

Australian Capital Territory

# **Territory Records (Records Disposal Schedule – Territory Administrative Records Disposal Schedules – Legal Services Records) Approval 2009 (No 1)**

**Notifiable instrument NI2009—443**

made under the

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

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## **1. Name of Instrument**

This instrument is the Territory Records (Records Disposal Schedule – Territory Administrative Records Disposal Schedules – Legal Services Records) Approval 2009 (No 1)

## **2. Approval**

I approve the Records Disposal Schedule – Territory Administrative Records Disposal Schedules - Legal Services Records.

## **3. Commencement**

This instrument commences on the day after notification.

## **4. Revocation**

I revoke Notifiable Instrument NI2003-262 notified 3 July 2003.

David Wardle  
Director of Territory Records  
8 September 2009



# TARDiS

## Territory Administrative Records Disposal Schedules Legal Services Records

**Disposal schedules for records of common administrative functions linked to the Territory Version of Keyword AAA.**

The Territory Records Office wishes to thank for their assistance, and acknowledge the permission of the National Archives of Australia in adapting the Commonwealth Administrative Functions Disposal Authority to create this document. The terms in the business classification scheme, taken from the *Territory Version of Keyword AAA* are produced under a licence agreement between the Territory Records Office and the State Records Authority of New South Wales.

## Table of Contents

<b>BACKGROUND.....</b>	<b>5</b>
<b>BEST PRACTICE IN TERRITORY RECORDKEEPING .....</b>	<b>5</b>
<b>TERRITORY RECORDS AND THE LAW .....</b>	<b>5</b>
<b>PURPOSE AND SCOPE OF THE TERRITORY ADMINISTRATIVE RECORDS DISPOSAL SCHEDULES.....</b>	<b>6</b>
<i>PURPOSE.....</i>	<i>6</i>
<i>SCOPE.....</i>	<i>6</i>
<i>METHODOLOGY.....</i>	<i>7</i>
<i>RECORDS ALREADY SENTENCED UNDER OLD DISPOSAL SCHEDULES .....</i>	<i>7</i>
<i>AGENCY SPECIFIC RECORDS DISPOSAL SCHEDULES .....</i>	<i>7</i>
<i>RELATIONSHIP OF THE RECORDS DISPOSAL SCHEDULE TO THE THESAURUS.....</i>	<i>8</i>
<i>Diagram 1 – Class description .....</i>	<i>9</i>
<i>Diagram 2 - Model of disposal classes.....</i>	<i>9</i>
<i>LAYOUT OF THE SCHEDULES .....</i>	<i>9</i>
<i>HOW TO SENTENCE RECORDS USING THE SCHEDULES.....</i>	<i>10</i>
<i>Diagram 3 - Procedures for Sentencing .....</i>	<i>12</i>
<i>DETERMINE THE APPROPRIATE ADMINISTRATIVE FUNCTION/ACTIVITY.....</i>	<i>13</i>
<i>DETERMINE THE MOST LIKELY DISPOSAL CLASS IN THE TERRITORY ADMINISTRATIVE RECORDS DISPOSAL SCHEDULES.....</i>	<i>14</i>
<i>IDENTIFY PROBABLE DATE OF A DISPOSAL TRIGGER EVENT AND CALCULATE REVIEW DATE FROM THAT POINT. OR IDENTIFY RECORDS TO BE RETAINED AS TERRITORY ARCHIVES AND DETERMINE A REVIEW DATE. ....</i>	<i>14</i>
<b>SPECIAL NOTES TO THE SCHEDULES .....</b>	<b>16</b>
<i>ESTABLISHMENT AND PERSONNEL RECORDS.....</i>	<i>16</i>
<i>NORMAL ADMINISTRATIVE PRACTICE (NAP) .....</i>	<i>16</i>
<b>BUSINESS CLASSIFICATION SCHEME .....</b>	<b>17</b>
<i>LEGAL SERVICES .....</i>	<i>18</i>
<b>RECORDS DISPOSAL SCHEDULE.....</b>	<b>21</b>
<i>LEGAL SERVICES .....</i>	<i>22</i>
<i>Advice .....</i>	<i>22</i>
<i>Advice (Continued).....</i>	<i>23</i>
<i>Agreements.....</i>	<i>24</i>
<i>Agreements (Continued).....</i>	<i>25</i>
<i>Audit.....</i>	<i>25</i>
<i>Claims.....</i>	<i>26</i>
<i>Committees.....</i>	<i>27</i>
<i>Compliance .....</i>	<i>28</i>
<i>Contracting out.....</i>	<i>28</i>
<i>Infringements .....</i>	<i>29</i>
<i>Inquiries .....</i>	<i>29</i>
<i>Intellectual Property .....</i>	<i>30</i>
<i>Litigation.....</i>	<i>30</i>
<i>Litigation (Continued) .....</i>	<i>31</i>
<i>Meetings.....</i>	<i>31</i>
<i>Planning.....</i>	<i>32</i>
<i>Policy.....</i>	<i>32</i>
<i>Policy (Continued).....</i>	<i>33</i>
<i>Procedures.....</i>	<i>33</i>
<i>Reporting .....</i>	<i>34</i>
<i>Representatives .....</i>	<i>35</i>

<i>Research</i> .....	35
<i>Reviewing</i> .....	36
<i>Submissions</i> .....	36
<i>Tendering</i> .....	37
<i>Tendering</i> .....	38
<b>RETAIN AS TERRITORY ARCHIVES .....</b>	<b>39</b>
<i>LEGAL SERVICES</i> .....	40
<i>Advice</i> .....	40
<i>Advice (Continued)</i> .....	41
<i>Agreements</i> .....	41
<i>Litigation</i> .....	42
<i>Policy</i> .....	42
<i>Procedures</i> .....	42
<i>Representatives</i> .....	43
<b><i>SCHEDULE OF AMENDMENTS – THIS INFORMATION IS PROVIDED FOR THE ASSISTANCE OF USERS BUT DOES NOT FORM PART OF THE NOTIFIABLE INSTRUMENT</i> .....</b>	<b>44</b>

## Background

The Territory Administrative Records Disposal Schedules (TARDiS) authorise the disposal of records, in whatever format, relating to common administrative functions carried out by most Territory agencies. The Schedules are issued in accordance with Section 19 of the *Territory Records Act 2002*. The Schedules have been developed using the methodologies of the Australian Standard AS ISO 15489, *Records Management*, and their functional structure is based on the business classification scheme *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW. In 2001 the Territory Records Office purchased a whole-of-government licence for the Thesaurus for free distribution to all Territory agencies. The relationship between the Thesaurus and the Schedules is explained in this introduction.

