

State Archives and Records Authority of New South Wales

Functional Retention and Disposal Authority: FA424

This authority covers records documenting the function of
Liquor, gaming, casino & racing regulation

This 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 Archives and Records Authority of New South Wales in accordance with section 21(3) of the Act.

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Functional Retention and Disposal Authority

Authority no FA424

SR file no 21/0028

Scope This retention and disposal authority covers records documenting the function of LIQUOR, GAMING, CASINO & RACING REGULATION.

Public office The Independent Liquor and Gaming Authority, Liquor & Gaming NSW, Office of Responsible Gambling, Greyhound Welfare & Integrity Commission, Office of Racing

Approval date 23 May 2022

About the Functional Retention and Disposal Authority

Purpose of the authority

The purpose of this 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 the State Archives and Records Authority of New South Wales (State Archives and Records NSW) 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 Archives and Records NSW does not disapprove. Advice on the State Records Act can be obtained from State Archives and Records NSW.

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. State Archives and Records NSW reviews and approves organisations' retention and disposal authorities under the *State Records Act*. It is the duty of a public office, in submitting a draft retention and disposal authority for approval, to disclose to State Archives and Records NSW any information which affects the retention of the records covered by the authority.

State Archives and Records NSW's 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 Archives and Records NSW's 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 Archives and Records NSW and of public offices in undertaking appraisal processes and disposal activities.

Implementing the authority

This 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. For further advice 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 the *General Retention and Disposal Authority – Original or source records that have been copied*). 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 Archives and Records NSW 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 Archives and Records NSW regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Archives and Records NSW 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, government directives and changing social or community expectations. 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 Archives and Records NSW 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 Archives and Records NSW.

Administrative change

This 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 Archives and Records NSW for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Archives and Records NSW to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.

Amendment and review of this authority

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

State Archives and Records NSW recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Archives and Records NSW may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements, procedures or to operating environments 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 Archives Records NSW 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 Archives and Records NSW
 PO Box 516
 Kingswood NSW 2747
 Telephone: (02) 9673 1788
 E-mail: govrec@records.nsw.gov.au

Functional Retention and Disposal Authority Liquor, gaming casino & racing regulation

Authority number: FA424

Dates of coverage: Open

List of Functions and Activities covered
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1.0.0 LIQUOR, GAMING, CASINO & RACING REGULATION

The function of regulating liquor, gaming, casinos and racing. Includes:

- registered clubs and casinos
- gambling activities
- liquor including licensing of sales outlets
- racing and wagering on racing and approved sports events
- racing officials and industry participants such as bookmakers, greyhound racing breeders, trainers etc.
- the control and supervision of greyhound racing, including overseeing the welfare of greyhounds.

See General Retention and Disposal Authority *Administrative records* **COMMITTEES** for records of internal, external or inter-agency committees, task forces, working groups or parties, etc.

See General Retention and Disposal Authority *Administrative records* **GOVERNING AND CORPORATE BODIES** for records relating to meetings of governing bodies.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS** for Ministerials, reports to Government, replies to parliamentary questions and submissions etc.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Agreements** for records relating to agreements with other government agencies e.g. liquor accords with councils and the NSW Police etc.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Inquiries** for records relating to inquiries into the conduct of clubs

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Reporting** for records relating to reporting to the Minister or other Government organisations.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Joint ventures** for records relating to the establishment and monitoring of alliances with other organisations (government or non-government) regarding the core functional activities of the organisation.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Legislation** for the drafting and review of legislation and commenting on other relevant legislation.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Planning, Policy and Procedures** for records relating to the

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LIQUOR, GAMING, CASINO & RACING REGULATION - Advice

development and review of strategic plans, policies, standards, rules etc for the conduct of regulatory processes or activities and the conduct of community education programs and activities.

See General Retention and Disposal Authority *Higher & further education and research* for records relating to the management of research projects and data.

1.1.0 Advice

See **LIQUOR, GAMING, CASINO & RACING REGULATION - Education** for advice provided as part of guidelines, policies etc.

See **LIQUOR, GAMING, CASINO & RACING REGULATION - Licensing, permit & approvals management** for records relating to advice provided as part of the licensing or approval process.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Enquiries** for records relating to requests for and the handling of enquiries regarding routine information about the organisation and its services.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Advice** for records relating to the provision of advice to the portfolio Minister or other government organisations concerning substantive aspects of the organisation's policies and procedures, functions, obligations, legislation or liabilities.

