



## **Records disposal schedule**

# **Records Disposal Schedule Property Agents Licensing Regulation Department of Business**

**Disposal Schedule No. 2014/13**

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## Preamble

### Introduction

The *Information Act* states that public sector organisations must safeguard their records and must not delete or otherwise dispose of a record unless authorised to do so<sup>1</sup>. Disposal of records is permitted through the use of records disposal schedules and enable regular, planned and authorised disposal of records controlled by an agency.

Records retention decisions are based on:

- the current and future business needs of the organisation
- compliance with legal and governance requirements of the organisation
- the current and future needs of internal and external stakeholders, including the wider community.

Records disposal schedules provide continuing authorisation for the legal disposal of records and are authorised by the records service, archives service and chief executive officer of the public sector organisation responsible for the schedule.

Records disposal schedules apply to records created and maintained in any format, including electronic records, records in business systems, and parts of records.

In the Northern Territory government there are two types of records disposal schedules:

- General records disposal schedules that apply to records common to most or all NT Government public sector organisations ([http://www.nretas.nt.gov.au/knowledge-and-history/ntas/records/records\\_disposal](http://www.nretas.nt.gov.au/knowledge-and-history/ntas/records/records_disposal)), and
- Functional records disposal schedules that apply to records specific to an NT Government public sector organisation or function.

Functional records disposal schedules should be used in conjunction with general records disposal schedules.

### Structure of a Records Disposal Schedule

Records disposal schedules set out minimum requirements for the creation, maintenance, retention or destruction actions to be taken in relation to existing or future records described in each class. Records disposal schedules specify

- a) whether a class of record has temporary or permanent status;
- b) the retention period for a temporary class of record;
- c) authorised disposal actions for a class of record.<sup>2</sup>

Each class of records created by an agency is described using classifications based on business analysis.

Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

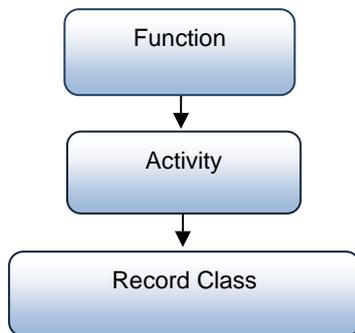
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<sup>1</sup> S.145 *Information Act*

<sup>2</sup> S.136A(3) *Information Act*

Within the schedule, functions are documented as the highest level terms and business activities under the functions, followed by record classes, as shown in diagram 1.

Diagram 1



## Function

The function or keyword is the highest level in the classification scheme in this disposal schedule. The function is indicated at the start of each section and a description (scope note) provided.

## Activity

Activities are the processes or operations that make up the business function. This is the second level in the classification scheme in this disposal schedule. The description (scope note) provides details of the transactions that take place in relation to the activity, for example, REPORTING or POLICY.

## Record Class

A record class is a group of records that relate to the same activity, function or subject and require the same disposal action. The descriptions can relate to one record (such as a register) or a group of records documenting a particular set of business transactions.

## Status and Disposal Action

The appraisal status of a record class is assigned as either permanent or temporary.

**Permanent Records:** Records appraised with permanent status have been identified as archives and must be transferred to the NT Archives Service for their preservation and eventual public access.

The retention period for permanent records is the maximum period before the records must be transferred to the NT Archives Service. Permanent records must be transferred no later than 30 years after creation in accordance with the Information Act, unless exemption has been granted (see Archives Management Standards Transfer of Archives, and Exemption from Compulsory Transfer of Permanent Records to the NT Archives Service). An Application to Transfer Records form must be submitted to the NT Archives Service before records will be accepted for transfer.

**Temporary records:** The retention period for temporary records is the minimum period before the records can legally be destroyed. The retention period is calculated after an event or a disposal trigger such as 'date of action completed', 'date of audit' or 'date of birth'. Destruction should be done following consultation with relevant operational business employees responsible for the records.

Retention periods for temporary records in a records disposal schedule are minimum periods only and agencies may keep records for a longer period if considered necessary for business requirements.

Reasons for longer retention could include,

- administrative need or agency directives,
- legal requirements such as current or pending legal action,
- relevance to an investigation or inquiry which is in progress,
- is subject to an Information Access application, or
- subject to a disposal freeze.

Records created prior to 1 July 1978 must not be disposed of without the authorisation of the NT Archives Service in accordance with Archives Management Standard Records Created Prior to 1978, unless specified in a schedule.

