

Australian Capital Territory

Territory Records (Records Disposal Schedule – Inquiries & Commissions Records) Approval 2005 (No 1)

Notifiable instrument NI2005—155

made under the

Territory Records Act 2002, s 19 (Approval of schedules for the disposal of records)

I approve the Records Disposal Schedule – Inquiries & Commissions Records.

David Wardle
Director of Territory Records
3 May 2005



*Records Disposal Schedule
Inquiries & Commissions Records*

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INTRODUCTION

The *Records Disposal Schedule – Inquiries & Commissions Records* is the official authority for the disposal of records relating to Inquiries and Commissions Records.

It is one of a series of Records Disposal Schedules authorised by the Director of Territory Records in accordance with the provisions of the *Territory Records Act 2002*. It is to be used in conjunction with the *Territory Administrative Records Disposal Schedule (TARDiS)*.

PURPOSE

The purpose of this Records Disposal Schedule is to provide for the authorised disposal of Inquiries and Commissions Records created or maintained by ACT Government agencies.

SCOPE

This Records Disposal Schedule applies to all ACT Government agencies as defined in the *Territory Records Act 2002*.

It applies to records in any format, including electronic records.

AUTHORITY

The Director of Territory Records, in consultation with stakeholders and the Territory Records Advisory Council, has approved this Records Disposal Schedule for use. The Schedule does not take effect until it has been incorporated into an agency's Records Management Program that has been signed off by the Principal Officer of the agency.

Even so, officers using this Records Disposal Schedule should apply it with caution. They should be aware that the authorisations for disposal are given in terms of the *Territory Records Act 2002* only. Officers must not dispose of records in contravention of this Records Disposal Schedule or other requirements.

This Records Disposal Schedule will remain in force until a new schedule supersedes it or the Director of Territory Records withdraws it from use.

STRUCTURE AND RELATIONSHIP TO THE TERRITORY VERSION OF KEYWORD AAA

A Records Disposal Schedule generally specifies retention periods. That is, how long records are to be retained by the agency before being destroyed or retained as Territory Archives.

Retention periods set down in this schedule are minimum periods only and an agency may keep records for a longer period if considered necessary for business requirements. Reasons for longer retention could include legal requirements, administrative need or agency directives. **An agency must not dispose of any records where it is aware of possible legal action for which the records may be required as evidence.**

The *Records Disposal Schedule – Inquiries & Commissions Records* has a hierarchical structure that reflects its arrangement according to functions and activities, rather than by subject, and its close relationship to the Territory Version of Keyword AAA. The Records Disposal Schedule is designed to be applicable to all Inquiries and Commissions Records regardless of titling conventions used, so that records, which have not been titled using the terminology represented by this Records Disposal Schedule, may still be sentenced with relative ease.

Territory Version of Keyword AAA

The Territory Version of Keyword AAA is the general administrative thesaurus produced by the Territory Records Office. The structure and terms used in this Records Disposal Schedule are

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closely related to those used in the Territory Version of Keyword AAA, which is based on functional analysis of business activity. This methodology (i.e. the analysis of business activity) produces a hierarchical model of an organisation's business activity. The hierarchical model also represents a classification scheme for the records that documents functions, activities and transactions.

The disposal actions listed in this Records Disposal Schedule were determined through the process of appraisal in accordance with *Territory Records Office Standard for Records Management No.2 - Appraisal*. Appraisal is based upon the same type of analysis of business activity employed in the classification scheme used in the Territory Version of Keyword AAA. Essentially, appraisal involves attaching record retention periods and disposal decisions (and even records creation requirements and rules) to the same classification scheme.

GUIDELINES FOR USE

COVERAGE OF AUTHORITY

The Records Disposal Schedule – Inquiries and Commissions Records:

- is intended to cover most Inquiries and Commissions records common to all ACT Government agencies;
- is intended to be used in conjunction with TARDiS;
- specifies the minimum period records should be kept (retention periods);
- specifies whether, upon the expiry of the retention periods, the records may be destroyed or are required as Territory Archives; and
- is applicable to records created and maintained in any format, including electronic or formats such as microfiche.