In compliance with the requirements of the *Territory Records Act 2002*, the TARDiS was reviewed in 2008/2009 and modified to reflect the results of the review and to support the whole-of-government paradigm. Modifications were made to the business classification scheme, to better suit the Territory environment, by adding or removing functions and/or activities and varying scope notes of some activities and functions. The updated business classification scheme is presented at the end of this introduction.

## Best Practice in Territory Recordkeeping

The Australian Standard on Records Management AS ISO 15489 has been adopted as the model for best practice recordkeeping. It promotes consistent management of records and sets out strategies, procedures and practices to ensure that records which provide evidence of business, legal and fiscal activities are captured and managed in an efficient and accountable manner. The Territory Records Office has produced guidelines and standards based on AS ISO 15489 to assist agencies to implement these recordkeeping strategies. While AS ISO 15489 provides a strategic direction in Territory recordkeeping, the *Territory Records Act 2002*, and other key pieces of legislation, provides a legal framework for consistent and accountable recordkeeping practices.

## Territory records and the law

The *Territory Records Act 2002* applies to all records owned by the Territory. Territory records are defined in Section 9 of the *Territory Records Act 2002* as being:

‘a record, in written, electronic or any other form, under the control of the 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 are created and kept as evidence of agencies functions, activities and

transactions and can be stored and managed in any format (e.g. paper, video, photograph, microfilm, on computer). Under Section 23 (1) of the *Territory Records Act 2002* it is illegal to abandon or dispose of a record, transfer, damage a record or neglect a record in a way that causes, or is likely to cause, damage to a Territory record. However, an agency does not contravene this section by doing:

- anything in accordance with the agency's normal administrative practice;
- anything authorised or required to be done under this Act, or a provision of another Act, or a subordinate law, prescribed under the regulations;
- anything with the written approval of the Director of Territory Records or in accordance with a practice or procedure approved by the Director;
- anything in accordance with a resolution of the Legislative Assembly; or
- anything in accordance with an order or decision of a court or tribunal

The *Territory Records Act 2002* also grants a right of free public access to records which survive for more than 20 years. Some records may not be open for public access if they contain material that is still sensitive. As well as the *Territory Records Act 2002*, other general legislation which also applies to keeping and using Territory records such as the *Freedom of Information Act 1989*. The access section of the *Territory Records Act 2002* came into affect on 1 July 2008.

The *Freedom of Information Act 1989* provides a right of public access to, and correction of, Territory records. The *Freedom of Information Act 1989* sets out procedures and principles controlling the granting of this access. It states when and how records may be made available, corrected, updated or annotated. If a request for access under the *Freedom of Information Act 1989* has been lodged, all files relevant to the request must be identified and preserved until action on the request, and on any subsequent reviews, is completed.

## **Purpose and Scope of the Territory Administrative Records Disposal Schedules**

### ***Purpose***

These Records Disposal Schedules allow the disposal of Territory records as required by Section 19 of the *Territory Records Act 2002* and are issued for use across the Territory.

### ***Scope***

These Records Disposal Schedules cover the records relating to the common administrative functions performed by the Territory and its agencies. It applies to all records regardless of format. It covers the following 16 common administrative functions, listed by their identifying number, based on the *Territory Version of Keyword AAA* business classification scheme:

#### **1. COMMUNITY RELATIONS**

2. COMPENSATION
3. EQUIPMENT & STORES
4. ESTABLISHMENT
5. FINANCIAL MANAGEMENT
6. FLEET MANAGEMENT
7. GOVERNMENT RELATIONS
8. INDUSTRIAL RELATIONS
9. INFORMATION MANAGEMENT
10. LEGAL SERVICES
11. OCCUPATIONAL HEALTH & SAFETY (OH&S)
12. PERSONNEL
13. PROPERTY MANAGEMENT
14. PUBLICATION
16. STRATEGIC MANAGEMENT
17. TECHNOLOGY & TELECOMMUNICATIONS

More information on the 16 common administrative functions and the activities which relate to them is provided in the section on the Business Classification Schemes.

### ***Methodology***

These Records Disposal Schedules were produced after a detailed analysis of each administrative function carried out in the Territory. This included examining relevant legislation, regulations and directives from agencies which have ‘lead agency’ responsibilities for administering functions across portfolios. Consultations with stakeholders assisted in identifying recordkeeping requirements and risk analysis was used to assess how long the records should be retained. The appraisal also identified which records should be “Retained as Territory Archives” based on the objectives and criteria set out in *Territory Records Office Standard for Records Management No.002 – Appraisal*.

Some functions and activities covered in these Records Disposal Schedules will also be part of an agency’s core functions. In these circumstances agencies may use the Schedule whose functional term best describes their own administrative responsibility where it meets their business needs.

### ***Records already sentenced under old disposal schedules***

After 1 July 2003, sentencing activities undertaken by an agency must use these Records Disposal Schedules for disposing of all common administrative records. If records have already been sentenced for destruction before the issue of these Records Disposal Schedules, the sentences may remain and agencies need not re-sentence those records.

### ***Agency Specific Records Disposal Schedules***

Operational-specific Records Disposal Schedules must be developed for records relating to business activities carried out by agencies to support core functional responsibilities not covered by these Schedules.

### ***Relationship of the Records Disposal Schedule to the Thesaurus***

The whole-of-government functional analysis approach cuts across departments and organisational structures, with functions not just seen as belonging to those agencies and areas in an agency which may have prime responsibility for their administration. For example, training may be managed at an organisational level by the Human Resource area of an agency, but it is probable that most business areas would carry out activities to support the planning of staff training and development requirements for their own employees. Other agencies may also have an operational responsibility to provide training and can use the activity term Training in their own classification schemes.

The outcome of the functional analysis is the business classification scheme which is hierarchical and based on the following three levels:

1. The business function.
2. The activities constituting the function.
3. Further refinements of the activities or groups of transactions which take place within each activity.

