

PURPOSE

The purpose of these guidelines is to assist elected members to manage the official records created or received by them in the course of their role as an elected member and to comply with their responsibilities under the State Records Act 2000.

RECORDKEEPING PRINCIPLES

Accurately created and maintained records are important, and necessary, because they serve as a history of the transactions and business processes of local government. They are a fundamental tool for providing evidence of local government accountability and responsibility. It is for these reasons that legislation exists to ensure that the government record is properly maintained and preserved for future generations.

DEFINITIONS

Government organisation employee means –

- (a) a person who, whether or not an employee, alone or with others governs, controls or manages a government organisation;
- (b) a person who, under the Public Sector Management Act 1994, is a public service officer of a government organisation; or
- (c) a person who is engaged by a government organisation, whether under a contract for services or otherwise and includes, in the case of a government organisation referred to in item 5 or 6 of Schedule 1, a ministerial officer (as defined in the Public Sector Management Act 1994) assisting the organisation. (State Records Act 2000)

Government record – is a record created or received by or for a government organisation or a government organisation employee or contractor in the course of the work for the organisation (State Records Act 2000).

Record – means any record of information however recorded and includes:

- * anything on which there is writing or Braille;
- * a map, plan, diagram or graph;
- * a drawing, pictorial or graphic work, or photograph;
- * anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them;
- * anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- * anything on which information has been stored or recorded, either mechanically, magnetically, or electronically (State Records Act 2000).

APPLICABILITY OF THE STATE RECORDS ACT TO ELECTED MEMBERS

It is the view of the Crown Solicitor's Office that although elected members are not employees, they are clearly persons who govern, control and manage the local government in accordance with the Local Government Act 1995.

Therefore, elected members fall under the definition of the term “government organisation employee” as outlined in section 3 of the State Records Act 2000. “Accordingly, records created or received by {elected members} in the course of their capacity as office holders for the local government constitute government records.”

The State Records Commission’s policy for recordkeeping requirements for local government elected members is as follows:

“In relation to the recordkeeping requirements of local government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council.

This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.

Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members’ records up to and including the decision making processes of Council”

ELECTED MEMBERS' RECORDS

Elected Members must create and keep records of communications or transactions, which convey information relating to local government business or functions. These records should be forwarded to the local government for capture into the official recordkeeping system.

Records may include any correspondence received or sent by elected members in any format (e.g. by post, fax, email, courier, hand-delivered) whether received or sent at the City offices or at an elected member’s private residence / post box.

Records created or received by elected members can be divided into two broad groups – those of continuing value to the local government and those of temporary value.

Records of continuing value

These are those records which contain information that is of administrative, legal, evidential, fiscal or historical value to the local government. These records may be referred to for many purposes, including the need to:

- * document elected members’ decisions, directives, reasons and actions;
- * check an interpretation of the local government policy or the rationale behind it;
- * check the facts on a particular case or provide information;
- * monitor progress and coordination of responses to issues; and
- * document formal communications.

Records of temporary value

These are those records which have no continuing value and are considered of interest or used for a short time only, for example, a few hours or a few days.

HOW TO DEAL WITH SPECIFIC KINDS OF RECORDS

To assist elected members' to handle the records created and/or received, the following descriptions and actions relate to some common records with which they may deal.

1. Diaries / Appointment Books / Calendars

Diaries, appointment books and calendars are generally used to record appointments. They may also be used to record messages and notes, some of which may only be an aide memoire of a routine nature, and some of which may be of significance to the conduct of local government business.

Guidelines

Elected members' diaries, appointment books and calendars that are used to record information such as dates and times of meetings and appointments or to record notes and messages generally, have NO continuing value and may be destroyed when reference to them ceases. However, it is a matter of discretion to be judged by the elected member based on whether the information is:

- relevant;
- worthy of retention; and
- has not already been recorded elsewhere in the recordkeeping system.

2. Telephone and other verbal conversations

Elected members may have telephone or face-to-face conversations at any time on a variety of matters. Some conversations may involve the relay of information, or involve matters, of significance to the conduct of local government business. These conversations should be documented in an appropriate format.

Other conversations may only be very basic or routine in nature, such as the issuing or receiving of basic instructions or information, and need not be documented.

Guidelines

- * Conversations involving the exchange of routine or simple administrative instructions or information; and
- * Conversations that do not relate to the business functions of the local government if they are documented in a written or other form, have NO continuing value and may be destroyed when reference to them ceases.
- * Conversations which relate to the business functions of the local government involving the issuing of directives, proposals, recommendations, definitions or interpretations from the elected member to another party or vice versa; and
- * Conversations that are part of an actual business transaction itself, or have policy/procedure implications, or otherwise identified as being significant to the conduct of the local government's business if they are documented in a written or other form, may have continuing value and at the discretion of the elected member should be forwarded to Records for incorporation into the recordkeeping system.