Sentence records with this records disposal schedule using the following five steps:

1. Determine the appropriate function and activity of the records. This can be done by examining an existing record or when creating a new record.
2. Identify the disposal class.
3. From the disposal action in the class, identify the trigger event and a date when the record can be disposed of, alternately, identify that the record is to be retained permanently as archives.
4. If the trigger event has already occurred (such as action is completed), confirm and implement the disposal action.
5. If the trigger event has not occurred (e.g. the record is still in active use), set a review date for the future.

## About this Records Disposal Schedule

### Purpose

The purpose of this Records Disposal Schedule is to enable regular, planned and authorised disposal of records of Property Agents Licensing Regulation of the Department of Business.

### Scope

Application of this Records Disposal Schedule is mandatory for Property Agents Licensing Regulation records of the Department of Business.

This Records Disposal Schedule applies to Property Agents Licensing Regulation records in all formats.

### Responsibility

The Chief Executive of the Department of Business is responsible for the content and implementation of this Records Disposal Schedule including the provision of advice and training, and for monitoring compliance.

### Authority

This Records Disposal Schedule is authorised in accordance with S. 136B of the *Information Act*.

Disposal Schedule No. 2014/13 was approved by the Director of the NT Archives Service (The Archives Service), Director of Information Strategy (The Records Service), and the Chief Executive of the Department of Business on 26 June 2014 and is effective immediately.

### Re-sentencing Records

All records sentenced under the now superseded records disposal schedule 2000/9 Disposal Schedule for records of the Northern Territory Property Agents Licensing Board are to be re-sentenced using this schedule.

### Regulatory Framework

The regulatory basis for this Records Disposal Schedule is defined in:

- *Agents Licensing Act*
- *Agents Licensing Regulations*
- *Information Act*
- NT Government Records Management Standards
- NT Government Archives Management Standards
- Australian Standards AS ISO 15489:2002-Records Management

### Related Documents

This Records Disposal Schedule is to be read in conjunction with:

- NT Government Records Management Standard – Records Disposal
- policies and procedures of the Department of Business
- current authorised disposal schedules for Department of Business

## **Normal Administrative Practice**

Public sector organisations are permitted to dispose of some short term or ephemeral documents under the authority of the Disposal Schedule for Short Term Value Records. These include:

- duplicate (eg information or reference copy)
- obviously unimportant (e.g. telephone message slips)
- of short term facilitative value (e.g. compliment slips)
- a combination of these

The guiding principle is that organisations should be sure that destroying these records will not destroy evidence that might be needed.

Records that have been captured into a recordkeeping system should be destroyed using the Disposal Schedule for Short Term Value Records unless the class of records has been identified in a specific disposal schedule.

## **Notification of Destruction**

Provide formal notification of destruction of all records to the NT Records Service.

Note: In the case of the Disposal Schedule for Records of Short Term Value (Disposal Schedule No. 2003/10), notification is only required for the destruction of records described in Disposal Class No. 1.10.1.

## **Acknowledgement**

The NT Archives Service and the NT Records Service acknowledge that material produced by National Archives of Australia, State Records Authority of New South Wales, State Records of South Australia, Public Records Office of Victoria, Territory Records Office and Standards Australia was used in the development of this schedule.

The schedule was drafted principally by the [name of public sector organisation] in consultation with the NT Records Service.

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission of the NT Archives Service. Requests and enquiries concerning reproduction and rights should be directed to the Director, NT Archives Service. The terms in the business classification scheme are based on the Keyword AAA: A Thesaurus of General Terms (Government of New South Wales, 1998), and are produced under a licence agreement between the NT Archives Service and the State Records Authority of New South Wales.

