



Appraisal log

Residential Tenancies Retention and Disposal Schedule
Residential Tenancies Authority

Date: 22 August 2014

Function No	Title	Scope Note
1	Bond Management	<i>The function of lodging, amending, holding and refunding bonds managed by the Residential Tenancies Authority in accordance with the Residential Tenancies and Rooming Accommodation Act 2008. Includes any directions or decisions which may be received from external agencies impacting on the processing of lodgements, refunds, and changes to bond information, such as the Queensland Civil and Administrative Tribunal (QCAT) determinations and Department of Housing and Public Works Bond Loan Payment Scheme.</i>
Activities		
1.1 Authorisations 1.2 Bond processing 1.3 Data management 1.4 Reporting		

Ref. No	Description of record and retention period	Justification for retention period
1.1.1	<p>Lessor's agent signatures</p> <p>Records relating to the management of individual authorisations related to lessors and their agents.</p> <p>Disposal action - Retain for 7 years after form is superseded or agent becomes inactive.</p>	<p>Background/business process:</p> <p>The lessor's agent signature records provide the Residential Tenancies Authority with information regarding who manages the bond, who should authorise the refund or receive notification of a claim at the end of an agreement. A new signature record must be signed by all authorised people and lodged with the Residential Tenancies Authority as soon as there is a change in authorised signatories. This form is related to an agent file or profile and is not specific to a bond file.</p> <p>The Residential Tenancies Authority recommends that signature records are updated every six months. An agent may become inactive if its rent roll is sold to another agent or the agency ceases trading; therefore the form only applies while the agent is active.</p> <p>Regulatory requirements: Nil</p> <p>Business requirements:</p> <p>These records need to be retained by the Residential Tenancies Authority in accordance with the <i>Limitation of Actions Act 1974</i> (Qld), which sets out general limitation periods for various kinds of civil actions. A timeframe of 6 years is stated in section 10 of the Act for an action founded on a simple contract or an account, section 25 for an action to recover rent arrears and section 27 for an action in respect of trust property.</p> <p>These records are required by the Residential Tenancies Authority for a minimum of 7 years after the current version of the <i>Lessor's/Agent Signature Form</i> is superseded or until the agent becomes inactive.</p> <p>Community expectation:</p> <p>Provides evidence of the Residential Tenancies Authority's management of authorised signatories regarding the management of bonds, which provides the community with an accurate record of people responsible for managing bond monies.</p> <p>Comparisons with other schedules:</p> <p>The recommended retention period aligns with the:</p> <p>State Records Authority of New South Wales <i>Functional Retention and Disposal Authority Department of Fair Trading</i> (DA48) for records that include change of authorised signatories forms - reference number 6.2.2.2 - retain a minimum of 7 years after refund of bond money.</p> <p>Public Record Office Victoria <i>Retention and Disposal Authority for Records of the Residential Tenancies Bond Authority</i> (PROS 04/02) for imaged bonds forms which include agent signatories and banking registration -</p>

Ref. No	Description of record and retention period	Justification for retention period
		<p>reference number 2.1.0 - destroy 7 years after the completion of the tenancy.</p> <p>Previous schedules: <i>Residential Tenancies Authority Retention and Disposal Schedule (QDAN 552 v1)</i> for form 8 lessor’s agent signature record - reference number 1.7 – retain until reference ceases (when information is superseded).</p> <p>This retention period no longer meets business requirements. Whilst the reference ceases if the agent becomes inactive or is superseded by a new current form the retention period does not allow for the statute of limitations (6 years). Therefore, the retention period has been changed to cover this situation.</p> <p>Other comments/factors for consideration: A dual disposal trigger is required to meet Residential Tenancies Authority’s business requirement. An agent can manage hundreds of bonds and the agent signatory form can apply to hundreds of rental bonds. Because of this, the triggers such as “after refund of bond money” or “after the completion of the tenancy” do not meet the Residential Tenancies Authority’s requirements.</p>
1.2.1	<p>Rental bond management</p> <p>Records relating to the management of rental bonds by the Residential Tenancies Authority, which includes bond lodgements and refunds.</p> <p>Disposal action - Retain for 7 years after finalisation of bond or conciliation process, whichever is latest.</p>	<p>Background/business process:</p> <p>The Residential Tenancies Authority processes bond lodgements and refunds. A rental bond is an amount paid by or for the tenant under a residential tenancy agreement and is available for the financial protection of the lessor against the tenant if the agreement is breached. The lessor/agent has no control over the bond. The Residential Tenancies Authority holds the bond money while the agreement is in force. If a claim for the bond is never received by the Residential Tenancies Authority the bond remains current in the Residential Tenancies Authority bond management database. In Queensland, the majority of bonds are finalised within 7 years.</p> <p>The Residential Tenancies Authority does not make a determination about a bond dispute. Disputes that cannot be resolved are referred to QCAT for a determination. QCAT notifies the Residential Tenancies Authority when an application has been lodged. The application relates to a claim and hearing date, and the order is the outcome e.g. it could be adjourned or it could be a payout order advising the Authority how to distribute the refund of bond.</p> <p>The Residential Tenancies Authority does not reject bonds. They do not process forms that have incorrect information; these records are sentenced under 1.2.2. Once the forms are returned with the correct information the bond is processed and covered under this class.</p> <p>Regulatory requirements:</p>

