

State Records Authority NSW

Functional Retention and Disposal Authority: FA447

This authority covers records documenting the function of architectural profession 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 Records NSW in accordance with section 21(3) of the Act.

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Authority no FA447

SR file no 2024/32

Scope This retention and disposal authority covers records documenting the function of architectural profession regulation.

Public office

- NSW Architects Registration Board

Approval date 08 October 2024

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 Records Authority NSW (State 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 Records NSW does not disapprove. Advice on the State Records Act can be obtained from State 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 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 Records NSW any information which affects the retention of the records covered by the authority.

State 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 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 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 Museums of History 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 Museums of History NSW regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to Museums of History NSW should be a routine and systematic part of a public office's records management program.

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

State 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 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 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 Records NSW
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Kingswood NSW 2747
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Functional Retention and Disposal Authority NSW Architects Registration Board

Authority number: FA447

Dates of coverage: Open

No.	Description of records	Disposal action
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1.0.0 ARCHITECTURAL PROFESSIONAL REGULATION

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Policy** for records relating to the development of policies on the registration and education of architects.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Procedures** for records relating to the development of procedures for the registration and education of architects.

See General Retention and Disposal Authority *HIGHER AND FURTHER EDUCATION* **STUDENT ADMINISTRATION - Scholarships, Prizes, Fellowships and Awards** for records relating to the awarding of scholarships, grants and prizes to architects and students.

See General Retention and Disposal Authority *HIGHER AND FURTHER EDUCATION* **RESEARCH - Research management** for records relating to research programs.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Donations, sponsorships and fundraising** for records relating to requests for sponsorships received by the organisation.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Addresses** for records relating to addresses delivered at seminars, forums and conferences.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Celebrations, ceremonies, functions** for records relating to seminars and functions.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Legislation** for records relating to the passage of legislation through Parliament.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Legislation** Records relating to the development, implementation and review of legislation and regulations concerning the registration and regulation of architects.

See General Retention and Disposal Authority *Administrative records* **FINANCIAL MANAGEMENT - Accounting** for records relating to the receipt and management of fees, fines and other monies.

1.1.0 Advice and information

Advice and information

The activities associated with the offering of opinions to or by the organisation relating to:

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ARCHITECTURAL PROFESSIONAL REGULATION - Advice and information

- the approval of courses leading to recognised academic qualifications or professional development activities.
- the regulation of the practice of architecture in New South Wales.
- consumer protection.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Enquiries** for records relating to routine enquiries from handling of enquiries from architects, the public and other organisations

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Advice** for records relating to advice provided to the Minister and other government organisations.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Representations** for records relating to preparing responses to questions raised by Members of Parliament

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Submissions** for records relating to submissions to Cabinet or the Minister or other government organisation

See General Retention and Disposal Authority *Administrative records* **LEGAL SERVICES - Advice** for records relating to legal advice from internal or external sources.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Legislation** for records relating to the development, implementation and review of legislation and regulations concerning the operations and functional responsibilities of the organisation

1.1.1	<p>Records relating to guidelines and circulars concerning the regulation and registration of architects.</p> <p>Records include background research, significant drafts and final versions.</p>	<p>Retain minimum of 99 years after action completed, then destroy</p>
1.1.2	<p>Records relating to the development and review of all other publications including guidelines, circulars, information sheets, standards of professional conduct and competence, and newsletters.</p> <p>Records include background research, significant drafts and final versions.</p>	<p>Retain until superseded, then destroy</p>
1.1.3	<p>Records relating to the provision of advice regarding:</p> <ul style="list-style-type: none"> • the regulation of the practice of architecture • accredited architectural qualifications 	<p>Retain minimum of 10 years after action completed, then destroy</p>

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ARCHITECTURAL PROFESSIONAL REGULATION - Architect registration

	<ul style="list-style-type: none"> • professional development of architects and related activities. <p>Note: see entry 1.2.3 for advice provided to individual architects.</p>	
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1.2.0 Architect registration

The processes associated with the registration of architects to practise in New South Wales. Includes the examination or assessment of candidates required for registration as an architect, listing architect corporations and firms practising in New South Wales, and for the nomination of responsible architects for a corporation or firm based in New South Wales.

See General Retention and Disposal Authority *Administrative records* **LEGAL SERVICES - Litigation** for records relating to the handling of appeals against disciplinary decisions and complaints lodged by architects and complainants, and investigations of architects that lead to litigation.

See General Retention and Disposal Authority *Administrative records* **FINANCIAL MANAGEMENT - Accounting** for records relating to routine financial transactions such as renewal of registrations.

See General Retention and Disposal Authority *Administrative records* **INFORMATION MANAGEMENT - Control** for registers of candidates for examinations or assessments.

