

**Office of the
State Archivist**

**DISPOSAL SCHEDULE FOR THE
OFFICE OF THE TASMANIAN
ECONOMIC REGULATOR (OTTER)**

Disposal Authorisation DA2565

**Version 1.0
February 2024**

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Authorisation

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

Ross Latham
State Archivist

Version	Date	Comments
1.0	15/02/2024	Initial release

Document Development History

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1.0	15/02/2024	Initial release

Introduction

Disposal Schedules are the State Archivist’s ongoing permission to dispose of records.

They identify:

- which records have a permanent retention and will be transferred to the Tasmanian Archives
- the minimum time that temporary records need to be kept before they can be destroyed.

Authority

Tasmanian government organisations covered by the *Archives Act 1983* (Tas) can only dispose of records with the written permission of the State Archivist.

“Disposal of records” means destroying them, removing them from the creating organisation, or transferring them to the Tasmanian Archives.

Records Covered

This disposal schedule refers to the records of the Office of the Tasmanian Economic Regulator (OTTER).

The Tasmanian Economic Regulator (the Regulator) is an independent economic regulator established under the *Economic Regulator Act 2009* (Tas).

The Regulator is supported by staff of the Office of the Tasmanian Economic Regulator (OTTER).

The Regulator:

- regulates a number of specified industries within Tasmania
- aims to protect the long term interests of consumers with respect to price, quality and reliability of service
- responds to complaints about government businesses unfairly competing with the private sector in Tasmania.

The Tasmanian industries regulated by the Regulator are (as at May 2023):

- electricity (licensed industry)
- gas (licensed industry)
- water and sewerage (licensed industry)
- taxi (oversight of fare methodologies)
- compulsory third party insurance (oversight of pricing policies).

The Regulator is within the jurisdiction of the Tasmanian Ombudsman.

This schedule supersedes the *Disposal Schedule for Functional Records of the Tasmanian Economic Regulator* (DA2384).

You are responsible for monitoring legislative or regulatory changes which may affect disposal of records covered by this schedule. If this happens, please tell the Office of the State Archivist because we may need to review the disposal schedule.

Unscheduled Records

Unscheduled records are records not covered in this or any other disposal schedule and include all pre-1960 records.

Please contact us to discuss procedures to manage these records.

You Cannot Destroy Records, Even if the Retention Period has Passed, if:

- they are the subject of a **records retention notice** (“disposal freeze”) issued by the State Archivist or your organisation; or
- they may be required for an **investigation, inquiry or Royal Commission** which is in **progress** or expected; or
- they may be needed as **evidence** in a current or expected legal matter; or
- they are needed for applications in progress under the **Personal Information Protection Act 2004 (Tas)** or **Right to Information Act 2009 (Tas)**; or
- there is a **native title claim** in progress.

If any of these apply, identify all relevant records and keep them until the matter and any following reviews, appeals or actions are complete. This may be longer than retention periods in this schedule.

Records Of First Nations People

Keep records of First Nations’ people if they document cultural connection to place and/or the impact of government policies on individuals, families and communities.

More Information

- Outsourcing:
You are responsible for recordkeeping, even if your organisation outsources a function.
- Retention periods are minimums:
The retention periods in this schedule are minimum periods.
 - You can keep records longer where there is a business need for them.
 - Take a risk-based approach when deciding how long to keep records.
- Destruction of records:
Destroy temporary records securely and appropriately to the format or medium. Record their destruction in your *Register of Records Destroyed*.
- Transfer of records:
Transfer permanent records to the Tasmanian Archives, in line with procedures.
- Legal deposit:
Follow National edeposit (NED) guidelines for lodging print, digital and audio-visual publications, including government publications, under legal deposit legislation.
- Legislation:
This disposal schedule is issued under the *Archives Act 1983 (Tas)*.

Also, consider the legislation relevant to your own organisation to make sure you’ve met all recordkeeping requirements.

Other Disposal Schedules

You can use other disposal schedules with this schedule, including:

- *Disposal Schedule for Common Administrative Functions* (DA2157)
- *Disposal Schedule for Short Term Value Records* (DA2158)
- *Disposal Schedule for Source Records* (DA2159)
- *Disposal Schedule for Statutory Governing Bodies* (DA2508)
- other disposal schedules relevant to your organisation.