Ref. No	Description of record and retention period	Justification for retention period
		<p><i>Residential Tenancies and Rooming Accommodation Act 2008</i></p> <p>Sections 41, 107 and 108 of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> are applicable to the Residential Tenancies Authority:</p> <p>s.107 - Transaction records to be retained - the reporting entity must retain: (a) the record; or (b) a copy of the record; or (c) an extract from the record showing the prescribed information; for 7 years after the making of the record.</p> <p>s.108 - Customer-provided transaction documents to be retained - the reporting entity must retain: (a) the document; or (b) a copy of the document; for 7 years after the giving of the document</p> <p>Business requirements: The records are required by the Residential Tenancies Authority to meet the statute of limitations (6 years) requirements for any issues that may occur. Also, the bond records are linked to financial transactions. The retention period for banking activities in QDAN249v.7 (GRDS) reference number 4.1.6 is 7 years after the financial year to which the records relate.</p> <p>The trigger for the retention period will be “after finalisation of the bond or the conciliation process, whichever is latest”. This is due to Residential Tenancies Authorities business systems and processes, a majority of bonds do not go through the conciliation process to finalise a bond. To have the wording “Retain for 7 years after finalisation of bond and conciliation process” implies that both processes have to occur which is not always the case. During 2013/14 only 5.6% of bonds went through the conciliation process to finalise the bond.</p> <p>Community expectation: Evidence the Residential Tenancies Authority retains records while the bond remained current. Also a history of rental bonds is available upon request.</p> <p>Comparisons with other schedules: The recommended retention period aligns with the:</p> <p>Archives Office of Tasmania <i>Housing Services Program Disposal Schedule (DS22)</i> for records relating to the tenancy - reference number 2.1.2 - destroy 7 years after termination of tenancy agreement or payment of outstanding debts whichever is the later.</p> <p>Australian Capital Territory <i>Records Disposal Schedule Registrar-General’s Office Records (NI2006-184)</i> for records relating to rental bonds - reference number 7.2.1 - destroy/remove image and data at the end of the</p>

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		<p>7th year after the last transaction on the bond.</p> <p>Public Record Office Victoria <i>Retention and Disposal Authority for Records of the Residential Tenancies Bond Authority</i> (PROS 04/02) for imaged bond forms – reference number 2.1.0 - destroy 7 years after the completion of the tenancy.</p> <p>State Records Authority of New South Wales <i>Functional Retention and Disposal Authority Department of Fair Trading Disposal Authority</i> (DA48) for records relating to the lodgement, custody and refund of rental bonds – reference number 6.2.2.2 - retain a minimum of 7 years after refund of bond money, then destroy.</p> <p>State Records Authority of New South Wales <i>Functional Retention and Disposal Authority Teacher Housing Authority of New South Wales</i> (FA259) for records relating to the leasing of specific properties to teachers and tenants - reference number 1.7.1 - retain minimum of 7 years after expiry or termination of lease, or 7 years after last action, whichever is the longer, then destroy.</p> <p>State Records Office of Western Australia <i>General Disposal Authority for Administrative Records</i> (RD2003016) for records relating to tenancy agreements - reference number 12.11.1 - destroy 7 years after expiry of agreement.</p> <p>Other comments/factors for consideration:</p> <p>Most cases of bond related fraud are only detected after the refund of bond process and not at the beginning or during a tenancy. A majority of these cases are referred to the Queensland Police Service for further investigation and original documentation is sometimes required for court cases.</p> <p>In accordance with the Commonwealth <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> (the AML/CTF Act) the Residential Tenancies Authority must create records relating to reporting of suspicious matters and retain them for 7 years. Only sections 41, 107 and 108 relate to the Residential Tenancies Authority. They are exempt from the remainder of the AML/CTF Act.</p> <p>Previous schedules:</p> <p><i>Residential Tenancies Authority Retention and Disposal Schedule</i> (QDAN 552 v1) has the retention period “retain for 5 years after finalisation of bond” for the following reference numbers:</p> <ul style="list-style-type: none"> • 1.1 Form 2 Bond lodgement • 1.2 Form 3 Transfer of Bond • 1.3 Form 4 Refund of Rental Bond • 1.4 Form 5 Change of Lessor or Lessor’s Agent • 1.5 Form 6 Change of Shared Bond Arrangement

Ref. No	Description of record and retention period	Justification for retention period
		<ul style="list-style-type: none"> • 1.6 Form 7 Part Payment of Rental Bond. <p>These retention periods no longer meet business requirements and may not allow for the statute of limitations which is 6 years.</p>
1.2.2	<p>Rejected bond forms – invalid bond or bond loan number Records relating to the management of bond forms lodged with the Residential Tenancies Authority which are not processed because either the necessary requirements under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> are not met or an invalid bond number or bond loan number.</p> <p>Disposal action - Retain for 3 years after last action.</p>	<p>Background/business process: This class covers the rejection of bond forms and not the rejection of bonds. The Residential Tenancies Authority does not reject bonds. They do not process forms that have incorrect information. Once the forms are returned with the correct information the bond is processed and covered under 1.2.1.</p> <p>There are different reasons the Residential Tenancies Authority may reject a bond form, these being:</p> <ul style="list-style-type: none"> • non-bond related i.e. the bond has not been lodged. • a bond cannot be found in Residential Tenancies Authority’s database for the details listed on the form • related to a valid bond number but missing vital information required for processing. <p>These forms are not connected to a bond as the bond could not be lodged.</p> <p>Rejected bond forms can be applicable to an investigation involving non-lodgement of bond. In accordance with s.510 of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>, the Residential Tenancies Authority has 2 years to prosecute an offender. A register is not retained as the Residential Tenancies Authority will not know if bond money has been collected by a person and not lodged with the authority. These are transactions between the tenant and the agent or lessor. The Authority becomes aware of a non-lodgement of bond if a tenant lodges a complaint with the Authority.</p> <p>These types of offences are generally not noticed until the end of a tenancy when a refund of bond is required by the tenant. This can be in excess of 3 years from the beginning of the tenancy. The Residential Tenancies Authority’s internal legal officers advised that if a complaint regarding non-lodgement of bond is received by Residential Tenancies Authority after the 2 year prosecution timeframe it becomes a civil matter and the complainant must apply to the Magistrates Court for compensation of bond money. There is no requirement for Residential Tenancies Authority to keep rejected bond forms indefinitely and past 3 years.</p> <p>Regulatory requirements: <i>Residential Tenancies and Rooming Accommodation Act 2008</i></p> <p>Business requirements: The records are required by the Residential Tenancies Authority to investigate for non-lodgement of bonds within the two year prosecution timeframe. It also enables parties to the bond to check with Residential</p>

