



# **General Retention and Disposal Authority – Animal cruelty inspectorate records**

**GDA 25**

General Disposal  
Authority

**Authorised: 21 August 2006**

**25**

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**GENERAL RETENTION AND DISPOSAL AUTHORITY – ANIMAL CRUELTY INSPECTORATE RECORDS**

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## General Retention and Disposal Authority

GDA no **GDA 25**

### Public office

Animal cruelty inspectorates in charitable organisations operating under the *Prevention of Cruelty to Animals Act 1979*.

### Scope

This general retention and disposal authority covers records of animal cruelty inspectorates in charitable organisations operating under the *Prevention of Cruelty to Animals Act 1979*.

### Authority

This general retention and disposal authority is issued under section 21(2)(c) of the State Records Act. 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

21/08/06

Date



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# Part 1: General Retention and Disposal Authority – Animal Cruelty Inspectorate Records

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## 1.1 List of functions and activities covered

Function	Activity	Reference
<b>LAW ENFORCEMENT</b>	<b>AUTHORITY</b>	<b>1.1.0</b>
	<b>COMPLAINTS</b>	<b>1.2.0</b>
	<b>SEIZURES</b>	<b>1.3.0</b>
	<b>INFRINGEMENTS</b>	<b>1.4.0</b>
	<b>INSPECTIONS</b>	<b>1.5.0</b>
	<b>INVESTIGATIONS</b>	<b>1.6.0</b>
	<b>STANDARD OPERATING PROCEDURES</b>	<b>1.7.0</b>
	<b>PROSECUTIONS</b>	<b>1.8.0</b>
	<b>REPORTING</b>	<b>1.9.0</b>

## 1.2 Records authorised for disposal

The following table contains the authorised minimum retention periods and disposal actions applying to the classes of records created and maintained by animal cruelty inspectorates in charitable organisations operating under the *Prevention of Cruelty to Animals Act 1979*.

No	Function/ Activity	Description	Disposal Action
<b>1.0.0</b>	<b>LAW ENFORCEMENT</b>	The function of law enforcement under the Prevention of Cruelty to Animals Act 1979 and for the purposes of: <ul style="list-style-type: none"> <li>▪ preventing animal cruelty and</li> <li>▪ prosecuting persons found to have wilfully engaged in an act of cruelty upon an animal or neglected to provide proper care to an animal.</li> </ul>	
<b>1.1.0</b>	<b>Authority</b>	Activities associated with providing that officers have the requisite prescribed authority to exercise powers under the Prevention of Cruelty to Animals Act.	

No	Function/ Activity	Description	Disposal Action
1.1.1		Records providing evidence that the officers have the requisite prescribed authority to exercise powers under the Act.	Retain minimum of 10 years after officer ceases to have prescribed authority, then destroy
1.2.0	<b>Complaints</b>	The activities associated with receiving and managing complaints from members of the public or other sources.  See INVESTIGATIONS for records of the investigations	
1.2.1		Records relating to complaints and the management of complaints.	Retain minimum of 10 years after last action, then destroy.
1.3.0	<b>Seizures</b>	The activities associated with taking possession of and/or removing animals from premises or owners under the Prevention of Cruelty to Animals Act.  For records relating to seizures in cases that are taken to court see PROSECUTIONS.	
1.3.1		Records relating to the removal of animals from properties or owners following inspection. Includes records relating to putting down severely injured animals that are seized, or records relating to the seizure of exhibits.  For example: seizure notice books.	Retain minimum of 10 years after case completed, then destroy.
1.4.0	<b>Infringements</b>	The activities associated with the issue of penalty notices for breaches of rules or regulations and for issuing fines.	
1.4.1		Records relating to issue of infringement notices.	Retain minimum of 10 years after last action, then destroy.
1.4.2		Records relating to fines and restrictions imposed on offenders for breaches of Acts and regulations, which the organisation enforces.	Retain minimum of 10 years after case completed, then destroy.

No	Function/ Activity	Description	Disposal Action
1.5.0	<b>Inspections</b>	The activities associated with undertaking regular inspections of saleyards, pet shops, abattoirs, livestock export operations, animal boarding and breeding establishments, intensive farming operations and places where animals are kept and used for public entertainment and other premises as required under the Prevention of Cruelty to Animals Act and regulations.	
1.5.1		Records relating to inspections carried out by inspectors, including advice provided to animal or premises owners as a result of inspections.	Retain for a minimum of 10 years after last action, then destroy
1.6.0	<b>Investigations</b>	The activities associated with undertaking an investigation in response to a complaint or incident involving animal cruelty or neglect of animals.  See also PROSECUTIONS for any cases that proceed to litigation or prosecution of offences.	
1.6.1		Records relating to individual investigation cases which do not lead to prosecution. Records may include: note books, investigation reports, recommendations and outcomes, complaint and witness reports, and advice to owners and records of follow up visits.	Retain minimum of 10 years after case completed, then destroy.
1.7.0	<b>Standard operating procedures</b>	The activities associated with the formulation of standard operating procedures and other rules in relation to inspection and law enforcement activities.	
1.7.1		Records relating to the formulation of standard operating procedures and other rules for law enforcement activities. Includes master copy of final approved versions.	Retain minimum of 10 years after procedure or other rule is superseded, then destroy.
1.7.2		Records relating to researching and drafting guidelines, rules and procedures for law enforcement activities.	Retain until reference ceases, then destroy.