Disposal Schedule

Reference	Description	Status And Disposal Action
01.00	<p>Economic Regulation</p> <p>The function of investigating and undertaking inquiries by the Tasmanian Economic Regulator (the Regulator) into the pricing policies of certain Government bodies that are providers of services and goods in Tasmania in accordance with relevant legislation.</p> <p>Includes:</p> <ul style="list-style-type: none"> • determining Government maximum prices chargeable by such bodies, • investigations into complaints of breaches of the national competition policy competitive neutrality principles, • inquiries into matters relating to or affecting the pricing policies of prescribed bodies, inquiries relating to methodologies for setting taxi fares, and for other related matters. 	
01.01	<p>Records of Continuing Value</p> <p>Records of ongoing value documenting the economic regulation function, including:</p> <ul style="list-style-type: none"> • the appointment of members to the Economic Regulator, including position descriptions, • final approved minutes, agendas and meeting papers of economic regulation management meetings held by the Regulator (includes committees and working parties), • records of the Regulator's approval of the pricing policies and prices charged by certain Government bodies in Tasmania • the conduct of investigations into pricing policies and/or competitive neutrality complaints, including terms of reference for the investigation, position/issues papers, summaries of consultation, and final report, • the conduct of inquiries, including terms of reference, position/issues papers, summaries of consultation/submissions, and the final report, • final approved policy, position papers, proposals, review reports and returns prepared by the Regulator, • final annual reports prepared by the Regulator on the economic regulation function, • the receipt and provision of advice relating to matters which have received sustained public interest and/or provide guidance on controversial issues. 	<p>PERMANENT</p> <p>Retain as State archives</p>

01.02	<p>Medium-term Records</p> <p>Records of medium-term value documenting the economic regulation function, including:</p> <ul style="list-style-type: none"> • responses to requests for advice or enquiries concerning economic regulation. Includes requests for comment in relation to economic regulation issues and current events received from the media or industry bodies • detailed submissions received from individuals and organisations as part of any economic regulation inquiry, investigation or consultation process the Regulator is undertaking • the conduct of inquiries, investigations or consultations; including public notices, advertisements and correspondence calling for submissions and advising of public hearings • transcripts or recordings of public hearings taken for the purpose of summarising or capturing any key points in final reports on the inquiry, investigation or consultation for which purpose the public hearing was held • the development and implementation of processes and procedures to support the Regulator to perform the economic regulation duties for which they are responsible • projects relating to economic regulation undertaken by the Regulator • preparation and drafting of reports by the Regulator, including terms of reference for the report, models and other analysis tools used, datasets amassed, and/or the arrangement of interviews with industry representatives etc. • preparation and drafting of policies and position papers by the Regulator, including consultation drafts and workshop notes, transcripts or recordings • price and competitive neutrality complaints received by the Regulator which do not proceed to investigation • minutes, agendas and meeting papers of internal operational meetings held by the Regulator and external committees attended by the Regulator where the Regulator does not have the administrative role. 	<p>TEMPORARY</p> <p>Destroy 10 years after action completed</p>
01.03	<p>Short-term Records</p> <p>Records of short-term value documenting the economic regulation function, including:</p> <ul style="list-style-type: none"> • administrative arrangements for inquiries or investigations, including notices, advertisements and correspondence with parties required/invited to attend 	<p>TEMPORARY</p> <p>Destroy 2 years after action completed</p>