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		<p>Tenancies Authority to see if the bond has been lodged successfully.</p> <p>QSA suggested an increase of the retention to cover an individual's rights and entitlements. <i>Justification:</i> If a tenant is going to bring a civil matter would it benefit their case to have access to rejected bond records. Given that failure to lodge a bond is often not noticed until the end of a tenancy (3 yrs +) should the retention period be 3yrs + limitation period as there is no register? Proposed retention: 7-10 years.</p> <p>RTA's response to increase the retention period of 3 years: On 23 July 2014, the A/Senior Legal Officer advised that civil matters are likely to be brought within 2 years of rejection and there is no justification for 7-10 years to benefit either the RTA or the community and will add costs of storage. This is not in line with other records and therefore the proposed is an abnormality.</p> <p>Community expectation: Evidence the Residential Tenancies Authority retains records for parties to check their lodged forms. Also for quality assurance purposes and to undertake investigations of non-lodgement of bonds. These records are available if a complaint becomes a civil matter.</p> <p>Comparisons with other schedules: Rejected bond forms are not specifically covered in other schedules. These forms are similar to unsuccessful applications therefore comparisons have been made to records relating to unsuccessful applications.</p> <p>Queensland State Archives <i>General Retention and Disposal Schedule for Administrative Records</i> (QDAN249 v.7) for unsuccessful applications for funding – reference number 4.17.3 - retain for 2 years after closing date for funding round.</p> <p>Queensland State Archives <i>Local Government Sector Retention and Disposal Schedule</i> (QDAN 480v.4) for unsuccessful grant funding applications – reference number 15.2.2 - retain for 2 years after last action.</p> <p>State Records Authority of New South Wales <i>Retention and Disposal Authority for Teacher Housing Authority</i> (FA259) for records relating to unsuccessful applications for housing or tenancies (i.e. those rejected or withdrawn) - reference number 1.7.2 – retain minimum of 2 years after action completed, then destroy.</p> <p>State Records Authority of New South Wales <i>General Retention and Disposal Authority University Records</i> (GDA23) for records relating to unsuccessful applications – reference number 4.2.3 - retain for minimum of 2 years after action completed, then destroy.</p>
1.3.1	Electronic data interchange file	Background/business process:

Ref. No	Description of record and retention period	Justification for retention period
	<p>Records relating to the management of data and extract files provided to and by other government agencies and private organisations that is migrated into or out of the Residential Tenancies Authority's bond management system.</p> <p>Disposal action - Retain for 1 year after transfer.</p>	<p>Client data is transferred to and from the Residential Tenancies Authority bond management system for the management of bonds. These include other government agencies and private organisations such as the Department of Housing and Public Works, Australian Electoral Commission, Commonwealth Bank, and the Queensland Civil and Administrative Tribunal (QCAT). Examples of data interchange:</p> <ul style="list-style-type: none"> • <i>Department of Housing and Public Works</i>: The department provides tenants with bond loan services. Tenants can apply to the department for a loan and if they meet the requirements the bond is provided by the department to the Residential Tenancies Authority. The information is captured in a series of eight data files which are sent and received overnight by the Residential Tenancies Authority. • <i>Commonwealth Bank</i>: Bond processing involves financial transactions for the daily lodgement and refund of bonds which can include international money transfers for students who have returned overseas. Automated electronic bank files are run daily and fortnightly. Pay data is manually exported into CommBiz which is the interface to the Commonwealth Bank that does all the Residential Tenancies Authority banking. • <i>Computershare</i> – The printing of RTA bond related correspondence such as receipts for lodgement of bonds, notices of claims, notices of unsuccessful conciliations, cheques etc is undertaken daily. The files produced from the bond management system are automatically saved in a secure location and sent to Computershare's secure server for processing. Computershare is a worldwide company in over 20 countries that specialises in the provision of software solutions. It is known throughout RTA as many sections use Computershare. RTA has used Computershare since late 2010 for the printing of bond related correspondence such as receipts for lodgement of bonds, notices of claims, notices of unsuccessful conciliations, cheques etc. • <i>Australian Electoral Commission</i> – a monthly report is run to provide AEC with data relating to forwarding addresses, new tenancies and bonds which have been finalised. RTA must provide information to AEC regarding new and finalised bonds and forwarding addresses for the electoral roll. All are required to process rental bonds but AEC is different, it is a legislative requirement that enables AEC to obtain this information from the RTA. • <i>QCAT</i> - Queensland Civil and Administrative Tribunal provide RTA with data files of tribunal applications and actions including Notices, Hearing dates, Adjournments, and Orders. These files are automatically loaded into the bond system and an event is created. Records generated depend on what they are i.e. orders are captured in the bond processing file. Once the file has been processed, an email is automatically generated and saved in the bond system to the recipient of the original data