## Compliance Checklist

- Implement a records disposal program to ensure regular appraisal, sentencing, destruction and transfer of all records
- Assign responsibility for the management and application of regular records disposal action using authorised records disposal schedules, to an appropriately skilled records manager who consults with the NT Archives Service and NT Records Service
- Familiarise all employees of the organisation with the authorised records disposal schedules relevant to the organisation's records
- Identify and sentence all records described in this schedule in all formats including electronic records and records in business systems, copies of records and parts of records
- Ensure all copies of temporary records are destroyed in any format (including backups), unless otherwise stated in a disposal schedule
- Apply this records disposal schedule to records in the organisation's records management systems, including systems for the management of paper records, electronic records, or records in any other format
- Apply this records disposal schedule to records in the organisation's business systems, either directly or by linking the business system to a records management system
- Implement quality assurance mechanisms to periodically check that the disposal class originally assigned at the creation of the records is still applicable at the time of sentencing of the record
- Implement review or quality control procedures in recordkeeping systems to ensure disposal actions are implemented correctly
- Identify records that require re-sentencing where a previous disposal schedule has been superseded
- Stop applying sentences from previous schedules that have been revoked or amended
- Retain all records in good order and condition to be available for retrieval during the retention period.
- Identify and update control records so that you can demonstrate what happened to each record, whether paper or electronic
- Implement an appropriate and approved strategy for retention of records of continuing value, eg. preservation in original form, migration to new systems, and conversion to long term medium
- Dispose of all records sentenced according to this schedule in all formats including electronic records and records in business systems, copies of records and parts of records
- Transfer records of permanent value to the NT Archives Service for retention as archives not later than 30 years after creation
- Inactive records can be transferred to offsite service providers providing they have been sentenced
- Destroy time expired temporary records in a secure manner that ensures complete deletion/destruction beyond any possible reconstruction
- Notify the NT Records Service of destruction of all records
- Do not destroy records that are not described in an authorised records disposal schedule.
- Do not destroy any records created prior to 1 July 1978 without specific authorisation from the NT Archives Service

## Disposal Schedule

### 1. Property Agents Licensing Regulation

The function of regulating the real estate and conveyancing industry through the granting of licences, the handling of appeals, the management of the Agency Licensing Fidelity Guarantee Fund, the Agency Licensing Board, and the maintenance of registers under the *Agents Licensing Act*.

#### 1.1 Advice

The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes the process of advising.

Class No.	Description of Records	Status and Disposal Action
1.1.1	Records documenting declarations via the gazette by the Board such as approved competency based training courses, amendments to the act including formal advice on policies and legislation.  Records include ministerial and draft versions.	Permanent  Transfer to the NT Archives Service 10 years after action completed
1.1.2	Records documenting routine advice given to members of the public and industry on licensing processes and legislation requirements.	Temporary  Destroy 3 years after action completed
	Use LEGAL SERVICES – ADVICE where the agency seeks a legal opinion.	

## 1. Property Agents Licensing Regulation

The function of regulating the real estate and conveyancing industry through the granting of licences, the handling of appeals, the management of the Agency Licensing Fidelity Guarantee Fund, the Agency Licensing Board, and the maintenance of registers under the Agents Licensing Act.

### 1.2 Authorisation

The process of seeking and granting permission to undertake requested action.

Class No.	Description of Records	Status and Disposal Action
1.2.1	Records documenting delegations of authority by the Board under the Act.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.2	Records documenting appointments of inspectors, registrars and deputy registrars including copies of legal instruments, terms and conditions.	Temporary Destroy 7 years after end of appointment
1.2.3	Records documenting the granting, replacement, renewal and exemptions of real estate, business and conveyancing agents and registration of agent's representatives.  Includes applications, terms and conditions, receipts of prescribed fees and refunds, criminal history checks, extract of business, and supporting documentation, objections, inquiries into applications, agreements, copies of gazettal notices and evidence of approved competency training.  May include records documenting appeals to the local court, local court orders and supporting documentation.	Temporary Destroy 7 years after licence expires, is withdrawn or action completed

## 1. Property Agents Licensing Regulation

The function of regulating the real estate and conveyancing industry through the granting of licences, the handling of appeals, the management of the Agency Licensing Fidelity Guarantee Fund, the Agency Licensing Board, and the maintenance of registers under the Agents Licensing Act.

### 1.2 Authorisation

The process of seeking and granting permission to undertake requested action.

Class No.	Description of Records	Status and Disposal Action
1.2.4	<p>Records documenting refused and withdrawn applications for licenced agents.</p> <p>Includes applications, refunds of prescribed fees, criminal history checks, extracts of business, objections, inquiries into applications and supporting documentation.</p> <p>May include records documenting appeals to the local court, Including copies of notices of appeals, original applications and local court orders.</p>	<p>Temporary</p> <p>Destroy 3 years after action completed.</p>

## 1. Property Agents Licensing Regulation

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### 1.3 Committees

The activities associated with the management of committees, sub committees, councils, forums, working groups, boards and task forces (internal and external, private, community, local, state, national, international, etc.). Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes, reports, agendas etc.