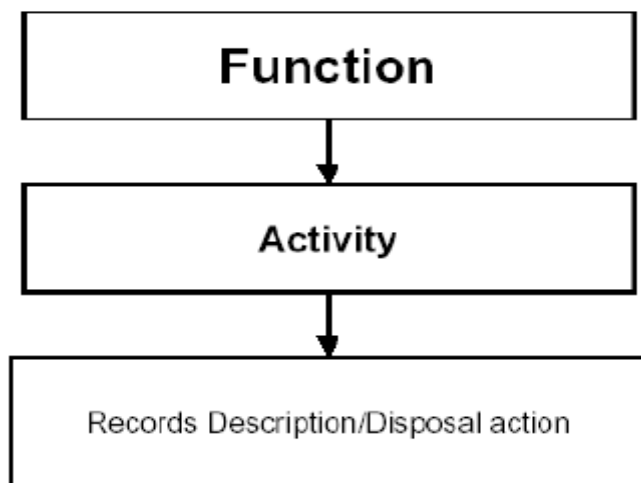
According to the classification model of the *Territory Version of Keyword AAA*:

- functions represent broad business functions of an agency;
- activity descriptors describe the more specific activities taking place within those functions; and
- subject descriptors are added as a means of describing the more specific subjects or topics relating to the matter to be documented within an activity

In these Records Disposal Schedules the first two levels of the *Territory Version of Keyword AAA* structure have been used: the function and activity levels. The records description covers the third level transactions if they have been identified in the analysis of the function. The class description comprises four components: the function and the activity with their scope notes, the description of the records and the disposal action.

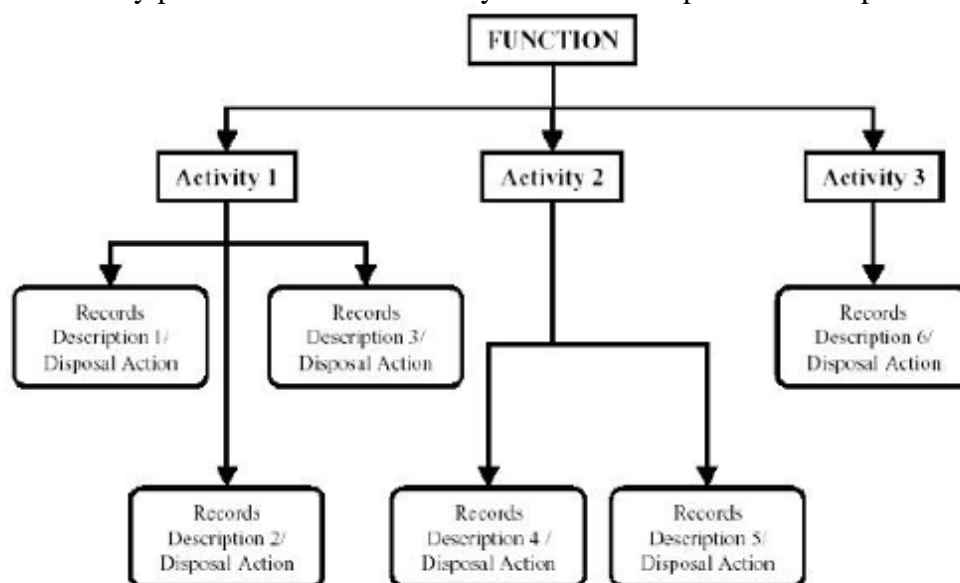
Diagram 1 shows this relationship.





**Diagram 1 – Class description**

Diagram 2 shows the relationship between the different disposal classes. Each unique function/activity pair can have one or many records descriptions and disposal actions.



**Diagram 2 - Model of disposal classes**

Sometimes one class description can look the same as another but have a different retention period. This is because a record’s value depends on the context of the functions and activity. For example, the activity ‘Policy’ in FLEET MANAGEMENT is less important than ‘Policy’ in STRATEGIC MANAGEMENT.

**Layout of the schedules**

These Records Disposal Schedules are divided into sections. They begin with an introduction incorporating a glossary and the business classification scheme. Then the function and activity disposal sets or ‘disposal classes’ relating to one of the 16

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:

<b>Function</b>	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. Specific directions relating to Territory use of a function have occasionally been added to the <i>Territory Version of Keyword AAA</i> scope note.
<b>Activity</b>	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 (e.g. the activity ‘Distribution’ is linked to the functions EQUIPMENT & STORES, INFORMATION MANAGEMENT and PUBLICATION). However, each function and activity set represents a unique unit.
<b>Entry No.</b>	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.
<b>Description of Records</b>	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.
<b>Disposal Action</b>	This is the minimum period a record must be kept for and is the trigger event from which the disposal date can be calculated.
<b>‘For’ Statements</b>	‘For’ statements provide guidance on the inter-related links to other function and activity sets. ‘For’ statements positioned under the activity scope note belong to the particular function/activity set and all the records descriptions. The ‘For’ statements underneath a particular description relate to that record description alone.

### ***How to Sentence Records Using the Schedules***

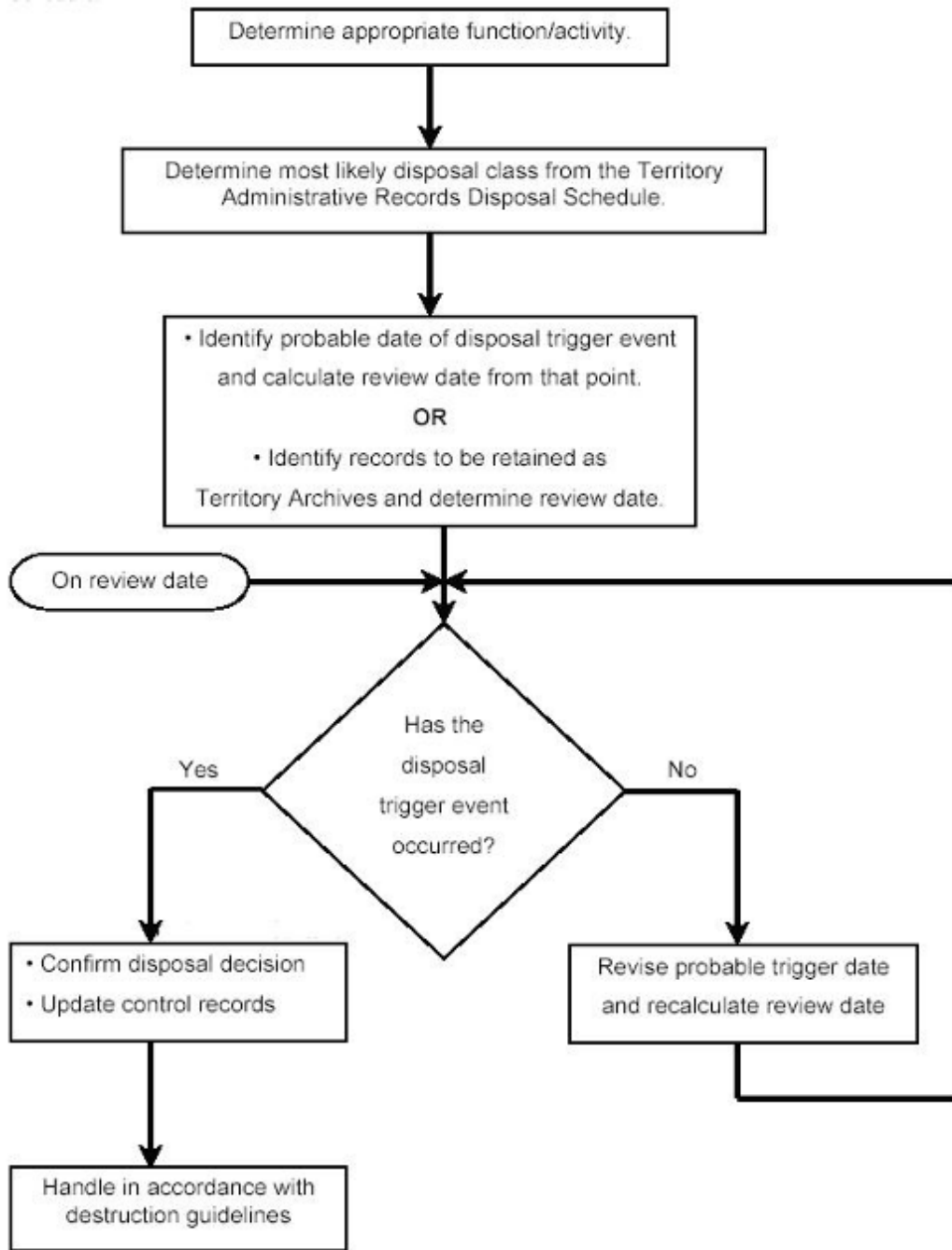
Sentencing is the process of identifying and classifying records according to a Records Disposal Schedule and applying the disposal action specified in it. In Diagram 2 an overview is presented of sentencing procedures that can be used for:

