



Records disposal schedule

Records Disposal Schedule Local Court Administration Department of the Attorney-General and Justice

Disposal Schedule No. 2015/11

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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.

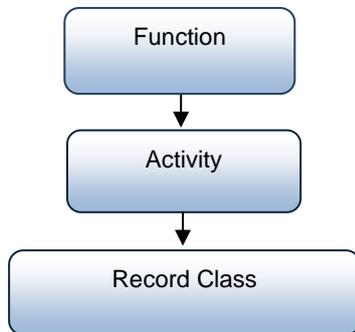
Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

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 Local Court Administration function of the Department of the Attorney-General and Justice.

Scope

Application of this Records Disposal Schedule is mandatory for local court administration records of the Department of the Attorney-General and Justice.

This Records Disposal Schedule applies to local court administration 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. 2015/11 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 24 August 2015 and is effective immediately.

Amendments Schedule

Schedule of amendments to the Records Disposal Schedule for Local Courts Administration

Page	Element	Type of edit	Description of amendment
	Keyword and scope	Category B	Local Court Administration change in responsibilities
v	Regulatory Framework	Category B	Legislation responsibilities given over to Civil and Administrative Tribunal
3	Class 1.2.6	Category B	New Class added
3	Class 1.2.7	Category B	New Class added
5	Class 1.4.1	Category B	Class description amended
5	Class 1.4.2	Category B	Disposal Status amended
7	Class 1.4.6	Category B	New Class added

Regulatory Framework

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

- *Local Court Act*
- *Local Court Regulations*
- *Local Court Rules*
- *Summary Offences Act*
- *Summary Offences Regulations*
- *Care and Protection of Children Act*
- *Coroners Act*
- *Court Security Act*
- *Court Security Regulations*
- *Work Health Act*
- *Criminal Property Forfeiture Act*
- *Disability Services Act*
- *Domestic and Family Violence Act*
- *Volatile Substance Abuse Act*
- *Crimes (Victims Assistance) Rules*
- *Planning 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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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. Local Court Administration

The function of providing a court service for both civil cases and less serious criminal cases through the Local Court. Includes matters before the Youth Justice Court and the Work Health Court.

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 local court administration where a detailed response has been provided. Includes drafts and briefing notes.	<ul style="list-style-type: none"> Ministerials 	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 local court administration such as policies and procedures.	<ul style="list-style-type: none"> Routine advice 	Temporary Destroy 3 years after action completed

1. Local Court Administration

The function of providing a court service for both civil cases and less serious criminal cases through the Local Court. Includes matters before the Youth Justice Court and the Work Health Court.

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 buildings have been approved by the Minister for the holding of the Court. Include ministerials.	<ul style="list-style-type: none"> Approved Buildings for Court 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.2	Records documenting where the Minister has appointed a person to be a Judicial Registrar or a Registrar of the Court, and also qualified persons where the Court is required to perform its functions at a place outside the Territory. Include ministerials.	<ul style="list-style-type: none"> Appointment of Registrars 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.3	Records documenting where the Minister has approved a Judicial Registrar, Registrar or Deputy Registrar of the Court to concurrently hold office as a Registrar or Deputy Registrar of a court of another jurisdiction. Include ministerials.	<ul style="list-style-type: none"> Approved Judicial Registrars 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.4	Records documenting where the Chief Judge has appointed persons to be a Bailiff of the	<ul style="list-style-type: none"> Appointment of Bailiffs 	Permanent Transfer to the NT Archives Service

1. Local Court Administration

The function of providing a court service for both civil cases and less serious criminal cases through the Local Court. Includes matters before the Youth Justice Court and the Work Health Court.

1.2 Authorisation

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

Class No.	Description of Records	Examples	Status and Disposal Action
	Court.		10 years after action completed
1.2.5	Records documenting the appointments of court security officers by the Chief Executive Officer, including terminations. Includes recommendations, evidence of crowd controllers licence and legal instruments.	<ul style="list-style-type: none"> • Appointments of Court Security Officers 	Temporary Destroy 7 years after appointment ceases or terminated
1.2.6	Records documenting appointments of the Territory Coroner and the Deputy Coroner by the Administrator under the <i>Coroners Act</i> .	<ul style="list-style-type: none"> • Appointments of Territory Coroner • Appointments of Deputy Coroner 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.7	Records documenting written delegations by the Coroner to the coroner's clerk under the <i>Coroners Act</i> .	<ul style="list-style-type: none"> • Delegations to the Coroner's Clerk 	Permanent Transfer to the NT Archives Service 10 years after action completed

1. Local Court Administration

The function of providing a court service for both civil cases and less serious criminal cases through the Local Court. Includes cases on matters before the Youth Justice Court and the Work Health Court.

