

TAHO

Tasmanian Archive + Heritage Office

Disposal Schedule for Functional Records of the Guardianship and Administration Board

Disposal Authorisation No: 2496

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Functional Records of the Guardianship and Administration Board

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INTRODUCTION

Overview

Archives Legislation

The *Archives Act 1983* stipulates that State and local government organisations must not dispose of records of any type or format without the written approval of the State Archivist.

Disposal of records involves their destruction, their removal from custody of their creating agency, or their transfer to the Tasmanian Archive and Heritage Office.

Schedule elements and arrangement

The administrative functions covered by this schedule are arranged in alphabetical order as function headings. The activities performed under each function are listed in alphabetical order within each function.

- *Reference*

All function and activity headings and disposal classes are allocated a reference number. These reference numbers are used, in conjunction with the schedule number, to identify records in the Tasmanian Archive and Heritage Office disposal documentation. These numbers can also be used by agencies, in the same way, to indicate disposal authorisation in their records control systems, where the records have been registered in these systems.

- *Disposal Classes*

The groups of records that document, and are derived from, the performance of the functions and activities, are listed as disposal classes under each function/activity set.

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

- *Status*

All disposal classes have either "PERMANENT" or "TEMPORARY" status. Records identified as "PERMANENT" are those that will be transferred to the Archives Office to be retained as State archives. "TEMPORARY" records are those that can be destroyed under the authority of this schedule.

- *Disposal action*

All temporary records identified in this schedule will have a disposal action which specifies the length of time for which the record must be retained, before it can be destroyed under this authorisation.

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Review of the schedule

It is the responsibility of agencies to monitor administrative, legal or regulatory changes which may result in the need to alter disposal class descriptions or disposal actions for records covered by this schedule. This schedule will need to be reviewed on introduction of an electronic case file management system.

When this occurs, this schedule should not be used to dispose of records and the State Archivist should be informed of the need to revise the schedule. If necessary, the procedures for the disposal of unscheduled records can be used in the interim.

Contacts

Any enquiries relating to this schedule should be directed in writing to the Tasmanian Archive and Heritage Office, 91 Murray Street Hobart, by email, or by phoning 03 6165 5581.

Authorisation

Authorisation

Under Section 20 (2) (b) of the Archives Act 1983, I hereby 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 herein.

Ross Latham

State Archivist

Document Development History

Version	Date	Reason	Sections
1.0	05-06-2018	Initial release	All

Interpretation

Definitions

Permanent records are those that will be transferred to the Tasmanian Archive and Heritage Office to be retained as State Archives. The *Archives Act 1983* establishes 25 years as the maximum required timeframe for the transfer of permanent records, unless an extension of time has been approved by the State Archivist.

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Temporary records are those that can be destroyed under the authority of this schedule after a minimum retention period, or once certain requirements have been met.

Coverage

This schedule covers functional records of the Guardianship and Administration Board (GAB).

This schedule does not cover **pre-1960** records. The disposal of those records should be managed according to the procedures for unscheduled records.

The *Disposal Schedule for Short-term Value Records - DA No. 2158* covers the disposal of short-term value records which are created by most agencies. These documents are usually of a trivial nature or of such short-term value that they do not support or contribute to the business functions of the agency.

Records not covered by these schedules, or other authorised disposal schedules, should be disposed of according to the current Tasmanian Archive and Heritage Office procedures for unscheduled records.

Preservation of records

Section 10 (1) (a) of the *Archives Act 1983* requires agencies to preserve records until they are dealt with under the Act. This places a statutory obligation on agencies to ensure that all records, regardless of format, remain accessible while they are in the custody of the agency.

Permanent Records

All disposal classes of records identified as having '**PERMANENT**' status in this schedule should be transferred to the Tasmanian Archive and Heritage Office 25 years after the date of creation. Agencies may make application to the Tasmanian Archive and Heritage Office for earlier transfer of particular groups of records, and the Tasmanian Archive and Heritage Office may also initiate an earlier transfer arrangement.

Records for transfer should be arranged and described in accordance with any instruction provided by the Tasmanian Archive and Heritage Office.