- records titled using the *Territory Version of Keyword AAA* terms and sentenced from creation using this linked Territory Administrative Records Disposal Schedules;
- records titled using the *Territory Version of Keyword AAA* terms but not

- sentenced from creation; and
- records where the *Territory Version of Keyword AAA* terms have not been used

These Records Disposal Schedules can be used on all active and inactive records.

Sentencing from creation is the process of allocating a disposal action at the point of creating a record. This means adding the disposal class number to a paper file or to the metadata attached to an electronic record. If you plan to introduce sentencing from creation in your agency you will also need strategies to manage this process. For example, you will need to resolve who will be responsible for making the disposal decisions, either a central records management unit or action officers. If it is to be the individual action officers, the agency will need to consider training requirements and make sure that responsibilities are clearly defined and allocated. Training should include familiarisation with the scope notes of the 16 functions detailed in these Schedules (see the Business Classification Schemes). Diagram 3 shows steps that can be followed to sentence all records using these Schedules.



**Diagram 3 - Procedures for Sentencing**

***Determine the appropriate administrative function/activity.***

- ***Using the Territory Version of Keyword AAA and/or these Records Disposal Schedules, determine the appropriate administrative function and activity*** either to sentence a record from creation, or to link the terms to a record created not using these tools. The Index can also assist in identifying the correct function and activity set.
- ***Read the scope notes thoroughly*** rather than just depend on what is considered to be an appropriate term based on the title of the function and activity.
- Note that most ***activities are generic and can be linked to many functions***, with the scope notes reflecting this multi-function relationship and functions providing the context of the activities. For example, the scope note for the activity ‘Arrangements’ reads:

*‘The activities involved in arranging for a journey or trip or for the delivery of equipment or goods and the usage made of facilities, vehicles, equipment and space. Includes preparing travel itineraries, authorisations, entitlements, etc.’*

This activity descriptor is linked to the functions COMMUNITY RELATIONS; EQUIPMENT AND STORES; FLEET MANAGEMENT; PERSONNEL and PROPERTY MANAGEMENT. The activity scope note uses words relating to the different aspects of each function.

- There are occasions when the activity scope note describes a transaction which is also raised to the level of an independent activity in the Business Classification Scheme. For example, the scope note for the activity ‘Customer Service’ reads *‘The activities associated with the planning, monitoring and evaluation of services provided to customers by the agency’* but ‘Planning’ and ‘Evaluation’ are also both separate activity terms in the scheme. In such instances the individual activities ‘Planning’ and ‘Evaluation’ should not be used for records documenting the ‘Customer Service’ activity. As a general rule, where there is overlap in activity boundaries, ***sentencing should be done on the whole activity rather than components of the activity scope.***
- If records to be sentenced have not been titled using the *Territory Version of Keyword AAA* but an agency uses a classification scheme, then ***a mapping exercise may assist in linking the agency’s terms to the 16 functional terms.*** For example, ‘People Management’ could be linked to ‘Personnel Management’; and ‘Human Resource Management’ may be linked to ‘PERSONNEL’ ‘and ‘COMPENSATION’.
- ***Free text titling will usually have a word(s) that should give some indication of the function.*** For example, in the free text title ‘Request for Purchase of Laptops’, ‘purchase’ indicates the activity ‘Acquisition’ and ‘laptops’ the ‘TECHNOLOGY’ & TELECOMMUNICATIONS function.

***Determine the most likely disposal class in the Territory Administrative Records Disposal Schedules***

- ***Examine the activities and the classes*** available in the Schedules under the relevant function.

To assist with good file management, records documenting the same set of transactions have often been divided into two classes: the key documents, and the general working and administrative records. Often the two classes will have the same retention period, which indicates that the supporting documentation is expected to provide important contextual information to manage the business activity. In such instances it is still recommended that the records be kept on two files (either ‘paper’ files or electronic ‘containers’) to facilitate retrieval. If an agency decides to raise only one file containing all records, the highest retention period should be used. Agencies may also wish to place all records relating to a function/activity set on one file rather than break them into transaction sets reflected in the ‘Description of Records’. Again, if this decision is made, the highest retention period should be allocated and the appropriate entry number used.

- In sentencing records not titled according to the *Territory Version of Keyword AAA*, or where the initial classification is no longer appropriate, many functions and activities may be found on the one record. In such instances records should not be culled or rearranged; rather, ***nominate the highest retention period for all functions and activities included***.

