



Records disposal schedule

Records Disposal Schedule Civil and Administrative Tribunal Services Department of the Attorney-General and Justice

Disposal Schedule No. 2015/24

November 2015

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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, 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.

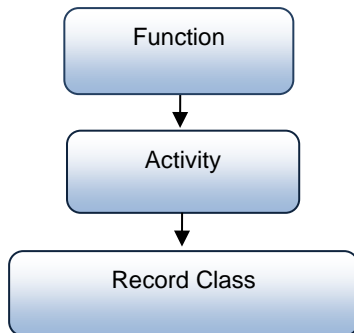
Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

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 Civil and Administrative Tribunal Services of the Department of the Attorney-General and Justice.

Scope

Application of this Records Disposal Schedule is mandatory for Civil and Administrative Tribunal Services records of the Department of the Attorney-General and Justice.

This Records Disposal Schedule applies to Civil and Administrative Tribunal Services records in all formats.

Responsibility

The Chief Executive of the Department of the Attorney-General and Justice 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. 2015/24 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 the Attorney-General and Justice on 30 November and is effective immediately.

Amendments Schedule

Schedule of amendments to the Civil and Administrative Tribunal Records Disposal Schedule

Page	Element	Type of edit	Description of amendment
iv	Regulatory Framework	Category B	Additional legislation cited
8	Class 1.8.1	Category B	Re-write of record class example
9	Class 1.8.3	Category B	Re-write of record class example

Regulatory Framework

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

- *Administrators and Pensions Act*
- *Alcohol Mandatory Treatment Act*
- *Anti-Discrimination Act*
- *Births Deaths and Marriages Registration Act*

- *Building Act*
- *Caravan Parks Act*
- *Control of Roads Act*
- *Co-operatives (National Uniform Legislation) Act*
- *Darwin Waterfront Corporation Act*
- *Education Act*
- *Energy Pipelines Act*
- *Fences Act*
- *Gaming Control Act*
- *Gaming Machine Act*
- *Geothermal Energy Act*
- *Guardianship of Adults Act*
- *Health Practitioners Act*
- *Health Practitioner Regulation (National Uniform Legislation) Act*
- *Heritage Act*
- *Information Act*
- *Kava Management Act*
- *Lands Acquisition Act*
- *Legislative Assembly Members' Superannuation Fund Act*
- *Licensing Act*
- *Liquor Act*
- *Local Government Act*
- *Marine Act*
- *Mental Health and Related Services Act*
- *Mental Health and Related Services Regulations*
- *Mineral Titles Act*
- *Northern Territory Civil and Administrative Tribunal Act*
- *Northern Territory Civil and Administrative Tribunal Regulations*
- *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction for Native Title Matters) Act*
- *Pastoral Land Act*
- *Petroleum Act*
- *Planning Act*
- *Poppy Regulation Act*
- *Ports Management Act*
- *Private Security Act*
- *Prostitution Act*
- *Residential Tenancies Act*
- *Small Claims Act*
- *Small Claims Regulations*
- *Superannuation Act*
- *Termination of Units Plans and Unit Titles Schemes Act 2014*

- *Tobacco Control Act*
- *Totalisator Licensing and Regulation Act*
- *Unit Titles Act*
- *Victims of Crimes Assistance Act*
- *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 the Attorney-General and Justice
- current authorised disposal schedules for Department of the Attorney-General and Justice.

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.

