

State Records Authority of New South Wales

Functional Retention and Disposal Authority: FA248

This authority covers records documenting the functions of determining remuneration and determining compensation claims

Issued to Statutory and Other Offices Remuneration Tribunal, Parliamentary Remuneration Tribunal, and Local Government Remuneration Tribunal

This functional retention and disposal authority is approved under section 21(2)c of the *State Records Act 1998* following prior approval by the Board of the State Records Authority of New South Wales in accordance with section 21(3) of the Act.

State Records Authority of New South Wales

Functional Retention and Disposal Authority

Authority no FA248

SR file no 06/0083

Scope

This functional retention and disposal authority covers records documenting the functions of determining remuneration and determining compensation claims from 1964 onwards.

Public office

Statutory and Other Offices Remuneration Tribunal, Parliamentary Remuneration Tribunal, and Local Government Remuneration Tribunal

Approval date

David Roberts
Director
State Records Authority of New South Wales

12/12/2007
Date

About the Functional Retention and Disposal Authority

Purpose of the authority

The purpose of this functional retention and disposal authority is to identify those records created and maintained by NSW public offices which are required as State archives and to provide approval for the destruction of certain other records created and maintained by NSW public offices, after minimum retention periods have been met.

The approval for disposal given by this authority is given under the provisions of the *State Records Act 1998* only and does not override any other obligations of an organisation to retain records.

The retention and disposal of State records

The records retention and disposal practices outlined in this authority are approved under section 21 (2)(c) of the *State Records Act 1998* (NSW). Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of State Records with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Records does not disapprove. Advice on the State Records Act can be obtained from State Records.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. The State Records Authority ('State Records') reviews and approves organisations' retention and disposal authorities under the *State Records Act 1998*.

This authority is the product of an appraisal process conducted in accordance with State Records' *Standard on the appraisal and disposal of State records*. It is the duty of a public office, in submitting a draft functional retention and disposal authority for approval, to disclose to State Records any information which affects the retention of the records covered by the authority.

State Records' decisions take into account both the administrative requirements of the public office in discharging its functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Records' functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in *Building the Archives: Policy on records appraisal and the*

identification of State archives. The Policy also explains the roles and responsibilities of State Records and of public offices in undertaking appraisal processes and disposal activities.

Implementing the authority

This functional retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority. The authority should be implemented as part of the records management program of the organisation. Two primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. Advice on sentencing can be obtained from State Records.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependant records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see also the *General Retention and Disposal Authority – Imaged records*). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

Disposal action

Records required as State archives

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Records when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Records regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Records' control should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

Records approved for destruction

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are *minimum* periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, and government directives. A public office *must not* dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, FOI requests) where the records may be required as evidence. Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation's functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:

- business needs or practices change
- new laws, regulations or standards are introduced
- new technology is implemented
- government administration is restructured and functions are moved between entities, or
- unforeseen or new community expectations become apparent.

State Records recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office must not permanently transfer possession or ownership of a State record to any person or organisation without the explicit approval of State Records.

Administrative change

This functional retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable functional retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Records for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Records to discuss use of any existing functional retention and disposal authority approved for use by a predecessor organisation.

Amendment and review of this authority

State Records must approve any amendment to this authority. Public offices that use the authority should advise State Records of any proposed changes or amendments to the authority.

State Records recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Records may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements or procedures which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Records and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

Contact Information

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Functional Retention and Disposal Authority
Remuneration and compensation claims (Statutory and Other Offices Remuneration Tribunal, Parliamentary Remuneration Tribunal, and Local Government Remuneration Tribunal)

Authority no: FA248

Dates of coverage: c.1964+

List of Functions and Activities covered
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Function	Activity	Reference
STATUTORY AND OTHER OFFICES REMUNERATION TRIBUNAL		1.0.0
	Annual reviews	1.1.0
	Compensation	1.2.0
	Legacy records c 1964-1974	1.3.0
	Establishment of Tribunal	1.4.0
	Policies	1.5.0
PARLIAMENTARY REMUNERATION TRIBUNAL		2.0.0
	Annual Reviews	2.1.0
	Establishment of Tribunal	2.2.0
	Policies	2.3.0
LOCAL GOVERNMENT REMUNERATION TRIBUNAL		3.0.0

Functional Retention and Disposal Authority
**Remuneration and compensation claims (Statutory and Other Offices Remuneration Tribunal,
Parliamentary Remuneration Tribunal, and Local Government Remuneration Tribunal)**

Authority no: FA248

Dates of coverage: c.1964+

List of Functions and Activities covered

Function	Activity	Reference
	Annual Reviews	3.1.0
	Establishment of Tribunal	3.2.0
	Policies	3.3.0

Functional Retention and Disposal Authority
Remuneration and compensation claims (Statutory and Other Offices Remuneration Tribunal, Parliamentary Remuneration Tribunal, and Local Government Remuneration Tribunal)