1.3 Control

The activities associated with the handling of requests for information about the organisation and its services by the general public or another organisation. Includes requests made under the *Information Act*.

Class No.	Description of Records	Examples	Status and Disposal Action
1.3.1	<p>Register of Mediators approved by the Chief Judge.</p> <p>Includes receipts of payments towards the costs and expenses of a Mediator paid equally by all parties.</p>	<ul style="list-style-type: none"> Register of Mediators 	<p>Permanent</p> <p>Retain in organisation</p> <p>(manage and migrate data to new platform during system upgrades)</p> <p>Transfer hardcopy register to the NT Archives Service 10 years after last entry</p>

1. Local Court Administration

The function of providing a court service for both civil cases and less serious criminal cases through the Local Court. Includes matters before the Youth Justice Court and the Work Health Court.

1.4 Court Proceedings

The activities involved in legal action carried on in a 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
1.4.1	<p>Records documenting criminal court proceedings dealt within the Local Court.</p> <p>Includes but not limited to:</p> <ul style="list-style-type: none"> - Charges / Complaints / Summons - Facts / Precis - Criminal History - Reports - References - Exhibit Items - Transcripts - Tribunal Orders 	<p>Criminal court proceedings:</p> <ul style="list-style-type: none"> - domestic violence - traffic offences - regulatory offences - aggravated assault - stealing - damage to property - trespassing on premises - possessing a dangerous drug 	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>
1.4.2	<p>Records documenting civil court proceedings dealt within the Local Court, such as the Work Health Court and Care and Protection Court.</p>	<ul style="list-style-type: none"> • Civil court proceedings • Criminal property forfeiture 	<p>Temporary</p> <p>Destroy 15 years after action</p>

1. Local Court Administration

The function of providing a court service for both civil cases and less serious criminal cases through the Local Court. Includes matters before the Youth Justice Court and the Work Health Court.

1.4 Court Proceedings

The activities involved in legal action carried on in a 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
	Includes but not limited to: <ul style="list-style-type: none"> - Statements of Claims - Applications - Motions - Writs - Affidavits - Records relating to conciliation conferences - Defences - Judgement orders - Enforcement orders 	<ul style="list-style-type: none"> • Care and Protection • Youth Justice Court • Work Health Court 	completed or 7 years after Child turns 18, whichever is the later
1.4.3	Records documenting the transfer of court proceedings from the Supreme Court to the Local Court. Includes the original court file, notice of transfer to all parties,	<ul style="list-style-type: none"> • Transfer of proceedings to the Local Court 	Temporary Destroy 15 years after action completed

1. Local Court Administration

The function of providing a court service for both civil cases and less serious criminal cases through the Local Court. Includes matters before the Youth Justice Court and the Work Health Court.

1.4 Court Proceedings

The activities involved in legal action carried on in a 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
	statement of claim or particulars by the plaintiff and records of the conciliation conference, court orders and applications.		
1.4.4	Records documenting requests for court transcripts from members of the public, government parties, journalists and members of the public. Includes applications.	<ul style="list-style-type: none"> • Requests for court transcripts 	Temporary Destroy 5 years after action completed
1.4.5	Records documenting audio recordings of court proceedings.	<ul style="list-style-type: none"> • Audio recordings 	Temporary Destroy 12 months after action completed
1.4.6	Records documenting coroner cases where an investigation into a death or disaster has taken place by the Territory Coroner. Includes inquests and where an inquest has been deemed unnecessary, transcripts of hearings, depositions of witnesses, autopsy reports, toxicology reports, expert opinion reports, investigator reports and briefs, photographs, coronial findings, diagrams, related exhibits, related correspondence	<ul style="list-style-type: none"> - Coronial Cases - Inquests - IDU – Inquest Deemed Unnecessary 	Permanent Transfer to the NT Archives Service 10 years after action completed

1. Local Court Administration

The function of providing a court service for both civil cases and less serious criminal cases through the Local Court. Includes matters before the Youth Justice Court and the Work Health Court.

1.4 Court Proceedings

The activities involved in legal action carried on in a 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
	and supporting documentation. May include written notifications of decisions not to hold an inquest, Supreme court orders, notifications to the next of kin of deceased for an autopsy to be performed or deceased person's body be exhumed and police directions.		