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		<p>file.</p> <p>Once the information has been processed into the bond management system the data files are no longer used or referred to again. If there are system errors, such as a file fails to load, the ICT area within the Residential Tenancies Authority is notified and the error is rectified immediately.</p> <p>Regulatory requirements: Nil</p> <p>Business requirements: The data files need to be retained for 12 months after action for quality assurance purposes. There is no further business need for the Residential Tenancies Authority to retain these records past 12 months.</p> <p>Community expectation: Evidence the Residential Tenancies Authority retains records on client data transferred to and from the bond management system for quality assurance and privacy purposes.</p> <p>Comparisons with other schedules: The recommended retention period is consistent with the retention period for records related to the migration of data from one system to another covered in the:</p> <p>National Archives of Australia <i>Administrative Functions Disposal Authority (AFDA)</i> – for records documenting the migration of records between electronic systems and from one electronic medium to another. Includes strategies for the migration and quality assurance checks to confirm accuracy of the migration process – reference number 2105 - destroy 1 year after data is either migrated again or destroyed.</p> <p>Public Records Office Victoria <i>General Retention & Disposal Authority for Records of Common Administrative Functions (PROS 07/01)</i> for records relating to the migration of data between electronic systems and from one electronic medium to another - reference number 19.7.1 – destroy 1 year after migration.</p> <p>Queensland State Archives <i>General Retention and Disposal Schedule for Digital Source Records (QDAN 678 v.1)</i> for digital source records – reference number 1.1.1 - retain digital source records until quality assurance procedures have been completed and signed off by the appropriate delegate.</p>
1.3.2	<p>Queensland rental data</p> <p>Datasets recorded in the bond management system forming a historical summary of</p>	<p>Background/business process:</p> <p>Data on bonds held, bond lodgement and median rent statistics are collected, analysed and managed by the Residential Tenancies Authority. Raw data and some analysed data is held in the bond management system.</p> <p>Median rent data is based on an analysis of information gathered from new rental bond lodgements in each</p>

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	<p>Queensland rental data.</p> <p>Information captured may include, but is not limited to:</p> <ul style="list-style-type: none"> • bonds held data • bond lodgement data • median rents statistics <p>Disposal action - Retain Permanently.</p>	<p>quarter.</p> <p>Regulatory requirements: Nil</p> <p>Business requirements: These records need to be retained permanently for the following reasons:</p> <ul style="list-style-type: none"> • Residential Tenancies Authority holds the single source of Queensland rental data. • this information is not sourced elsewhere and is not forwarded to the Australian Bureau of Statistics. • the median rents have been calculated and stored since the Residential Tenancies Authority started (1989) and are seen to provide historical value for the organisation. • the uniqueness of Residential Tenancies Authority’s statistical information is a benefit to the organisation and community • the information is used in the Residential Tenancies Authority’s annual reports. <p>Residential Tenancies Authority’s statistical information provides a substantial contribution to community memory. Housing is a necessity of life. The cost of rents in various areas is often required by researchers from the private and public sector. Often, rental data dating back to when Residential Tenancies Authority commenced in 1989 is required. This information can provide historical insights about a community and its circumstances and can be used for future planning.</p> <p>Permanent retention criteria in accordance with Queensland State Archives Appraisal Statement: Characteristic 5 - Substantial contribution to community memory</p> <p>Community expectation: These records provide evidence the Residential Tenancies Authority collects and retains statistical records relating to median rents and bond lodgements available for historical purposes and research purposes.</p> <p>Comparisons with other schedules: The recommended retention period aligns with the:</p> <p>Archives Office of Tasmania Disposal Schedule for <i>Records of the Housing Services Program for Department of Community and Health Services (No.22)</i> for records relating to public housing statistics - database recording state wide statistics of applications for public housing - reference number 2.2.1 - permanent - maintain in agency in a readily accessible format for as long as required for administrative use. When planning to discontinue the database (in part or whole) contact the Archives Office to discuss future custody arrangements.</p>