Temporary Records

All records identified as having '**TEMPORARY**' status in this schedule will have a disposal action which is the authorised date for destruction. These disposal actions specify minimum retention periods. Temporary records can be kept as long as the agency wishes following expiration of the specified period, but the provisions of the *Archives Act 1983* regarding their proper care and custody will still apply to them.

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Frequently the disposal actions will refer to 'after action completed' which means after completion of the transaction to which the records relate. The disposal action 'destroy when reference ceases' authorises the destruction of records when all business needs to refer to the records have ceased.

Destruction of records

The destruction method chosen for records authorised for destruction in this schedule, should be appropriate to the medium in which the record exists. It is the responsibility of the agency to ensure that the identified records are actually destroyed, and that this process is confidential and secure.

The following issues should be considered before destruction of any documents.

Right to Information

Right to Information legislation prescribe rights and processes for access to documents held by government agencies. If a request for access under the legislation has been lodged, all records relevant to the request, regardless of whether they are due for destruction, must be identified and preserved until action on the request and any subsequent reviews are completed.

Personal Information Protection

Personal Information Protection legislation provides appropriate safeguards for government agencies in collecting and handling individual's personal information, creating statutory obligations and a right to make a privacy complaint. If an application is in progress, all records relevant to the application must be identified and preserved until the action and any subsequent actions are completed.

Other Investigations or inquiries

If an investigation or inquiry is in progress, all records relevant to the investigation or inquiry must be identified and preserved until the action and any subsequent actions are completed.

Records relating to indigenous people

Key recommendations of the *Bringing Them Home Report 1997* relate to the need for the identification, preservation, indexing, management and access to records relating to Indigenous individuals, families and/or communities in accordance with established privacy principles.

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Records relating to indigenous families and communities or which document links between indigenous people and localities are not to be destroyed and should be the subject of consultation with the Tasmanian Archive and Heritage Office.

Native Title

If a native title claim is in progress, all documents relevant to the claim must be identified and preserved until the action and any subsequent actions are completed.

Registration of Destruction

Central to the accountability built into the disposal schedules is the requirement that agencies maintain a *Register of Records destroyed*. It is important to recognise that the formal evidential record of destruction is contained in this registration process. The register is to be made available to the State Archivist (or his nominee) on request.

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. The register can be the same used for registering destructions authorised under other disposal schedules. A sample format indicating the required elements for the register and related procedures are available on the Office of the State Archivist website.

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No	Function/Activity	Description	Status	Disposal Action
1	APPOINTMENT OF GUARDIANS	<p>The function of appointing a guardian to make personal and lifestyle decisions on behalf of an adult with a disability which prevents them from making their own decisions, such as where to live and what services to use.</p> <p>This function includes:</p> <ul style="list-style-type: none"> • appointing guardians and emergency guardians • reviewing guardianship orders • recognition of interstate guardians • recognising interstate enduring guardians <p>Includes registering and reviewing enduring guardianship instruments and recognising interstate enduring guardians. A person may appoint an enduring guardian to act on their behalf in the event of the appointing person being incapable of doing so.</p>		
1.1		<p>Records relating to the appointment of guardians and registration of enduring guardians and subsequent proceedings to review, alter or revoke guardianship orders.</p> <p>Records may include:</p> <ul style="list-style-type: none"> • applications for guardianship, emergency guardianship 	Permanent	Retain as State Archives

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No	Function/Activity	Description	Status	Disposal Action
<i>APPOINTMENT OF GUARDIANS</i>				
		<ul style="list-style-type: none"> • health care reports • supporting documents such as property reports, Personal Care Plans, reports relating to aged care assessment and care plans • recordings of hearings • official orders • Reasons for Decisions • annual reports from guardians • applications to review enduring guardianship instruments • decision sheets 		
1.2		<p>Records relating to applications which do not result in the appointment of a guardian because the Board has rejected the application, approved the withdrawal of an application or no order has been made.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • applications for guardianship, enduring guardianship, emergency guardianship • health care reports 	Permanent	Retain as State Archives

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No	Function/Activity	Description	Status	Disposal Action
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APPOINTMENT OF ADMINISTRATORS

