



Records disposal schedule

Records Disposal Schedule Mineral Titles Regulation Department of Mines and Energy

Disposal Schedule No. 2014/27

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Preamble

Introduction

The *Information Act* states that public sector organisations must safeguard their records and must not delete or otherwise dispose of a record unless authorised to do so¹. Disposal of records is permitted through the use of records disposal schedules and enable regular, planned and authorised disposal of records controlled by an agency.

Records retention decisions are based on:

- the current and future business needs of the organisation
- compliance with legal and governance requirements of the organisation
- the current and future needs of internal and external stakeholders, including the wider community.

Records disposal schedules provide continuing authorisation for the legal disposal of records and are authorised by the records service, archives service and chief executive officer of the public sector organisation responsible for the schedule.

Records disposal schedules apply to records created and maintained in any format, including electronic records, records in business systems, and parts of records.

In the Northern Territory government there are two types of records disposal schedules:

- General records disposal schedules that apply to records common to most or all NT Government public sector organisations (http://www.nretas.nt.gov.au/knowledge-and-history/ntas/records/records_disposal), and
- Functional records disposal schedules that apply to records specific to an NT Government public sector organisation or function.

Functional records disposal schedules should be used in conjunction with general records disposal schedules.

Structure of a Records Disposal Schedule

Records disposal schedules set out minimum requirements for the creation, maintenance, retention or destruction actions to be taken in relation to existing or future records described in each class. Records disposal schedules specify

- a) whether a class of record has temporary or permanent status;
- b) the retention period for a temporary class of record;
- c) authorised disposal actions for a class of record.²

Each class of records created by an agency is described using classifications based on business analysis.

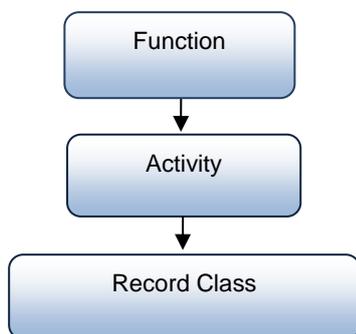
Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

¹ S.145 *Information Act*

² S.136A(3) *Information Act*

Within the schedule, functions are documented as the highest level terms and business activities under the functions, followed by record classes, as shown in diagram 1.

Diagram 1



Function

The function or keyword is the highest level in the classification scheme in this disposal schedule. The function is indicated at the start of each section and a description (scope note) provided.

Activity

Activities are the processes or operations that make up the business function. This is the second level in the classification scheme in this disposal schedule. The description (scope note) provides details of the transactions that take place in relation to the activity, for example, REPORTING or POLICY.

Record Class

A record class is a group of records that relate to the same activity, function or subject and require the same disposal action. The descriptions can relate to one record (such as a register) or a group of records documenting a particular set of business transactions.

Status and Disposal Action

The appraisal status of a record class is assigned as either permanent or temporary.

Permanent Records: Records appraised with permanent status have been identified as archives and must be transferred to the NT Archives Service for their preservation and eventual public access.

The retention period for permanent records is the maximum period before the records must be transferred to the NT Archives Service. Permanent records must be transferred no later than 30 years after creation in accordance with the Information Act, unless exemption has been granted (see Archives Management Standards Transfer of Archives, and Exemption from Compulsory Transfer of Permanent Records to the NT Archives Service). An Application to Transfer Records form must be submitted to the NT Archives Service before records will be accepted for transfer.

Temporary records: The retention period for temporary records is the minimum period before the records can legally be destroyed. The retention period is calculated after an event or a disposal trigger such as 'date of action completed', 'date of audit' or 'date of birth'. Destruction should be done following consultation with relevant operational business employees responsible for the records.

Retention periods for temporary records in a records disposal schedule are minimum periods only and agencies may keep records for a longer period if considered necessary for business requirements.

Reasons for longer retention could include,

- administrative need or agency directives,
- legal requirements such as current or pending legal action,
- relevance to an investigation or inquiry which is in progress,
- is subject to an Information Access application, or
- subject to a disposal freeze.

Records created prior to 1 July 1978 must not be disposed of without the authorisation of the NT Archives Service in accordance with Archives Management Standard Records Created Prior to 1978, unless specified in a schedule.

