

OFFICIAL

Records Management Advice

Managing records following administrative change or Ministerial change

Administrative Change

Administrative change refers to a change in the way that government business is allocated between government organisations. It is also known as a machinery of government (MoG) change. Administrative change can occur at any time, depending upon government policy, and may be triggered by changes in legislation, a change of government or the merging of government organisations. There are several types of administrative change, including:

- the transfer of business (or function) from one government organisation to another
- the transfer of business (or function) to or from another government jurisdiction
- the transfer of business (or function) outside of government (privatisation)
- the abolition of a government organisation, with its business (or function) ceasing
- the implementation of boundary changes, in the case of local government.

This document is intended to assist organisations to maintain the integrity of government records during administrative change.

What happens to the records?

When administrative changes occur, in most cases, control of government records associated with the business activity or function will be transferred to the government organisation taking responsibility for it.

State Records Commission principles and standards require organisations involved in an administrative change to document changes to custodianship and management of the relevant government records. This will include arrangements to ensure that all parties have access to the records they require to continue their function or business activity.

Relocation of physical records and migration of digital records are to be managed to ensure ongoing preservation of government records. Where records of the affected business activity or function are maintained in business information systems, record keeping systems, offsite cloud storage or other software applications it is

recommended that a migration strategy is developed to support the change. It is also recommended that ICT personnel and other relevant subject matter experts are engaged to develop and implement a migration strategy.

Contact the State Records Office (SRO) if a business activity or function is to be transferred to a different tier of government or to another State or Territory jurisdiction, if the functions are not being transferred to another government organisation, or if a function is to be privatised.

Note: the use of the term “records” means all records of information (physical, digital and associated metadata) relevant to a function or business activity.

Organisations transferring a function elsewhere

Where a function is to be transferred to another organisation or other party, the SRO recommends that the organisation transferring the function:

1. Identify all records relating to the function or business activity, regardless of format, currency or storage location.
2. Close all records relating to the function. Where possible, digital records should be closed and access restricted to “read only” to prevent any alteration to existing records.
3. Prior to transfer, conduct a retention and disposal exercise to identify those records that are legally able to be destroyed and those that are State archives required for long term preservation.
4. Consult with the organisation receiving the function and provide a list of all records held relating to the function, identifying system or equipment requirements that may be needed for the receiving organisation to take control of records.
5. Identify any government records that are unable to be transferred for reasons such as IT complications, or inability to split records of one business activity from another. In such circumstances, it may be that copies need to be created to enable the receiving organisation to continue the function.
6. Formalise arrangements for:
 - the transfer of records - documenting the records to be transferred, any records that will be staying with the originating organisation, the reasons why and access arrangements for the receiving organisation.
 - legacy records to be loaned to the receiving organisation, for a specified period of time, for copying purposes if required; or arrangements for the receiving organisation to access legacy records relating to the function.
 - the organisation transferring the function to have access to any transferred records for ongoing legal or functional purposes.

7. Maintain a register of transferred records, copied records, and any records loaned to the receiving organisation.
8. Provide a copy of the relevant components of the organisation's current record keeping plan (Plan) as organisations receiving a function must keep records in accordance with this Plan until their own is amended.
9. Provide the receiving organisation with information regarding any records that are in the custody of the SRO, or other outsourced contractors.
10. Provide a copy of the current retention and disposal authority (RDA) that covers the records of the business activity or function being transferred as this can be used until the receiving organisation's RDA is amended.
11. Notify the SRO of the administrative change and the transfer of records.
12. Ensure the administrative change and transfer of records is documented in the next review of the organisation's Plan.

Organisations receiving a function

Where a function is to be received by another organisation or other party, the SRO recommends that the organisation receiving the function:

1. Consult with the organisation transferring the function and negotiate the type and format of records required to continue the function.
2. Negotiate the format of, and conditions for, those records to be transferred – copies, current and active, short term loan, hard copy, digital, IT or equipment requirements etc.
3. Acquire a register of records to be transferred, copied or loaned.
4. Ensure that details of any records that are in the custody of the SRO, or other outsourced contractors, have been supplied.
5. On transfer, check copied, transferred or loaned records for completeness against registers supplied by the organisation transferring the function.
6. All current and active records of the function/s received (except loaned records) and any copies of legacy records that have been taken should be incorporated into the receiving organisation's record keeping system.
7. Transferred hard copy records must be closed and identified as records created by the organisation transferring the function, to retain their original context.

Note: Hard copy records are to remain intact – refrain from removing file covers, renumbering, changing file titles or in any way altering the identity of those records.