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		<p>Other comments/factors for consideration: On the Residential Tenancies Authority website, the public can obtain details of quarterly median rents for 2013, 2012, 2011 and 2010. Details include postcode, locality, weekly rent amount, new bonds lodged for the postcode for that quarter and the total number of bonds held for the postcode for the quarter. Data is also available from the previous 2 years of the year selected for comparison e.g. the 2010 March quarter. Currently the available data online is over a 5 year period.</p>
1.4.1	<p>Suspicious matter reporting Records relating to the reporting of suspicious matters to the Australian Transaction Reports and Analysis Centre in accordance with s.41 of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>.</p> <p>Disposal action - Retain for 7 years after last action.</p>	<p>Background/business process: In 2011 AUSTRAC (Australian Transaction Reports and Analysis Centre) granted Residential Tenancies Authority exemption from specified sections of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>. The exemptions did not apply to section 41 relating to the reporting of suspicious matters and sections 107 and 108 relating to recordkeeping requirements.</p> <p>Money laundering can relate to rental bond refunds and lodgements e.g. multiple lodgements paid by large amount of cash or money orders, or a bond paid by a third party such as cheque from party not named on bond lodgement form or rental bonds for an agent/lessor lodged under a business or trust account and refunded into an individual's bank account, refunds to an overseas bank account or address etc. Therefore the records could relate to all types of bond lodgement and refund forms plus letters, stat docs, memos and emails to Legal and AUSTRAC.</p> <p>Regulatory requirements: Sections 41, 107 and 108 of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> are applicable to the Residential Tenancies Authority:</p> <ul style="list-style-type: none"> • s.41 (1) relates to reporting of suspicious matters. • s.107 Transaction records to be retained - the reporting entity must retain: (a) the record; or (b) a copy of the record; or (c) an extract from the record showing the prescribed information; for 7 years after the making of the record. • s.108 - Customer-provided transaction documents to be retained - the reporting entity must retain: (a) the document; or (b) a copy of the document; for 7 years after the giving of the document. <p>Business requirements: Residential Tenancies Authority's proposed retention period of 7 years is consistent with the requirements of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>.</p> <p>Community expectation:</p>

Ref. No	Description of record and retention period	Justification for retention period
		<p>Evidence the Residential Tenancies Authority reports suspicious matters by notifying the relevant authorities.</p> <p>Comparisons with other schedules:</p> <p>Queensland State Archives <i>General Retention and Disposal Schedule for Administrative Records</i> (QDAN249 v.7) for records relating to exemptions from the <i>Anti-Money Laundering and Counter Terrorism Financing Act 2006</i> – reference 4.10.3 - retain for 7 years after expiry or refusal of exemption.</p> <p>Queensland State Archives <i>General Retention and Disposal Schedule for Administrative Records</i> (QDAN249 v.7) for records relating to accounting records and associated supporting records – reference number 4.1.2 - retain for 7 years after the financial year to which the records relate.</p> <p>Queensland State Archives <i>General Retention and Disposal Schedule for Administrative Records</i> (QDAN249 v.7) for records relating to finance reports prepared in response to a statutory requirement – reference number 5.22.1– retain for 7 years after the financial year to which the records relate.</p>

Function No	Title	Scope Note
2	Dispute Resolution	<p><i>The function of providing a conciliation service to parties of residential tenancy and/or rooming accommodation agreements to assist in the resolution of bond and tenancy disputes. Excludes disputes referred to the Queensland Civil and Administrative Tribunal (QCAT) for review.</i></p> <p><i>Excludes unresolved disputes, refer to the Queensland Civil and Administrative Tribunal (QCAT) for determination of rental tenancy or bond.</i></p>
Activities		
2.1 Dispute cases		

Ref. No	Description of record and retention period	Justification for retention period
2.1.1	<p>Conciliation</p> <p>Records relating to the management of the conciliation process for tenancy and/or bond disputes raised through the Residential Tenancies Authority in accordance with the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>Includes disputes considered either unsuitable for conciliation or withdrawn in accordance with the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>Disposal action - Retain for 7</p>	<p>Background/business process:</p> <p>The Residential Tenancies Authority provides conciliation to help the lessor/agent and the tenant resolve disputes if they are unable to do this themselves. Disputes between a tenant and their neighbour will not be accepted by the Residential Tenancies Authority. The Residential Tenancies Authority has allocated 28 days to resolve a lodged dispute. The authority may refuse to provide a conciliation service to parties to a dispute about an agreement if the authority considers the dispute is unsuitable for conciliation.</p> <p>In providing conciliation service to parties the Residential Tenancies Authority does not make a determination about the dispute. Disputes that cannot be resolved are referred to QCAT for a determination. If the parties negotiate an agreement with the Residential Tenancies Authority the agreement (conciliation agreement) can be drawn up and signed by each of the parties to the dispute. The conciliation agreement forms part of the tenancy agreement and must be in accordance with the <i>Residential Tenancies & Rooming Accommodation Act 2008</i>. A breach of the conciliation agreement is deemed to be a breach of the tenancy agreement. If a party does not honour their obligations under a conciliation agreement the other party may apply to the Tribunal for an order to uphold the term that has been breached.</p> <p>If there is a conciliation agreement in force about the residential tenancy agreement, the terms of the conciliation agreement are also taken to be included as terms of the residential tenancy agreement</p> <p>Regulatory requirements:</p> <p>Sections 402, 410 and 399 of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p>

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	years after finalisation of conciliation process or bond, whichever is latest.	<p>Business requirements: Regardless of the dispute outcome (conciliation process and those cases that do not go to conciliation) from a business perspective these records must be retained together as there are repeat offenders. As a majority of disputes involve bonds, it is essential the dispute files be retained for the same period as bond file records (1.2.1). This also ensure the records are retained until the expiry of the statute of limitations period (6 years – s.10 of the <i>Limitation of Actions Act 1974</i> (Qld)).</p> <p>Community expectation: The community expects Residential Tenancies Authority to provide a free service to help resolve their disputes without the need for further legal action.</p> <p>Comparisons with other schedules: The Residential Tenancies Authority is the only organisation in Queensland that handles disputes relating to rental tenancy agreements and rental bonds. Rental bond organisations in other jurisdictions do not provide all the services that the Authority provides such as a free conciliation service. In other jurisdictions, the client may be referred to an Office of Fair Trading, Consumer Tribunal or a Magistrates Court for conciliation. The recommended retention period aligns with the:</p> <p>Archives Office of Tasmania <i>Functional Records of the Office of Consumer Affairs</i> (DS4) for correspondence and notes received/created in dealing with individual complaints from consumers - reference number 3.2.1– destroy 7 years after action completed.</p> <p>Archives Office of Tasmania for <i>Housing Services Program for Department of Community & Health Services</i> (DS22) for records relating to the management of the tenancy including applications for public housing, rent adjustments, transfer applications, domestic violence reports, neighbour disputes and associated correspondence – reference number 2.1.2 - destroy 7 years after termination of tenancy agreement or payment of outstanding debts whichever is the later.</p> <p>State Records Authority of New South Wales <i>Consumer Protection (Consumer, Trader and Tenancy Tribunal)</i> (FA283) for records relating to scheduling, management and administration of dispute cases and hearings - reference number 1.1.6 - retain minimum of 7 years after action completed then destroy.</p> <p>Previous schedules: <i>Residential Tenancies Authority Retention and Disposal Schedule</i> (QDAN 552 v1) has the retention period “retain for 5 years after finalisation of bond”</p>