Sentence records with this records disposal schedule using the following five steps:

1. Determine the appropriate function and activity of the records. This can be done by examining an existing record or when creating a new record.
2. Identify the disposal class.
3. From the disposal action in the class, identify the trigger event and a date when the record can be disposed of, alternately, identify that the record is to be retained permanently as archives.
4. If the trigger event has already occurred (such as action is completed), confirm and implement the disposal action.
5. If the trigger event has not occurred (e.g. the record is still in active use), set a review date for the future.

About this Records Disposal Schedule

Purpose

The purpose of this Records Disposal Schedule is to enable regular, planned and authorised disposal of records of Mineral Titles Regulation of the Department of Mines and Energy.

Scope

Application of this Records Disposal Schedule is mandatory for Mineral Titles Regulation records of the Department of Mines and Energy.

This Records Disposal Schedule applies to Mineral Titles Regulation records in all formats.

Responsibility

The Chief Executive of the Department of Mines and Energy is responsible for the content and implementation of this Records Disposal Schedule including the provision of advice and training, and for monitoring compliance.

Authority

This Records Disposal Schedule is authorised in accordance with S. 136B of the *Information Act*.

Disposal Schedule No. 2014/27 was approved by the Director of the NT Archives Service (The Archives Service), Senior Director of ICT Policy and Governance (The Records Service), and the Chief Executive of the Department of Mines and Energy on 5 December 2014 and is effective immediately.

Regulatory Framework

The regulatory basis for this Records Disposal Schedule is defined in:

- *Mineral Titles Act*
- *Mineral Titles Regulations*
- *Aboriginal Land Rights Act 1976*
- *Native Title Act 1993*
- *Information Act*
- NT Government Records Management Standards
- NT Government Archives Management Standards
- Australian Standards AS ISO 15489:2002-Records Management

Related Documents

This Records Disposal Schedule is to be read in conjunction with:

- NT Government Records Management Standard – Records Disposal
- policies and procedures of the Department of Mines and Energy
- current authorised disposal schedules for Department of Mines and Energy

Normal Administrative Practice

Public sector organisations are permitted to dispose of some short term or ephemeral documents under the authority of the Disposal Schedule for Short Term Value Records. These include:

- duplicate (eg information or reference copy)
- obviously unimportant (e.g. telephone message slips)
- of short term facilitative value (e.g. compliment slips)
- a combination of these

The guiding principle is that organisations should be sure that destroying these records will not destroy evidence that might be needed.

Records that have been captured into a recordkeeping system should be destroyed using the Disposal Schedule for Short Term Value Records unless the class of records has been identified in a specific disposal schedule.

Notification of Destruction

Provide formal notification of destruction of all records to the NT Records Service.

Note: In the case of the Disposal Schedule for Records of Short Term Value (Disposal Schedule No. 2003/10), notification is only required for the destruction of records described in Disposal Class No. 1.10.1.

Acknowledgement

The NT Archives Service and the NT Records Service acknowledge that material produced by National Archives of Australia, State Records Authority of New South Wales, State Records of South Australia, Public Records Office of Victoria, Territory Records Office and Standards Australia was used in the development of this schedule.

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission of the NT Archives Service. Requests and enquiries concerning reproduction and rights should be directed to the Director, NT Archives Service. The terms in the business classification scheme are based on the Keyword AAA: A Thesaurus of General Terms (Government of New South Wales, 1998), and are produced under a licence agreement between the NT Archives Service and the State Records Authority of New South Wales.

