

TAHO

Tasmanian Archive + Heritage Office

Disposal Schedule for Functional Records of Rental Services - Consumer Affairs & Fair Trading

Disposal Authorisation No: 2481

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INTRODUCTION

Overview

Archives Legislation

The *Archives Act 1983* stipulates that State and local government organisations must not dispose of records of any type or format without the written approval of the State Archivist.

Disposal of records involves their destruction, their removal from custody of their creating agency, or their transfer to the Tasmanian Archive and Heritage Office.

Schedule elements and arrangement

The administrative functions covered by this schedule are arranged in alphabetical order as function headings. The activities performed under each function are listed in alphabetical order within each function.

- *Reference*

All function and activity headings and disposal classes are allocated a reference number. These reference numbers are used, in conjunction with the schedule number, to identify records in the Tasmanian Archive and Heritage Office disposal documentation. These numbers can also be used by agencies, in the same way, to indicate disposal authorisation in their records control systems, where the records have been registered in these systems.

- *Disposal Classes*

The groups of records that document, and are derived from, the performance of the functions and activities, are listed as disposal classes under each function/activity set.

It should be noted that Disposal Classes have been described in functional terms irrespective of the format or medium in which the records were created.

- *Status*

All disposal classes have either "PERMANENT" or "TEMPORARY" status. Records identified as "PERMANENT" are those that will be transferred to the Archives Office to be retained as State archives. "TEMPORARY" records are those that can be destroyed under the authority of this schedule.

- *Disposal action*

All temporary records identified in this schedule will have a disposal action which specifies the length of time for which the record must be retained, before it can be destroyed under this authorisation.

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Review of the schedule

It is the responsibility of agencies to monitor administrative, legal or regulatory changes which may result in the need to alter disposal class descriptions or disposal actions for records covered by this schedule.

When this occurs, this schedule should not be used to dispose of records and the State Archivist should be informed of the need to revise the schedule. If necessary, the procedures for the disposal of unscheduled records can be used in the interim.

Contacts

Any enquiries relating to this schedule should be directed in writing to the Tasmanian Archive and Heritage Office, 91 Murray Street Hobart, by email, or by phoning 03 6165 5581.

Authorisation

Authorisation

Under Section 20 (2) (b) of the Archives Act 1983, I hereby authorise 'relevant authorities' (as defined in Section 3 of that Act) to manage the disposal of the records described in this schedule in accordance with the procedures specified herein.

Ross Latham

State Archivist

Document Development History

Version	Date	Reason	Sections
1	14-07-2017	Initial release	All

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Interpretation

Definitions

Permanent records are those that will be transferred to the Tasmanian Archive and Heritage Office to be retained as State Archives. The *Archives Act 1983* establishes 25 years as the maximum required timeframe for the transfer of permanent records, unless an extension of time has been approved by the State Archivist.

Temporary records are those that can be destroyed under the authority of this schedule after a minimum retention period, or once certain requirements have been met.

Coverage

This schedule covers functional records of Rental Services, Consumer Affairs and Fair Trading, Department of Justice.

This schedule does not cover **pre-1960** records. The disposal of those records should be managed according to the procedures for unscheduled records.

The *Disposal Schedule for Short-term Value Records - DA No. 2158* covers the disposal of short-term value records which are created by most agencies. These documents are usually of a trivial nature or of such short-term value that they do not support or contribute to the business functions of the agency.

Records not covered by these schedules, or other authorised disposal schedules, should be disposed of according to the current Tasmanian Archive and Heritage Office procedures for unscheduled records.

Preservation of records

Section 10 (1) (a) of the *Archives Act 1983* requires agencies to preserve records until they are dealt with under the Act. This places a statutory obligation on agencies to ensure that all records, regardless of format, remain accessible while they are in the custody of the agency.

Permanent Records

All disposal classes of records identified as having '**PERMANENT**' status in this schedule should be transferred to the Tasmanian Archive and Heritage Office 25 years after the date of creation. Agencies may make application to the Tasmanian Archive and Heritage Office for earlier transfer of particular groups of records, and the Tasmanian Archive and Heritage Office may also initiate an earlier transfer arrangement.

Records for transfer should be arranged and described in accordance with any instruction provided by the Tasmanian Archive and Heritage Office.