Layout of the schedule

This Records Disposal Schedule begins with an introduction incorporating definitions and the business classification scheme. Then each of the functions and activity disposal sets or ‘disposal classes’ relating to the functions are described. These are followed by a composite list of classes designated ‘Retain as Territory Archives’. The functions and activity disposal sets show the following details:

Function

This is the broad level business function and is displayed in bold capital letters at the top of each page. It is the highest level in the business classification scheme. It is followed by the scope note, which provides definitions of the function and a collective view of the business activities that make that function unique.

Activity

Activities are the processes or operations that make up the business function. They are set in bold and italics below the function statement. This is the second level of the business classification scheme. The scope of the activity encompasses all of the transactions that take place in relation to this activity. Activities can relate to many functions with the scope notes covering all of these relationships (eg the activity ‘Policy’ is linked to all of the functions. However, each function and activity set represents a unique unit.

Entry No.

This is the disposal class number allocated based on the function and activity set and the class number of the record. The barcode is the same as the Entry No. and may be used in an automated recordkeeping system.

DESCRIPTION OF RECORDS

This is the description of the records documenting the business function, activity and transactions. The descriptions can relate to one record such as a register or a group of records documenting a particular set of transactions.

DISPOSAL ACTION

This is the minimum period a record must be kept for and is the trigger event from which the disposal date can be calculated.

FORMAT OF RECORD

This Records Disposal Schedule is applicable to any record that performs the function prescribed, irrespective of format. Records may include:

- cards,
- registers,
- files,
- microfilm,
- microfiche,
- COM (computer output microfiche),
- electronic records, including various electronic media, and
- any other formats.

ELECTRONIC RECORDS

Refers to records created, communicated and maintained by means of electronic equipment. Information could be maintained/stored in a number of ways - on the database (the main database or a special archives database); on magnetic media; on optical disks or on separate hardcopy (paper, COM).

Electronic records must be readily accessible for the length of the specified retention period.

Routine treatment (such as wiping, updating, alterations or rerecording) does constitute disposal.

DESTRUCTION OF RECORDS

When the approved disposal date for the destruction of records has been reached, appropriate arrangements for their destruction should be made. It is the responsibility of each agency to ensure that its records are destroyed in a secure and appropriate manner as indicated in the agency Records Management Program.

UPDATING THE RECORDS DISPOSAL SCHEDULE

Records Disposal Schedules are reviewed and updated from time to time. For suggested amendments or alterations to this schedule please contact the Director of Territory Records.

ASSISTANCE IN USING THE RECORDS DISPOSAL SCHEDULE

Agencies requiring any assistance in the interpretation or implementation of any Records Disposal Schedule are encouraged to contact the Director of Territory Records.

RELATED LEGISLATION

The following legislation is related to the record classes covered by this Records Disposal Schedule:

Civil Law (Wrongs) Act 2002

Freedom of Information Act 1989

Inquiries Act 1991

Judicial Commissions Act 1994

Privacy Act 1998 (Cwlth)

Public Sector Management Act 1994

Royal Commissions Act 1991

Territory Records Act 2002

DEFINITIONS

Agency

The Executive, an ACT Court, the Legislative Assembly Secretariat, an administrative unit, a Board of Inquiry, a Judicial or Royal Commission, any other prescribed authority, or an entity declared under the regulations of the *Territory Records Act 2002* to be an agency.

Appraisal

The process of evaluating business activities to:

- determine which records need to be captured;
- how long the records need to be kept to meet business needs; and
- meet the requirements of organisational accountability and community expectations.

Business Classification Scheme

A hierarchical scheme for identifying and defining the functions, activities and transactions an agency performs in the conduct of its business, and the relationships between them.

Principal Officer

The Chief Executive of an administrative unit, or its equivalent in other types of agencies.

Records

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. This recorded information must be maintained or managed by the agency to provide evidence of their business activities. Records can be in written, electronic or any other form.

