

State Records Authority of New South Wales

**Functional Retention and Disposal
Authority: DA146**

Approved: 23 April 2003

Legal Practitioners Admission Board

This authority covers records documenting the
function of *legal profession regulation*

Functional Retention and Disposal Authority

DA no DA146

SR file no 02/0520

Public office Legal Practitioners Admission Board

Scope This functional retention and disposal authority covers records documenting the function of *legal profession regulation*.

Authority This functional retention and disposal authority is issued under section 21(2)(c) of the *State Records Act 1998*. It has been approved by the Board of the State Records Authority in accordance with section 21(3) of the State Records Act.

Authorised

David Roberts
Director
State Records Authority of New South Wales

23/4/2003
Date

How to use the Functional Retention and Disposal Authority

The disposal process

Disposing of State records involves assessing the value of records for future use, identifying those State records that have continuing value as State archives and identifying how soon the remainder can be destroyed or otherwise disposed of. Disposal can also involve transfer of ownership or custody of records and the alteration of records.

This functional retention and disposal authority is issued 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.

This authority has been prepared as part of the records disposal program of the agency. Two primary objectives of this program are to ensure that records are kept for as long as they are of value and to enable the destruction or other disposal of records once they are no longer of value. 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. 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.

Purpose of the authority

This functional retention and disposal authority authorises the destruction or other disposal of State records as required by the State Records Act.

Using 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 is to be used to sentence records. Sentencing is the examination of records in order to identify the disposal class to which they belong. This process enables the sentencing officer to determine the appropriate 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 classes from being used to sentence records which perform the same function. The information 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 Disposal Authority – Records of short term value that have been imaged*). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technologically dependent records is available for the periods prescribed.

Disposal action

Records that are identified as being required as State archives should be stored in controlled environmental conditions. Control of these records should be transferred to State Records when they cease to be in use for official purposes.

Records that have been identified as being authorised for destruction may only be destroyed once a public office has ensured that all requirements for retaining the records are met. Retention periods set down in this authority are *minimum* periods only and a public office may 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.

In some cases State Records may withhold authorisation for the disposal of a particular disposal class or possibly a whole function or activity. This would be used where records have been identified as having some immediate short term requirements for retention such as pending legal action. These records will need to be re-appraised at the end of a designated period. This re-appraisal process is necessary as the circumstances which instigate the need for the records to be retained for a longer period may also affect the 'value' of the records.

Regardless of whether a record has been authorised 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 authorisation of State Records.

Custody

The custody column in the functional retention and disposal authority is designed to assist public offices in identifying storage requirements for records prior to destruction or transfer. The directions in this column are recommendations only and are *not* mandatory. The type of information includes directions on how long records should be retained in the office and how long they should be kept in off-site/ secondary storage. A recommendation to retain records in the agency for more than 25 years does not imply that a *still in use determination* has been approved by State Records (see Part 4, Section 28 of the State Records Act 1998).

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 State Records should be notified. The public office that inherits the new function will need the approval of State Records to use any existing functional retention and disposal authority to sentence the records that document the function/s.

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 will be made and authorised.

Contact Information

State Records
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**Functional Retention and Disposal Authority
Legal Practitioners Admission Board**

DA no: DA146

Dates of coverage: 1876+

No	Function/Activity	Description	Disposal Action	Custody*
1.0.0	ACCREDITATION	The activities involved in the accreditation of law degree courses and courses of practical legal training. Includes the approval of law school curriculum and of degrees conferred by law schools.		
1.1.0	Applications	The activity of dealing with applications for and queries relating to the accreditation of courses and degrees.		
1.1.1		Records relating to successful and unsuccessful applications for accreditation of new and revised courses and degrees. Includes notifications of proposed or actual changes to curriculum and notifications by the Board of the withdrawal of accreditation or other accreditation-related decisions.	Retain for minimum of 10 years after last action, then destroy	
1.1.2		Records relating to the routine provision of advice or information, and minor administrative matters.	Retain for minimum of 2 years after last action, then destroy	
2.0.0	BOARD MANAGEMENT	The function of managing meetings and membership of the Legal Practitioners Admission Board, its committees and sub-committees. Also includes maintenance of the minutes of the former Barristers Admission Board, the former Solicitors Admission Board, and the committees of these Boards.		
2.1.0	Board Meetings	The activity of organising and conducting meetings of the Legal Practitioners Admission Board, the former Barristers Admission Board and the former Solicitors Admission Board.		

