

**Disposal Schedule
for
Functional records of the
Monetary Penalties Enforcement
Service**

Disposal Authorisation No. 2122

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INTRODUCTION

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 the custody of their creating Agency, or their transfer to the Tasmanian Archive & 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 & 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.

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 those 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. Reviews may also be initiated by the Tasmanian Archive & Heritage Office.

Contacts

Any enquiries relating to this schedule should be directed in writing to the Tasmanian Archive & Heritage Office, 91 Murray Street, Hobart, email gisu@education.tas.gov.au, phone 03 6165 5581

TASMANIAN ARCHIVE & HERITAGE OFFICE

DISPOSAL AUTHORISATION No. 2122

Title: Disposal Schedule for Functional records of the Monetary Penalties Enforcement Service

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

Build Status

Version	Date	Author	Reason	Sections
3.0	22-07-2015	Christine Woods	Template	All
2.0	01-02-2012	TAHO	Amendment	All
1.0	01-07-2002	TAHO	Initial Release	All

Amendments in this Release

Section Title	Section Number	Amendment Summary
All	All	Document imported into new template

INTERPRETATION

Definitions

Permanent records are those that will be transferred to the Tasmanian Archive & 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 to the Tasmanian Archive & Heritage Office 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 (name of agency or sector).

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 & 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 Archives Office 25 years after the date of creation. Agencies may make application to the Tasmanian Archive & Heritage Office for earlier transfer of particular groups of records and the Tasmanian Archive & 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 & Heritage Office.

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 the 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.

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.

Records relating to indigenous families and communities or which document links between indigenous people and localities are not to be destroyed and should be the subject of consultation with the Tasmanian Archive & Heritage Office.

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 process 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 Tasmanian Archive & Heritage Office website.

01.00.00	<p>COLLECTION AND ENFORCEMENT</p> <p>The function of collecting and enforcing monetary penalties imposed by courts and various statutory authorities. Includes processing incoming payments, payment variations, debt withdrawals, account enquiries, forwarding monies to creditors and the imposition of enforcement sanctions against enforcement debtors in default.</p> <p>Includes the development and review of legislation and reporting to government.</p>	
01.01.00	<p>Client Accounts</p> <p>The activities involved in the management of client accounts electronically stored in the database including financial transactions, entity identification records, contact details, audit records, documents and notifications generated by the database and notes.</p>	
01.01.01	<p>Records relating to an account with no outstanding debt contained in the Fines and Infringement Notices Database (FIND). Includes financial transactions, entity identification records, contact details, audit records, documents and notifications generated by the database and notes.</p>	<p>TEMPORARY Destroy 7 years after date of finalisation.</p>
01.01.02	<p>Records relating to an account with outstanding debt contained in the Fines and Infringement Notices Database (FIND). Includes financial transactions, entity identification records, contact details, audit records, documents and notifications generated by the database and notes.</p>	<p>TEMPORARY Destroy 100 years after last action.</p>
01.02.00	<p>Committees</p> <p>The activities associated with the management of committees appointed to formulate, discuss, update or resolve issues and matters relating to the collection and enforcement of monetary penalties. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes, reports, agenda, etc.</p>	
01.02.01	<p>Records documenting high-level Committees and working parties with responsibility for making major decisions in the area of collection and enforcement of monetary penalties.</p> <p>Records may include:</p> <ul style="list-style-type: none"> • documents establishing the committee • documents appointing members • final versions of minutes • agenda papers • reports presented to the committee • • submissions presented to the committee 	<p>PERMANENT</p>
01.02.02	<p>Records documenting committees and working parties with responsibility for making decisions in the area of collection and enforcement of monetary penalties not included in 01.01.01.</p>	<p>TEMPORARY Destroy 7 years after action completed.</p>
01.02.03	<p>Records documenting the conduct and administration of committees.</p>	<p>TEMPORARY Destroy when reference ceases.</p>