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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	
<input type="checkbox"/> Implement a records disposal program to ensure regular appraisal, sentencing, destruction and transfer of all records	<input type="checkbox"/> Stop applying sentences from previous schedules that have been revoked or amended
<input type="checkbox"/> 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	<input type="checkbox"/> Retain all records in good order and condition to be available for retrieval during the retention period.
	<input type="checkbox"/> Identify and update control records so that you can demonstrate what happened to each record, whether paper or electronic
<input type="checkbox"/> Familiarise all employees of the organisation with the authorised records disposal schedules relevant to the organisation's records	<input type="checkbox"/> 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
<input type="checkbox"/> 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	<input type="checkbox"/> 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
<input type="checkbox"/> Ensure all copies of temporary records are destroyed in any format (including backups), unless otherwise stated in a disposal schedule	<input type="checkbox"/> Transfer records of permanent value to the NT Archives Service for retention as archives not later than 30 years after creation
<input type="checkbox"/> 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	<input type="checkbox"/> Inactive records can be transferred to offsite service providers providing they have been sentenced
<input type="checkbox"/> 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	<input type="checkbox"/> Destroy time expired temporary records in a secure manner that ensures complete deletion/destruction beyond any possible reconstruction
<input type="checkbox"/> 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	<input type="checkbox"/> Notify the NT Records Service of destruction of all records
<input type="checkbox"/> Implement review or quality control procedures in recordkeeping systems to ensure disposal actions are implemented correctly	<input type="checkbox"/> Do not destroy records that are not described in an authorised records disposal schedule.
<input type="checkbox"/> Identify records that require re-sentencing where a previous disposal schedule has been superseded	<input type="checkbox"/> Do not destroy any records created prior to 1 July 1978 without specific authorisation from the NT Archives Service

Disposal Schedule

1. Civil and Administrative Tribunal Services

The function of reviewing public administrative decisions and resolving certain civil disputes within the Northern Territory under the *Northern Territory Civil and Administrative Tribunal Act*. Includes the establishment and management of the Northern Territory Civil and Administrative Tribunal and the Rules Committee under the 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	Examples	Status and Disposal Action
1.1.1	Records documenting the provision of advice to and from the Minister in relation to civil and administrative tribunal services where a detailed response has been provided.	<ul style="list-style-type: none">• Ministerial• Briefing notes	Permanent Transfer to the NT Archives Service 10 years after action completed
1.1.2	Records documenting routine advice to and from the community in relation to civil and administrative tribunal services such as legislative procedures.	<ul style="list-style-type: none">• Routine advice	Temporary Destroy 3 years after action completed

1. Civil and Administrative Tribunal Services

The function of reviewing public administrative decisions and resolving certain civil disputes within the Northern Territory under the *Northern Territory Civil and Administrative Tribunal Act*. Includes the establishment and management of the Northern Territory Civil and Administrative Tribunal and the Rules Committee under the Act.

1.2 Authorisation

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

Class No.	Description of Records	Examples	Status and Disposal Action
1.2.1	Records documenting where the Minister has appointed a person to be a Registrar of the Tribunal, including terminations.	<ul style="list-style-type: none"> • Appointment of Registrars • Ministerial 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.2	Records documenting delegations of powers and functions by the Registrar to an authorised officer.	<ul style="list-style-type: none"> • Delegations of powers and functions 	Permanent Transfer to the NT Archives Service 10 years after action completed

1. Civil and Administrative Tribunal Services

The function of reviewing public administrative decisions and resolving certain civil disputes within the Northern Territory under the *Northern Territory Civil and Administrative Tribunal Act*. Includes the establishment and management of the Northern Territory Civil and Administrative Tribunal and the Rules Committee under the Act.

1.3 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, appointments of members, terms of reference, proceedings, minutes, reports, agenda etc.

Class No.	Description of Records	Examples	Status and Disposal Action
1.3.1	Records documenting the establishment of the Northern Territory Civil and Administrative Tribunal under the Act, including appointments of the President, the Deputy President and ordinary members by the Administrator	<ul style="list-style-type: none"> - Establishment of the NT Civil and Administrative Tribunal - Appointments of members - Terms and conditions - Resignations and terminations - Gazette notices - Briefing notes 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.2	Records documenting the establishment of the Rules Committee as required under the Act, including agendas and minutes.	<ul style="list-style-type: none"> - Appointment of members Rules Committee - Minutes - Agendas 	Permanent Transfer to the NT Archives Service 10 years after action completed
	Use 1.8 – Tribunal Proceedings for records documenting civil and administrative tribunal proceedings.		