3. Lobbying

Lobbying is the activity of ratepayers or members of the community attempting to influence the Council through representations to elected members, and may include one or more elected members lobbying other elected members.

Guidelines

Records, such as correspondence or petitions, relating to lobbying matters regardless of whether the lobbying itself is of local government or community interest may have continuing value and at the discretion of the elected member should be forwarded to Records for incorporation into the recordkeeping system.

4. Electioneering material

Electioneering material or records created or received by an elected member in regard to electioneering are private records of the elected member, and do not need to be forwarded to the local government office.

5. Agendas/minutes/information brochures

Notes that are written on Council Agendas, Council Minutes or Information Brochures and are considered relevant to the decision made by Council may have continuing value and at the discretion of the elected member should be forwarded to Records for incorporation into the recordkeeping system.

A copy of the notes can be provided to the elected member for their reference, if required.

6. Confidential documents/records

If the elected member believes that some of the documentation forwarded to the City office for incorporation into the recordkeeping system is of a highly sensitive or confidential nature, the elected member should advise the local government to treat the information as confidential and restrict access to those records.

The State Records Office information sheet on how to handle elected members' records is attached for further assistance in determining which records should be captured in the City of Busselton recordkeeping system

7. Destruction of Records

All records should be returned to the City of Busselton Records Management Unit for authorised and legal destruction.

MAIL HANDLING GUIDELINES

Correspondence	Action
Hard copy mail addressed to Councillors and received via COB (Excludes Mayor)	<ul style="list-style-type: none"> → Opened → Date stamped by Records → Registered → Tasked to Governance for distribution → Hard copy retained by Records to allow authorised disposal to occur
Hard copy mail addressed to Mayor	<ul style="list-style-type: none"> → Opened → Date stamped by Records → Registered → Tasked to Governance Task List for distribution as appropriate → Hard copy retained by Records to allow authorised disposal to occur
Hard copy received directly by Councillors i.e. at home, meetings etc	<ul style="list-style-type: none"> → Councillor to forward to Records → Date stamped by Records → Registered → Tasked to Governance Task List for distribution as appropriate → Hard copy retained by Records to allow authorised disposal to occur
Emails received via city@busselton.wa.gov.au with Councillor name or cc to Councillors notation	<ul style="list-style-type: none"> → Registered by Records → Task to Governance Task List for distribution as appropriate
Emails received via councillors@busselton.wa.gov.au	<ul style="list-style-type: none"> → Forwarded to Records for registering by the Executive Assistant to the Director Finance and Corporate Services (noting that all Directors will receive a copy of these emails)
Emails received by Councillors that constitute corporate records	<ul style="list-style-type: none"> → Councillor to forward email to Records using city@busselton.wa.gov.au
Email responses from Councillors to incoming records	<ul style="list-style-type: none"> → Councillor to include cc to relevant Governance officer to enable registration to occur <p>This will ensure integrity of the email is maintained and allow capture of the relevant metadata etc</p>
Hard copy responses from Councillors	<ul style="list-style-type: none"> → Governance Officer to scan and register signed response prior to posting
Hard copy responses written on behalf of Councillors	<ul style="list-style-type: none"> → Responsible Officer to scan and register signed response prior to posting



State Records Office of Western Australia

Local Government Elected Members' Records: Which records to capture?

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:

"...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."

This policy applies regardless of a record's format or where it was received.

Elected members **must** create and keep records of communications or transactions, which convey information relating to **local government business or functions**. These records should be forwarded to the local government administration for capture into the official recordkeeping system.

Which records should be captured?

YES – forward to your local government administration	NO – do not need to be forwarded to your local government
Communications from ratepayers , such as: <ul style="list-style-type: none"> • complaints & compliments; • correspondence concerning corporate matters; • submissions, petitions & lobbying; • information for Council's interest relating to local government business activity & functions. 	Duplicate copies – of Council meeting agenda, minutes & papers.
Telephone, meetings & other verbal conversations – between an elected member and another party, regarding local government projects or business activities.	Draft documents or working papers – which are already captured at the local government.
Work diaries – containing information that may be significant to the conduct of the elected member on behalf of the local government.	Publications – such as newsletters, circulars and journals.
Presentations and speeches – delivered as part of an elected member's official duties.	Invitations – to community events where an elected member is <i>not</i> representing Council or the local government.
	Telephone, meetings & other verbal conversations which: <ul style="list-style-type: none"> • convey routine information only; or • do not relate to local government business or functions.
	Electioneering – or party political information.
	Personal records – not related to an elected member's official duties.

Destruction of records: return all records to the local government for authorized and legal destruction.

More information: contact your local government administration or
 State Records Office of Western Australia
 Tel: 9427 3661 or Email: sro@sro.wa.gov.au

Policy Background

Policy Reference No. - 229

Owner Unit – Records

Originator – Records Coordinator

Policy approved by – Council

Date Approved – 10 March, 2004

History

Council Resolution	Date	Information
C0403/064	10 March, 2004	Date of implementation Version 1