8. Maintain transferred digital records as read only until migration into the receiving organisation's systems, without loss of data, is achieved.
9. As required under section 8(4) of the *State Records Act 2000* (the Act), transferred records must be managed in accordance with the Plan of the organisation transferring the function, until the receiving organisation's Plan is amended.

10. Cross-reference new records created and received in the course of continuing the function to the transferred records, for completeness.
11. Capture new records created and received documenting the received function in accordance with the receiving organisation's Plan.
12. Notify the SRO of the administrative change and the transfer of records.
13. Ensure the administrative change and transfer of records is documented in the next review of the organisation's Plan.
14. Ensure that records of the received function (except loaned records) are incorporated in the next review of the receiving organisation's RDA, if applicable.

Organisations to be abolished

Where an organisation is to be abolished through the transfer of a function/s the SRO recommends that the organisation being abolished:

1. Transfer all records (administrative and functional), relating to the business activities of the organisation to be abolished, to the government organisation that is absorbing the business activities – please follow steps above.
2. If the business activity along with the organisation is being abolished, transfer all records (administrative and functional) to the government organisation designated to accept responsibility for those records, in accordance with the steps above.

Note: if there is no continuing government organisation contact the SRO for advice.

3. All records must be managed and disposed of in accordance with the former organisation's Plan until they can be legally destroyed or transferred to the State archives collection.
4. Notify the Director State Records of the abolition of the organisation and arrangements for the government records, as per section 8 of the Act.

Managing websites after administrative change

An organisation's website may contain records of information about its business activities and services that are not captured elsewhere. If a website, or part of a website relating to a function subject to an administrative change, is to be decommissioned, organisations need to determine which records need to be captured to their record keeping system.

Organisations should consider:

- whether content is already captured within a record keeping system or business information system
- whether content is subject to an approved RDA
- whether content is to be transferred to another organisation/s website/s
- whether it is practical to archive the entire site and if it will retain functionality once no longer managed online.

Digital publications are subject to the *Legal Deposit Act 2012*, as directed by the State Librarian. Refer to the SRO's advice on website content and record keeping for further information.

Managing ministerial records after a Ministerial change

Ministerial records created or received, in any format, in the course of a Minister undertaking their ministerial duties are State records. Exempted records include those associated with a Minister's constituency commitments, political party work or personal life.

When a new Minister is appointed or there are changes to portfolio allocations, records designated as State records must be managed as per the relevant record keeping plan (Plan) and RDA, as identified under section 8 of the Act.

Ministerial records located at Ministerial Offices are managed in accordance with the Department of the Premier and Cabinet's (DPC's) Plan, including relevant approved retention and disposal authorities.

Ministerial Offices regularly receive records and information from their portfolio (government organisations such as departments, offices and boards under a Minister's responsibility), and it is common practice for these records to be copied and the originals returned to the relevant portfolio organisation when no longer required for reference purposes. Where records are returned to a portfolio organisation by a Ministerial Office, they are to be maintained in accordance with that organisation's Plan.

When a Minister's term of office ceases, or when there is a change of government, portfolio organisations should prepare for the potential return of ministerial records.

At the time of ministerial change, Ministerial Offices are to prepare for the transfer of ministerial records to portfolio organisations, the DPC, or to the Minister who is taking over portfolio responsibilities, in accordance with instructions provided by the DPC.

Where relocation of ministerial records has occurred, the receiving portfolio organisation and the transferring Ministerial Office should document the relocation of records and ensure that a record of the relocation is kept.

Further information or advice:

Email: sro@sro.wa.gov.au

Related documents

General Retention and Disposal Authority for State Government Information

Management of Digital Records

Record Keeping and Your Organisation

Records Retention, Disposal and Destruction

Website Content and Record Keeping

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Sources

The SRO acknowledges the following sources used in the development of this records management advice:

Council of Australasian Archives and Records Authorities, (March 2007) *Ministerial Records*, (accessed 20 January 2025).

Department of the Premier and Cabinet, (Feb 2021) *Caretaker Conventions – Guidelines applying in Western Australia during the State General Election Period*, (accessed 20 January 2025).

National Archives of Australia, (n.d.) *Transferring information following administrative change*, (accessed 20 January 2025).

State Records NSW (November 2022, updated January 2024), *Managing records in administrative change*, (accessed 20 January 2025).

Queensland State Archives, (5 Dec 2024) *Recordkeeping during MoG and administrative change*, (accessed 20 January 2025).

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