1. Civil and Administrative Tribunal Services

The function of reviewing public administrative decisions and resolving certain civil disputes within the Northern Territory under the *Northern Territory Civil and Administrative Tribunal Act*. Includes the establishment and management of the Northern Territory Civil and Administrative Tribunal and the Rules Committee under the Act.

1.4 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	Examples	Status and Disposal Action
1.4.1	Records documenting where a person or persons are suspected of contravening the Act and a major investigation has taken place that may have set a precedent, led to legislative change or has been of public wide interest.	<ul style="list-style-type: none"> • Major investigations • Written letters • File notes • Video footage • Investigation reports and final decisions 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.4.2	Records documenting where a person or persons have been suspected of contravening the Act and a minor investigation has taken place, such as when persons engage in conduct that results in disclosure of confidential information.	<ul style="list-style-type: none"> • Minor investigations • Written letters • File notes • Video footage • Investigation reports and final decisions 	Temporary Destroy 7 years after action completed

1. Civil and Administrative Tribunal Services

The function of reviewing public administrative decisions and resolving certain civil disputes within the Northern Territory under the *Northern Territory Civil and Administrative Tribunal Act*. Includes the establishment and management of the Northern Territory Civil and Administrative Tribunal and the Rules Committee under the Act.

1.5 Control

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

Class No.	Description of Records	Examples	Status and Disposal Action
1.5.1	Register of proceedings, including hearings and decisions under the Act.	<ul style="list-style-type: none"> • Matter Name • Jurisdiction • Date • Location • Time • Matter type • Decision 	Permanent Retain in organisation (manage and migrate data to new platform during system upgrades)
1.5.2	Register of approved mediators as required under the Act.	<ul style="list-style-type: none"> • List of Mediators 	Permanent Retain in organisation (manage and migrate data to new platform during system upgrades)

1. Civil and Administrative Tribunal Services

The function of reviewing public administrative decisions and resolving certain civil disputes within the Northern Territory under the *Northern Territory Civil and Administrative Tribunal Act*. Includes the establishment and management of the Northern Territory Civil and Administrative Tribunal and the Rules Committee under the Act.

1.6 Procedures

Standard methods of operating laid down by an organisation according to formulated policy.

Class No.	Description of Records	Examples	Status and Disposal Action
1.6.1	Final set of Northern Territory Civil and Administrative Tribunal Rules and Practice Directions.	<ul style="list-style-type: none"> • NTCAT Rules • Practice Directions 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.6.2	Records documenting the development of procedures and guidelines in relation to civil and administrative tribunal services. Includes drafts and consultation notes.	<ul style="list-style-type: none"> • Draft guidelines and procedures 	Temporary Destroy 5 years after action completed

1. Civil and Administrative Tribunal Services

The function of reviewing public administrative decisions and resolving certain civil disputes within the Northern Territory under the *Northern Territory Civil and Administrative Tribunal Act*. Includes the establishment and management of the Northern Territory Civil and Administrative Tribunal and the Rules Committee under the Act.

1.7 Reporting

The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate policies), and to provide formal statements or findings of the results of an examination or investigation.

Includes agenda, briefing, business, discussion papers, proposals, reports, reviews and returns.

Class No.	Description of Records	Examples	Status and Disposal Action
1.7.1	Final versions of reports in relation to the function of civil and administrative tribunal services.	<ul style="list-style-type: none"> • Annual reports • Additional reports 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.7.2	Records documenting the development of reports in relation to the function of civil and administrative tribunal services. Includes file notes, statistic reports, consultation notes and draft versions.	<ul style="list-style-type: none"> • Draft versions of annual reports • Draft versions of additional reports 	Temporary Destroy 5 years after action completed

1. Civil and Administrative Tribunal Services

The function of reviewing public administrative decisions and resolving certain civil disputes within the Northern Territory under the *Northern Territory Civil and Administrative Tribunal Act*. Includes the establishment and management of the Northern Territory Civil and Administrative Tribunal and the Rules Committee under the Act.