	<ul style="list-style-type: none"> • enquiries requesting general information about economic regulation • liaison with professional associations, industry groups, other regulatory bodies and industry organisations. Includes exchanges of information, collaboration on projects, activities as a member of an organisation, and membership of community groups and/or professional associations etc. • administrative arrangements for meetings, including travel and catering, room and equipment bookings, liaison with attendees, arrangements for attendance by guest participants etc. 	
<p>02.00.00</p>	<p>Licensed Industry Regulation</p> <p>The Tasmanian Economic Regulator (the Regulator) is responsible for administering the licensing systems for:</p> <ul style="list-style-type: none"> • electricity entities that generate, transmit or distribute electricity • some electricity retailers (e.g. those retailing on the Bass Strait Islands) • gas retailers • gas distribution infrastructure • owners and/or operators of water infrastructure and/or sewerage infrastructure • providers of water and/or sewerage services <p>The Regulator:</p> <ul style="list-style-type: none"> • receives and determines licence applications. • maintains a register of all licensed entities which is made available for public inspection. • grants licences based on an undertaking by the licence holder to conduct its regulated business activities, and maintain its business processes and systems, in a manner that complies with the licence terms and conditions. • develops the licence terms and conditions through a process of consultation with licensees and interested parties • develops and issues codes and standards for the conduct of regulated activities • monitors compliance with licence terms and conditions, codes and standards • undertakes enforcement action where breaches of the licence terms and conditions and/or contraventions of the regulations occur • monitors performance through the receipt of annual prescribed reports from licence holders and other information upon request • produces regular state of the industry reports, network reliability reports and price comparison reports • conducts inquiries at the request of the Minister. 	

<p>02.01.00</p>	<p>Licensing</p> <p>The function of receiving and assessing applications for licences by the Tasmanian Economic Regulator (the Regulator). Includes the management of renewals and exemption approvals.</p> <p>Includes:</p> <ul style="list-style-type: none"> • processes for the receipt of applications and supporting documentation, including applications made for exemptions from the standard licence conditions or restrictions • assessment of the application against eligibility criteria, including the entity making the application holding the correct industry accreditations, and the suitability of any individuals nominated to act in a formal capacity on behalf of the licensed entity • assessment of proposed processes, safety and incident management procedures, and any other operations that are the subject of licensing • decisions on whether an application is approved or not, including any restrictions or conditions to be imposed on the licence • processes to manage the cancellation or suspension of a licence following compliance enforcement action • processes to manage the exclusion of a person or entity from holding, or being granted a licence for a period of time following compliance enforcement action • renewals. <p>The renewal process may vary from the initial application process by:</p> <ul style="list-style-type: none"> • using a condensed application process that updates and renews details previously supplied • conducting a review of restrictions or conditions on licences, including those arising from enforcement action and/or prosecution. <p>The function also includes:</p> <ul style="list-style-type: none"> • appeals against a refusal to grant a licence, or against restrictions or conditions placed on a licence • the surrender of licences by the holder • applications that are withdrawn before a decision is reached. 	
<p>02.01.01</p>	<p>Records of Continuing Value</p> <p>Records of ongoing value which document the licensing function, including:</p> <ul style="list-style-type: none"> • summary information/register of licences issued and other key regulatory activity or changes in status e.g. amendments applied, transfers made, surrenders, suspensions and or cancellations etc. • approved licensing application guidelines, including established criteria that applicants must meet in order to be considered to hold a licence 	<p>PERMANENT</p> <p>Retain as State archives</p>

	<ul style="list-style-type: none"> standards and guidelines for licence conditions e.g. performance reporting requirements, incident reporting requirements etc. guidelines for the structure of licence fees (or equivalent). 	
02.01.02	<p>Medium-Term Records</p> <p>Records of medium-term value documenting licensing activities, including:</p> <ul style="list-style-type: none"> detailed records of applications for licences and authorities, including supporting documentation submitted as part of application detailed records of applications for licence renewals and extensions detailed records of applications to transfer a licence detailed records of the evaluation of applications and the outcome of the application assessment process. Includes correspondence with the applicant to clarify, or request further information towards, the application, and to notify the applicant of the decision of the Regulator licence fee payment notifications notifications received from licence holders of changes to nominated contact people and their details, and/or 'Officers' of the licence holder, such as the Chief Executive Officer, Directors, Secretary and/or other key decision makers notifications of the surrender of licences. 	<p>TEMPORARY</p> <p>Destroy 10 years after action completed</p>
02.02.00	<p>Compliance Management</p> <p>The management of compliance of licence holders with relevant legislation and regulations. Includes ensuring:</p> <ul style="list-style-type: none"> the requirements of legislation, standards and other mandatory frameworks are met conditions and/or limitations of licences are adhered to appropriate enforcement action is taken where required to reduce/remove the risk of future noncompliance. <p>Compliance management processes and outcomes utilised by the Regulator include:</p> <ul style="list-style-type: none"> compliance audits of processes, continuing availability of suitable financial/technical/human resources, performance reporting and other elements of licence conditions and/or regulated activity complaints management and resolution powers to request information to be provided where such information is required to determine if a complaint is founded or a contravention has occurred 	