No	Function/ Activity	Description	Disposal Action
<b>1.8.0</b>	<b>Prosecutions</b>	Activities involving litigation and prosecution of offences under the Prevention of Cruelty to Animals Act.	
<b>1.8.1</b>		Records relating to the prosecution of cases and appeals, including case files, prosecution briefs, investigation records and briefs.	Retain minimum of 10 years after case completed or expiry of statute of limitations, whichever is longer, then destroy.
<b>1.9.0</b>	<b>Reporting</b>	The processes associated with initiating or providing responses to the NSW government in relation to the law enforcement function.	
<b>1.9.1</b>		Reports required by the NSW government in relation to the law enforcement function.	Retain until reference ceases, then destroy.

# Part 2: Understanding and using the authority

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## 2.1 Overview

### Purpose

The purpose of issuing the *General Retention and Disposal Authority – Animal cruelty inspectorate records* is to identify which records relating to animal cruelty inspectorates in charitable organisations operating under the *Prevention of Cruelty to Animals Act 1979* are required as State archives and to permit the destruction of certain other records after minimum retention periods have been met and they are no longer required.

### Previous disposal authorisations superseded

This disposal authority does not supersede any previous disposal authorisation.

### What records does this authority cover?

This Authority authorises the disposal of records relating to:

- ensuring that the inspectorate officers have the requisite prescribed authority to exercise powers under the Prevention of Cruelty to Animals Act
- complaints and the management of complaints
- the removal of animals from properties or owners following inspection. Includes records relating to putting down severely injured animals that are seized, or records relating to the seizure of exhibits
- the issue of infringement notices
- fines and restrictions imposed on offenders for breaches of Acts and regulations, which the organisation enforces
- inspections carried out by inspectors, including advice provided to animal or premises owners as a result of inspections
- individual investigation cases which do not lead to prosecution
- the formulation of standard operating procedures and other rules for law enforcement activities
- researching and drafting guidelines, rules and procedures for law enforcement activities
- the prosecution of cases and appeals, including case files, prosecution briefs, investigation records and briefs, and
- reports required by the NSW government in relation to the law enforcement function.

### Date range of records covered

The date range for this general retention and disposal authority is open.

### What records are not covered

This Authority only authorises the disposal of records of animal cruelty inspectorates in charitable organisations operating under the *Prevention of Cruelty to Animals Act 1979*, and should not be used for the disposal of records of any other public offices.

### How long is this authority in force?

This authority will remain in force until it is superseded by a new authority or it is withdrawn from use by State Records.

## 2.2 Guidelines for implementation

### Introduction

Comprehensive information about implementation of disposal authorities is found in State Records' guideline on implementing a disposal authority, guideline on destruction of records and procedures for transferring records as State archives.

### Minimum retention periods

The authority specifies minimum retention periods for all records not required as State archives. Public offices must not destroy or otherwise dispose of records before the minimum retention period has expired. Public offices may retain records for longer periods of time, subject to organisational need, without further reference to State Records. Reasons for longer retention can include legal requirements, administrative need, on-going research use or government directives.

### Retention of electronic records

Electronic records must be protected and readily accessible for the specified minimum retention period. See *Future Proof: Ensuring the accessibility of equipment/technology dependent records* for information relating to managing the accessibility of electronic and other technology dependent records.

### Destroying records

When the authorised minimum retention period has been reached, appropriate arrangements for the destruction of records may be undertaken without further reference to State Records, unless otherwise advised. Persons using the Authority should apply it with caution, bearing in mind that the authorisations for disposal are given in terms of the State Records Act only. It is the responsibility of the public office to ensure that all legal and other organisational requirements for retention of records have been met before disposing of any of its records. A public office must not destroy any records where the public office is aware of possible legal action, investigation or inquiry where the records may be required as evidence.

### Managing 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 identified as being required as State archives can be transferred to State Records' custody and control when they are no longer required for ongoing business use or they can be managed by the organisation under a distributed management agreement. Organisations are encouraged to make arrangements with State Records for the management of State archives.

For information and advice concerning entering into a distributed management agreement with State Records contact the Senior Project Officer, Distributed Management via email [distributed@records.nsw.gov.au](mailto:distributed@records.nsw.gov.au) or phone (02) 8805 5377. To obtain assistance about preparing and arranging for the transfer of records as State archives contact us via email [transfer@records.nsw.gov.au](mailto:transfer@records.nsw.gov.au) or phone (02) 9673 1788

### Transfer of ownership must be authorised

Regardless of whether a record has been authorised for destruction or is required as a State archive, a public office must not transfer ownership of a State record to any person or organisation without the explicit authorisation of State Records.

### Providing feedback

To suggest amendments or alterations to this authority please contact us via email [disposal@records.nsw.gov.au](mailto:disposal@records.nsw.gov.au) or phone (02) 8247 8627.

### Further assistance

To obtain assistance in the interpretation or implementation of this authority, or any of our general retention and disposal authorities, contact us via email

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[disposal@records.nsw.gov.au](mailto:disposal@records.nsw.gov.au) or phone (02) 8247 8627.