1.8 Tribunal Proceedings

The activities involved in legal action carried on in a tribunal court of law whereby an individual seeks a legal remedy, protection of a right or for prevention of a wrong.

Class No.	Description of Records	Examples	Status and Disposal Action
1.8.1	<p>Records documenting civil and administrative tribunal proceedings that are considered significant, have set a legal precedent or are of public wide interest, including forensic patient files who have been found permanently unfit for trial, moved interstate, absconded, and have had five years of continuous contact with the tribunal.</p> <p>Includes copies of applications, copies of notices of hearings, file notes, witness summonses, evidence, copies of determinations, transcripts and audio and visual recordings.</p> <p>May include appointment of assessors by the President and documentation relating to mediation and appeals to the Supreme Court.</p>	<p>Significant Tribunal Court Proceedings:</p> <ul style="list-style-type: none"> - Review of decisions under Guardianship legislation - Review of decisions under the Victims of Crimes Assistance legislation - Review of decisions under mental health legislation - Alcohol Mandatory Treatment Tribunal - Health Practitioners Review Tribunal 	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>

1. Civil and Administrative Tribunal Services

The function of reviewing public administrative decisions and resolving certain civil disputes within the Northern Territory under the *Northern Territory Civil and Administrative Tribunal Act*. Includes the establishment and management of the Northern Territory Civil and Administrative Tribunal and the Rules Committee under the Act.

1.8 Tribunal Proceedings

The activities involved in legal action carried on in a tribunal court of law whereby an individual seeks a legal remedy, protection of a right or for prevention of a wrong.

Class No.	Description of Records	Examples	Status and Disposal Action
1.8.2	Records documenting tribunal proceedings involving Mental Health, Victims of Crime, Alcoholic Treatment and Adult Guardianship, including proceedings that have been dismissed by the Tribunal. Includes copies of applications, copies of notices of hearings, file notes, witness summonses, evidence, copies of determinations, transcripts and audio and visual recordings and mediation documentation.	<ul style="list-style-type: none"> • Mental Health • Victims of Crime • Alcoholic Treatment • Adult Guardianship 	Temporary Destroy 30 years after final determination or 6 years after the person is deceased
1.8.3	Records documenting tribunal proceedings where the Northern Territory Civil and Administrative Tribunal have review jurisdiction, including civil disputes that are valued over \$25,000.00 and proceedings that have been dismissed by the Tribunal. Includes transcripts and audio and visual recordings and mediation documentation.	Civil and Administrative Tribunal proceedings <ul style="list-style-type: none"> - Review Jurisdiction proceedings - Civil disputes over \$25,000.00 - Dismissed proceedings - Small Claims 	Temporary Destroy 10 years after action completed

1. Civil and Administrative Tribunal Services

The function of reviewing public administrative decisions and resolving certain civil disputes within the Northern Territory under the *Northern Territory Civil and Administrative Tribunal Act*. Includes the establishment and management of the Northern Territory Civil and Administrative Tribunal and the Rules Committee under the Act.

1.8 Tribunal Proceedings

The activities involved in legal action carried on in a tribunal court of law whereby an individual seeks a legal remedy, protection of a right or for prevention of a wrong.

Class No.	Description of Records	Examples	Status and Disposal Action
1.8.4	Records documenting minor civil disputes between individuals, individuals and a trader, business or company valued up to and including \$25,000.00 where the Northern Territory Civil and Administrative Tribunal have original and review jurisdiction, including proceedings that have been dismissed by the Tribunal. Includes transcripts and audio and visual recordings and mediation documentation.	Minor civil disputes up to and including \$25,000.00 - Disputes under the Residential Tenancies Act	Temporary Destroy 3 years after action completed
1.8.5	Records documenting notifications lodged with the Tribunal that do not result in further action.	- Notifications lodged that do not result in further action	Temporary Destroy 12 months after action completed