

## State Records Authority of New South Wales

### **Functional Retention and Disposal Authority: FA293**

This authority covers records documenting the function of Land and property management (Deed and land titles registration and Crown lands management)

Issued to Land and Property Management Authority

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** FA293

**SR file no** 10/0037

**Scope**

This functional retention and disposal authority covers records documenting the function of Land and property management (Deed and land titles registration and Crown lands management) from c.1850 onwards.

**Public office**

Land and Property Management Authority

**Approval date**

Alan Ventress  
Director

State Records Authority of New South Wales

11/03/2010

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.

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 public offices in discharging their 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. See *Implementing a retention and disposal authority*.

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, formal applications for access) 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. See *Destruction of records: a practical guide*.

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.

### **Custody**

The custody column in the functional retention and disposal authority is designed to assist public offices in identifying storage requirements or transfer arrangements for records identified as State archives (ie with a Disposal action of 'Required as State archives'). The directions in this column are recommendations only and are *not* mandatory. The type of information may include directions on how long records should be retained in the office and how long they should be kept in off-site, off-line or secondary storage prior to their transfer as State archives. A

recommendation to retain records in the organisation for more than 25 years does not imply that a *still in use determination* (see Part 4, Section 28 of the *State Records Act 1998*) or that a distributed management agreement (see Part 4, Section 30 of the *State Records Act 1998*) has been approved by State Records. Advice on arrangements for managing and transferring State archives can be obtained from 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 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 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**

State Records  
PO Box 516 Kingswood NSW 2747  
Telephone: (02) 8247 8627  
Facsimile: (02) 8247 8626  
E-mail: [govrec@records.nsw.gov.au](mailto:govrec@records.nsw.gov.au)

**Functional Retention and Disposal Authority**  
**Land and property management (Deed and land titles registration and Crown lands management) (Land and Property Management Authority)**

Authority number: FA293

Dates of coverage: c.1850+

List of Functions and Activities covered
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**Functional Retention and Disposal Authority**  
**Land and property management (Deed and land titles registration and Crown lands management) (Land and Property Management Authority)**

Authority number: FA293

Dates of coverage: c.1850+

No	Function/Activity	Description	Disposal Action	Custody*
1.0.0	<b>TITLING &amp; REGISTRATION SERVICES</b>	The function of establishing and managing the official registration of ownership, title and interests in land.		
1.1.0	<b>Dealings &amp; title registration</b>	The activity of receiving, examining and registering details of interests in land or over goods and chattels.		
1.1.1		<p>Records supporting dealings and other instruments lodged with or created by the agency which:</p> <ul style="list-style-type: none"> <li>• are precedent setting or result in changes to the organisation's policy and procedures</li> <li>• support amendments to the Register (of Land Titles)</li> <li>• include reference to Native Title claims</li> <li>• relate to the variation, extinguishment or termination of easements</li> <li>• relate to the extinguishment or termination of strata plans or community plans</li> <li>• relate to mergers applications or to the foreclosure of a mortgage</li> <li>• relate to Primary or Possessory Applications</li> <li>• relate to transfers or matters pursuant to court orders or directions</li> </ul>	Required as State archives	

\* see *About the functional retention and disposal authority*

## Land and property management (Deed and land titles registration and Crown lands management)

Authority number: FA293

Dates of coverage: c.1850+

No	Function/Activity	Description	Disposal Action	Custody*
<i>TITLING &amp; REGISTRATION SERVICES - Dealings &amp; title registration</i>				
		<ul style="list-style-type: none"> <li>• relate to resumptions or acquisition of land by the State</li> <li>• relate to positive covenants and restriction on the use of land</li> <li>• relate to applications to record new registered proprietors where third party evidence or documents in support are provided</li> <li>• relate to changes of name</li> <li>• relate to applications for new certificates of title.</li> </ul> <p>(Note: This entry covers original records pre dating Jan 1950, digitised records and born digital records)</p>		
1.1.2		<p>Originals of imaged records dating 1950 - 2000 supporting dealings and other instruments lodged with or created by the agency which:</p> <ul style="list-style-type: none"> <li>• are precedent setting or result in changes to the organisation's policy and procedures</li> <li>• support amendments to the Register (of Land Titles)</li> <li>• include reference to Native Title claims</li> <li>• relate to the variation, extinguishment or termination of easements</li> <li>• relate to the extinguishment or termination of strata</li> </ul>	<p>Retain until converted to electronic format, then destroy, subject to the following conditions being met:</p> <ul style="list-style-type: none"> <li>• all requirements for retaining originals have been assessed and fulfilled</li> <li>• electronic copies</li> </ul>	