Records of an Agency

Records, in writing, electronic or any other form, under the control of an agency or to which it is entitled to control, kept as a record of its activities, whether it was created or received by the agency.

Records Disposal Schedule

A document approved by the Director of Territory Records, which sets out the types of records an agency must make and how long they must be kept.

Records Management Program

A document which complies with section 16 of the *Territory Records Act 2002* by setting out the means by which an agency will manage its records, and is approved by the agency's Principal Officer.

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Recordkeeping Systems

Information systems that capture, maintain and provide access to records over time. While the term is often associated with computer software, Recordkeeping Systems also encompass policies, procedures, practices and resources which are applied within an agency to ensure that full and accurate records of business activity are made and kept.

Scope Note

An explanation of terms used in describing the records and the context in which they were made and used.

Sentencing

The process of applying appraisal decisions to individual records by determining the part of a Records Disposal Schedule which applies to the record and assigning a retention period consistent with that part.

Territory Archives

Records preserved for the benefit of present and future generations.

BUSINESS CLASSIFICATION SCHEME

INQUIRIES & COMMISSIONS

The function of inquiring or investigating into a matter specified in the instrument of appointment by a board of inquiry or royal commission. Includes task forces set up under administrative decision that inquire into a specific matter. Includes holding hearings, accumulating evidence accepting submissions, providing advice and preparing reports.

Use ESTABLISHMENT where the staff are employed under the Public Sector Management Act 1994 to establish the agency.

Use FINANCIAL MANAGEMENT for managing the financial arrangements.

Use LEGAL SERVICES for legal advice received from in-house consultants and external sources.

Use PERSONNEL to manage staff who are employed under the Public Sector Management Act 1994.

Use PUBLICATION for the production of the report.

Use REMUNERATION ADMINISTRATION for administering the statutory obligations of the Remuneration Act 1995 if the Act applies to the board, commission or task force.

Inquiry & investigation

The activities applying in relation to inquiring or investigating by a commission, board of inquiry or task force a matter described under the terms of reference.

Inquiry submissions

The receipt and lodgement of submissions of a formal statement supporting a case or opinion held by the witness that is submitted to the inquiry.

Tip: Add the title of the submission as free text in the file title.

For registers tracking the handling of inquiry documents, use INFORMATION MANAGEMENT - Security.

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.

Tip: Add the title of the review as free text in the file title.

For example, PUBLIC ADMINISTRATION-Reporting-Reviews- Safety of Children in Care in the ACT and of ACT Child Protection Management.

TIP: Add the title of report as free text in the file title.

RECORDS DISPOSAL SCHEDULE

Records Disposal Schedule - Inquiries & Commissions Records – April 2005

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| <i>Entry No.</i> | <i>Description of Records</i> | <i>Disposal Action</i> |
|--|---|------------------------------------|
| 1.1.1  | Records documenting the development of the terms of reference. | Retain as Territory Archives |
| 1.1.2  | Records documenting the holding of the inquiry and the arrangements for hearings. | Destroy 10 years after last action |

Inquiry submissions

The receipt and lodgement of submissions of a formal statement supporting a case or opinion held by the witness that is submitted to the inquiry.

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| <i>Entry No.</i> | <i>Description of Records</i> | <i>Disposal Action</i> |
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| 1.2.1  | Submissions made to the inquiry, commission or task force on issues directly relating to the terms of reference. | Retain as Territory Archives |

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| Entry No. | Description of Records | Disposal Action |
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| 1.3.1  | Final version of unpublished formal reports made by the commission, board or task force. [For the report drafting process, use PUBLICATION - Drafting. <i>For published reports, use PUBLICATION - Planning and PUBLICATION - Production.</i> For submission of the agency's report to the Chief Minister, use GOVERNMENT RELATIONS - Compliance.] | Retain as Territory Archives |
| 1.3.2  | Working papers documenting the development of formal reports made by the inquiry, commission or task force. | Retain as Territory Archives |

CLASSES FOR RETENTION AS TERRITORY ARCHIVES

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