	<ul style="list-style-type: none"> • investigations, including those arising from incidents where a possible cause is related to nonadherence to licence conditions or a contravention of a regulated activity • enforcement, including warning letters, infringement/penalty notices, rectification notices, directives to achieve compliance • disqualification of specified or related individuals who are directors or involved in the management of a regulated entity (Note: this may be associated with a licence suspension or cancellation) • suspensions of licences • cancellations of licences. <p>Includes cases where there is deemed to be a serious risk to public health or public safety, or the likelihood of material or serious environmental harm, as a result of the provision of a licensed activity or associated regulated activity, and the Minister has consequently issued emergency directions to the relevant licence holder and provided a copy to the Regulator.</p>	
02.02.01	<p>Records of Continuing Value</p> <p>Records of the cancellation of licences following the detection and confirmation of significant or sustained contravention of the relevant Acts administered by the Regulator governing licensed industry regulation.</p> <p>Includes detailed records of:</p> <ul style="list-style-type: none"> • the initial issue report or complaint received • written responses from the licence holder in relation to the issue or complaint, including 'show cause' responses as to why the licence holder believes the licence should not be cancelled • the investigation process including submissions received, witness statements, documentation provided, hearings and other forums conducted in the course of the investigation etc. • the conclusions reached by the Regulator and the key reasons behind those conclusions. <p>Also includes the final investigation report submitted to the Minister, notices issued to the licence holder, and records of appeals.</p>	<p>PERMANENT</p> <p>Retain as State archives</p>
02.02.02	<p>Medium-term Records</p> <p>Records of medium-term value documenting the compliance management activities of the licensed industry regulation function, including:</p> <ul style="list-style-type: none"> • detailed records of complaints received and investigated by the Regulator, including details of complaint resolution. • compliance reviews and audits conducted on licence holder business activities, processes and systems. 	<p>TEMPORARY</p> <p>Destroy 10 years after action completed</p>

	<p>Includes receipt and review of documentation specified in the terms and conditions of the licence as being required for regular submission to the Regulator e.g. emergency management plans, compliance plans, network planning reports etc.</p> <ul style="list-style-type: none"> investigations of breaches of licence terms and conditions and/or contravention of the regulations which either find no proof of non-compliance, or result in enforcement action up to, but not including, the cancellation of a licence i.e. directions to rectify, suspensions of licence during investigations, amendments to licence conditions etc. performance monitoring and review. 	
02.02.03	<p>Short-term Records</p> <p>Records of complaints received that are referred on to another authority.</p>	<p>TEMPORARY</p> <p>Destroy 2 years after action completed</p>
02.03.00	<p>Regulation Management</p> <p>The oversight, monitoring and review of licensed industries by:</p> <ul style="list-style-type: none"> developing and publishing codes, standards and guidelines and other regulation framework documentation setting criteria applicants must meet in order to qualify for a licence setting policies and processes for compliance management and enforcement activities, including the management of complaints determining the prices a licence holder is able to charge for services and supply setting guidelines for customer service levels, dispute resolution, methods of billing and payment, incident reporting etc. preparation of reports including state of the industry reports, network reliability reports (electricity), and price comparison reports (electricity) participation in processes which review a decision the Regulator has made (where the decision is defined as a reviewable decision under the Act) appointing authorised officers to investigate complaints, and undertake compliance management and enforcement activities. 	
02.03.01	<p>Records of Continuing Value</p> <p>Records of ongoing value documenting the regulation of licensed industries by the Regulator, including:</p> <ul style="list-style-type: none"> codes and standards issued which govern the licensed activities undertaken by a licence holder e.g. the Tasmanian Gas Retail Code which sets out the minimum terms and conditions under which a retailer must sell gas to small customers, including: provisions for connection/disconnection of supply; complaint handling and dispute resolution; management of accounts, charges and their payment etc. 	<p>PERMANENT</p> <p>Retain as State archives</p>