01.03.00	Enforcement sanctions The processes involved in the imposition of enforcement action as a result of default on the payment of monetary penalties set out in an enforcement order.	
01.03.01	Records relating to the issue, reissue, recall and return of warrants and orders for redirection of money issued under Part 7 of the <i>Monetary Penalties Enforcement Act 2005</i> . Includes: <ul style="list-style-type: none"> • correspondence • warrants for: <ul style="list-style-type: none"> • seizure and sale; • registering a charge over land; • search warrants; • commitment to prison; and • warrants issued under the <i>Service and Execution of Process Act 1992</i> 	TEMPORARY Destroy 7 years after the issue of the warrant, order for re-direction of money or death of the person involved.
01.03.02	Records of warrants and orders for redirection of money contained in the database (Fines and Infringement Notices Database).	TEMPORARY Destroy 7 years after action completed.
01.04.00	Enquiries The activities associated with the handling of requests for information relating to the collection and enforcement of monetary penalties by the general public or an organisation. Includes enquiries made by an individual requesting the status of their account, description of penalties and balances of outstanding monies. <i>See DA 2157 for accounting processes.</i>	
01.04.01	Records relating to requests for information from the general public or another organisation. <i>See DA No. 2157 for Ministerial enquiries.</i>	TEMPORARY Destroy 2 years after action completed.
01.04.02	Records relating to account enquiries. Records may include: <ul style="list-style-type: none"> • Correspondence • Statements of Account. 	TEMPORARY Destroy 2 years after action completed.
01.05.00	Extensions to due date of a monetary penalty The processes associated with an application for a variation of payment conditions.	
01.05.01	Records relating to requests for variation of payment conditions. Includes: <ul style="list-style-type: none"> • application forms • correspondence 	TEMPORARY Destroy when reference ceases
01.06.00	Grievances The activities associated with the handling and resolution of grievances related to the collection and enforcement of monetary penalties.	
01.06.01	Records relating to complaints which: <ul style="list-style-type: none"> • create a precedent; or • raise policy or legal issues; or • contain qualified legal opinion; or • lead to procedural changes. 	PERMANENT
01.06.02	Records relating to complaints not included in 01.07.01	TEMPORARY Destroy 2 years after action completed.

01.07.00	Incoming Payments The activities associated with receipting monies from persons required to pay monetary penalties imposed by a court or statutory authority. Includes payment of infringements and court fines from relevant collection authorities and receipt channels. <i>See DA2157 for accounting processes.</i>	
01.07.01	Records related to incoming payments. Includes correspondence and documentation relating to: <ul style="list-style-type: none"> • refunds • EFT detail request forms • Adjustments • Dishonoured/cancelled cheques 	TEMPORARY Destroy 7 years after completed.
01.08.00	Lodgement of the Imposition of Monetary Penalties The activities associated with downloading of electronic data from relevant authorities relating to the imposition of monetary penalties. <i>See DA2157 for accounting processes.</i>	
01.08.01	Refunds of imposed monetary penalties referred to MPES for enforcement	TEMPORARY Destroy 7 years after referral of the monetary penalty.
01.09.00	Policy The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making, as the basis from which the agency's operating procedures are determined.	
01.09.01	Records illustrating the development of policy and documenting policy decisions and the establishment of precedents related to collection and enforcement of monetary penalties.	PERMANENT
01.10.00	Procedure Standard methods of collecting and enforcing monetary penalties as laid down according to formulated policy.	
01.10.01	Records documenting the development of procedures, manuals and instructions relating to collecting and enforcing monetary penalties.	TEMPORARY Destroy 7 years after superseded.
01.11.00	Reporting The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate policies) and to provide formal statements or findings of the results of the examination or investigation. Includes agenda, briefing, business, discussion papers, proposals, reports, reviews and returns relating to collection and enforcement of monetary penalties.	
01.11.01	Final versions of formal internal and external reports prepared by or for the agency on significant issues in the collection and enforcement of monetary penalties. Includes <ul style="list-style-type: none"> • source data necessary to substantiate findings in above reports • published reports on findings of significant research <i>See DA2157 14.12.01 for final versions of annual reports.</i>	PERMANENT
01.11.02	Final versions of formal internal and external reports prepared by or for the agency not included in 01.12.01. Includes source data necessary to substantiate finds in above reports.	TEMPORARY Destroy 5 years after date of last action.

01.11.03	Discussion papers and internal minutes report findings of research relating to collection and enforcement of monetary penalties. Includes source data that is considered necessary to substantiate findings.	TEMPORARY Destroy 5 years after date of last action.
01.11.04	Source data that is <u>not</u> considered necessary to substantiate research findings or reports.	TEMPORARY Destroy when reference ceases.
01.11.05	Verification reports produced from the database (Fines and Infringement Notices Database) of data relating to penalties, payments to MPES, disbursement, or debt withdrawal. Includes: <ul style="list-style-type: none"> • Adjustments • Court fines • Debt withdrawal • Direct debit • Disbursements • Dishonoured/cancelled cheques • Electronic Funds Transfer (EFT) • Infringements • Payments to MPES 	TEMPORARY Destroy hard copy 12 months after action completed.
01.12.00	<p>Research</p> <p>The activities involved in investigating or enquiring into collection and enforcement of monetary penalties in order to discover facts, principles, etc. used to support the development of projects, standards, guidelines.</p> <p><i>For reports resulting from research use 01.11.01</i></p>	
01.12.01	Records relating to the external consultation process including: <ul style="list-style-type: none"> • agency comments • requests for information 	TEMPORARY Destroy 2 years after action completed.
01.13.00	<p>Suspension of Enforcement Order</p> <p>The processes associated with an application for the suspension of an enforcement order.</p>	
01.13.01	Records relating to requests for suspension of enforcement order. Includes; <ul style="list-style-type: none"> • application forms • correspondence 	TEMPORARY Destroy when reference ceases.