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Temporary Records

All records identified as having '**TEMPORARY**' status in this schedule will have a disposal action which is the authorised date for destruction. These disposal actions specify minimum retention periods. Temporary records can be kept as long as the agency wishes following expiration of the specified period, but the provisions of the *Archives Act 1983* regarding their proper care and custody will still apply to them.

Frequently the disposal actions will refer to 'after action completed' which means after completion of the transaction to which the records relate. The disposal action 'destroy when reference ceases' authorises the destruction of records when all business needs to refer to the records have ceased.

Destruction of records

The destruction method chosen for records authorised for destruction in this schedule, should be appropriate to the medium in which the record exists. It is the responsibility of the agency to ensure that the identified records are actually destroyed, and that this process is confidential and secure.

The following issues should be considered before destruction of any documents.

Right to Information

Right to Information legislation prescribe rights and processes for access to documents held by government agencies. If a request for access under the legislation has been lodged, all records relevant to the request, regardless of whether they are due for destruction, must be identified and preserved until action on the request and any subsequent reviews are completed.

Personal Information Protection

Personal Information Protection legislation provides appropriate safeguards for government agencies in collecting and handling individual's personal information, creating statutory obligations and a right to make a privacy complaint. If an application is in progress, all records relevant to the application must be identified and preserved until the action and any subsequent actions are completed.

Other Investigations or inquiries

If an investigation or inquiry is in progress, all records relevant to the investigation or inquiry must be identified and preserved until the action and any subsequent actions are completed.

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Records relating to indigenous people

Key recommendations of the *Bringing Them Home Report 1997* relate to the need for the identification, preservation, indexing, management and access to records relating to Indigenous individuals, families and/or communities in accordance with established privacy principles.

Native Title

If a native title claim is in progress, all documents relevant to the claim must be identified and preserved until the action and any subsequent actions are completed.

Registration of Destruction

Central to the accountability built into the disposal schedules is the requirement that agencies maintain a *Register of Records destroyed*. It is important to recognise that the formal evidential record of destruction is contained in this registration process. The register is to be made available to the State Archivist (or his nominee) on request.

The register must be clearly identified as the *Register of Records Destroyed* (under Section 20 (2) (b) of the *Archives Act 1983*) and should include the name of the agency. The register can be the same used for registering destructions authorised under other disposal schedules. A sample format indicating the required elements for the register and related procedures are available on the Government Information Strategy Unit website.

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No	Function/Activity	Description	Status	Disposal Action
1	RENTAL BOND MANAGEMENT	Rental bond management is the function of managing the Rental Bond Registry including: <ul style="list-style-type: none"> • receiving, processing and disbursing rental bond monies • determining rental bond disputes • generating statistical reports from the rental bond database See RENTAL DISPUTE INVESTIGATION for investigations that precede any bond determination.		
1.1	Lodgement and Claim	The activity of processing rental bond lodgement and claim documentation including: <ul style="list-style-type: none"> • issuing receipts and bond numbers • processing cheque and electronic funds transfer (EFT) payments • financial reconciliation against other data • matching signatories and other data • corresponding with relevant parties See <i>DA 2157</i> for financial management records. See User Registration for Bulk Lodgement of Rental Bonds for registering individual property		

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No	Function/Activity	Description	Status	Disposal Action
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RENTAL BOND MANAGEMENT - Lodgement and Claim

		owners and real estate agents as 'registered users' of the rental bond registry.		
1.1.1	Lodgement Payments and Disbursal of Bond Monies	<p>Records relating to payments for lodgement and disbursal of bond monies and attempts to resolve payment failures including:</p> <ul style="list-style-type: none"> • electronic funds transfer (EFT) • cheque banking records • wrong bank details • bounced cheques <p>Includes system notes, letters and email correspondence.</p>	Temporary	Destroy 7 years after closure of bond record.
1.1.2	Rental Bond Lodgement and Claim Documentation	<p>Rental bond lodgement and claim documentation including:</p> <ul style="list-style-type: none"> • Lodgement and claim forms • Correspondence and system notes resolving any anomalies or missing information on the form • Notification to the Office of the Residential Tenancy Commissioner that a bond claim is in 'dispute' status • Correspondence attached to lodgement or claim 	Temporary	Destroy 7 years after closure of bond record.