Authority no: FA248

Dates of coverage: c.1964+

No	Function/Activity	Description	Disposal Action
1.0.0	STATUTORY AND OTHER OFFICES REMUNERATION TRIBUNAL	<p>The Statutory and Other Offices Remuneration Tribunal (SOORT) is constituted under the Statutory and Other Offices Remuneration Act 1975. The Tribunal is responsible for making determinations on the remuneration payable to Chief Executive and Senior Executive Officers (SES), Judges, Magistrates and related positions, and Public Office Holders.</p> <p>The Tribunal is required to make annual determinations on remuneration payable and the determinations take effect from 1 October in that year. The Tribunal may also make special determinations on issues referred by the Minister. The Tribunal is also required to determine compensation claims for SES and Police Service SES for officers whose contracts have been terminated or not renewed.</p>	
1.1.0	Annual reviews		
1.1.1		Records of annual reviews and determinations, including minutes of the tribunal and reports.	Required as State archives
1.1.2		Submissions made by individual statutory and other office holders.	Required as State archives
1.1.3		Support material accompanying submission (loose copies of annual reports and legislation).	Retain until administrative use ceases, then destroy
1.2.0	Compensation		
1.2.1		Records of individual compensation cases and decisions of the Tribunal. Records include applications giving details of the circumstances surrounding the termination of contract, impact of termination and other matters to be considered.	Required as State archives

Remuneration and compensation claims (Statutory and Other Offices Remuneration Tribunal, Parliamentary Remuneration Tribunal, and Local Government Remuneration Tribunal)

Authority no: FA248

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No	Function/Activity	Description	Disposal Action
1.3.0	Legacy records c 1964-1974		
1.3.1		Records of annual reviews and determinations, including minutes of the tribunal and reports.	Required as State archives
1.3.2		Submissions made by individual statutory and other office holders.	Required as State archives
1.3.3		Support material accompanying submission (loose copies of annual reports and legislation).	Retain until administrative use ceases, then destroy
1.4.0	Establishment of Tribunal		
1.4.1		Records relating to the establishment of the Tribunal.	Required as State archives
1.5.0	Policies		
1.5.0		Records relating to the formulation and establishment of policies about the annual review process and the making of determinations by the Tribunal, including Statements of Principles.	Required as State archives
2.0.0	PARLIAMENTARY REMUNERATION TRIBUNAL	<p>The Parliamentary Remuneration Tribunal is constituted under the Parliamentary Remuneration Act 1989. The Tribunal is required to make determinations of additional entitlements that are to be available to Members of Parliament and recognised Office Holders, and to approve proposed amendments to the Parliamentary Contribution Superannuation Act 1971.</p> <p>Parliamentary remuneration in the form of basic salary, additional salary and</p>	

Remuneration and compensation claims (Statutory and Other Offices Remuneration Tribunal, Parliamentary Remuneration Tribunal, and Local Government Remuneration Tribunal)

Authority no: FA248

Dates of coverage: c.1964+

No	Function/Activity	Description	Disposal Action
		expense allowance are a matter of statutory entitlement. Additional entitlements that are the subject of the determinations may be in any form (including for example allowances, services, facilities or equipment). The Tribunal's report and determination are tabled in the Parliament and published in the NSW Government Gazette.	
2.1.0	Annual Reviews		
2.1.1		Records of annual reviews and determinations, including minutes of the tribunal and reports.	Required as State archives
2.1.2		Submissions made by parliamentarians and parliamentary office holders.	Required as State archives
2.1.3		Support material accompanying submission (loose copies of annual reports and legislation).	Retain until administrative use ceases, then destroy
2.2.0	Establishment of Tribunal		
2.2.1		Records relating to the establishment of the Tribunal.	Required as State archives
2.3.0	Policies		
2.3.1		Records relating to the formulation and establishment of policies about the annual review process and the making of determinations by the Tribunal.	Required as State archives
3.0.0	LOCAL GOVERNMENT REMUNERATION TRIBUNAL	The Local Government Remuneration Tribunal is constituted under Chapter 9, Division 4 of the Local Government Act 1993. The Tribunal is responsible for categorising councils, county councils and mayoral offices to determine the	

Remuneration and compensation claims (Statutory and Other Offices Remuneration Tribunal, Parliamentary Remuneration Tribunal, and Local Government Remuneration Tribunal)

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No	Function/Activity	Description	Disposal Action
		maximum amounts of fees to be paid to councillors, members of county councils and mayors in each category. The Tribunal is required to make a determination by no later than 1 May each year and make a report to the Minister within 7 days of making that determination. The Report is published in the Government Gazette and also laid before each House of Parliament.	
3.1.0	Annual Reviews		
3.1.1		Records of annual reviews and determinations, including minutes of the tribunal and reports.	Required as State archives
3.1.2		Submissions made by councillors and others.	Required as State archives
3.1.3		Support material accompanying submission (loose copies of annual reports and legislation).	Retain until administrative use ceases, then destroy
3.2.0	Establishment of Tribunal		
3.2.1		Records relating to the establishment of the Tribunal.	Required as State archives
3.3.0	Policies		
3.3.1		Records relating to the formulation and establishment of policies about the annual review process and the making of determinations by the Tribunal.	Required as State archives