

Information Overload

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Welcome:

Apologies for the lack of Newsletter during October, but the reason was a simple one – The Australian Record Retention Manual. As you may know I am the editor of said manual, and during October I live and breathe life into the document that forms the next edition, and then hand it on to our production houses. That time has arrived.

For those of you who are waiting for the new edition to reach you, we are hoping to have them in the office ready for posting out at the beginning of December. For those of you who have absolutely no idea what I am talking about, I am going to break with tradition and tell you what the Australian Record Retention Manual is, and whether or not you should have a copy. As you know, we don't like to market products and services in this forum, but we are making an exception this time, and the reason being is the legislation that forms a considerable part of the document.

As the editor of the manual I am constantly amazed at how much of our working lives is impacted upon by records management and the legal ramifications of failing to manage those documents properly. It doesn't matter what sector you are in, you can guarantee there's at least one piece of specific legislation telling you what records and bits of paper you should or should not be keeping, and of course the penalty if you get it horribly wrong. And believe it or not it can sometimes cost you more than money, as some of the corporate giants can testify. Remember Ansett? Well poor record keeping sealed their fate, and almost the fate of Virgin Blue. Quite simply their record keeping system could not keep up with company growth, only quick thinking by the company kept the operations going. But others were not so lucky.

We would like to thank you in advance for forwarding this edition onto friends, colleagues and other interested readers. Please note that all back issues of this edition, as well as our registrant resources edition can be read and/or downloaded from our web site – <http://www.iea.com.au/web/Publications> should any of the topics be of interest and use.

Lorraine Bradshaw
Marketing Coordinator and Projects Officer

In this Issue we will be looking at:

- What is the Australian Record Retention Manual (ARRM) (and do I need a copy?)
- The law is an ass
- A Thought to ponder

What is the Australian Record Retention Manual (and do I need a copy?)

To answer the last question first, the answer is no. If you are part of a Government department you do not need a copy of the ARRM – and the answer is simple, you should be using the General Disposal Authorities (GDA's) that have already been developed, along with your approved Retention and Disposal Schedule. If you remember those Record Keeping Plans (RKP's) (btw I love acronyms !!) I spoke about in the August 2003 edition of Information Overload – only 50 of the then expected 254 Retention and Disposal Schedules required in Western Australia had been approved. I am expecting that number to have changed quite dramatically since that time. But I am also aware that a number of departments have amalgamated and a few others have been split into different components, so never a dull moment for our State Records Office, and I am sure the same can be said for the other SRO's within Australia.

You also don't need to buy a copy of the manual if you are willing to go through the thousands of pieces of legislation that currently exists within the Australian system and to decide which of the pieces impact on your organisation. Am I being facetious? Actually I'm not. At Information Enterprises (IEA) we have a legal librarian who has the rather unenviable task of doing just that for us, so we do know what it takes to undertake the task, and believe me when I say I'm glad Kelly does that part of the job for me.

Which brings me to an interesting point. For a large country with not many people in it, we seem to have a huge number of pieces of legislation – and in some cases, each state has its own version of the same piece of legislation, sometimes with quite different requirements. This of course can be a nightmare for organisations that have offices in more than one state and territory. By the way if that is you – then we would recommend you keep your records for the longest prescribed period – just in case. As with all kinds of insurance, you decide on the level of cover that you want and hope you never have to use it. And so it is (to a certain extent) with regards to record keeping, or more importantly record retention and disposal.

But that doesn't really tell you what the Australian Record Retention Manual is, because it is far more than just a list of legislation that we have abstracted and indexed.

The manual started out life in 1980, yes 27 years ago as a set of suggested retention schedules for the business sector. Created by the Paperless Office Foundation, it was taken on a couple of years later by Mike Leigh after the Paperless Office Foundation ceased operating. In 1987 a second edition of the manual was produced, and after several iterations Mike Leigh decided to hang up his pen and Information Enterprises Australia acquired the rights to the publication. That was back in the year 2000. Since that time, the manual has been produced on an annual basis, in a variety of formats, with the hardcopy edition still being the most popular one we produce. We had hoped to move the manual onwards into an online environment during 2007, but that has yet to come to fruition. And the reason is a simple one. The document is extremely complex.

So what does the manual contain apart from those several thousand pieces of legislation?

The manual contains information on:

Section 1: What is a record?

Section 2: Categories of record and their value to an organisation

Section 3: What is records management?

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Section 4: Components of a records management programme
Section 5: Standards and Benchmarks
Section 6: An Introduction to the Record Retention Programme
Section 7: Implementing a Record Retention Programme
Section 8: Australian Record Retention Schedule
Section 9: Specific Records Groups (SRG's)
Section 10: Introduction to Minimum Legal Retention Requirements, Legal Compliance and Duty of Care
Section 11: Introduction to the Laws of Evidence
Section 12: Introduction to Limitations of Actions
Section 13: Index of Business Groups and Law Groups
Section 14: Index of Laws by State
Section 15: List of Laws
Section 16: Changes to laws since last edition

Which is all very well, but what does it mean?