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No	Function/Activity	Description	Disposal Action	Custody*
2.1.1		Master set of minutes, agenda and papers tabled at meetings of the Legal Practitioners Admission Board, the former Barristers Admission Board and the former Solicitors Admission Board.	Required as State archives	
2.1.2		Other copies of minutes, agenda and tabled papers.	Retain until administrative use ceases, then destroy.	
2.1.3		Records relating to the routine administration of Board meetings. Includes meeting notices, drafting of minutes and agenda etc.	Retain for minimum of 2 years after last action, then destroy	

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No	Function/Activity	Description	Disposal Action	Custody*
2.2.0	Board Committee and Sub-committee Meetings	The activity of organising and conducting meetings of committees and sub-committees of the Legal Practitioners Admission Board, the former Barristers Admission Board and the former Solicitors Admission Board.		
2.2.1		Master set of minutes, agenda and papers tabled at meetings of the Committee or Sub-committee.	Required as State archives.	
2.2.2		Other copies of minutes, agenda and tabled papers.	Retain until administrative use ceases, then destroy.	
2.2.3		Records relating to the routine administration of meetings. Includes meeting notices, drafting of minutes and agenda etc.	Retain for minimum of 2 years after last action, then destroy	
2.3.0	Board Membership	The activity of managing appointments to the Board and participation of members in Board meetings.		
2.3.1		Records relating to the appointment and separation of Board members.	Required as State archives.	
2.3.2		Other records relating to membership matters. Includes queries, notifications, meeting arrangements, travel arrangements etc	Retain for minimum of 2 years after last action, then destroy	

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No	Function/Activity	Description	Disposal Action	Custody*
3.0.0	ADMISSION	The function of approving persons for admission as a legal practitioner, enrolling legal practitioners in accordance with the provisions of the Mutual Recognition 1992, and maintaining a roll of legal practitioners.		
3.1.0	Applications for Admission	The activity of receiving and dealing with individual applications for admission as a legal practitioner. Includes handling of applications for exemption from academic or practical training requirements, and referral of matters for decision to the Supreme Court.		
3.1.1		Successful applications.	Retain for minimum of 70 years from date of admission, then destroy.	
3.1.2		Unsuccessful applications where a precedent is set or there is a change of policy.	Retain for minimum of 30 years from date of admission, then destroy.	
3.1.3		Unsuccessful applications where the candidate meets the academic and practical training criteria but is not admitted by the Board.	Retain for minimum of 30 years from date of application, then destroy.	
3.1.4		Unsuccessful applications where the candidate does not meet the academic or practical training criteria.	Retain for minimum of 1 year from date of application, then destroy.	

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No	Function/Activity	Description	Disposal Action	Custody*
3.1.5		Original documentation provided to Board by applicants.	Return to applicant where required under established rules and procedures.	
3.1.6		Records relating to the issue to applicants of Certificates of Admission. Includes routine arrangements for the printing and distribution of certificates.	Retain for minimum of 6 years after last action, then destroy.	
3.1.7		Records relating to the certification of current admission as a legal practitioner. Includes issue of Certificates of Current Admission.	Retain for minimum of 6 years after last action, then destroy.	
3.1.8		Register of issue of Certificates of Current Admission.	Retain for minimum of 20 years after last entry, then destroy.	