\* see *About the functional retention and disposal authority*

## Land and property management (Deed and land titles registration and Crown lands management)

Authority number: FA293

Dates of coverage: c.1850+

No	Function/Activity	Description	Disposal Action	Custody*
<i>TITLING &amp; REGISTRATION SERVICES - Dealings &amp; title registration</i>				
		<p>plans or community plans</p> <ul style="list-style-type: none"> <li>• relate to mergers applications or to the foreclosure of a mortgage</li> <li>• relate to Primary or Possessory Applications</li> <li>• relate to transfers or matters pursuant to court orders or directions</li> <li>• relate to resumptions or acquisition of land by the State</li> <li>• relate to positive covenants and restriction on the use of land</li> <li>• relate to applications to record new registered proprietors where third party evidence or documents in support are provided</li> <li>• relate to changes of name</li> <li>• relate to applications for new certificates of title.</li> </ul>	<p>are made which are authentic, complete and accessible</p> <ul style="list-style-type: none"> <li>• electronic copies are kept for the authorised retention period (i.e. as State archives), and</li> <li>• originals are kept for quality control purposes for an appropriate length of time after copying.</li> </ul>	
1.1.3		Printouts of summarily recorded details of transactions, caveats or writs, etc., lodged over manual titles (c.1971 - 1997).	Retain until all manual titles are reconstituted, then destroy	
1.1.4		Indexes to corporations. Includes card and electronic indexes.	Retain until ceases to be of administrative or	

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## Land and property management (Deed and land titles registration and Crown lands management)

Authority number: FA293

Dates of coverage: c.1850+

No	Function/Activity	Description	Disposal Action	Custody*
<i>TITLING &amp; REGISTRATION SERVICES - Dealings &amp; title registration</i>				
			reference use, then destroy	
1.1.5		Registers and indexes of resumptions and compulsory acquisitions of land (Torrens Title or Old System).	Required as State archives	
1.1.6		Folio instruction cards and indexes to Crown Land tenures created from Crown Land records.	Retain until administrative or reference use ceases, then destroy	
1.2.0	<b>Deed registration</b>	The activity of registering deeds and other instruments by indexing them in the General Registry of Deeds. Includes transactions not relating specifically to land.		
1.2.1		Registers and associated indexes of deeds, instruments or interests (e.g. security) lodged or registered with the Registrar General. This includes: <ul style="list-style-type: none"> <li>• General Register of Deeds as maintained pursuant to the Registration of Deeds Act 1897</li> <li>• registers and indexes relating to bills of sale, wool and crop liens, powers of attorney, changes of name, appointments of receivers, causes, writs and orders, etc.</li> <li>• registration copies of registered instruments (excepting those relating to non-land mortgages covered by FA266, entry 1.1.1)</li> </ul>	Required as State archives	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>TITLING &amp; REGISTRATION SERVICES - Deed registration</i>				
		<ul style="list-style-type: none"> <li>records maintained in the Automated Deeds Indexing System (ADIS) and the Document Integrated Image Management System (DIIMS).</li> </ul>		
1.2.2		Instruments relating to interests over goods and chattels that have been prevented from being registered by lodgement of a caveat.	Retain minimum of 10 years after lodgement of the caveat, then destroy	
1.3.0	<b>Old system conversion</b>	The activity of converting Old System land parcels to Torrens Title.		
1.3.1		Originals (c.1967+) of imaged applications for the conversion of old system title to Torrens title by means of Conversion Action (also known as Conversion Applications, "CA's" or "IVA's" carried out under the provisions of section 4A/4B of the Real Property Act) pre-dating Jan 2000.	Retain until converted to electronic format, then destroy, subject to the following conditions being met: <ul style="list-style-type: none"> <li>all requirements for retaining originals have been assessed and fulfilled</li> <li>electronic copies are made which are authentic, complete and</li> </ul>	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>TITLING &amp; REGISTRATION SERVICES - Old system conversion</i>				
			accessible <ul style="list-style-type: none"> <li>• electronic copies are kept for the authorised retention period, and</li> <li>• originals are kept for quality control purposes for an appropriate length of time after copying.</li> </ul>	
1.3.2		Searches on Old System land carried out in response to applications by landholders or for internal purposes, including agency copies of Official Search Certificates issued to applicants.	Required as State archives	
1.3.3		Searches on Torrens Title land carried out in response to applications by landholders or for internal purposes. Records include cover sheet, client's request and copy of agency's letter or reply.	Retain minimum of 7 years after last action, then destroy	
1.4.0	<b>Plan registration</b>	The activity of receiving and/or registering the lodgement of plans required for titling and boundary definition purposes.		
1.4.1		Gleeson's Locality Book (circa 1954).	Required as State archives	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>TITLING &amp; REGISTRATION SERVICES - Plan registration</i>				
1.4.2		Copies of maps and plans to which charting and other titling information has been added over time pre dating Jan 2000 and which have been imaged. Records include annotated deposited plan mini cards.	<p>Retain until converted to electronic format, then destroy, subject to the following conditions being met:</p> <ul style="list-style-type: none"> <li>• all requirements for retaining originals have been assessed and fulfilled</li> <li>• electronic copies are made which are authentic, complete and accessible</li> <li>• electronic copies are kept for the authorised retention period, and</li> <li>• originals are kept for quality control purposes for an appropriate length of time</li> </ul>	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>TITLING &amp; REGISTRATION SERVICES - Plan registration</i>				
			after copying	
1.4.3		Examining plans created to determine the accuracy of survey and title boundaries, gather and compare survey information and compliance with legislative requirements.	Required as State archives	
1.4.4		Maps and plans which have been acquired by the agency from retired surveyors or other third party sources for historical or aesthetic value.	Required as State archives	
1.4.5		<p>Records supporting the registration of plans:</p> <ul style="list-style-type: none"> <li>• which are precedent setting or result in changes to the Authority's policy and procedures, for example, where changes to legislation or lodgement procedures are considered necessary to support lodgement;</li> <li>• which, may, in the opinion of the Examiner, result in public controversy in relation to boundary definition;</li> <li>• where consent is received from a third party with registrable interest to a lease, easement or other transaction;</li> <li>• which result in questions in relation to the surveyor's practice in drawing up the plan;</li> <li>• where supporting documentation, including surveyors' reports, is received and where, in the opinion of the Examiner, this documentation may relate to a survey problem.</li> </ul>	Required as State archives	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>TITLING &amp; REGISTRATION SERVICES - Plan registration</i>				
1.4.6		Records supporting the registration of plans where, in the opinion of the Examiner, there may be potential for dispute between the organisation and other parties.	Retain minimum of 7 years after action completed, then destroy	
2.0.0	<b>CROWN LANDS MANAGEMENT</b>	The function of managing the physical attributes of Crown lands including land assessments, authorisation, inspections, compliance activities and support for reserve trusts who undertake management activities for delegated portions of Crown lands.		
2.1.0	<b>Determinations</b>	Activities associated with giving effect to determinations concerning the use to which Crown Land can be put including gazettal notification of same. Also includes determinations that land can be alienated for tenure purposes.		
2.1.1		Copies of gazettal notifications used for reference and notation purposes. Records include guard books.	Retain until ceases to be of administrative or reference use, then destroy	
3.0.0	<b>Registered plans (various series) - 35mm format</b>			
3.1.0		35mm microfilm format copies of plans deposited or registered with the Registrar General for the purposes of titling and boundary definition. This includes 35mm microfilm format copies of:	Retain until converted to electronic format, then destroy, subject to the	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>Various series - 16mm film masters</i>				
		<ul style="list-style-type: none"> <li>• Australian Agricultural Co plans</li> <li>• City of Sydney alignment plans</li> <li>• Design plans (Crown)</li> <li>• DMR Sketch plans</li> <li>• Estate Plans</li> <li>• State survey marks</li> <li>• Kiama Environs and Enhanced Plans</li> <li>• Permanent Marks</li> <li>• Town Plans (Crown)</li> <li>• Railway Book Plans (Crown)</li> <li>• Water Board Detail Sheets</li> <li>• Title diagrams.</li> </ul>	following conditions being met: <ul style="list-style-type: none"> <li>• all requirements for retaining originals have been assessed and fulfilled</li> <li>• electronic copies are made which are authentic, complete and accessible</li> <li>• electronic copies are kept for the authorised retention period, and</li> <li>• microfilm originals are kept for quality control purposes for an appropriate length of time after copying.</li> </ul>	
4.0.0	<b>Various series - 16mm film masters</b>			