Compliance Checklist

- Implement a records disposal program to ensure regular appraisal, sentencing, destruction and transfer of all records
- Assign responsibility for the management and application of regular records disposal action using authorised records disposal schedules, to an appropriately skilled records manager who consults with the NT Archives Service and NT Records Service
- Familiarise all employees of the organisation with the authorised records disposal schedules relevant to the organisation's records
- Identify and sentence all records described in this schedule in all formats including electronic records and records in business systems, copies of records and parts of records
- Ensure all copies of temporary records are destroyed in any format (including backups), unless otherwise stated in a disposal schedule
- Apply this records disposal schedule to records in the organisation's records management systems, including systems for the management of paper records, electronic records, or records in any other format
- Apply this records disposal schedule to records in the organisation's business systems, either directly or by linking the business system to a records management system
- Implement quality assurance mechanisms to periodically check that the disposal class originally assigned at the creation of the records is still applicable at the time of sentencing of the record
- Implement review or quality control procedures in recordkeeping systems to ensure disposal actions are implemented correctly
- Identify records that require re-sentencing where a previous disposal schedule has been superseded
- Stop applying sentences from previous schedules that have been revoked or amended
- Retain all records in good order and condition to be available for retrieval during the retention period.
- Identify and update control records so that you can demonstrate what happened to each record, whether paper or electronic
- Implement an appropriate and approved strategy for retention of records of continuing value, eg. preservation in original form, migration to new systems, and conversion to long term medium
- Dispose of all records sentenced according to this schedule in all formats including electronic records and records in business systems, copies of records and parts of records
- Transfer records of permanent value to the NT Archives Service for retention as archives not later than 30 years after creation
- Inactive records can be transferred to offsite service providers providing they have been sentenced
- Destroy time expired temporary records in a secure manner that ensures complete deletion/destruction beyond any possible reconstruction
- Notify the NT Records Service of destruction of all records
- Do not destroy records that are not described in an authorised records disposal schedule.
- Do not destroy any records created prior to 1 July 1978 without specific authorisation from the NT Archives Service

Disposal Schedule

1. Mineral Titles Regulation

The function of regulating the exploration and processing of minerals and extractive minerals in the Northern Territory, including the granting and monitoring of mineral titles and maintaining the Mineral Titles Register under the *Mineral Titles Act*.

1.1 Advice

The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes the process of advising.

Class No.	Description of Records	Status and Disposal Action
1.1.1	Records documenting formal advice to and from the Minister in relation to mineral titles regulation. Includes guidelines, declarations and gazette notices of special reserved lands, general reserved lands and reservation of areas of land in a title area of an exploration licence or fossicking area.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.1.2	Records documenting routine advice given to members of the public and industry on licencing processes and legislation requirements such as requests for information on restricted areas and advice on historic tenements.	Temporary Destroy 3 years after action completed

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1.2 Agreements

The processes associated with the establishment, maintenance, review and negotiation of agreements. Includes formal agreements and /or exchange of letters between parties, as well as informal agreements.

Class No.	Description of Records	Status and Disposal Action
1.2.1	Records documenting the establishment, negotiation, maintenance and review of agreements made under the <i>Aboriginal Land Rights Act</i> with other government bodies, including joint land use agreements with native title owners, such as the Tanami Exploration Agreement.	Permanent Transfer to the NT Archives Service 10 years after action completed

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1.3 Authorisation

The process of seeking and granting permission to undertake requested action.

Class No.	Description of Records	Status and Disposal Action
1.3.1	Records documenting delegations of authority from the Minister to the Chief Executive, or authorised persons, of powers and functions under the Act. Includes legal instruments of delegations for authorised officers and terms and conditions.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.2	Records documenting dealings in relation to change of ownership of mineral title rights interests such as transfers and devolutions as required under the Act. Includes applications and Minister's certificate.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.3	Records documenting dealings in relation to mineral title caveats, mortgages, agreements and sales, required under the Act.	Temporary Destroy 15 years after termination of registration
1.3.4	Records documenting the appointment of authorised officers. Includes legal instruments, copies of photo identification and returned identification cards where the authorised officer has ceased from their position.	Temporary Destroy 7 years after end of appointment

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1.4 Committees

The activities associated with the management of committees, sub committees, councils, forums working groups, boards and task forces (internal and external, private, community, local, state, national, international, etc.). Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes, reports, agendas etc.

Class No.	Description of Records	Status and Disposal Action
1.4.1	<p>Records documenting recommendations by committees, such as the Titles Advisory Board, in relation to mineral title applications to the Director of Mineral Titles for a final decision.</p> <p>Includes agendas and other supporting documentation.</p>	<p>Temporary</p> <p>Destroy 5 years after action completed</p>

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1.5 Compliance

The activities associated with complying with, or monitoring compliance with, mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes compliance with legislation and with national and international standards.

