

**Office of the
State Archivist**

DISPOSAL SCHEDULE FOR STATUTORY GOVERNING BODIES

(Including: Boards, Tribunals, Commissions, Panels,
Governing Councils)

Disposal Authorisation DA2508

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Authorisation

Under Section 20 (2) (b) of the *Archives Act 1983* (Tas), I authorise 'relevant authorities' (as defined in Section 3 of that Act) to manage the disposal of the records described in this schedule.

Ross Latham
State Archivist

Version	Date	Comments
1.1	12 Feb 2021	New template

DOCUMENT DEVELOPMENT HISTORY

Version	Date	Comments
1.0	12 Feb 2020	Authorised release
1.1	22 Feb 2021	New template

Introduction

OVERVIEW

ARCHIVES LEGISLATION

The *Archives Act 1983* (Tas) 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 Archives.

Section 10 (1) (a) of the Act 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.

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 Archives 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 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 Office of the State Archivist.

Interpretation

DEFINITIONS

Permanent records are those that will be transferred to the Tasmanian Archives to be retained as State Archives. The *Archives Act 1983* (Tas) establishes 25 years as the maximum required timeframe for the

transfer of permanent records to the Tasmanian Archives 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 only covers functional records of **Statutory Governing Bodies**, such as Boards, Tribunals, Commissions, Panels, Working Groups, Councils, etc.

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* (DA2158) 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 Archives procedures for unscheduled records.

PRESERVATION OF RECORDS

Section 10 (1) (a) of the *Archives Act 1983* (Tas) 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 Archives 25 years after the date of creation. Agencies may make application to the Tasmanian Archives for earlier transfer of particular groups of records and the Tasmanian Archives may also initiate an earlier transfer arrangement.

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

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* (Tas) 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 use 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 INVESTIGATION 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: National Inquiry into the separation of Aboriginal and Torres Strait Islander Children from Their Families (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 Office of the State Archivist.

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 (Tas)*) 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 from our website.

Please Note:

The schedule only covers the common function of managing the processes around meetings, sessions, or hearings.

It does not cover the unique functions of an organisation.

This Disposal Schedule applies to Statutory Governing Bodies which conduct most of their business in the form of meetings. It includes Statutory Boards, Tribunals, Commissions, Panels, Working Groups, Councils etc.

The schedule only covers the common administrative function associated with the meeting process and the administration of power and responsibility. Broadly, this includes:

- who can attend – membership, conflicts, remuneration etc
- when and where meetings (hearings, sessions) are held
- what members need to know and deliberate – agenda, papers
- what was decided and must be done – minutes, actions.

The schedule does not cover:

- the unique functions of the statutory body eg teacher registration and education course approval by the Teachers Registration Board
- functions which deal with ‘cases’ and generate ‘case files’, for example bodies which:
 - make rulings on people’s rights and circumstances, for example the Guardianship and Administration Board or Mental Health Tribunal
 - undertake civil enquiries into allegations of discrimination or unlawful treatment, for example Anti-Discrimination Tribunal
 - hold appeal hearings, for example Resource Management and Appeals Tribunal
 - hold hearings related to alleged professional misconduct, for example Health Practitioners Tribunal
 - assess individual applications for compensation, such as the Asbestos Compensation Tribunal and the Motor Accidents Compensation Tribunal
- court hearings.

Organisations will need to work with Office of the State Archivist to develop disposal schedules for their unique statutory business or functions.

If there appears to be a conflict between the two schedules, choose the retention from the disposal schedule which is specifically for your organisation. Always consider both risks and business needs.

