

Local Government Reforms and Recordkeeping Responsibilities – Advice for Records Managers

Introduction

As part of the local government reform process, the *Local Government Act 1993* was amended in August 2007 to include provision for the amalgamation of certain local governments and the establishment of new local government areas.

Local Transition Committees, led by an interim Chief Executive Officer (CEO), will develop Transition Action Plans to assist existing local governments during the transition and ensure the new local government is operational from the changeover day. A key action will be the consolidation of existing records management programs.

This advice is for all local government records managers to assist in the required recordkeeping processes before, during and after the reform process.

Impact of Change

Local governments are public authorities under the *Public Records Act 2002*, including the new local governments to be established under the *Local Government Act 1993*. The new local governments will be responsible for the functions and public records of the existing local governments they comprise. There is a need to minimise the risk that, during the reform process, key records and business systems may be lost or become fragmented, resulting in potential disruption to services and loss of revenue.

It should be noted that an implementation regulation is currently being drafted by the Department of Local Government, Sport and Recreation. The Department's regulation sets out generic provisions to transition regulatory and administrative arrangements to new local governments at changeover day. The provisions will apply unless specific provision is made in a further regulation for a particular circumstance or new council.

The Department has developed a consultation paper on the regulation (available from www.strongercouncils.qld.gov.au), which outlines the proposed approach to managing records and documents. In summary, it is proposed that documents and records of merging local governments become those of the new local government on the changeover day. The consultation paper also proposes that the references in documents to the names of local governments that no longer exist are taken as references to the new local governments.

Roles and Responsibilities of Records Managers

Each Records Unit within existing local governments needs to implement processes to ensure the continuation of records management services during and after the transition period. Following the merging of existing Councils into new local government areas, existing recordkeeping systems and processes will need to be integrated.

While the strategic planning and implementation of this phase is primarily the responsibility of LTCs, led by the interim CEO, there are processes that Records Units can implement to identify and preserve key information assets – particularly where the merge includes a boundary change. As areas of responsibility or projects are transferred from existing to new local governments, the relevant records also need to be transferred.

Local Transition Committees

Records of LTCs should be managed separately from the records of the participating merging Councils. The General Retention and Disposal Schedule for Administrative Records (GRDS v.2.1) and the Local Government Sector Retention and Disposal Schedule (QDAN 480 v.3) should both be used to sentence the records of LTCs, and in particular:

- Financial records – section 2 of the GRDS;
- Minutes and agendas – section 5.4. of the GRDS;
- Recruitment records – section 3.4 of the GRDS;
- Amalgamation records – section 13.1 of the Local Government Schedule.

Once the reform process has been completed, the records of the LTC become the responsibility of the new local government and should be incorporated into the recordkeeping system.

Identification and preservation of key records

During the reform process, staff should ensure that all public records are maintained according to best practice. Records Units should review any current operational documentation relating to recordkeeping, and ensure that the location and physical storage of all public records is tracked and documented.

Records with a permanent retention period under the *Local Government Sector Retention and Disposal Schedule (QDAN 480 v.3)* should be given priority attention. These records are valuable as they document:

- key activities of local government;
- the rights of ratepayers; and
- projects of important historical significance.

Some of these records include, but are not limited to:

- Council Meeting Minute Books;
- Building/development applications for significant developments/projects;
- Records which document high-level involvement from the CEO, Councillors, and/or Mayors, for example ceremonies, openings, and building projects;
- Records relating to the acquisition/development/maintenance/disposal of Council buildings or buildings/structures (including roads and sewerage) within the Council boundaries, some of which are of historical significance;
- Final version of the approved Town Plan or Planning Scheme;
- Master set of key policy statements on core-business functions and activities which are the direct responsibility of the local government, for example;
 - sale/development of local government owned land,
 - election of councillors,
 - naming of streets/roads,
 - water supply;
- Personnel/staff files, leave files (permanent staff);
- Control records, for example;
 - Register of leases for reserves,
 - Resumption registers,
 - Register of buildings constructed,
 - Register of development applications,
 - Register of real property plans,
 - Register of burials (public cemetery),
 - Register of rateable land,
 - Register of flood heights.

See the *Local Government Sector Retention and Disposal Schedule (QDAN 480 v.3)* and the *General Retention and Disposal Schedule for Administrative Records (GRDS v.2.1)* for the retention periods of other public records created by local governments.

Scenario A - Local governments affected by boundary changes – transferring records

The following steps should be followed by local governments transferring records to a new local government as a result of a boundary change.

1. Identify records to be transferred

- The first task following any administrative change is to identify which records may be required for transfer to another entity.
- It is important to consider all records which may be affected, including:
 - paper-based files;
 - electronic records within an eDRMS;
 - electronic records within other business systems;
 - records in other formats (such as maps, plans, photos, film, etc);
 - control records within the recordkeeping system;
 - records within the custody of Queensland State Archives;
 - legacy/inactive records (including those stored with third party/commercial storage providers).
- Ensure that all relevant records have been classified and captured to the appropriate files and recordkeeping system.

2. Reach agreement on records to be transferred

- The transferring Council and the entity inheriting the records need to reach agreement as to the transfer process, including:
 - which records will be transferred;
 - who is responsible for any costs;
 - formats for transferring electronic/digital records; and
 - timeframes for transfer.