1.2.1	<p>The register of architects registered to practise in New South Wales. Includes:</p> <ul style="list-style-type: none"> • personal details • status history (practising or non-practising) • whether architect is or has been a nominated architect • registration type (e.g. temporary for overseas architects) • date on which registration comes into force and expires. 	Required as State archives
1.2.2	<p>Records relating to the nomination of responsible architects for a corporation or firm. Records include nominations, applications for change of details and supporting documentation.</p> <p>Note: see entry 1.2.1 for summary records of nominated architects.</p>	Retain minimum of 99 years after nomination, then destroy

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ARCHITECTURAL PROFESSIONAL REGULATION - Architect registration

1.2.3	<p>Records relating to successful applications from candidates seeking entry to an assessment pathway for registration or for registration as an architect. Records include:</p> <ul style="list-style-type: none"> • application and supporting documentation from candidates or previously registered architects to determine eligibility • assessment and recommendations • conditions imposed on registration • notification of outcomes • changes to architect's particulars and status (e.g. practising or non-practising architect) • monitoring of compliance and audits of continuing professional development (CPD) activities submitted at registration renewal. • monitoring of compliance with professional indemnity insurance. • advice provided to individual candidates or architects. 	Retain minimum of 99 years after date of birth, then destroy
1.2.4	<p>Records relating to unsuccessful applications from candidates seeking entry to an assessment pathway for registration. Records include:</p> <ul style="list-style-type: none"> • application and supporting documentation from candidates • assessment and recommendations • notification of outcomes. 	Retain until no longer required for appeals, legal action, reference purposes or business needs, then destroy
1.2.5	<p>Records relating to the conduct of examinations and assessments. Includes:</p> <ul style="list-style-type: none"> • examination timetables, procedures, guidance and examination papers • the appointment and management of convenors, assessors, examiners, reviewers or observers. <p>Note: includes records received from external organisations such as the Architects Accreditation Council of Australia (AACA)</p>	Retain until no longer required for appeal purposes or to investigate complaints, then destroy

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ARCHITECTURAL PROFESSIONAL REGULATION - Architect registration

1.2.6	Registers and lists of architect corporations and firms. Lists and registers contain the names, contact details and nominated architect/s of firms.	Retain minimum of 99 years after the architect's nomination, then destroy
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1.3.0 Consumer protection

The activities relating to the investigation of complaints and the taking of disciplinary action against architects for breaches of legislation and regulations. Includes the monitoring of advertising for illegal use of title, and monitoring of continuing professional development (CPD) activities and compliance with professional indemnity insurance.

See General Retention and Disposal Authority *Administrative records* **LEGAL SERVICES - Litigation** for records relating to investigations that result in litigation

1.3.1	Register of Disciplinary Action against architects. Includes personal details, name of architect, registration number, date of determination, description of case and outcome.	Required as State archives
1.3.2	Records relating to the receipt and investigation of complaints against architects for which the organisation has jurisdiction. Includes: <ul style="list-style-type: none"> • complaints and supporting documentation, including drawings and plans • minutes of hearings and notices of determination • notifications to complainant and architect and local registration authorities of neighbouring jurisdictions • orders, cautions or conditions imposed on architect. 	Retain minimum of 99 years after date of birth, then destroy
1.3.3	Records relating to the monitoring of advertising and investigation of inquiries or complaints against individuals and business entities concerning the illegal use of the title 'architect'.	Retain minimum of 12 years or until no longer required to investigate complaint, whichever is longer, then destroy
1.3.4	Records relating to the receipt and investigation of complaints which relate to matters over which the organisation has no jurisdiction and are referred to another organisation for investigation.	Retain minimum of 1 year after action completed, then destroy

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ARCHITECTURAL PROFESSIONAL REGULATION - Course Approval & Professional Development

1.4.0 Course Approval & Professional Development

The activities associated with the approval of academic courses and professional development activities. Also includes the listing of continuing professional development activities and courses on the organisation's website and the development of formal professional development activities and courses by the organisation.

1.4.1	<p>Summary records of architectural courses approved by the agency for the purposes of registration.</p> <p>Includes the name of the institution delivering the course, applicable course name and number/code, and the date of commencement and duration of the accreditation period.</p>	Retain minimum of 99 years after accreditation commences, then destroy
1.4.2	<p>Records relating to the accreditation of architectural courses. Includes:</p> <ul style="list-style-type: none">• correspondence and reports from educational institutions, professional associations and committees, and appointed assessment panels• procedures, guidance and standards used to accredit courses.	Retain minimum of 20 years after accreditation lapses or expires or until no longer required to investigate complaints, whichever is longer, then destroy
1.4.3	<p>Records relating to the development of formal continuing professional development activities for architects by the organisation. Records include background research, significant drafts and final versions, and records relating to Learning Groups established for the purpose of supporting peer-to-peer education of architects.</p>	Retain minimum of 5 years after activity superseded, withdrawn or discontinued, then destroy