recordkeeping supports effective service delivery and enhances the trust that the public has in government. People rely on the information that government creates and keeps and expect that it will be managed properly. Proper recordkeeping also helps to prevent and expose corruption. The routine capture of records by processes and systems means that patterns and gaps are obvious and auditable.

Records management needs to be properly supported and resourced within agencies. This requires recognition and support from senior management. It needs to be included in governance and auditing programs, with regular monitoring and reporting so that weaknesses and gaps can be resolved. Recordkeeping controls need to be applied to all systems which store and manage information and to all data storage environments. Recordkeeping requirements also need to be included in contractual arrangements when government functions are outsourced, to ensure that critical records are created, retained for as long as lawfully required and can be obtained when needed.

## 5.1 Recommendations

It is recommended that public offices:

1. Ensure that recordkeeping recommendations made by regulatory bodies are implemented;
2. Appropriately resource and prioritise recordkeeping;
3. Review recommendations and issues raised and proactively monitor practices to prevent, identify and resolve issues in future;
4. Use the tools and guidance provided by PROV to assist in meeting their recordkeeping obligations.

It is recommended that PROV:

1. Continue to monitor and analyse reports and investigations released by regulatory bodies;
2. Provide these findings to senior executives in the public sector;
3. Use these findings to deliver products which address particular areas of weakness;
4. Publicise these findings and raise awareness via appropriate communication channels;
5. Follow-up with public offices where recordkeeping failures have been identified to offer support.