



Records disposal schedule

Records Disposal Schedule Adult Guardianship Department of Health

Disposal Schedule No. 2016/17

November 2016

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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.

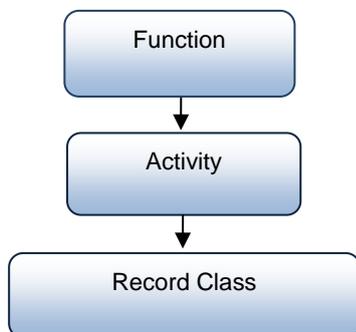
Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

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 the Adult Guardian.

Scope

Application of this Records Disposal Schedule is mandatory for the Adult Guardianship records of the hosting Department. This Records Disposal Schedule applies to the Adult Guardianship records in all formats.

Responsibility

The Chief Executive of the Department of Health 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. 2016/17 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 Health on 4 November 2016 and is effective immediately.

Re-sentencing Records

All records sentenced using records Disposal Schedule for the Department of Health Adult Guardianship 2015/9 are to be re-sentenced in accordance with this schedule.

Regulatory Framework

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

- *Advance Personal Planning Act*
- *Aged and Infirm Persons' Property Act*
- *Alcohol Mandatory Treatment Act*
- *Alcohol Mandatory Treatment Regulations*
- *Care and Protection of Children Act*
- *Disability Services Act*
- *Guardianship of Adults Act*
- *Mental Health and Related Services Act*
- *Mental Health and Related Services Regulations*
- *Northern Territory Civil and Administrative Tribunal Act*
- *Powers of Attorney Act*
- *Powers of Attorney Regulations*
- *Public Trustee Act*
- *Public Trustee Regulations*
- *Volatile Substance Abuse Prevention Act*

- *Volatile Substance Abuse Prevention Regulations*
- *Information Act*
- NT Government Records Management Standards
- NT Government Archives Management Standards
- Australian Standards AS ISO 15489-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 hosting Department
- policies and procedures of the Office of the Public Guardian
- current authorised disposal schedules for Department of Health

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

<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. Adult Guardianship

The function of providing for the guardianship of adults in the Northern Territory with impaired decision making capacity relevant to daily living. Includes the appointment of the Public Guardian, granting and reviewing of adult guardianship orders by the Tribunal, provision of education and awareness to the community, and annual reporting to the Minister as required under the *Guardianship of Adults 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, and other government bodies, including determinations and guidelines in relation to the guardianship of adults under the Act.	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 other government bodies on application processes and legislation requirements.	Temporary Destroy 3 years after action completed

1. Adult Guardianship

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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 and review of major agreements in relation to adult guardianship. Includes memoranda of understanding and ministerial briefs.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.2	Records documenting the establishment, negotiation, maintenance and review of minor agreements in relation to adult guardianship. Includes draft agreements and other related correspondence.	Temporary Destroy 7 years after expiry or termination of agreement

1. Adult Guardianship

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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 the appointment of the Public Guardian by the Administrator, including gazette notices. Includes recommendations, ministerials, terms and conditions, qualifications, experience and other supporting documents.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.2	Records documenting delegations of the Public Guardian functions and powers to authorised officers. Includes legal instruments, ministerials, terms and conditions.	Permanent Transfer to the NT Archives Service 10 years after action completed

1. Adult Guardianship

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1.4 Case Management

The activities associated with the process of assessment, planning and facilitation of options and services to meet individual needs.

Class No.	Description of Records	Status and Disposal Action
1.4.1	<p>Records documenting the guardians appointed for represented adults, such as community guardianship orders, joint guardianship orders with the Public Guardian and interim guardianship orders, including reassessment of orders, variations and revocations.</p> <p>Includes applications, written decisions, summary of meetings, file notes, reports, notifications to the Minister, orders, reassessment and variation of orders, correspondence, and related correspondence.</p> <p>May include notifications to the Public Guardian and the Tribunal of the death of an adult under a guardianship order or the death of a guardian.</p>	<p>Temporary</p> <p>Destroy 30 years from date of represented person's date of death or order has expired or order is revoked</p>
1.4.2	<p>Records documenting the management of financial matters for adults under guardianship, including financial and property affairs as required under the Act.</p> <p>Includes budget, receipts and payment of money, banking, property ownership, investment and management of assets, carrying on a trade or business, internal audits, insurance for an adult and legal matters relating to a financial matter.</p>	<p>Temporary</p> <p>Destroy 10 years after action completed</p>
1.4.3	<p>Records documenting the management of reimbursements and remuneration of expenses incurred by the guardian in the person's capacity as guardian required under the Act.</p> <p>Includes copies of invoices, receipts of payments, bank statements and other supporting documents.</p>	<p>Temporary</p> <p>Destroy 7 years after financial year ends</p>

