



# **ARCHIVES OFFICE OF TASMANIA**

DISPOSAL SCHEDULE NO. 18

for

Functional Records of the Business Affairs Office

of

Department of Justice and Industrial Relations

91 Murray St Hobart Tasmania 7000

**ARCHIVES OFFICE OF TASMANIA**

***DISPOSAL SCHEDULE NO. 18***

TITLE

**FUNCTIONAL RECORDS OF THE  
BUSINESS AFFAIRS OFFICE**

ADMINISTERING AGENCY

**DEPARTMENT OF JUSTICE & INDUSTRIAL RELATIONS  
Office of Consumer Affairs and Fair Trading**

AUTHORISATION

Under Section 20 (2) (b) of the Archives Act 1983 I hereby authorise the Secretary, Department of Justice and Industrial Relations to manage the disposal of the records described in this Schedule in accordance with the procedures specified herein.

Ian Pearce  
STATE ARCHIVIST

Date

## INTRODUCTION

### 1. Archives Act

The *Archives Act 1983* stipulates that agencies must not dispose of **records of any type or format** (including electronic records, microfilm, sound recordings, films etc.) without the written approval of the State Archivist. Disposal of records involves their destruction, their removal from the custody of their creating Agency, or their transfer to the Archives Office. Any enquiries relating to these matters should be directed, in writing to the Archives Office of Tasmania, 91 Murray Street, Hobart, (E-mail - [gisu@education.tas.gov.au](mailto:gisu@education.tas.gov.au) or by phoning 03 6165 5581.

### 2. Disposal Schedules

In order to facilitate the prompt and efficient disposal of functional records of the Office of Consumer Affairs and Fair Trading, Department of Justice and Industrial Relations this Disposal Schedule has been approved by the State Archivist under Section 20(2)(b) of the *Archives Act 1983*.

The Schedule identifies and describes the:

- **Disposal Classes** - groups of records which have the same function.
- **Status** - ie. permanent or temporary retention.
- **Disposal Action** - date for transfer or destruction.

**It should be noted that where possible Disposal Classes have been identified and described in functional terms irrespective of the format or medium in which the records were created.**

### 3. Records Covered by Schedules

- This Schedule covers the functional records created by the Agency relating to the Business Affairs Office.
- The *Disposal Schedule No 2157 for General Administrative Records* covers administrative records created by the agency which relate to functions which are common to most State Service agencies.
- Records not covered by the above schedules or other authorised Agency Schedules should be disposed of according to the procedures for unscheduled records, see *Disposal of unscheduled records (2012: Advice 10)*
- The Schedule **does not cover pre-1960 records**. The disposal of these records should also be managed according to the procedures for unscheduled records.

### 4. Disposal Action

The disposal actions identified in this schedule specify minimum retention periods. The Agency may keep records longer if it so desires. However, records with PERMANENT status which have been in existence more than 25 years must be transferred to the Archives Office unless a written exemption has been obtained from the State Archivist (*Archives Act 1983 Section 11*). Records with TEMPORARY status can be kept as long

as the Agency wishes but the provisions of the *Archives Act* regarding their proper care and custody still apply.

Frequently the retention period descriptions will refer to "**after action completed**" which means after the date of the last addition or amendment to the record.

## 5. Transfer of Records to the Archives Office

All records designated as PERMANENT should be transferred to the Archives Office unless it is specified in the Schedule that they be retained by the Agency. The transfer should be arranged as soon as possible after the specified time. However, in order to avoid frequent small transfers of records, the Agency should develop a regular program of transferring records to the Archive Office. For practical purposes it is often preferable to delay the transfer of records until a convenient volume of records has accumulated (eg. about one linear metre or more).

Under no circumstances should records more than 25 years old be kept by the Agency without written approval from the State Archivist.

Records with PERMANENT status may be transferred before the specified date if administrative reference has ceased or is infrequent.

**Please note that records will not be accepted by the Archives Office unless specific prior arrangements have been made for their receipt and they have been arranged and described in accordance with any instruction provided by the Archives Office.**

For further information regarding the procedures relating to records covered by this Schedule see *Disposal of Scheduled records (2005: Advice 9)*

## 6. Destruction of Records

Records which have been approved for destruction (either in the Disposal Schedule or by a specific Destruction Authority) should be shredded, pulped or incinerated after the specified period has elapsed.