***Identify probable date of a disposal trigger event and calculate review date from that point. Or identify records to be retained as Territory Archives and determine a review date.***

- A trigger is ***the point from which the disposal action is calculated***. Some trigger dates may be easily identified (e.g. date of separation), but others will be more complex, and it may be necessary to consult the action area or creating officer for advice (e.g. ‘destroy 5 years after policy is superseded’ or ‘destroy when action completed’). The consultation may provide you with a likely trigger date or assist with a risk assessment to determine a reasonable period. Some of the triggers in the Schedules include:
  - ◆ when action is completed
  - ◆ the last action
  - ◆ the last entry
  - ◆ the date the next risk assessment occurs
  - ◆ an event (e.g. when property is sold; when separation occurs)
- ***A review date should be added to the record and noted in the control system*** (e.g. 017.010.004 R2013 to note that disposal class entry number 017.010.004 has been allocated to this record and that it should be reviewed in 2013).

- **Where sentencing is carried out from creation**, an agency may choose to **allocate a review period for all records** and not attempt to determine a review date for each record at the time of creation (e.g. review all records after 5 years). In such cases the disposal class entry number (e.g. 017.010.004 R2013) should be noted on the record and the control system.
- When the review is undertaken, the event or date the trigger is based on may have passed. If this has occurred, the disposal action may be implemented.
- For some inactive records this step may finalise the process, as the trigger date may have been met and the calculated disposal date passed. If this is the case then **the final disposal date can be entered on the record** and the control records (e.g. 017.010.004 D2013 where D refers to the final disposal date).
- It should be noted **that the retention periods in the Schedules are only minimum requirements**.

If these periods are too short to meet an agency's particular business requirements, they should be adjusted accordingly.

**On the review date, examine records asking the question: 'Has the disposal trigger event occurred?'**

- For a sentence allocated from creation this may be some years hence, or it may be a shorter time frame for records already in existence.

**If the answer is NO, revise probable trigger date and recalculate a review date**

- If on review it is determined that the trigger point has not occurred, then the review date should be recalculated and altered on the record and control system.

**If the answer is YES, confirm the disposal decision and update the control records**

- If on review it is determined that the trigger point has been reached, **the disposal decision should be confirmed**, taking into account any change that may have occurred in the nature of the record since the allocation of the review date. The disposal date should then be entered on the record and in the control system (e.g. 017.010.004, D2013). If the nature of the record has changed, **the record should be re-sentenced** with a new review date.
- Records which relate to any exempt clauses under Section 28 of the **Territory Records Act 2002**, or are subject to a request for access under the **Freedom of Information Act 1989**, the **Territory Records Act 2002** or any other Act should not be destroyed until the action has been completed.

## Special notes to the schedules

### *Establishment and personnel records*

A number of agencies manage their establishment structures and employ staff under their own enabling legislation rather than the *Public Sector Management Act 1994*. Such agencies are not excluded from using the sections of the Schedules relating to the ESTABLISHMENT and PERSONNEL functions, but before doing so should check their own enabling legislation and other regulatory directives for major variations in scope and requirements. In cases where the variations are great, these Schedules are not applicable. Coverage in such circumstances must be included under operational Records Disposal Schedules. Where there is doubt if these schedules cover ESTABLISHMENT or PERSONNEL records contact the Territory Records Office for advice.

### *Normal administrative practice (NAP)*

Some records may be destroyed without records disposal coverage under the ‘normal administrative practice’ (NAP) provisions of the *Territory Records Act 2002*. Records can be disposed of as a normal administrative practice if they are:

- duplicate (e.g. an information 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 agencies should always be sure that destroying the record will not destroy evidence that might be needed. Records that have been captured into a recordkeeping system should not be destroyed as NAP unless the reason for their destruction is recorded in full on the relevant control records. NAP can apply to electronic records as well as paper records (e.g. information on word processing systems where a hard copy has been captured into a recordkeeping system). It is designed to allow for sensible business practices. Further information on NAP can be obtained from the *Territory Records Office Records Advice No.002- Normal administrative practice (NAP)*.



## **BUSINESS CLASSIFICATION SCHEME**

## ***LEGAL SERVICES***

The function of providing legal services, including the interpretation and provision of advice to the government, ministers, agencies or other bodies or individuals regarding legal matters, the drawing up of legal agreements, the handling of legal actions and disputes and providing legal representation. Also includes legal advice received from in-house consultants and external sources.

### ***Advice***

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

### ***Agreements***

The processes associated with the establishment, maintenance, review and negotiation of agreements. Includes records associated with preparing agreements/contracts and settling those agreements/contracts. Includes contracts, memoranda of understanding (MOU), deeds, leases, licences and mortgages.

### ***Audit***

The activities associated with officially checking financial, quality assurance and operational records to ensure they have been kept and maintained in accordance with agreed or legislated standards and correctly record the events, processes and business of an agency, company or other organisation in a specified period. Includes compliance audits, financial audits, operational audits, recordkeeping audits, skills audits, system audits and quality assurance audits.

### ***Claims***

The process of administering and managing payments demanded in accordance with an insurance policy as compensation for injury, death, or denial of rights of a person, or damage to or destruction of property. Includes disputes over rights and ownership, and recompense sought for stolen or lost property.

### ***Committees***

The activities associated with the establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas, etc. of committees and task forces.

### ***Compliance***

The activities associated with complying with mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes compliance with legislation and with national and international standards, such as the ISO 9000 series.

### ***Contracting out***

The activities involved in managing the performance of work or the provision of goods and services by an external contractor, vendor or consultant, or by using external bureau services. Includes outsourcing.

### ***Infringements***

The activities associated with handling breaches of rules. Includes driving or traffic infringements and infringements of the agency's intellectual property.

### ***Inquiries***

The activities associated with liaising with bodies carrying out inquiries and participating in them. Inquiries are investigations carried out by people or bodies that have been empowered to inquire and report on a subject, such as Royal Commissions, Judicial Commissions, Boards of Inquiry, Legislative Assembly and Ombudsman's inquiries. Includes the agency's participation in the inquiry by providing evidence in the form of records, submissions or staff.

### ***Intellectual Property***

The activities involved in managing the agency's intellectual property, both published and unpublished, and the use of material held by the agency in which another party owns the intellectual property. Includes management of copyright, design, patents and trademarks, royalties and matters of confidentiality, such as trade secrets, which are not available to the public under Freedom of Information (FOI) legislation.

### ***Litigation***

The activities involved in managing lawsuits or legal proceedings between the agency and other parties in a court or other tribunal. Includes briefs for counsel; copies of documents required by or lodged with a court; consultation with the Attorney-General and other agencies; and records documenting compliance with court instructions (e.g. subpoenas and discovery orders).