Ref. No	Description of record and retention period	Justification for retention period
		With the majority of disputes being related to rental bonds it is recommended the retention period be consistent with bond files (see reference no. 1.2.1).
2.1.2	<p>Conciliation - conciliator notes and recordings Notes and recordings made by a Residential Tenancies Authority conciliator during a conciliation process in accordance with s.409 of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>Disposal action - Retain until conciliation process completed.</p>	<p>Background/business process: The Residential Tenancies Authority provides a conciliator to assist lessors and tenants through the conciliation process. The conciliator may take notes and record the conciliation interview however records must be destroyed at the end of the conciliation process in accordance with the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>Under the Act (s.409 (3)) the conciliator may destroy the notes at the end of the conciliation process, however within the Authority all notes must be destroyed at the end of the process.</p> <p>Regulatory requirements: Sections 409 and 413 of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>s.409 of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> a record cannot be made of anything said during the conciliation process. The conciliator may make notes but under this section they may be destroyed after the conciliation process ends.</p> <p>s.413 of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> anything said in a conciliation process is inadmissible in QCAT or any other court.</p> <p>Business requirements: The Residential Tenancies Authority conciliations are a confidential process and they request all notes and recordings made during the conciliation process are destroyed once the process is finalised.</p> <p>Community expectation: Records of a conciliation process are not held beyond the completion of the conciliation process.</p> <p>Comparisons with other schedules: No comparisons found with other schedules where transcripts or notes of negotiations are not retained on a mediation file.</p> <p>Other comments/factors for consideration: Queensland State Archives have been informed that the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> is under review. s.409 will be amended to allow conciliators to record conciliations teleconferences for training or quality purposes.</p>

Function No	Title	Scope Note
3	External Relations	<i>The function of administering the relationship with external bodies, such as community and other government bodies.</i>
Activities		
3.1 Client service		

Ref. No	Description of record and retention period	Justification for retention period
3.1.1	<p>Call recordings Recordings of client calls received through the Residential Tenancies Authority client contact centre and recorded for quality and coaching purposes.</p> <p>Disposal action - Retain until reference ceases.</p>	<p>Background/business process: Calls received by the Residential Tenancies Authority call centre may be recorded for quality and coaching purposes. Specifically, the Authority uses the recordings to evaluate the performance of their client service officers. The records are not used to record client relationships or for legal purposes.</p> <p>The recordings are selected randomly by a Residential Tenancies Authority training officer to evaluate the performance of their client service officers. A manual transcript is made of the call and placed on the client service officer's development file if it was identified, by listening to the recording, the recorded conversation did not meet Residential Tenancies Authority client service policies. This transcript is then retained in accordance with the <i>General Retention and Disposal Schedule for Administrative Records (QDAN249v7)</i>.</p> <p>The following data may be recorded, but not for every call: date, time, duration of call and conversation. This data cannot be used to retrieve a specific call, which is a result of the system not being reliable and recordings often being incomplete.</p> <p>Regulatory requirements: Nil</p> <p>Business requirements: The business need for these records is approximately 13 weeks after the recording was made to allow time to randomly evaluate the recordings.</p> <p>Community expectation: Evidence the Residential Tenancies Authority is undertaking staff development activities.</p> <p>Comparisons with other schedules:</p>

Ref. No	Description of record and retention period	Justification for retention period
		<p>Queensland State Archives <i>Office of State Revenue Retention and Disposal Schedule</i> (QDAN642v1) for audio tapes recording telephone calls made to the client contact centre – reference number 1.1.1 – retain for 2 years after last action.</p> <p>State Records Authority of New South Wales <i>Retention and Disposal Schedule for Department of Fair Trading</i> (DA48) for recordings of customer or client class created/maintained to support the provision of customer services and monitoring of service standards and quality e.g. call centre recordings – reference number 2.6.5 – retain until administrative or reference use ceases, then destroy.</p>

Function No	Title	Scope Note
4	Investigations	<i>The function of administering, maintaining, revising, enforcing and investigating breaches of the Residential Tenancies and Rooming Accommodation Act 2008, the Residential Tenancies and Rooming Accommodation Regulations 2009 and any previous legislation administered by the Residential Tenancies Authority.</i>
Activities		
4.1 Cases		