	<ul style="list-style-type: none"> • standards and guidelines issued to set technical standards, performance measures and other formal requirements/rules for licensed industry participants, including those issued to cover instances where there are differences between Tasmanian industry and national industry rules (where Tasmania has signed up to participate in the national regulatory approach to an industry) e.g. the Tasmanian Electricity Code covers the Tasmanian technical, economic regulation and customer protection requirements/rules which are not covered by the National Electricity Code • approvals and determinations issued by the Regulator in accordance with legislation, codes and regulations e.g. approval of electricity, gas, water and sewerage prices • the conduct of price investigations leading to a price determination, including terms of reference for the investigation, position/issues papers, summaries of consultation, and final report • the conduct of inquiries into matters on which the Minister requires a special report, including terms of reference, position/issues papers, summaries of consultation, and the final report • final approved state of the industry reports, network reliability reports and price comparison reports • final annual reports prepared by the Regulator on the monitoring and review of the performance of licensed entities • the receipt and provision of advice relating to matters which have received sustained public interest, concern criminal activity and/or provide guidance on controversial issues • the management of disputes that may arise between energy supply entities where the Regulator has agreed to act as the mediator, or has nominated a mediator to act on the Regulator's behalf • final approved minutes, agendas and meeting papers of licensed industry regulation management meetings held by the Regulator. 	
<p>02.03.02</p>	<p>Medium-term Records</p> <p>Records of medium-term value documenting regulation management activities arising from the licensed industry regulation function, including:</p> <ul style="list-style-type: none"> • responses to requests for advice or enquiries concerning the regulation of licensed industries. Includes requests for comment in relation to licensed industry regulation issues 	<p>TEMPORARY</p> <p>Destroy 10 years after action completed</p>

	<p>and current events received from the media or industry bodies</p> <ul style="list-style-type: none"> • records of disputes where the Regulator has referred the dispute to another entity for action/resolution e.g. Energy Ombudsman Tasmania • detailed submissions received from individuals and organisations as part of any inquiry, investigation or consultation process the Regulator is undertaking • the conduct of inquiries, investigations or consultations; including public notices, advertisements and correspondence calling for submissions and advising of public hearings • transcripts or recordings of public hearings taken for the purpose of summarising or capturing any key points in final reports on the inquiry, investigation or consultation for which purpose the public hearing was held • the development and implementation of processes and procedures to support the Regulator perform the duties for which they are responsible • projects relating to licensed industry regulation undertaken by the Regulator • preparation and drafting of reports by the Regulator, including terms of reference for the report, models and other analysis tools used, datasets amassed, and/or the arrangement of interviews with industry representatives or licence holders etc. • preparation and drafting of codes, technical standards and guidelines for licensed industries by the Regulator, including consultation drafts and workshop notes, transcripts or recordings • appointment of authorised officers • minutes, agendas and meeting papers of internal operational meetings held by the Regulator and external committees attended by the Regulator where the Regulator does not have the administrative role. 	
02.03.03	<p>Short-term Records</p> <p>Records of short-term value documenting the regulation of licensed industries, including:</p> <ul style="list-style-type: none"> • administrative arrangements for dispute hearings, including notices, advertisements and correspondence with parties required/invited to attend • enquiries requesting general information about the regulation of licensed industries • liaison with professional associations, industry groups, other regulatory bodies and industry organisations. Includes exchanges of information, collaboration on 	<p>TEMPORARY</p> <p>Destroy 2 years after action completed</p>

	<p>projects, activities as a member of an organisation, and membership of community groups and/or professional associations etc.</p> <ul style="list-style-type: none">• industry surveys conducted by or on behalf of the Regulator, including arrangements for the development of the survey tools, distribution, and collection of responses• administrative arrangements for meetings, including travel and catering, room and equipment bookings, liaison with attendees, arrangements for attendance by guest participants etc.	
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