See General Retention and Disposal Authority *Administrative records* **LEGAL SERVICES - Advice** for records relating to advice from the Crown Solicitor or external legal advisors relating to the interpretation of legislation.

1	Records relating to advice concerning issues that impact on public policy and the regulation of casinos, gaming, liquor and racing.	Required as State archives
2	Records relating to the provision of operational advice to clubs, members of the public, industry representatives or other organisations about specific requirements for compliance with legislation or the correct interpretation of relevant legislation, assistance with problem gambling etc.	Retain minimum of 7 years after action completed, then destroy

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LIQUOR, GAMING, CASINO & RACING REGULATION - Compliance management

1.2.0 Compliance management

The activities associated with the management of complaints and investigations, and monitoring compliance with conditions of licenses, permits etc.

See General Retention and Disposal Authority *Administrative records* **LEGAL SERVICES - Litigation** for records relating to legal proceedings between the organisation and other parties in a court or other tribunal.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Audit** for records relating to audits of the organisation by internal or external auditors.

See General Retention and Disposal Authority *Royal Commissions, Special Commissions of Inquiry, Commissions of Inquiry etc* for records relating to the management of inquiries conducted under the Casino Control Act or equivalent legislation.

3	<p>Records relating to the management of investigations that:</p> <ul style="list-style-type: none"> • set a precedent • demonstrate widespread public concern • result in changes to policy, legislation or regulatory processes • lead to amendment, suspension, surrender or cancellation of major licences (casinos, registered clubs, hotels, racing tracks, retail betting and bookmakers). <p>Includes records of initial complaint, investigation, determination etc.</p>	Required as State archives
4	<p>Records relating to the management of compliance processes which:</p> <ul style="list-style-type: none"> • find a major licence holder (casinos, registered clubs, hotels, racing tracks, bookmakers and retail betting) guilty of a breach, but which do not lead to the amendment, suspension, surrender or cancellation of the licence • lead to a licence (excluding major licences such as casinos, registered clubs, hotels, racing tracks, retail betting and bookmakers), a permit or approval being suspended or cancelled • lead to the exclusion of a person from holding a licence, permit or approval and/or prosecution 	Retain minimum of 65 years after action completed, then destroy

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LIQUOR, GAMING, CASINO & RACING REGULATION - Compliance management

	<ul style="list-style-type: none"> • lead to prosecution for fraudulent dealings. <p>Includes summary information such as disciplinary, disqualified persons and demerit points registers.</p>	
5	<p>Records relating to:</p> <ul style="list-style-type: none"> • routine monitoring of compliance conditions in the liquor, gaming, racing and betting industries • management of routine complaints and investigations, including initial complaint or incident report, management of seizures, statements, investigation reports and outcome of investigation, penalty and infringement notices etc. • stewards and veterinarians' reports and swabbing results from race days (positive and negative). 	<p>Retain minimum of 10 years after action completed, then destroy</p>
6	<p>Records relating to routine monitoring to ensure compliance where no follow up action is required, or monitoring that is summarised in reports. Includes:</p> <ul style="list-style-type: none"> • audio-visual recordings of inspections that are not required as evidence • routine operations on race days including reporting on events and outcomes. 	<p>Retain until administrative or reference use ceases, then destroy</p>

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LIQUOR, GAMING, CASINO & RACING REGULATION - Education

1.3.0 Education

The activities associated with educating industry about their regulatory obligations and best practice, and the community about services and programs.

See **LIQUOR, GAMING, CASINO & RACING - Advice** for records relating to advice provided to the community on responsible gambling.

7	<p>Records relating to the establishment and review of education campaigns and training programs. Includes:</p> <ul style="list-style-type: none"> • documents establishing the campaigns and programs • summary reports of outcomes and reviews • final versions of resource material developed to assist licensed premises and registered clubs to comply with liquor and gaming laws, including signage, posters, stickers, harm minimisation kits, etc. • final versions of resource material relating to responsible gambling. 	Required as State archives
8	<p>Records relating to the approval and monitoring of registered training organisation's (RTO) to deliver and develop programs such as responsible service of alcohol and responsible gambling. Includes approved and rejected applications.</p> <p>Includes monitoring of compliance conditions imposed on course approval and the competency of trainers delivering approved courses.</p>	Retain minimum of 7 years after expiry of conditions or approval or action completed, then destroy
9	<p>Records relating to the delivery and evaluation of education campaigns and training, including:</p> <ul style="list-style-type: none"> • industry newsletters or bulletins • outlines of courses and training • exercises • audio/visual teaching aides • lecture notes • timetables, rosters, organising venues • feedback data collection/survey forms 	Retain until no longer required for teaching or other purposes, then destroy