Ref. No	Description of record and retention period	Justification for retention period
4.1.1	<p>Investigations - significant</p> <p>Records relating to breaches of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> and <i>Residential Tenancies and Rooming Accommodation Regulations 2009</i> that are investigated by the Residential Tenancies Authority.</p> <p>Includes investigations that lead to prosecution.</p> <p>Significant investigations are those which:</p> <ul style="list-style-type: none"> • result in changes and/or has major impact to the Residential Tenancies Authority's policies and standards • result in changes to the 	<p>Background/business process:</p> <p>The Residential Tenancies Authority investigates alleged breaches of the offence (penalty) provisions contained in the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> committed by tenants, lessors or their agents. The Residential Tenancies Authority cannot investigate alleged breaches of provisions that are not designated as offences under the Act. Breaches of non-penalty provisions or other agreements are dealt with through the breach process and the dispute resolution process (2.1.1).</p> <p>An investigation can be triggered if a formal (written) complaint relating to alleged breaches is received. The Residential Tenancies Authority also carries out investigations as a result of information obtained through its bond management or client service activities. If the allegations are proven it may lead to prosecution by the Residential Tenancies Authority.</p> <p>An investigation is an impartial fact gathering process. The Residential Tenancies Authority will decide whether to conduct an investigation or not. Investigations can have three outcomes:</p> <ul style="list-style-type: none"> • no action • actioned • prosecution for serious cases <p>Prosecution is only conducted where other strategies have failed or are inadequate to address the seriousness of the complaint. Prosecutions may also commence if it is considered to be in the public interest or in the interests of rental sectors. For a prosecution to commence, sufficient evidence is required to prove the allegation beyond a reasonable doubt and must first be approved by the Chief Executive Officer.</p>

Ref. No	Description of record and retention period	Justification for retention period
	<p><i>Residential Tenancies and Rooming Accommodation Act 2008</i> and/or <i>Residential Tenancies and Rooming Accommodation Regulations 2009</i></p> <ul style="list-style-type: none"> • result in major public interest or controversy. <p>Disposal action - Retain permanently.</p>	<p>Regulatory requirements: <i>Residential Tenancies and Rooming Accommodation Act 2008</i> <i>Residential Tenancies and Rooming Accommodation Regulation 2009</i></p> <p>Business requirements: These records are required to provide evidence of the Residential Tenancies Authorities investigation of a breach of penalty provisions under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>. A history of the changes to the Act and/or policies is required.</p> <p>In some cases, the Residential Tenancies Authorities must inform the court of details of previous prosecutions relating to the same offender. These prosecutions may have taken place many years earlier e.g. recently there have been two prosecution cases in which the details of their previous prosecutions were required. Both prosecution cases involved previous prosecutions well in excess of seven years.</p> <p>Permanent retention criteria in accordance with Queensland State Archives Appraisal Statement: Characteristic 2 – Primary functions and programs of government Characteristic 4 – Significant Impact on Individuals</p> <p>Community expectation: Evidence the Residential Tenancies Authority investigates breaches of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>Comparisons with other schedules: The recommended retention period is consistent with similar records relating to investigations covered in the: Queensland State Archives <i>General Retention and Disposal Schedule for Administrative Records</i> (QDAN249 v.7) for records relating to major issues of public interest or controversy; claims or matters which are of a precedent-setting nature or which have a major impact on the agency's policy and procedures - reference number 9.2.1 - retain permanently.</p> <p>Queensland State Archives <i>Queensland Audit Office Retention and Disposal Schedule</i> (QDAN 648v.2) for records relating to investigations into complaints and allegations of improper use or management of public sector entity finances or non-compliance where: the complaint is substantiated the nature of the misconduct is such that it attracts significant public controversy, results in significant penalties for the accused or leads to a change in legislation, policy or procedure – reference number 4.6.1 – retain permanently.</p> <p>State Records Authority of New South Wales <i>Retention and Disposal Schedule for Department of Fair</i></p>

Ref. No	Description of record and retention period	Justification for retention period
		<p><i>Trading</i> (DA48) for records for records relating to investigation of complaints or breaches against landlords or agents, including illegal evictions, leading to legal action or prosecutions by or on behalf of the Department, or in which Department has major involvement – reference number 6.2.1.2 - required as State archives.</p> <p>Other comments/factors for consideration: Whilst an agent may be prosecuted, an agent’s licence is not revoked as a result of a prosecution by the Residential Tenancies Authority. Residential Tenancies Authority does not have the power to revoke an agent’s licence. The Office of Fair Trading administers the <i>Property Agents and Motor Dealers Act 2000</i>. An agent’s licence is revoked by the Office of Fair Trading as a result of their investigation into an agent’s trust account. A Residential Tenancies Authority investigation may be a factor considered by the Office of Fair Trading but it would not be the sole factor. Also the Residential Tenancies Authority has no formal referral process with the Office of Fair Trading.</p> <p>The Residential Tenancies Authority does not investigate emerging sector issues such as protected tenancies, public housing and the provision of housing e.g. over-crowding. These issues are outside of their jurisdiction and are handled by the Residential Services Unit (Dept of Housing and Public Works), Office of Fair Trading, Qld Planning and Qld Fire and Emergency Services. The Residential Tenancies Authority becomes aware of these situations due to the quarterly Industry Development Forum held by Residential Tenancies Authority. Stakeholders such as members from REIQ, POAQ (Property Owners Association of Aust) etc attend these meetings but Residential Tenancies Authority does not investigate these matters.</p>
4.1.2	<p>Investigations - other Records relating to breaches of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> and <i>Residential Tenancies or Rooming Accommodation Regulations 2009</i> which are not covered by reference number 4.1.1. Includes investigations that lead to prosecution.</p>	<p>Background/business process: This class covers investigations undertaken by the Residential Tenancies Authority that are not considered significant and covered under reference number 4.1.1. The Residential Tenancies Authority investigates approximately 650 requests per year. Of these, 625 come under this category. That is the investigation has been actioned and the compliance issue has been proven. The outcome may lead to a prosecution; however the Residential Tenancies Authority prefers to educate offending parties where possible. If prosecution did occur, it would not be classed as significant.</p> <p>Regulatory requirements: <i>Residential Tenancies and Rooming Accommodation Act 2008</i></p> <p>Business requirements: It is common for the Residential Tenancies Authority not to be advised of a breach until the end of a tenancy. In accordance with s.510 of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>, the</p>