### ***Meetings***

The activities associated with regular or ad hoc gatherings held to formulate, discuss, update or resolve issues and matters pertaining to the function. Includes staff meetings, arrangements, agenda, taking of minutes, etc. Excludes committee meetings.

### ***Planning***

The process of formulating ways in which objectives can be achieved. Includes determination of services, needs and solutions to those needs.

### ***Policy***

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making.

### ***Procedures***

Standard methods of operating laid down by the agency according to formulated policy.

### ***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, regulation, or legislation, e.g. Annual Report). Includes statistics and returns.

### ***Representatives***

The activities associated with the nomination, appointment or resignation of individuals or groups of personnel appointed by the organisation or their co-workers as official representatives to organisations, offices, unions, workers participation committees, councils or groups. Includes organisational legal representatives.

### ***Research***

The activities involved in investigating or enquiring into a subject or area of interest in order to discover facts, principles, etc. used to support development of projects, standards, guidelines, etc. and business activities in general. Includes following up enquiries relating to programs, projects, working papers, literature searches, etc.

### ***Reviewing***

The activities involved in re-evaluating or re-examining products, processes, procedures, standards and systems. Includes recommendations and advice resulting from these activities.

### ***Submissions***

The preparation and submission of a formal statement (e.g. a business case, statistics, etc) supporting a case or opinion held by the agency which is submitted to another agency or organisation, or within the agency, for the purpose of either gain or support.

### ***Tendering***

The activities involved in receiving and assessing tenders, of making offers and finalising contract arrangements for the supply, sale or purchase of goods and services.

## **RECORDS DISPOSAL SCHEDULE**



### Advice (Continued)

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

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.005.002 ■■■■■■■■■■■■■■■■■■■■	Records documenting advice from an internal or external legal service provider relating to Cabinet matters held by the Cabinet Office.	Retain as Territory Archives
010.005.003 ■■■■■■■■■■■■■■■■■■■■	Records relating to advice on matters involving people with a legal disability.	Retain as Territory Archives
010.005.004 ■■■■■■■■■■■■■■■■■■■■	Records relating to matters involving children (other than children with a legal disability).	Destroy 7 years after youngest child involved in the matter turns 18
010.005.005 ■■■■■■■■■■■■■■■■■■■■	Records documenting advice received from an internal or external legal service provider relating to Cabinet matters held by an agency or Minister.	Return to Cabinet Liaison Officers when Cabinet papers are no longer required and destroy
010.005.006 ■■■■■■■■■■■■■■■■■■■■	Records documenting advice received from an internal or external legal service provider, including advice on routine matters that are not precedent setting in nature, of major public interest or of other significance.	Destroy 5 years after action completed
010.005.007 ■■■■■■■■■■■■■■■■■■■■	Copies of legal advice. <i>[For payments made to legal providers, use FINANCIAL MANAGEMENT - Accounting.]</i>	Destroy 6 months after last action

## *Agreements*

The processes associated with the establishment, maintenance, review and negotiation of agreements. Includes records associated with preparing agreements/contracts and settling those agreements/contracts. Includes contracts, memoranda of understanding (MOU), deeds, leases, licences and mortgages.

<b>Entry No.</b>	<b>Description of Records</b>	<b>Disposal Action</b>
010.006.001 ■■■■■■■■■■■■■■■■■■■■	Records relating to the development of agreements which are: <ul style="list-style-type: none"><li>• precedent setting in nature</li><li>• of major public interest</li></ul> or of significance to the: <ul style="list-style-type: none"><li>• functions</li><li>• jurisdictions</li><li>• administrative powers of the Executive, Legislature, Judiciary, the Territory or its agencies.</li></ul>	Retain as Territory Archives
010.006.002 ■■■■■■■■■■■■■■■■■■■■	Records relating to the development of deeds.	Destroy 12 years after expiry of the deed
010.006.003 ■■■■■■■■■■■■■■■■■■■■	Records relating to the development of mortgages.	Destroy 12 years after mortgage has been discharged
010.006.004 ■■■■■■■■■■■■■■■■■■■■	Signed contracts under seal relating to the provision of legal services resulting from tenders and supporting records.	Destroy 12 years after completion or other termination of agreement or contract
010.006.005 ■■■■■■■■■■■■■■■■■■■■	Final versions of agency agreements made covering the legal services function and supporting documents.	Destroy 7 years after expiry or other termination of agreement
010.006.006 ■■■■■■■■■■■■■■■■■■■■	Signed simple contracts and agreements relating the provision of legal services resulting from tenders and supporting records.	Destroy 7 years after completion or other termination of agreement or contract



**Agreements (Continued)**

The processes associated with the establishment, maintenance, review and negotiation of agreements. Includes records associated with preparing agreements/contracts and settling those agreements/contracts. Includes contracts, memoranda of understanding (MOU), deeds, leases, licences and mortgages.

<b>Entry No.</b>	<b>Description of Records</b>	<b>Disposal Action</b>
010.006.007 ■■■■■■■■■■■■■■■■■■■■	Records relating to development of routine agreements that are not precedent setting in nature, of major public interest or other significance.	Destroy 7 years after last action
010.006.008 ■■■■■■■■■■■■■■■■■■■■	Signed deeds of release and deeds of indemnity and other similar agreements and supporting documents.	Destroy 6 months after indemnity ceases

**Audit**

The activities associated with officially checking financial, quality assurance and operational records to ensure they have been kept and maintained in accordance with agreed or legislated standards and correctly record the events, processes and business of an agency, company or other organisation in a specified period. Includes compliance audits, financial audits, operational audits, recordkeeping audits, skills audits, system audits and quality assurance audits.

