

**Disposal Schedule
for
Central Administration and
Policy Development within the
Department of Justice and
Industrial Relations**

Disposal Authorisation No. 2103

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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 Tasmanian Archives & Heritage 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. 2103

Title: Disposal Schedule for Functional Records dealing with Central Administration and Policy Development within the Department of Justice and Industrial Relations

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
2.0	20-01-2016	Christine Woods	Template	All
1.0	06-12-2001	AOT	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 Central Administration and Policy Development, 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 & 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 & Heritage 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 Government Information Strategy Unit (GISU) website.

01.00.00	LEGISLATION The processes involved with the making of laws. Includes the development, drafting and reviewing of new legislation or amendments to existing legislation. Also includes the procedures involved with legislation passing through Parliament, public reaction to proposed legislation and comments from other agencies and stakeholders. <i>Note This function relates specifically to the Department of Justice and Industrial Relations' role in developing legislation for the whole of government.</i>	
01.01.00	ACTS	
01.01.01	Agency copy of final Bill which has received Royal Assent.	TEMPORARY Destroy when reference ceases.
01.02.00	DRAFTING AND REVIEWING	
01.02.01	Records relating to development, drafting and reviewing of Legislation, includes: <ul style="list-style-type: none"> • Cabinet Minutes • Invited comments • Discussion papers • Parliamentary process documents • Committee minutes and agendas • Draft bills • Minutes to the Attorney General 	PERMANENT
02.00.00	LEGAL POLICY The function of collecting information, responding to comments, reviewing, advising on and developing legal policy.	
02.01.00	DRAFTING AND REVIEWING	
02.01.01	Records relating to the development of legal policy including: <ul style="list-style-type: none"> • Master set of reports relating to projects initiated by the agency • Commonwealth/State agreements • Mutual recognition 	PERMANENT
02.02.00	ADVICE Legal advice provided by the Department of Justice and Industrial Relations.	
02.02.01	Records relating to the provision of advice relating to the development and review of legal policies.	PERMANENT
02.03.00	REPRESENTATIVES Activities relating to membership of Boards, Commissions, Tribunals and Committees, including personnel appointed by the agency as official representatives of the State.	
02.03.01	Records relating to membership, including: <ul style="list-style-type: none"> • Nominations • Appointments and resignations 	PERMANENT

03.00.00	GOVERNMENT LEGAL SERVICES The function of providing legal services to government. Includes legal interpretation and the provision of legal advice, drawing up of legal agreements and handling legal actions and disputes.	
03.01.00	ADVICE Legal advice provided by the Department of Justice and Industrial Relations. <i>See DSI for Legal Opinions prepared for the Department of Justice and Industrial Relations.</i>	
03.01.01	Records relating to information provided by Crown Law relating to the conduct of and results of appeals, prosecutions, litigation and tribunal representation which create a precedent or policy change.	PERMANENT
03.01.02	Records relating to information provided by Crown Law relating to the conduct of and results of appeals, prosecutions, litigation and tribunal representation which do not create a precedent or policy change.	TEMPORARY Destroy 7 years after action completed.
04.00.00	ADMINISTRATION OF JUSTICE The function of administering services which provide access to justice for the community, includes: <ul style="list-style-type: none"> • Provision of legal assistance • Support and compensation to victims of crime • Administration and support for people with mental illnesses and disabilities • The maintenance of a fair and equitable marketplace through the Office of Consumer Affairs and Fair Trading • Public Trustee functions • Registration services • Electoral functions, and, • The provision of review services to the public and government employees through operations of the Ombudsman Office and the Commissioner for Review. <i>See 7.0.0 for judicial administration through court processes</i> <i>Note This schedule relates to the role of the Central Administration and Policy Functions of the Department of Justice and Industrial Relations. For operational records of the Department in the administration of justice refer to the relevant authorised disposal schedules.</i>	
04.01.00	POLICY AND ADMINISTRATION	
04.01.01	Records illustrating policy, establishing precedents and documenting the development of procedure.	PERMANENT
04.01.02	Copies of 'minutes' from the Executive Council relating to agency matters.	TEMPORARY Destroy when reference ceases.

04.02.00	<p>REPRESENTATIVES</p> <p>Activities relating to membership of Boards, Commissions, Tribunals and Committees, including personnel appointed by the agency as official representatives of the State.</p> <p><i>See 04.03.01 for records relating to the appointment and resignation of members of the judiciary, magistracy and coroners.</i></p> <p><i>See 07.03.01 for records relating to the appointment and resignation of members of the judiciary, magistracy and coroners.</i></p>	
04.02.01	<p>Records relating to membership, including:</p> <ul style="list-style-type: none"> • Nominations • Appointments and resignations 	PERMANENT
04.03.00	<p>APPOINTMENTS</p> <p>Activities relating to the appointment and resignation of Justices of Peace and commissioners for Declarations.</p>	
04.03.01	<p>Records relating to appointment and resignation of Justices of Peace and Commissioners for Declarations, includes:</p> <ul style="list-style-type: none"> • Applications • Appointments, resignations, revocations • Lists • Gazettal documents • Change of address <p><i>See 7.3.1 for records relating to the appointment and resignation of members of the judiciary, magistracy and coroners.</i></p>	<p>TEMPORARY</p> <p>Destroy 5 years after resignation or revocation of appointment.</p>
04.04.00	<p>COMMITTEES</p> <p>Activities relating to the management of committees and task forces.</p>	
04.04.01	<p>Records relating to decisions of the Interdepartmental Committee – Actions against Public Servants. Includes:</p> <ul style="list-style-type: none"> • Agenda papers • Minutes of meetings 	<p>TEMPORARY</p> <p>Destroy 7 years after action completed</p>