Class No.	Description of Records	Status and Disposal Action
1.5.1	<p>Records documenting investigations into persons suspected of not holding a mineral title under the Act.</p> <p>Includes file notes, photos, films, video recordings, seized goods, receipts of monies received for the cost of repairs, the sale or disposal of property forfeited to the Territory, warning letters, infringement notices, extracts of documents, witness statements, show cause notices and responses, notices of appeal, local court orders and final decisions.</p>	<p>Temporary</p> <p>Destroy 15 years after action completed</p>

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1.6 Control

The activities associated with creating, maintaining and evaluating control mechanisms, eg Thesaurus.

Tip: Includes classification, indexing, registration, forms design, etc. to ensure maximum control over records and recordkeeping systems. Also includes control mechanisms for other information resources and systems.

Class No.	Description of Records	Status and Disposal Action
1.6.1	<p>Register of mineral titles,</p> <p>Recorded information includes:</p> <ul style="list-style-type: none"> - applicant details - type of mineral title - caveats - terms and conditions - copies of certificates - dealings 	<p>Permanent</p> <p>Retain in organisation</p> <p>(manage and migrate data to new platform system during system upgrades)</p> <p>Transfer hardcopy register to the NT Archives Service 10 years after last entry</p>

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1.7 Tenure History

The activities associated with documenting the history of exploration, mining and petroleum tenure granted under the relevant Northern Territory legislation.

Class No.	Description of Records	Status and Disposal Action
1.7.1	<p>Records documenting the granting of extractive mineral exploration licences, permits and leases under the Act by the Minister, including transfers, surrenders, cancellations, variations, replacements and refusals.</p> <p>Includes applications, technical work programs, receipts of prescribed fees, public notices, approved access authorities, proposed expenditure on exploration, surveys of proposed title areas, terms and conditions, other supporting documentation, and reports to the Minister.</p> <p>May include objections and submissions received in relation to mineral title applications and applicant responses. Minister's written consent to applications for aboriginal land, declared fossicking areas, and declared parks and reserves land, including other relevant minister consents, notices of appeals, tribunal hearings and final decisions.</p>	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>
1.7.2	<p>Records documenting the granting of exploration licences, mineral exploration licences, mineral exploration licences in retention, mineral leases and perpetual miners rights by the Minister, including renewals, transfers, cancellations, suspensions, surrenders, variations, replacements and refused applications.</p>	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>

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The activities associated with documenting the history of exploration, mining and petroleum tenure granted under the relevant Northern Territory legislation.

Class No.	Description of Records	Status and Disposal Action
	<p>Includes applications, renewal notices, receipts of prescribed fees, public notifications, approved access authorities, technical work programs, surveys of proposed title areas, notices of discoveries, terms and conditions, other supporting documentation, and reports to the Minister.</p> <p>May include notices to the Minister of minerals discovered that may be of economic or scientific interest, or if underground water is found.</p> <p>Written consents for land in proposed title areas, such as aboriginal community living areas declared fossicking areas and declared parks and reserves.</p> <p>Renewal of mineral authorities, consents and agreements as required under the <i>Aboriginal Land Rights Act</i>, notices of changes, Minister's decision to divide or amalgamate title areas, objections and submissions received in relation to applications, notice of appeals, tribunal hearings and final decisions.</p>	
1.7.3	<p>Records documenting the approval and refusal of preliminary exploration for the purpose of assessing the potential of land for future exploration for minerals or extractive minerals under a mineral title, including variations and replacements.</p> <p>Includes applications, terms and conditions, and reports to the Minister.</p>	<p>Temporary</p> <p>Destroy 10 years after action completed</p>

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1.7 Tenure History

The activities associated with documenting the history of exploration, mining and petroleum tenure granted under the relevant Northern Territory legislation.

Class No.	Description of Records	Status and Disposal Action
	May include airborne geo-scientific surveys, Minister's consent to conduct activities in a declared fossicking area, reserved land, declared park or reserve,	
1.7.4	Records documenting the withdrawal of applications for mineral titles under the Act. Includes applications and supporting documentation.	Temporary Destroy 5 years after action completed