<b>Entry No.</b>	<b>Description of Records</b>	<b>Disposal Action</b>
010.013.001 ■■■■■■■■■■■■■■■■■■■■	Final internal and external audit reports relating to the legal services function. Includes the final reports from audits conducted by the ACT Auditor General's Office.	Destroy 5 years after action completed
010.013.002 ■■■■■■■■■■■■■■■■■■■■	Records documenting the planning and conduct of internal and external audits relating to the legal services function. Includes: <ul style="list-style-type: none"> <li>• liaison with the auditing body</li> <li>• notes taken at opening and exit interviews</li> <li>• draft reports</li> <li>• comments.</li> </ul>	Destroy 5 years after action completed



## **Committees**

The activities associated with the establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas, etc. of committees and task forces.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.020.001 ■■■■■■■■■■■■■■■■■■■■	Records of internal and external committees formed to consider matters relating to the legal services function. Includes: <ul style="list-style-type: none"><li>• documents establishing the committee</li><li>• final versions of minutes</li><li>• copies of legal advice</li><li>• reports</li><li>• recommendations</li><li>• supporting documents such as briefing papers and discussion papers.</li></ul>	Destroy 5 years after action completed
010.020.002 ■■■■■■■■■■■■■■■■■■■■	Working papers documenting the conduct and administration of committees which consider the legal services function. Includes: <ul style="list-style-type: none"><li>• agendas</li><li>• notices of meetings</li><li>• draft minutes.</li></ul>	Destroy 6 months after last action

### ***Compliance***

The activities associated with complying with mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes compliance with legislation and with national and international standards, such as the ISO 9000 series.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.021.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting agency compliance with mandatory or optional standards or with statutory requirements relating to the legal services function. Includes those set out in: <ul style="list-style-type: none"> <li>• Quality System Guidelines AS/NZS 3905:6:1995 for the Legal Profession.</li> </ul>	Destroy 7 years after action completed

### ***Contracting out***

The activities involved in managing the performance of work or the provision of goods and services by an external contractor, vendor or consultant, or by using external bureau services. Includes outsourcing.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.025.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting contract management relating to the legal services function. Includes: <ul style="list-style-type: none"> <li>• minutes of meetings with main stakeholders</li> <li>• performance and evaluation reports .</li> </ul>	Destroy 7 years after completion or other termination of agreement or contract

## ***Infringements***

The activities associated with handling breaches of rules. Includes driving or traffic infringements and infringements of the agency's intellectual property.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.055.001 ■■■■■■■■■■■■■■■■■■■■	<p>Records documenting infringements or breaches of mandatory standards, rules or statutory requirements that do not proceed to litigation. Includes notifications of breaches and investigations and negotiations.</p> <p><i>[For cases that proceed to litigation, use LEGAL SERVICES – Litigation.</i></p> <p><i>For driving or traffic infringements, use FLEET MANAGEMENT - Infringements.</i></p> <p><i>For infringements by staff, use PERSONNEL - Infringements.]</i></p>	Destroy 7 years after action completed

## ***Inquiries***

The activities associated with liaising with bodies carrying out inquiries and participating in them. Inquiries are investigations carried out by people or bodies that have been empowered to inquire and report on a subject, such as Royal Commissions, Judicial Commissions, Boards of Inquiry, Legislative Assembly and Ombudsman's inquiries. Includes the agency's participation in the inquiry by providing evidence in the form of records, submissions or staff.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.056.001 ■■■■■■■■■■■■■■■■■■■■	<p>Records documenting legal support given to an agency either conducting an inquiry or participating in an inquiry.</p> <p><i>[For a consolidated record of an agency's involvement in an inquiry, including agency submissions, use an appropriate functional Records Disposal Schedule (e.g. GOVERNMENT RELATIONS).]</i></p>	Destroy 3 years after final report of inquiry is released





## *Planning*

The process of formulating ways in which objectives can be achieved. Includes determination of services, needs and solutions to those needs.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.079.001 ■■■■■■■■■■■■■■■■■■■■	Final versions of agency-wide legal services plans.	Destroy 5 years after plan is superseded
010.079.002 ■■■■■■■■■■■■■■■■■■■■	Final versions of a section or business unit's legal services plans, including state, regional or overseas office.	Destroy 3 years after plan is superseded
010.079.003 ■■■■■■■■■■■■■■■■■■■■	Working papers used in developing all legal services plans. Includes: <ul style="list-style-type: none"> <li>• draft plans</li> <li>• reports analysing issues</li> <li>• comments received from and input made by other areas of the agency.</li> </ul>	Destroy 1 year after adoption of final plan
010.079.004 ■■■■■■■■■■■■■■■■■■■■	Copies of legal services plans.	Destroy 6 months after last action

## *Policy*

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.080.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting the development of government-wide legal services policies.	Retain as Territory Archives
010.080.002 ■■■■■■■■■■■■■■■■■■■■	Records documenting the development and establishment of the agency's legal services policies. Includes: <ul style="list-style-type: none"> <li>• policy proposals</li> <li>• research papers</li> <li>• results of consultations</li> <li>• supporting reports</li> <li>• major drafts</li> <li>• final policy documents.</li> </ul>	Destroy 5 years after policy is superseded







### ***Representatives***

The activities associated with the nomination, appointment or resignation of individuals or groups of personnel appointed by the organisation or their co-workers as official representatives to organisations, offices, unions, workers participation committees, councils or groups. Includes organisational legal representatives.

<i><b>Entry No.</b></i>	<i><b>Description of Records</b></i>	<i><b>Disposal Action</b></i>
010.090.001 ■■■■■■■■■■■■■■■■■■■■	Records relating to representatives for matters which are: <ul style="list-style-type: none"> <li>• precedent setting in nature</li> <li>• of major public interest</li> </ul> or of significance to the: <ul style="list-style-type: none"> <li>• functions</li> <li>• jurisdictions</li> <li>• administrative powers of the Executive, Legislature, Judiciary, the Territory or its agencies.</li> </ul>	Retain as Territory Archives
010.090.002 ■■■■■■■■■■■■■■■■■■■■	Records relating to representatives for matters involving people with a legal disability.	Retain as Territory Archives
010.090.003 ■■■■■■■■■■■■■■■■■■■■	Records relating to representatives for matters involving children (other than children with a legal disability).	Destroy 7 years after youngest child involved in the matter turns 18

### ***Research***

The activities involved in investigating or enquiring into a subject or area of interest in order to discover facts, principles, etc. used to support development of projects, standards, guidelines, etc. and business activities in general. Includes following up enquiries relating to programs, projects, working papers, literature searches, etc.

<i><b>Entry No.</b></i>	<i><b>Description of Records</b></i>	<i><b>Disposal Action</b></i>
010.091.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting detailed research carried out to support the legal services function.	Destroy 5 years after action completed
010.091.002 ■■■■■■■■■■■■■■■■■■■■	Records documenting routine research carried out to support the legal services function.	Destroy 6 months after last action

## Reviewing

The activities involved in re-evaluating or re-examining products, processes, procedures, standards and systems. Includes recommendations and advice resulting from these activities.