Well in the simplest of terms, The Australian Record Retention Manual (ARRM) provides you with the tools that you need in order to create an efficient Record Retention and Disposal system. The manual comprises six distinct parts covering:

1. An introduction to records management and the components of a records management programme;
2. Records management standards and benchmarks - A great deal of work has been, and is still being carried out by the records management industry worldwide in order to try and formalise good records management practices, in addition research work being carried out in the library and information sectors and the archival institutions are producing results with regards to the preservation of material, especially electronic material. The manual highlights the most significant work currently being done in this area.
3. The Record Retention Programme;
4. How to develop a Retention and Disposal Schedule for any type of organisation, including a number of sample schedules that you can use for the basis of your own R&D schedule, saving you time and money;
5. The Legal Aspects of Record Keeping, including an introduction to the Laws of Evidence and Limitations of Actions; and
6. The Laws Relating to Retention and Disposal of Records - Broken down by subject groupings of business groups and law groups, by individual states and territories and the complete list of laws;

Each law is abstracted to provide vital information regarding:

- o The businesses affected.
- o The records affected.
- o The prescribed retention period.
- o The penalty for non-compliance.

Which brings me onto the next point quite nicely.

The law is an ass

Given that we have several thousand pieces of legislation in the manual, there has to be some strange and rather obscure pieces of legislation. And the answer is of course. Therefore I have chosen one piece of legislation from each state and territory to demonstrate not only how legislated we are in Australia, but the many different areas that are affected. Whilst these examples may not impact on you directly, it just goes to prove that it does not matter who you are or what you do, there will be some kind of legislation that will impact on you in some way, shape or form.

1563 (Fed) SPACE ACTIVITIES ACT 1998, Sections 11, 15:

- (a) (A) Persons who launch a space object from a launch facility in Australia; (B) Persons who operate a launch facility in Australia
- (b) (A) Launch permit (s.11); (B) Space licence (s.15)
- (c) (A) and (B) Not indicated (suggest permanently) *
- (d) (A) Up to 100,000 PU (Corporations); Up to 600 PU or 10 years imprisonment, or both (Individuals); (B) [Operating a launch facility in Australia without a space licence is not an offence, however, a person who does is liable to a civil penalty.](#) If the Federal Court is satisfied that the person has contravened a civil penalty provision they may order the person to pay a fine of up to 5000 PU (Corporations) or up to 500 PU (Individuals) (sections 80-82)

Note: A penalty unit in Federal terms is \$110. **So please be aware of that when you are building your launch pad in your back yard.**

1371 (ACT) DOMESTIC ANIMALS ACT 2000, Sections 6, 9, 14-15:

- (a) Owners, carers and keepers of domestic animals
- (b) (A) Registration of dog (s.6); (B) Registration of dog tag must be worn by dog (s.15)
- (c) (A) and (B) Not indicated (suggest permanently)
- (d) (A) Up to 5 PU; (B) Up to 3 PU for dog not wearing tag in public place; Up to 5 PU for a person other than the keeper of the dog who takes a registration tag off a dog without permission from the keeper of the dog; Up to 5 PU for a person who allows a dog to wear a tag that was not registered to that dog

Note: A penalty unit is \$100 in the ACT

Does this mean the dog is liable for the fine if it does not wear its tag in a public place? If so, remember to take the fine out of its allowance.

1648 (NSW) WEAPONS PROHIBITION ACT 1998, Sections 7, 20:

- (a) (A) Persons who use or possess a prohibited weapon; (B) Weapons dealers; (C) Theatrical weapons armourers
- (b) (A) Permit (s.7); (B) Weapons dealer permit (s.20); (C) Theatrical weapons armourer permit (s.20)
- (c) (A), (B) and (C) Not indicated (suggest permanently) *
- (d) (A) Up to 100 PU or imprisonment for 2 years, or both (on summary conviction); Up to 14 years imprisonment (on conviction on indictment); (B) and (C) Up to 100 PU or imprisonment for 2 years, or both (on summary conviction); Up to 7 years imprisonment (on conviction on indictment)

Now are you going to admit that you've bought that AK47 or not? No, thought not.

1587 (NT) SPECIAL FUNCTION VEHICLE REGULATIONS, Sections 4-5:

- (a) Operators of special function vehicles
- (b) Records including records of the special function vehicle; the dates and times during which it is used; the full name and residential address of the driver during those periods and their drivers licence number; details of each booking and hiring made; and any other records as may be required as a condition of the operators licence (s.4)
- (c) Not indicated other than the record should be kept in a safe place at the principal place of business of the operator
- (d) \$3,000

I wonder how many people who operate stretch limos have a "safe and secure" filing system?