3. What to do when records can't be split

- In some cases, it may not be easy to split records due to the degree of administrative change and the arrangement of the records.
- When this occurs, the transferring Council and the other entity will need to reach agreement on:
 - which Council will retain custody of the records;
 - whether or not a copy of the records will be provided to the non-custodial Council and in what format;
 - access arrangements to the records between Councils.
- Control records that identify and manage Council records should be transferred to the other entity. However, the transferring Council must retain certain minimum metadata about the records that were transferred, including:
 - record identifier (such as file number);
 - record title;
 - record creation date / time and date closed;
 - details reflecting that these records were transferred to the other entity and the date of transfer.

4. Allocate resources

- Councils should ensure the allocation of adequate resources to manage the transfer of public records. Funds may need to be allocated to implement administrative changes.

5. Prepare transfer documentation

- As part of the transfer of records, Councils should prepare a list of the records to be transferred. The list needs to be prepared in duplicate – one copy for the inheriting entity and the other for the transferring Council's records.
- The CEO (or their delegate) of the transferring Council needs to approve the transfer of the records to the other entity by signing both copies of the transfer documentation.
- The documentation relating to the transfer of public records will need to be retained permanently by the transferring Council in accordance with Reference Number 4.1.29 of the *General Retention and Disposal Schedule for Administrative Records (GRDS v.2.1)*.

6. Transfer the records

- The transferring Council and the other entity need to make the necessary arrangements for the transfer of paper-based and electronic records.
- The transferring Council will need to ensure that the other entity has signed a receipt for the records on the transferring Council's copy of the transfer documentation.

7. Update control records

- The transferring Council will need to update the control records within their recordkeeping system to reflect that these records have been closed and transferred to the other entity.

8. Notify stakeholders

- The following stakeholders will need to be notified about what records were transferred and any ongoing access agreements:
 - Council legal officers;
 - Council FOI officers;
 - Council Privacy officers;
 - Third party/commercial storage providers (if applicable).

9. Review Business Classification Scheme

- During the transition period, the transferring Council should review its Business Classification Scheme (BCS) to reflect the administrative change by adding additional or removing obsolete functions and activities.

Scenario B - Local governments affected by boundary changes – inheriting records

The following steps should be followed by local governments inheriting records as a result of a boundary change.

1. Reach agreement on records to be transferred

- The inheriting Council and the entity transferring the records need to reach agreement as to the transfer process, including:
 - which records will be transferred, for example:
 - paper-based files;
 - electronic records within an eDRMS;
 - electronic records within other business systems;
 - records in other formats (such as maps, plans, photos, film, etc)
 - control records within the recordkeeping system;
 - records within the custody of Qld State Archives;

- legacy/inactive records (including those stored with third party/commercial storage providers);
- which Council is responsible for costs;
- formats for transferring electronic records; and
- timeframes for transfer.

2. What to do when records can't be split

- In some cases, it may be not easy for the transferring local government to split their records due to the degree of administrative change and the arrangement of the records.
- When this occurs, the inheriting Council and the transferring entity will need to reach an agreement on:
 - which local government will retain custody of the records;
 - whether or not a copy of the records will be provided to the local government without custody of the original record;
 - access arrangements to the records between local governments.

3. Allocate resources

- Additional resources may need to be allocated to manage the receipt of records and related changes to Business Classification Schemes.

4. Transfer the records

- The inheriting Council and the transferring entity need to make the necessary arrangements for the transfer of paper-based and electronic records.
- The transferring local government should prepare a duplicate list of the records to be transferred – one copy for the transferring local government and the other for the inheriting entity's records.
- Sign both copies of the transfer documentation to confirm that the inheriting entity has received the records.

5. Ongoing management of the records transferred

- The new local government will need to incorporate the control records of the transferred records into its recordkeeping system, or make other appropriate arrangements for the ongoing control of the transferred records.
- Records that have been transferred to the inheriting entity must be closed and no further records added (even if the Council is continuing the function/activity/project). Cross referencing between the old files and the new files should be considered when updating the new control systems.
- New files need to be created to capture the records of the inheriting entity's business relating to the transferred function/activity/project.

6. Notify stakeholders

- The following stakeholders will need to be notified of what records were transferred and any ongoing access agreements:
 - Council legal officers;
 - Council FOI officers;
 - Council Privacy officers;
 - Third party/commercial storage providers (if applicable).

7. Review Business Classification Scheme

- During the transition period the inheriting local government should review its Business Classification Scheme (BCS) to reflect the administrative change by adding additional or removing obsolete functions and activities.

Tasks prior to amalgamation

During the reform process, recommendations can be provided regarding the integration of recordkeeping systems, business systems and classification schemes prior to the commencement of the new local government. However it is important to note that the LTC cannot make any binding decisions on the newly formed councils. Further information on this process is provided in an accompanying Public Records Brief for Local Government CEOs.

Further Advice from Queensland State Archives

Queensland State Archives has also published advice for CEOs and senior executive members of local government in relation to actions required at the strategic level.

Queensland State Archives can also provide advice to new or existing local governments in regard to any of the recordkeeping issues raised in this publication. Contact Queensland State Archives also if advice is required on the ownership of, and access to, permanent critical public records stored at QSA's facilities at Runcorn.

For more detailed guidance on the management of public records visit the Queensland State Archives' website at www.archives.qld.gov.au, or contact staff in the Agency Services Unit at Queensland State Archives on (07) 3131 7777.

For further detail on local government reform please see the Stronger Councils website, www.strongercouncils.qld.gov.au.