The Agency may make arrangements for the destruction of records with an appropriate contractor for collection and disposal. **Please note** that it remains the responsibility of the Agency to ensure that records are destroyed, and that this process is confidential and secure. If the records are in the Schedule, the appropriate entry must be made in the *Register of Records Destroyed*.

## 7. Register of Records Destroyed

The Agency is obliged to maintain a register of all records destroyed under the Schedule. The register is to be made available to the State Archivist (or nominee) on request. The register should not be used to list unscheduled records as these will be covered by a specific Destruction Authority issued by the State Archivist. The Register must be clearly identified as the *Register of Records Destroyed (under Section 20(2)(b))*

of the Archives Act 1983) and should include the name of the Agency. This identification should appear on each loose sheet or on the cover if the register is kept in book format. The register can be the same used for registering destructions under the *Disposal Schedule N°2157 for General Administrative Records for State Government Agencies and Authorities*. A sample format is available on the GISU website.

## **8. Samples and/or Examples of Records Destroyed**

Occasionally samples and/or examples of records being destroyed under the Schedule will be selected by the Archives Office for transfer. The State Archivist will initiate this procedure where appropriate.

## **9. Review of the Schedule**

If the description in the Schedule no longer accurately reflects the nature and function of the records these procedures should not be used. The State Archivist should be informed of the need to revise the Schedule and, if necessary, the procedure for transferring unscheduled records can be used in the interim.

Reference	Disposal Class	Status and Disposal Action
-----------	----------------	----------------------------

<b>1.0.0</b>	<b>REGISTRATION SERVICES</b>	
1.1.0	<b>Business Names</b> Names registered under the <i>Registration of Firms Act 1899</i> and the <i>Business Names Act 1962</i> .	
1.1.1	Register of Business Names.	PERMANENT Transfer 5 years after last entry.
1.1.2	Business Name files.	TEMPORARY Destroy 12 years after registration lapses.
1.2.0	<b>Miscellaneous bodies</b> Comprises Associations, Banks, Cooperative Industrial Societies, Copartnerships, Friendly Societies, Trade Unions and bodies incorporated under Private Acts of Parliament. Also includes Building Societies prior to 1994.	
1.2.1	Registers or lists of miscellaneous bodies required to deposit documents and/or returns with the Registrar (later Commissioner).	PERMANENT Transfer 5 years after last entry.
1.2.2	Documents and returns deposited in fulfilment of the requirements of registration imposed by statute.	PERMANENT Transfer 5 years after registration lapses.
1.3.0	<b>Bills of Sale</b> Chattel mortgages under the <i>Bills of Sale Act 1900</i> .	
1.3.1	Register of Bills of Sale lodged.	PERMANENT Transfer 5 years after last entry.
1.3.2	Register of Notices of Intention to Grant a Bill of Sale.	TEMPORARY Destroy 2 years after last entry.

**NB** All entries cover records in any format unless otherwise specified. Electronic records scheduled for TEMPORARY retention should be maintained in a readily accessible format for the specified retention period. Electronic records for PERMANENT retention should be maintained in the Agency - when planning to discontinue or change the systems in ways which may affect the accessibility or validity of the records, approval should be obtained from the State Archivist.

Reference	Disposal Class	Status and Disposal Action
1.3.3	Copies of Bills of Sale, attached schedules or inventories, associated affidavits, and any Caveats entered against them.	TEMPORARY Destroy 7 years after discharge.
1.4.0	<b>Stock and Crop Mortgages</b> Chattel mortgages granted under the <i>State Advances Act 1935</i> and the <i>Stock, Wool and Crop Mortgages Act 1930</i> .	
1.4.1	Registers of mortgages.	PERMANENT Transfer 5 years after last entry.
1.4.2	Copies of mortgages and associated documents lodged with the Registrar (later Commissioner).	TEMPORARY Destroy 7 years after discharge.

**NB** All entries cover records in any format unless otherwise specified. Electronic records scheduled for TEMPORARY retention should be maintained in a readily accessible format for the specified retention period. Electronic records for PERMANENT retention should be maintained in the Agency - when planning to discontinue or change the systems in ways which may affect the accessibility or validity of the records, approval should be obtained from the State Archivist.