1944 (Qld) DRUGS MISUSE ACT 1986, Sections 43D-43E:

- (a) (A) & (B) Persons who supply a controlled substance under a relevant transaction to anyone else; (C) Persons who own a controlled substance or has possession of a controlled substance for the purpose of supplying the substance under a relevant transaction
- (b) (A) Obtain from the recipient the documents and the evidence of the recipients identity and keep this together with any other document about the supply of the controlled substance under the relevant transaction (s.43D); (B) Relevant transactions register to be kept showing details of the relevant transactions; and, if the person has to report the loss or theft of a controlled substance under section 43E, the reporting of the loss or theft to a police officer (s.43D); (C) If the substance is lost or stolen they must report the loss or theft to a police officer within 2 days after the person finds out about it (s.43E)
- (c) (A) & (B) To be prescribed by regulation. The Drugs Misuse Regulation 1987 prescribes a retention period of 2 years (section 9); (C) Not indicated
- (d) (A), (B) & (C) Up to 20 PU (First offence); Up to 40 PU (Second or subsequent offence)

So all you drug dealers out there, can you make sure you keep your records up to date. They will help the law enforcement agencies crack down on all the users, and potentially the people who need to steal in order to feed their habits. Oh, and if you are intending to purchase said drug items, please don't "borrow" some one elses ID !!
A Penalty Unit is \$75 - \$100

1652 (SA) OPAL MINING ACT 1995, Sections 7, 18:

- (a) Persons who prospect for precious stones
- (b) Precious stones prospecting permit (s.7)
- (c) Not indicated (suggest permanently) *
- (d) Up to \$5,000

1162 (Tas) TAXATION ADMINISTRATION ACT 1997, Sections 60-64:

- (a) All taxpayers
- (b) All records that are necessary to enable the person's tax liability under a taxation law to be properly assessed (s.60)
- (c) 5 years from the date it was made or obtained by the person or the date of the completion of the transaction to which it relates, whichever is the later
- (d) Up to 500 PU (Corporations), Up to 100 PU (Individuals)

A penalty unit in Tasmania is \$120, I'll let you do your own maths.

2057 (Vic) CRIMES ACT 1958, Sections 253-255:

- (a) Persons who know that a document or other thing of any kind is, or is likely to be, required in evidence in a legal proceeding
- (b) If they either destroy or conceal it or render it illegible, undecipherable or incapable of identification or expressly, tacitly or impliedly authorizes or permits another person to destroy or conceal it or render it illegible, undecipherable or incapable of identification and that other person does so and acts as described above with the intention of preventing it from being used in evidence in a legal proceeding (s.253-s.255)
- (c) Not indicated
- (d) Up to 3000 PU or up to 5 years imprisonment, or both

Hands up those of you who haven't changed a document recently? A penalty unit is \$100

1581 (WA) PROFESSIONAL COMBAT SPORTS ACT 1987, Sections 16-17, 24, 27-28, 33, 35, 44-45, 47-48, 52:

- (a) (A) and (C) Boxers; (B) Industry participants; (D) Persons who promote, arrange or conduct a boxing contest; (E) Medical practitioners who attend boxing contests; (F) Persons appointed by the Commission to record the boxing contest
- (b) (A) Registration certificate (s.16-s.17); (B) Registration certificate (s.27-s.28); (C) Medical record book (s.35); (D) Permit (s.44-s.45); (E) Record the results of a medical examination conducted on a boxer before the contest on a form approved by the Commission (s.48); (F) Records of the boxing contest and the result of the boxing contest (s.52)
- (c) (A), (B) and (D) Not indicated (suggest permanently) *; (C), (E) and (F) Not indicated
- (d) (A) \$1,000 and imprisonment for 9 months; (B) Up to \$10,000; (C), (E) and (F) Not indicated; (D) \$2,000 or imprisonment for 12 months, or both
Note: Previously called "Boxing Control Act 1987"

As always something to think about, and yes we will be back to normal publishing schedule of Information Overload with the next edition.

Oh and if you would like to obtain a copy, more information is available via our website – <http://www.iea.com.au>.

A Thought to Ponder:

“A Retention and Disposal (R&D) schedule is a range of processes associated with the authorised retention and disposal of records based upon the value of the records to the organisation, legislation and organisational accountability and community expectations. It is a systematic listing of RECORDS SERIES created by an organisation, which plans the life of these records from the time of their creation to their disposal, either by destruction or transfer to archives.”

Gail E Murphy, Information Enterprises Australia Pty Ltd.

Your comments and suggestions on the subject of this newsletter are most welcome. Or if you would like to see other issues covered in future editions, please email me at training@iea.com.au. Please feel free to pass on this newsletter to your colleagues' friends and associates. To subscribe they should send an e-mail to training@iea.com.au with "subscribe newsletter" in the subject line.

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