		<ul style="list-style-type: none"> • supporting documents including correspondence • recordings of hearings • Reasons for Decisions 		
2	APPOINTMENT OF ADMINISTRATORS	<p>The function of appointing an administrator to make financial decisions on behalf of an adult with a disability which prevents them from being able to manage their finances or estate.</p> <p>This function includes:</p> <ul style="list-style-type: none"> • appointing administrators • appointing emergency administrators • reviewing appointments • approving gifts to appointees • recognising interstate orders which appoint an administrator • providing advice in relation to administrators <p>This function includes reviewing the appointment of an enduring power of attorney.</p>		

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No	Function/Activity	Description	Status	Disposal Action
<i>APPOINTMENT OF ADMINISTRATORS</i>				
2.1		<p>Records relating to the appointment of administrators and subsequent proceedings to review, alter or revoke administration orders.</p> <p>Records may include:</p> <ul style="list-style-type: none"> • applications for administration, emergency administration • health care reports • supporting documents such as property reports, Personal Care Plans, reports relating to aged care assessment and care plans • recordings of hearings • official orders • Reasons for Decisions • annual reports from administrators • applications to review enduring powers of attorney • decision sheets 	Permanent	Retain as State Archives
2.2		Records relating to applications which do not result in the appointment of an administrator because the Board has rejected the application, approved the	Permanent	Retain as State Archives

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No	Function/Activity	Description	Status	Disposal Action
<i>MEDICAL OR DENTAL CONSENT</i>				
		<p>withdrawal of an application or no order has been made.</p> <p>Records may include:</p> <ul style="list-style-type: none"> • applications for administration, enduring power of attorney, emergency administration • health care reports • supporting documents including correspondence • recordings of hearings • Reasons for Decisions 		
3	MEDICAL OR DENTAL CONSENT	<p>The function of giving consent for medical or dental treatment for a person with a disability who is incapable of:</p> <ul style="list-style-type: none"> • giving consent for the treatment • understanding the nature and implications of the proposed treatment • indicating whether or not they consent to the treatment <p>or who does not have a parent, guardian or carer to give consent at the time that the treatment is needed.</p>		

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No	Function/Activity	Description	Status	Disposal Action
<i>MEDICAL OR DENTAL CONSENT</i>				
3.1		<p>Records relating to hearings to approve medical or dental treatment.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • application for treatment • reports from health care professionals • supporting documents • official decisions • recordings of proceedings • decision sheets 	Permanent	Retain as State Archives
4	RESTRICTIVE INTERVENTION	<p>The function of approving or refusing a <i>Restrictive Intervention Order</i> for a provider of disability services or funded private person in relation to an adult with a disability.</p> <p>Examples of restrictive intervention could include an application for a belt on a wheelchair to keep a person upright or a body suit to protect a person from themselves.</p>		
4.1		Records relating to hearings to approve restrictive intervention for adults with a disability, or to refuse, review or revoke approval.	Permanent	Retain as State Archives

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No	Function/Activity	Description	Status	Disposal Action
<i>STATUTORY WILLS</i>				
		Records may include: <ul style="list-style-type: none"> • application for a <i>Restrictive Intervention Order</i> • reports from health care professionals • supporting documents • official decisions • recordings of proceedings • decision sheets 		
5	STATUTORY WILLS	The function of making an order authorising a will to be made on behalf of a person who is incapable of making a valid will for themselves.		
5.1		Records relating to an application for an order for a statutory will to be made. Records may include: <ul style="list-style-type: none"> • application for an order for a statutory will • reports from health care professionals • supporting documents • final decision of the Board 	Permanent	Retain as State Archives

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No	Function/Activity	Description	Status	Disposal Action
<i>MAINTAINING REGISTERS</i>				
		<ul style="list-style-type: none"> • order for Statutory Will • recordings of proceedings • decision sheets 		
6	MAINTAINING REGISTERS	The function of recording summary details of applications received, hearings conducted and orders made by the Board to fulfil statutory functions and maintaining these registers.		
6.1		Summary reports extracted annually from the registers. Includes: <ul style="list-style-type: none"> • Register of all applications received by the Board • Register of all orders made by the Board • Register of all Enduring Guardianship Instruments registered by the Board 	Permanent	Retain as State Archives