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No	Function/Activity	Description	Status	Disposal Action
<i>RENTAL BOND MANAGEMENT - Maintaining the Rental Bond Registry</i>				
		<p>forms</p> <ul style="list-style-type: none"> • Correspondence between Rental Services and other parties to resolve issues including non-matching claims and signatures • Files notes and system notes in relation to telephone calls made to resolve issues including non-matching claims and signatures • SMS notifications of receipt of a claim form 		
1.2	Maintaining the Rental Bond Registry	The activity of maintaining current records within the registry by adding, altering and cancelling signatories and other details.		
1.2.1	Rental Bond Registry System Client Data	<p>Rental bond records maintained in the Rental Bond Registry including:</p> <ul style="list-style-type: none"> • name, address and contact information • financial information • name of parties to the bond including property owner or agent • bond number 	Temporary	Destroy 7 years after closure of bond record.
1.3	Rental Bond Determination	The activity of assessing competing claims for disbursement of rental bond monies and writing the Rental Bond Determination.		

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No	Function/Activity	Description	Status	Disposal Action
<i>RENTAL BOND MANAGEMENT - Rental Bond Determination</i>				
1.3.1	Rental Bond Determination Records	Rental Bond Determination records including: <ul style="list-style-type: none"> • the legal rental bond determination • earlier versions, if amended at the request of the Residential Tenancy Commissioner • covering letters to the parties • correspondence associated with appeals to the Magistrates Court against the determination, or complaints to the Ombudsman. 	Temporary	Destroy 3 years after Bond status in the Rental Bond Registry changed to Closed.
1.4	Reporting	The activity of reporting against various statistical criteria for the purpose of: <ul style="list-style-type: none"> • assisting the Australian Taxation Office • managing contract performance by the prime contractor (e.g. iGate) • reporting for the Annual Report • making rental statistics available to the public and industry via the Australian Bureau of Statistics. See DA 2157 for the annual report		
1.4.1	Statistical Reports from the Rental Bond Registry	Statistical reports generated from the Rental Bond Registry of aggregate bond data generated on a regular or ad hoc basis. Includes:	Temporary	Destroy 20 years after created.

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No	Function/Activity	Description	Status	Disposal Action
<i>RENTAL BOND MANAGEMENT - User Registration for Bulk Lodgement of Rental Bonds</i>				
		<ul style="list-style-type: none"> • Australian Taxation Office report (six monthly) - all active and closed bonds for the period; tenancy start and end dates; weekly rent; bond value; addresses; dwelling types • Australian Bureau of Statistics report (monthly) - all bond records made active or closed for the period; bond number; address; amount of bond; weekly rent; date bond lodged/closed; number of bedrooms, dwelling time, length of tenancy • Reconciliation report (monthly) - all bonds lodged and paid out in the month and any discrepancies • Billing reports (monthly) - all bonds lodged, closed and transferred for the period; transaction details; billing summary; performance matrix assessment; totals of active bonds and total of bonds closed in the period. 		
1.5	User Registration for Bulk Lodgement of Rental Bonds	<p>The activity of registering individual property owners and real estate agents as 'registered users' of the Rental Bond Registry allowing them to lodge bulk rental bonds as a single transaction.</p> <p>See Lodgement and Claim for processing rental bond lodgement and claim documentation.</p>		
1.5.1	Registered User	Records relating to registered users of the Rental	Temporary	Destroy 7 years after

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No	Function/Activity	Description	Status	Disposal Action
<i>RENTAL COMPLIANCE</i>				
	Records	Bond Registry including: <ul style="list-style-type: none"> • User registration forms • Correspondence • System notes - notes recorded in the Rental Bond Registry System (iGate) 		registered user becomes inactive.
2	RENTAL COMPLIANCE	Rental compliance is the function of issuing enforceable legal documents in finalisation of an investigation or conciliation where there has been an alleged breach of the <i>Residential Tenancy Act 1997</i> , the <i>Residential Tenancy Regulations 2005</i> or the <i>Residential Tenancy (Smoke Alarms) Regulations 2012</i> .		
2.1	Compliance	The activity of writing, formalising and forwarding: <ul style="list-style-type: none"> • a written warning • a notice of confirmation of a boarding premise conciliation agreement • an enforceable order • an infringement notice in relation to an alleged breach of the <i>Residential Tenancy Act 1997</i> , the <i>Residential Tenancy Regulations 2005</i> or the <i>Residential Tenancy (Smoke Alarms) Regulations 2012</i> .		