Ref. No	Description of record and retention period	Justification for retention period
	<p>Disposal action - Retain for 15 years after last action.</p>	<p>Residential Tenancies Authority has two years to prosecute an offender.</p> <p>Occasionally, the Residential Tenancies Authority prosecutes previous offenders. When a defendant is found guilty the Authority is able to bring records on previous history to the courts attention, therefore previous investigation records are required. However, the court generally does not take into account matters that are so old that they are not deemed to be relevant for sentencing purposes. The Residential Tenancies Authority would not provide information about matters older than 15 years as it is unlikely a court would take these into account.</p> <p>Community expectation: Evidence the Residential Tenancies Authority investigates breaches of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>Comparisons with other schedules: Similar classes are retained for 7 years; however the Residential Tenancies Authority has a business need to retain these records longer as outlined above in the business requirements section.</p> <p>Queensland State Archives <i>General Retention and Disposal Schedule for Administrative Records</i> (QDAN249 v.7) for records relating to other litigation matters, including claims of a <i>minor</i> nature – reference number 9.2.2 – retain for 7 years after last action.</p> <p>State Records of New South Wales <i>Department of Fair Trading Retention and Disposal Schedule</i> (DA48) for records relating to routine legal action taken against real estate agents, by or on behalf of the Department for non-compliance with terms of licence or statutory requirements. Includes identified brief of evidence – reference number 6.1.2.2 - retain a minimum of 7 years after action completed, then destroy.</p> <p>State Records of New South Wales <i>Department of Fair Trading Retention and Disposal Schedule</i> (DA48) for renting services for records relating to the investigation of routine complaints, breaches or compliance issues – reference number 6.2.1.5 - retain a minimum of 7 years after action completed, then destroy.</p> <p>Public Records Office Victoria <i>Retention and Disposal Authority for Records of Consumer Affairs Functions</i> (PROS 11/04) for records documenting inspections and investigations that do not lead to any enforcement action. Includes verbal warnings and / or written instructions given out where minor or unintentional non-compliance is identified – reference number 7.2.3 - destroy 7 years after conclusion of investigation.</p>
4.1.3	<p>Complaints not actioned Records relating to complaints</p>	<p>Background/business process: When an alleged breach of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> is lodged with</p>

Ref. No	Description of record and retention period	Justification for retention period
	<p>received by the Residential Tenancies Authority regarding alleged non-compliance of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> and <i>Residential Tenancies or Rooming Accommodation Regulations 2009</i> which are not investigated as the complaint does not relate to any offence provisions under these Acts.</p> <p>Disposal action - Retain for 2 years after last action.</p>	<p>the Residential Tenancies Authority the allegations will be checked against the offence provisions under the Act. The Residential Tenancies Authority will gather evidence supporting or refuting the offence allegations and decide whether or not to conduct an investigation.</p> <p><i>Not actioned</i> means no investigation was undertaken by the Residential Tenancies Authority. This occurs if a complaint is made and it is clear on the face of the complaint that it doesn't relate to any offence provisions under the Act.</p> <p>Regulatory requirements: <i>Residential Tenancies and Rooming Accommodation Act 2008</i></p> <p>Business requirements: These records provide evidence of the Residential Tenancies Authority response to a complaint and decision not to undertake an investigation.</p> <p>Community expectation: Evidence the Residential Tenancies Authority investigates breaches of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>Comparisons with other schedules: As these records relate to complaints which do not result in an investigation, the records are considered similar to complaints rather than investigations. Therefore, the recommended retention period is consistent with the retention period for complaints.</p> <p>Queensland State Archives <i>General Retention and Disposal Schedule for Administrative Records</i> (QDAN249 v.7) for records relating to complaints and suggestions – reference number 1.10.2 - retain for 2 years after last action.</p> <p>State Records Authority of NSW <i>General Retention and Disposal Authority</i> (GA28) for records relating to complaints or suggestions that result in referral to another organisation or body for response or a routine response - reference number 2.19.2 - retain minimum of 2 years after action completed, then destroy</p> <p>State Records Authority of NSW <i>Local Government General Retention and Disposal Authority</i> (GA39) for records relating to complaints and suggestions that result in a routine response or referral to another organisation. Includes letters of appreciation and referrals of enquiries from other organisations - reference number 6.5.2 - retain minimum of 2 years after action completed, then destroy.</p> <p>Public Record Office Victoria <i>General Retention & Disposal Authority for Records of Common Administrative</i></p>

Ref. No	Description of record and retention period	Justification for retention period
		<i>Functions</i> (PROS 07/01) for records documenting the receipt and response to individual complaints which require routine responses on agency actions, policy or procedures – reference number 2.3.4 - destroy 2 years after administrative use has concluded.