<b>Entry No.</b>	<b>Description of Records</b>	<b>Disposal Action</b>
010.093.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting a review of agency programs and operations supporting the legal services function. Includes: <ul style="list-style-type: none"><li>• documents establishing the review</li><li>• final reports</li><li>• action plans.</li></ul>	Destroy 5 years after action completed
010.093.002 ■■■■■■■■■■■■■■■■■■■■	Working papers documenting a review of agency programs and operations supporting the legal services function.	Destroy 2 years after action completed

## Submissions

The preparation and submission of a formal statement (e.g. a business case, statistics, etc) supporting a case or opinion held by the agency which is submitted to another agency or organisation, or within the agency, for the purpose of either gain or support.

<b>Entry No.</b>	<b>Description of Records</b>	<b>Disposal Action</b>
010.102.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting the preparation of agency submissions.  <i>[For agency submissions to government, use GOVERNMENT RELATIONS - Submissions.</i>  <i>For agency submissions to community bodies, use COMMUNITY RELATIONS - Submissions.]</i>	Destroy 3 years after action completed





**RETAIN AS TERRITORY ARCHIVES**

## **LEGAL SERVICES**

The function of providing legal services, including the interpretation and provision of advice to the government, ministers, agencies or other bodies or individuals regarding legal matters, the drawing up of legal agreements, the handling of legal actions and disputes and providing legal representation. Also includes legal advice received from in-house consultants and external sources.

### **Advice**

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

<b>Entry No.</b>	<b>Description of Records</b>	<b>Disposal Action</b>
010.005.001 ■■■■■■■■■■■■■■■■■■■■	<p>Records documenting advice received from an internal or external legal service provider relating to:</p> <ul style="list-style-type: none"><li>● international or national law</li><li>● Security</li><li>● agency-wide industrial issues</li><li>● interpretation of an agency's own legislation</li><li>● proposal for new or amended agency legislation</li></ul> <p>or</p> <ul style="list-style-type: none"><li>● which are precedent setting in nature</li><li>● which are of major public interest</li><li>● which are of significance to the functions, jurisdiction and administrative powers of the Executive, Legislature, Judiciary, the Territory or its agencies.</li></ul> <p>Includes:</p> <ul style="list-style-type: none"><li>● instructions to the provider</li><li>● records of ongoing discussions</li><li>● revisions of instructions and drafts.</li></ul> <p><i>[For advice given on claims, infringements, inquiries, intellectual property and litigation, use these activities attached to LEGAL SERVICES.]</i></p>	Retain as Territory Archives





### ***Litigation***

The activities involved in managing lawsuits or legal proceedings between the agency and other parties in a court or other tribunal. Includes briefs for counsel; copies of documents required by or lodged with a court; consultation with the Attorney-General and other agencies; and records documenting compliance with court instructions (e.g. subpoenas and discovery orders).

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.068.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting litigation matters where legal precedents are set.	Retain as Territory Archives

### ***Policy***

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.080.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting the development of government-wide legal services policies.	Retain as Territory Archives

### ***Procedures***

Standard methods of operating laid down by the agency according to formulated policy.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
010.082.001 ■■■■■■■■■■■■■■■■■■■■	Master sets of agency manuals, handbooks, directives etc detailing procedures supporting the legal services function.	Retain as Territory Archives

## *Representatives*

The activities associated with the nomination, appointment or resignation of individuals or groups of personnel appointed by the organisation or their co-workers as official representatives to organisations, offices, unions, workers participation committees, councils or groups. Includes organisational legal representatives.

<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
010.090.001 ■■■■■■■■■■■■■■■■■■■■	Records relating to representatives for matters which are: <ul style="list-style-type: none"><li>● precedent setting in nature</li><li>● of major public interest</li></ul> or of significance to the: <ul style="list-style-type: none"><li>● functions</li><li>● jurisdictions</li><li>● administrative powers of the Executive, Legislature, Judiciary, the Territory or its agencies.</li></ul>	Retain as Territory Archives
010.090.002 ■■■■■■■■■■■■■■■■■■■■	Records relating to representatives for matters involving people with a legal disability.	Retain as Territory Archives

**SCHEDULE OF AMENDMENTS – this information is provided for the assistance of users but does not form part of the Notifiable Instrument.**

Changes to TARDiS

Dated

July 2009

**New Features (Insertions)**

<b>FUNCTION</b>	<b>Activity</b>	<b>Entry no.</b>	<b>Description</b>
<b>Legal Services</b>	Advice	TARDiS 10.5.3	New class.
	Advice	TARDiS 10.5.4	New class.
	Agreements	TARDiS 10.6.1	New class.
	Agreements	TARDiS 10.6.2	New class.
	Agreements	TARDiS 10.6.3	New class.
	Agreements	TARDiS 10.6.7	New class.
	Policy	TARDiS 10.80.1	New class.
	Representatives	All	New classes.

**Enhancements (Changes)**

<b>FUNCTION</b>	<b>Activity</b>	<b>Entry no.</b>	<b>Description</b>
<b>Legal Services</b>			Scope note changed.
	Advice		Scope note changed.
	Advice	TARDiS 10.5.2 to 10.5.5	Renumbered
	Advice	TARDiS 10.5.8	Disposal action changed.
	Agreements		Scope note changed.
	Agreements	All	Renumbered
	Agreements	TARDiS 10.6.4	Class description changed.
	Agreements	TARDiS 10.6.5	Class description changed.
	Agreements	TARDiS 10.6.6	Class description changed.
	Committees		Scope note changed.
	Committees	TARDiS 10.20.2	Disposal action changed.
	Compliance		Scope note changed.

**Enhancements (Changes)**

<b>FUNCTION</b>	<b>Activity</b>	<b>Entry no.</b>	<b>Description</b>
<b>Legal Services</b>	Inquiries		Scope note changed.
	Inquiries	TARDiS 10.56.1	Classification and sentencing guide changed in class description.
	Intellectual Property	All	Renumbered
	Meetings		Scope note changed.
	Meetings	TARDiS 10.72.2	Disposal action changed.
	Planning	TARDiS 10.79.4	Disposal action changed.
	Policy		Scope note changed.
	Policy	All	Renumbered.
	Policy	TARDiS 10.80.5	Disposal action changed.
	Procedures	TARDiS 10.82.3	Disposal action changed.
	Procedures	TARDiS 10.82.4	Disposal action changed.
	Reporting		Scope note changed. Classification and sentencing guide added to scope note.
	Reporting	TARDiS 10.88.4	Class description changed.
	Research		Scope note changed.
	Research	TARDiS 10.91.2	Disposal action changed.
	Tendering	All	Renumbered.

**Corrections (Deletions)**

<b>FUNCTION</b>	<b>Activity</b>	<b>Entry no.</b>	<b>Description</b>
<b>Staff Development</b>	All	All	Removed