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No	Function/Activity	Description	Disposal Action	Custody*
3.2.0	Exemptions	<p>The activity of assessing and processing applications for exemptions from academic or practical training requirements for admission.</p> <p>Use 3.1.0 where the application is made by a person not registered as a student-at-law, and where the exemption(s) is/are granted.</p> <p>Use 4.1.0 where the application is made by a registered student-at-law.</p>		
3.2.1		Records related to unsuccessful applications made by persons not registered as students-at-law.	Retain for minimum of 3 years after last action, then destroy.	
3.3.0	Mutual Recognition	The activity of enrolling legal practitioners in accordance with the provisions of the Mutual Recognition Act 1992.		
3.3.1		Copies of admission applications made to the Supreme Court and lodged with the Board.	Retain until notice of admission has been received from Supreme Court, then destroy.	
3.3.2		Record of notification from Supreme Court confirming admission of legal practitioner.	Retain for minimum of 3 years after last action, then destroy.	

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No	Function/Activity	Description	Disposal Action	Custody*
3.4.0	Maintenance of Admission Rolls	The activity of maintaining a roll of NSW legal practitioners.		
3.4.1		Rolls of Admission of solicitors, barristers, attorneys and legal practitioners.	Required as State archives.	Retain in office until administrative use ceases.
3.4.2		Indexes to Rolls of Admission.	Required as State archives.	Retain in office until administrative use ceases.
3.5.0	Procedures	Standard methods of operating laid down by an organisation according to formulated policy.		
3.5.1		Master set of rules for admission of legal practitioners, as approved by the Board.	Required as State archives.	Retain in office until administrative use ceases.
3.5.2		Records relating to the development and drafting of rules of admission.	Retain for minimum of 3 years after last action, then destroy.	
3.5.3		Copies of rules.	Destroy when ceases to be of administrative use.	

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No	Function/Activity	Description	Disposal Action	Custody*
4.0.0	STUDENT REGISTRATION, ENROLMENT AND EXAMINATION	The function of registering and enrolling students-at law, maintaining student-at-law case files, administering student-at-law examinations, organising Diploma in Law graduations, and the awarding of prizes.		
4.1.0	Student Registration and Enrolment	The activity of registering and enrolling students-at-law as candidates for the Board's Diploma of Law. Includes maintenance of student-at-law case files. Also includes dealing with applications for exemption from academic or practical training requirements, disciplinary proceedings, appeals against decisions etc.		
4.1.1		Applications for registration where student has not subsequently enrolled in a course of study.	Retain for minimum of 10 years after last action, then destroy.	
4.1.2		Unsuccessful applications for registration, including applications for exemption from training requirements.	Retain for minimum of 2 years after last action, then destroy.	
4.1.3		Records relating to requests for, and copies of, transcripts of academic record.	Retain for minimum of 1 year after last action, then destroy.	

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No	Function/Activity	Description	Disposal Action	Custody*
4.1.4		Original documentation provided to the Board by applicants, and requested to be returned.	Return to applicant where required under established rules and procedures.	
4.1.5		Registers of students-at-law, 1948-1989	Retain until no longer required for administrative purposes, then destroy.	
4.1.6		Registers of students-at-law, 1989-	Retain until no longer required for administrative purposes, then destroy.	
4.1.7		Records relating to the enrolment of individual students in Diploma in Law subjects. Includes Enrolment Cards.	Retain for minimum of 6 years after last action, then destroy.	
4.1.8		Case files of students-at-law that set a precedent or are of significant public interest. Cases include those involving investigations by the NSW Ombudsman or changes to Board rules and procedures.	Required as State archives.	Retain in office until administrative use ceases.

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No	Function/Activity	Description	Disposal Action	Custody*
4.1.9		Case files of students-at-law admitted as a barrister, solicitor or legal practitioner.	Retain for minimum of 70 years from date of admission, then destroy.	
4.1.10		Inactive case files, where there is no progress towards either registration as a student-at-law or admittance as a legal practitioner.	Retain for minimum of 15 years after last action, then destroy.	
4.2.0	Enquiries	The activity of providing information to students-at-law and others about Board requirements and procedures, courses etc.		
4.2.1		Records relating to the receipt of and response to written enquiries where a particular, tailored response is developed.	Retain for minimum of 5 years after last action, then destroy.	
4.2.2		Records relating to enquiries where a standard, routine reply is provided.	Retain for minimum of 1 year after last action, then destroy.	