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No	Function/Activity	Description	Disposal Action	Custody*
<i>Various series - 16mm film masters -</i>				
4.1.0		16mm film masters (polyester) of: <ul style="list-style-type: none"> <li>• Dealings, M342 to T + Filmex (Series E, I, O, U-Z &amp; 2 million)</li> <li>• Transmission applications</li> <li>• Crown land transfers</li> <li>• Old system deeds (post Nov 1992 Automated Deed Indexing System deeds)</li> <li>• Plan instructions (departmental instruments relating to the creation of new titles following the registration of deposited plans)</li> <li>• Index to causes, writs and orders</li> <li>• New form cancelled titles.</li> </ul>	Required as State archives	
4.2.0		16mm film masters (acetate) of: <ul style="list-style-type: none"> <li>• Dealings, pre-A, A-M341 (does not include E, or I which are on Filmex polyester film)</li> <li>• Balance orders</li> <li>• Change of name</li> <li>• Survey drafting papers</li> <li>• Minute papers (Old System and Real Property Act –</li> </ul>	Retain until converted to electronic format, then destroy, subject to the following conditions being met: <ul style="list-style-type: none"> <li>• all requirements for retaining originals have been assessed</li> </ul>	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>Various series - 16mm film masters -</i>				
		miscellaneous plans of subdivision).	and fulfilled <ul style="list-style-type: none"> <li>• electronic copies are made which are authentic, complete and accessible</li> <li>• electronic copies are kept for the authorised retention period, and</li> <li>• microfilm originals are kept for quality control purposes for an appropriate length of time after copying.</li> </ul>	

\* see *About the functional retention and disposal authority*