05.00.00	<p>CORRECTIVE SERVICES</p> <p>The functions associated with the management and administration of prisons and prisoners through institutions located at Risdon, Hayes and Launceston, includes:</p> <ul style="list-style-type: none"> • Rehabilitation of prisoners through education and training programmes, • Management of community corrections services through the supervision and administration of non-custodial sentencing options including community service orders, • Probation and parole supervision, • Pre-parole and pre-sentencing reporting, and • The appointment and resignation of members to and from the Parole Board. <p><i>Note This schedule relates to the role of the Central Administration and Policy functions of the Department of Justice and Industrial Relations. For operational records of the Department in relation to corrective Services, refer to the relevant authorised disposal schedules.</i></p>	
05.01.00	POLICY AND ADMINISTRATION	
05.01.01	<p>Records illustrating policy (includes standing orders and guidelines), establishing precedents and documenting the development of procedure, involving the secretariat, includes areas such as:</p> <ul style="list-style-type: none"> • Prison conditions • Video conferencing • Prisoner rights and safety (including deaths in custody) • Mediation programs (victim/offender) • Official visitors • Education and training • Security (escapes from prison) • Hospital orders • Outside work • Community corrections • Programs • Parole 	PERMANENT
05.02.00	<p>REPRESENTATIVES</p> <p>Activities relating to membership of Boards, commissions, Tribunals and Committees, including personnel appointed by the agency as official representatives of the State.</p>	
05.02.01	<p>Records relating to membership, including:</p> <ul style="list-style-type: none"> • Nominations • Appointments and resignations 	PERMANENT
06.00.00	<p>STAKEHOLDER RELATIONS</p> <p>The function of managing relationships with non-government organisations that have a specific ongoing interest in the activities administered within the portfolio. Includes the organisation's relationships with the legal profession and industry organisations, and their supervision and accreditation.</p>	
06.01.00	POLICY AND ADMINISTRATION	
06.01.01	<p>Replace with disposal class description (Use table insert row for additional classes)</p> <p><i>See 02.01.01 etc. (add see references as required)</i></p>	<p>PERMANENT Transfer 10 years after action completed.</p>

06.02.00	LIAISON Activities relating to contact with professional legal organisations such as the Solicitors Trust, Bar Association, Law Society and Board of Legal Education.	
06.02.01	Records relating to the management of the Solicitors Trust and Solicitors Guarantee Fund, includes: <ul style="list-style-type: none"> • Approvals from Attorney General in relation to the maintenance and distribution of funds (as per the <i>Legal Profession Act 1993</i>). 	PERMANENT
06.02.02	Records relating to the establishment, maintenance, review and negotiation of agreements between legal bodies and the agency.	PERMANENT
06.02.03	Complaints against solicitors and associated correspondence. <i>Note Complaints against solicitors are forwarded to the Law Society for investigation.</i>	TEMPORARY Destroy 2 years after action completed
06.03.00	COMPLIANCE Activities related to compliance with regulations governing the practice of law in Tasmania.	
06.03.01	Records of individual applications to practice law in Tasmania – includes assessment and proof of qualifications.	PERMANENT
06.03.02	Revision of selection criteria, rules and courses.	PERMANENT
06.04.00	REPRESENTATIVES Activities relating to membership of Boards, Commissions, Tribunals and committees, including personnel appointed by the agency as official representatives of the State.	
06.04.01	Records relating to membership of professional legal organisations by agency representatives, including: <ul style="list-style-type: none"> • Nominations • Appointments and resignations 	PERMANENT

07.00.00	<p>COURT MANAGEMENT</p> <p>The functions associated with managing and administering the effectiveness and responsiveness of court processes through the Supreme Courts, Magisterial Courts and Coronial Courts, includes:</p> <ul style="list-style-type: none"> • Providing assurance of equality, fairness and integrity in regard to public trust and confidence and community safety, • The enforcement of monetary penalties through the functions of the Fines Enforcement Unit, and • The appointment and registration of members of the judiciary, magistracy and coroners. <p><i>Note This schedule relates to the role of the Central Administration and Policy Functions of the Department of Justice and Industrial Relations – for operational records of the Department in relation to Court management refer to the relevant authorised disposal schedules.</i></p>	
07.01.00	POLICY AND ADMINISTRATION	
07.01.01	<p>Records illustrating policy, establishing precedents and documenting the development of procedure, involving the secretariat, includes areas such as:</p> <ul style="list-style-type: none"> • Bail • Compliance – including the publication of names and orders applied • Coronial procedures • Enforcement of civil judgement • Execution of process • Publication of names • Case management • Review of court documentation • Enforcement of monetary penalties • Reporting procedures • Provision of interpreters and translators • Committal proceedings • Video conferencing • Juries • Witnesses • Trials 	PERMANENT
07.02.00	<p>REPRESENTATIVES</p> <p>Activities relating to membership of Boards, Commissions, Tribunals and Committees, including personnel appointed by the agency as official representatives of the State, includes the council of Law Reporting Rules Committee.</p>	
07.02.01	<p>Records relating to membership, including:</p> <ul style="list-style-type: none"> • Nominations • Appointments and resignations 	PERMANENT
07.03.00	<p>APPOINTMENTS</p> <p>Activities relating to the appointment and resignation of members of the judiciary, magistracy and coroners.</p>	
07.03.01	<p>Records relating to the appointment and resignation of members of the judiciary, magistracy and coroners.</p> <p><i>See 4.3.1 for records relating to the appointment of Justices of the Peace and Commissioners for Declarations.</i></p>	PERMANENT
07.03.02	<p>Routine correspondence relating to appointments, includes:</p> <ul style="list-style-type: none"> • Notifications of Commonwealth judicial appointments. 	TEMPORARY Destroy 2 years after action completed.