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No	Function/Activity	Description	Disposal Action	Custody*
4.3.0	Examinations	<p>The activity of providing for and conducting student-at-law examinations.</p> <p>Use 4.1.0 for records relating to reports and decisions concerning examinations-related disciplinary matters.</p>		
4.3.1		Final, published versions of examination papers.	Required as State archives.	
4.3.2		Records relating to the development and drafting of examination papers.	Retain for minimum of 1 year after last action, then destroy.	
4.3.3		Records relating to the appointment of examiners, revising examiners and exam supervisors. Includes Register of Form Letters Appointing Examiners and Exam Supervisors.	Retain for minimum of 6 years after last action, then destroy.	
4.3.4		Records relating to the administration of examinations. Includes room bookings, security and supervision arrangements, notifications of exam times and locations, printing and distribution of examination scripts, etc.	Retain for minimum of 3 years after last action, then destroy.	
4.3.5		Examination timetables.	Retain for minimum of 1 year after last action, then destroy.	

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No	Function/Activity	Description	Disposal Action	Custody*
4.3.6		Examination scripts, submitted by students-a-law at examination, not required to be returned to the student.	Retain for minimum of 2 months after publication of exam results, then destroy.	
4.3.7		Records relating to requests for the return of examination scripts.	Retain for minimum of 1 year after last action, then destroy.	
4.3.8		Student-at-law academic transcripts/examination results.	Required as State archives.	
4.3.9		Data entry forms, including amendments, used for recording of examination results.	Retain for minimum of 3 years after last action, then destroy.	
4.4.0	Graduations	The activity of organising graduation ceremonies, including the awarding of the Diploma in Law. Also includes provision for and presentation of prizes.		
4.4.1		Records relating to the establishment of prizes and development of related policies, objectives and conditions.	Required as State archives.	
4.4.2		Records relating to the registration or listing of prize winners.	Required as State archives.	

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4.4.3		Records relating to the administration of prize giving. Includes correspondence with recipients and donors.	Retain for minimum of 10 years after last action, then destroy.	
4.4.4		Records relating to the organisation and administration of admission/graduation ceremonies. Includes invitations and acceptances, booking and hiring of facilities, catering, printing and distribution of diplomas, programs and invitations, etc.	Retain for minimum of 2 years after last action, then destroy.	
5.0.0	APPOINTMENT OF PUBLIC NOTARIES	The function of approving candidates for appointment by the Supreme Court of NSW as a public notary. Includes the assessment of applications and the registration of appointments.		
5.1.0	Public Notary Roll	The activity of registering appointments as a public notary on the Public Notary Roll.		
5.1.1		Public Notary Roll.	Required as State archives.	
5.1.2		Records relating to documentation of variations made to the Roll.	Retain until variation is superseded, then destroy.	

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No	Function/Activity	Description	Disposal Action	Custody*
5.2.0	Applications for appointment	The activity of receiving and assessing applications for appointment as a public notary.		
5.2.1		Records, including application forms, relating to successful applications for appointment.	Retain for minimum of 70 years from date of appointment, then destroy.	
5.2.2		Records relating to unsuccessful applications where a precedent is set or there is a change to policy.	Retain for minimum of 30 years after last action, then destroy.	
5.2.3		Unsuccessful applications where the candidate does not meet the criteria.	Retain for minimum of 1 year from date of application, then destroy.	
5.2.4		Original documentation provided to Board by applicants.	Return to applicant where required under established rules and procedures.	
5.2.5		Records relating to the printing, distribution and issue of Certificates of Appointment (Public Notary).	Retain for minimum of 6 years after last action, then destroy.	

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No	Function/Activity	Description	Disposal Action	Custody*
5.2.6		Records relating to the issue of copies of certificates of current appointment.	Retain for minimum of 6 years after last action, then destroy.	
5.2.7		Register of issue of certificates of current appointment.	Retain for minimum of 20 years after last action, then destroy.	