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No	Function/Activity	Description	Status	Disposal Action
<i>RENTAL COMPLIANCE - Compliance</i>				
2.1.1	Notices, Warnings and Orders	Records relating to writing, formalising and forwarding compliance documentation including: <ul style="list-style-type: none"> • warning letters • letters confirming a boarding premise conciliation agreement signed by the Residential Tenancy Commissioner (or delegate) under the <i>Residential Tenancy Act 1997</i> • Order of the Residential Tenancy Commissioner under the <i>Residential Tenancy Act 1997</i> • infringement Notices 	Temporary	Destroy 3 years after action completed.
2.2	Exemption	The activity of writing, formalising and forwarding exemption notices in relation to minimum standards for rental properties set out in the <i>Residential Tenancy Act 1997</i> .		
2.2.1	Notice of Exemption	Copies of Notices of Exemption issued under section 36P of the <i>Residential Tenancy Act 1997</i> .	Temporary	Destroy 15 years after created.
3	RENTAL DISPUTE INVESTIGATION	Rental dispute investigation is the function of investigating rental bond disputes and alleged breaches of the <i>Residential Tenancy Act 1997</i> , the <i>Residential Tenancy Regulations 2015</i> and the <i>Residential Tenancy (Smoke Alarms) Regulations 2012</i> .		
3.1	Investigate rental	The activity of investigating rental bond disputes and		

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No	Function/Activity	Description	Status	Disposal Action
<i>RENTAL DISPUTE INVESTIGATION - Investigate rental complaints, bond disputes, and alleged statutory breaches</i>				
	<p>complaints, bond disputes, and alleged statutory breaches</p>	<p>alleged breaches of the <i>Residential Tenancy Act 1997</i>, the <i>Residential Tenancy Regulations 2015</i> and the <i>Residential Tenancy (Smoke Alarms) Regulations 2012</i> and making a determination.</p> <p>Investigations may include:</p> <ul style="list-style-type: none"> • rental disputes • disbursement of security deposits • unreasonable rent rises • repairs to premises • disputes between tenants and owners of boarding premises • disputes in relation to residential tenancy databases <p>This activity includes:</p> <ul style="list-style-type: none"> • contacting relevant parties to obtain evidence by telephone, email and letter • enquiring of other sources, such as the Land Information System Tasmania • assessing evidence in light of statutory requirements • drafting hard copy and electronic 		

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No	Function/Activity	Description	Status	Disposal Action
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RENTAL DISPUTE INVESTIGATION - Investigate rental complaints, bond disputes, and alleged statutory breaches

		<p>correspondence, file notes, summaries of evidence</p> <ul style="list-style-type: none"> • updating the electronic document registry management system and Rental Bond Registry system with notes where relevant 		
3.1.1	Records of Routine Investigations	<p>Records documenting rental investigations (rental investigation file) where a statement relevant to the interpretation of the Act has not been made by a Magistrate. These include:</p> <p>Evidentiary records including:</p> <ul style="list-style-type: none"> • letters • text messages • emails • photographs • film footage • bank statements including records of financial transfers • official reports including from building surveyors, architects, insurers and environmental health officers • Family Violence Orders 	Temporary	Destroy 3 years after action completed.

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No	Function/Activity	Description	Status	Disposal Action
<i>RENTAL DISPUTE INVESTIGATION - Investigate rental complaints, bond disputes, and alleged statutory breaches</i>				
		<ul style="list-style-type: none"> • public health orders • orders of the Magistrates Court • quotations, invoices and receipts <p>Lease documentation including:</p> <ul style="list-style-type: none"> • residential tenancy agreement • condition report • boarding premise agreement • house rules for boarding premise • agency agreement • community housing agreement • notice to vacate, notice to terminate, notice for repair • rental records including receipts and ledgers • rental advertisements <p>Extracts from other sources such as:</p> <ul style="list-style-type: none"> • land titles and mapping data from the Tasmanian Land Information System 		

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<i>RENTAL DISPUTE INVESTIGATION - Investigate rental complaints, bond disputes, and alleged statutory breaches</i>				
		<ul style="list-style-type: none"> • company registration data from the Australian Securities and Investments Commission • name and address data from a telephone directory <p>Internally generated standard form documents including:</p> <ul style="list-style-type: none"> • template letters, including warning letters and letters of demand • file notes • running sheets • internal notes, memoranda and emails 		
3.1.2	Investigations which set a Precedent	Records of dispute investigations which have gone to appeal and a Magistrate has made a statement relevant to the interpretation of the Act.	Permanent	Retain as State Archives