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LIQUOR, GAMING, CASINO & RACING REGULATION - Grants

	<ul style="list-style-type: none"> • assessment of data/feedback on course delivery • evaluation reports and recommendations. <p>Includes induction programs for trainers and providers seeking approval to deliver industry training courses such as the responsible service of alcohol and conduct of gambling courses.</p>	
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1.4.0 Grants

The activities associated with administering grants and funding for projects, counselling, education, research, animal welfare etc.

10	Summary record of grant applications that identify the nature of the application and reasons for acceptance or rejection.	Required as State archives
11	<p>Records relating to the administration of grants and funding for training, scholarships and other minor projects, e.g. grants for liquor accords, rebates for veterinary bills.</p> <p>Records include applications and correspondence, recommendations or notifications, agreements, complaints and their response, monitoring reports and their assessment, project reports etc.</p> <p>Includes approved and refused funding.</p>	Retain minimum of 7 years after fulfilment of terms (where applicable) for approved funding, or 7 years after action completed, then destroy

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LIQUOR, GAMING, CASINO & RACING REGULATION - Licensing, permit & approvals management

1.5.0 Licensing, permit & approvals management

The activities involved in receiving and assessing applications for licences, permits and other approvals related to the regulation of the liquor, gaming, casino and racing industries.

See **LIQUOR, GAMING, CASINO AND RACING REGULATION - Compliance** for records relating to monitoring of compliance with conditions of approval.

See General Retention and Disposal Authority *Royal Commissions, Special Commissions of Inquiry, Commissions of Inquiry etc* for records relating to the management of inquiries conducted under the Casino Control Act or equivalent legislation.

12	<p>Summary records of:</p> <ul style="list-style-type: none"> • casino licences • all premises issued with a liquor licence, including name of premises, past and present licensees and owners, type of applications applied for and results of applications • totalizator licences • licensed racing venues, including name, location, date of registration, operators details • gaming technology machines approved, including name of game, manufacturer, specification number, date approval granted; location; equipment description, and version number • racing animals. 	Required as State archives
13	<p>Records relating to the approval and review of licences for:</p> <ul style="list-style-type: none"> • casinos, registered clubs and hotels (including casino applicants and their associates) • gaming machines • off-course retail betting (totalizators) and bookmakers • wineries, micro-breweries and small distilleries • public entertainment venues such as theatres and nightclubs 	Required as State archives

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LIQUOR, GAMING, CASINO & RACING REGULATION - Licensing, permit & approvals management

	<ul style="list-style-type: none"> • licensed racing venues including racecourses and trial tracks. <p>Includes liquor licence freezes applied to areas such as Kings Cross and the Sydney CBD.</p> <p>Includes applications and supporting documents, such as impact assessments, and unsuccessful applications.</p>	
14	<p>Records relating to the approval and review of the following licences, registrations, permits or approvals:</p> <ul style="list-style-type: none"> • on-premise liquor licences for bottle shops, restaurants, cafes, small bars, surf clubs, karaoke, online alcohol delivery and catering companies, etc. • limited liquor licences (single and multi-function, trade fairs, special events, pop up bars etc) • liquor licensing variations (trading hours, seating, leave of absence of licensee, reside away from licensed premise) etc. • liquor accords • banning and exclusion orders for licensed premises • individual authorisations to keep and operate gaming machines • gaming related licences – e.g. gaming machine dealers, sellers, technicians, and testing facilities • safety management plans • bookmaker's clerks • inspectors and stewards • casino special employees • greyhounds and greyhound industry participants • registered club secretary or club manager • competency cards for responsible service of alcohol, responsible conduct of gambling and privacy training 	<p>Retain minimum of 10 years after surrender, expiry, or action completed, then destroy</p>

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LIQUOR, GAMING, CASINO & RACING REGULATION - Licensing, permit & approvals management

	<ul style="list-style-type: none">• music festivals. <p>Includes applications and supporting documentation, assessments, reports, recommendations, etc.</p> <p>Includes approved, refused and withdrawn applications.</p> <p>Includes general correspondence of a routine nature with bookmakers, clubs etc.</p>	
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