Class No.	Description of Records	Status and Disposal Action
1.3.1	Records documenting the establishment of the Agents Licensing Board and the Agents Licensing Fidelity Guarantee Fund including appointments of members and alternative members.  Records include nominations, ministerial notices, resignations, terminations, and revocations, and reappointments, instruments of appointments and calling of nominations.	Permanent  Transfer to the NT Archives Service 10 years after action completed
1.3.2	Records documenting final agendas, minutes, discussion papers and decision registers including invitations to attend of the Agents Licensing Board and the Agents Licensing Fidelity Guarantee Fund meetings.	Permanent  Transfer to the NT Archives Service 10 years after action completed
1.3.3	Records documenting working papers and the administration of the Agents Licensing Board and the Agents Licensing Fidelity Guarantee Fund.  Includes draft agenda, minutes, notice of meetings, sitting fees and travel arrangements.	Temporary  Destroy when reference ceases

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### 1.4 Compliance

The activities associated with complying with, or monitoring compliance with, mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes compliance with legislation and with national and international standards.

Class No.	Description of Records	Status and Disposal Action
1.4.1	<p>Records documenting where there has been an investigation resulting from a complaint or where persons are suspected of breaching the Act.</p> <p>Includes file notes, photos, films, video recordings, warning letters, routine audit reports, notices of commencements and cessation of agents representatives, notices of trust accounts and holdings of, infringement notices, receipts of goods that have been seized, extracts of documents, witness statements, show cause notices and responses, appeals, and copies of local court orders.</p> <p>May include records relating to the cancellation and suspension of licences and disciplinary inquiries.</p>	<p>Temporary</p> <p>Destroy 7 years after licence expires, is cancelled, suspended or surrendered</p>
1.4.2	<p>Records documenting approved contracts of sale by the Registrar of land, business and conveyancing agents.</p>	<p>Temporary</p> <p>Destroy 7 years after contract has expired</p>

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### 1.5 Control

The activities associated with creating, maintaining and evaluating control mechanisms, eg Thesaurus.

Tip: Includes classification, indexing, registration, forms design, etc. to ensure maximum control over records and recordkeeping systems. Also includes control mechanisms for other information resources and systems.

Class No.	Description of Records	Status and Disposal Action
1.5.1	<p>Public register of:</p> <ul style="list-style-type: none"> <li>- Licenced Real Estate Agents</li> <li>- Licensed Business Agents</li> <li>- Agents Representatives</li> <li>- Conveyancing Agents</li> </ul> <p>Recorded information includes category, licence number, name of applicant, terms and conditions, revocations and suspensions.</p>	<p>Permanent</p> <p>Retain in organisation</p>

## 1. Property Agents Licensing Regulation

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### 1.6 Funds Management

The activities associated with the management of funding bodies.

Class No.	Description of Records	Status and Disposal Action
1.6.1	<p>Records documenting the management of the Agents Licensing Fidelity Guarantee Fund of the Northern Territory.</p> <p>Includes formal agreements, terms and conditions of payments of interest on Agent's Trust Accounts between the Agents Licensing Fidelity Guarantee Fund and authorised deposit taking institutions and accounting records such as claims, sitting fees, GST, BAS, annual financial statements, audited accounts and reports on the fund.</p>	<p>Temporary</p> <p>Destroy 7 years after last audit</p>

## 1. Property Agents Licensing Regulation

The function of regulating the real estate and conveyancing industry through the granting of licences, the handling of appeals, the management of the Agency Licensing Fidelity Guarantee Fund, the Agency Licensing Board, and the maintenance of registers under the Agents Licensing Act.

### 1.7 Grant Allocation

The process of administering the provision of grants to other organisations.

Class No.	Description of Records	Status and Disposal Action
1.7.1	<p>Records documenting applications for grant funding by an organisation including consultations and decisions.</p> <p>Includes applications to the Minister or the Registrar, ministerial determinations, funding agreements, terms, conditions, financial statements, progress reports and acquittals.</p>	<p>Temporary</p> <p>Destroy 7 years after grant acquitted</p>
	<p>Use FINANCIAL MANAGEMENT – GRANT FUNDING for the activities associated with the application for grants by the organisation or funds transfer to the Tenancy Trust Account.</p>	

## 1. Property Agents Licensing Regulation

The function of regulating the real estate and conveyancing industry through the granting of licensing, the handling of appeals, the management of the Agency Licensing Fidelity Guarantee Fund and the Agency Licensing Board and the maintaining of the registers under the Agents Licensing Act.

### 1.8 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 organisation's operating procedures are determined.

Class No.	Description of Records	Status and Disposal Action
1.8.1	Final approved versions of the policies such as the rules of conduct approved by the Minister including licence exemptions, interim registrations and advertisements.	Permanent Transfer to the NT Archives Services 10 years after action completed
1.8.2	Records documenting the development and review of the organisations' policies.  Includes draft policies, consultation notes, legal opinions and supporting records.	Temporary Destroy 7 years after policy is superseded