Disposal Schedule

Reference	Description	Status and Disposal Action
01.00	<p>ADMINISTRATION OF STATUTORY GOVERNING BODIES</p> <p>The function of establishing, managing and administering a Statutory Governing Body and its statutory committees to:</p> <ul style="list-style-type: none"> • ensure compliance with relevant legislation • determine strategic direction for the function it is responsible for • direct agency operations to ensure performance targets are achieved. <p>May include:</p> <ul style="list-style-type: none"> • managing the nomination, appointment and separation of members • managing delegations • establishing, managing and administering sub-committees which report to the Statutory Governing Body • conducting meetings or hearings, including facilitating meeting arrangements and collating and distributing meeting papers • creation, endorsement and maintenance of formal meeting records • recording declarations of conflicts of interest and managing the participation or non-participation of conflicted members in decision-making and management for nominated activities • complying with requirements for the Statutory Governing Body to provide external reports on its performance, achievements and / or current issues. 	
01.01	<p>Significant Records</p> <p>Records of continuing value that document the administration of Statutory Governing Bodies, including those that:</p> <ul style="list-style-type: none"> • relate to the establishment and ongoing membership of the body, including appointment and resignation records • set out the terms of reference of the body • document the conduct and content of the administrative meetings of the body. <p>Records that document the conduct and content of the administrative meetings of the Statutory Governing Body may include:</p> <ul style="list-style-type: none"> • meeting papers, such as agenda, minutes, reports and documents tabled in a meeting for discussion or decision • submissions received in relation to an administrative matter before the Body. For example, the governing body may be seeking submissions on: <ul style="list-style-type: none"> – changes to the way their legislation is administered – changes to what constitutes evidence, such as changes to the format of the records from hard copy to electronic – changes to who can represent 	<p>PERMANENT</p> <p>Retain as State archive</p>

Reference	Description	Status and Disposal Action
	<ul style="list-style-type: none"> • submissions and detailed responses made by the Body to external parties in relation to issues in which it has an interest or responsibility, or has received a request for input • the formulation of strategic directions, including policies and procedures • conduct of meetings including agenda, minutes, reports and documents tabled in a meeting for discussion or decision • registers of decisions or summaries of outcomes • the resolution of administrative issues which have come before the governing body for decision. <p><i>See Disposal Schedule for Common Administrative Functions (DA2157) 07.02.01 Advice (GOVERNMENT RELATIONS) for final copies of reports for presentation to Parliament, the Minister or an external governing body.</i></p>	
<p>01.02</p>	<p>Medium-term Records</p> <p>Records of Medium-term value documenting the administration of Statutory Governing Bodies, including those that:</p> <ul style="list-style-type: none"> • relate to the management of conflicts of interest, misconduct or ethical matters, including Declarations of Interest; Gifts and Benefits registers; and Public Interest Disclosures etc • document the remuneration of members, including allowances, benefits, entitlements etc for work performed • document the administration of sub-committees established to manage specific functions • are made for the purpose of compiling formal minutes, such as audio recordings and other forms of content capture created during meetings • document the issuing of formal notices of a meeting and requirements for attendance for participants invited or required to attend the meeting • comprise the detailed record of formal investigation and action taken following instances of misconduct or unethical behaviour by a member or direct report of the Statutory Governance Body. <p>Note: Decisions and final outcomes of formal investigations will be summarised and reported to an administrative meeting of the Statutory Governing Body for ratification and therefore captured under 01.01 Significant Records (ADMINISTRATION OF STATUTORY GOVERNING BODIES).</p>	<p>TEMPORARY</p> <p>Destroy 7 years after action completed</p>
<p>01.03</p>	<p>Short-term Records</p> <p>Records of short-term value that document the administration of Statutory Governing Bodies including:</p>	<p>TEMPORARY</p> <p>Destroy 2 years after action completed</p>

Reference	Description	Status and Disposal Action
	<ul style="list-style-type: none"> • unsuccessful applications for membership of the Statutory Governing Body • meeting arrangements, such as room and equipment bookings, travel arrangements, etc • enquiries and complaints received relating to the statutory business of the Body, to which a standard or pro-forma response is made (equivalent to FAQ responses) • correspondence or public feedback received that does not relate to the statutory business of the Body • other records that facilitate the administrative processes of the Statutory Governing Body. 	