1. Adult Guardianship

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1.5 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
1.5.1	Records documenting high level committees where the Public Guardian is representing the NT such as the Adult Guardianship Administrative Council (AGAC). Includes agendas, minutes, discussion papers and action items.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.5.2	Records documenting internal and external administrative committees, in relation to adult guardianship. Includes agendas, minutes, discussion papers and action items.	Temporary Destroy 5 years after action completed

1. Adult Guardianship

The function of providing for the guardianship of adults in the Northern Territory with impaired decision making capacity relevant to daily living. Includes the appointment of the Public Guardian, granting and reviewing of adult guardianship orders by the Tribunal, provision of education and awareness to the community, and annual reporting to the Minister as required under the *Guardianship of Adults Act*.

1.6 Complaints

The activities associated with addressing complaints and resolving disputes.

Class No.	Description of Records	Status and Disposal Action
1.6.1	<p>Records documenting major investigations into complaints received from guardians, carers, community or family members in relation to public guardian services, such as the conduct of guardians, neglect towards represented persons.</p> <p>Includes investigation reports, file notes, witness statements and other related correspondence.</p>	<p>Temporary</p> <p>Destroy 30 years after action completed</p>
1.6.2	<p>Records documenting minor investigations into complaints received from guardians, carers, community or family members in relation to public guardian services, such as guardians not acting within the best interests of represented persons.</p> <p>Includes investigation reports, file notes, witness statements and other related correspondence.</p>	<p>Temporary</p> <p>Destroy 7 years after action completed</p>

1. Adult Guardianship

The function of providing for the guardianship of adults in the Northern Territory with impaired decision making capacity relevant to daily living. Includes the appointment of the Public Guardian, granting and reviewing of adult guardianship orders by the Tribunal, provision of education and awareness to the community, and annual reporting to the Minister as required under the *Guardianship of Adults Act*.

1.7 Control

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

Class No.	Description of Records	Status and Disposal Action
1.7.1	<p>Register of Adult Guardianship Orders under the Act.</p> <p>Includes but not limited to:</p> <ul style="list-style-type: none"> - personal details of guardians - represented persons - terms and conditions of orders - type of orders - reassessments of orders - nature of disability - Medicare Number - name of Adult Guardianship Officer - solicitors appointed - medical reports - financial Documentation 	<p>Permanent</p> <p>Retain in organisation</p> <p>(manage and migrate data to new platform during system upgrades)</p>

1. Adult Guardianship

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1.8 Education Services

The activities involved in planning and developing educational activities which raise awareness and understanding of compliance with legislative and regulatory obligations.

Class No.	Description of Records	Status and Disposal Action
1.8.1	<p>Records documenting the promotion of awareness of adult guardianship as required under the Act, including information sessions, networking events, public events and presentations.</p> <p>Includes background research, briefs and designs, copies of handouts and brochures.</p>	<p>Temporary</p> <p>Destroy 7 years after action completed</p>

1. Adult Guardianship

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1.9 Procedures

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

Class No.	Description of Records	Status and Disposal Action
1.9.1	Master set of procedures, policies and guidelines in relation to the guardianship of adults.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.9.2	Records documenting the development of procedures and guidelines in relation to the guardianship of adults. Includes draft versions, consultation notes, feedback from staff and industry stakeholders and copies of legal advice.	Temporary Destroy 5 years after action completed

1. Adult Guardianship

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1.10 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 with providing 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	Status and Disposal Action
1.10.1	Final versions of major reports in relation to adult guardianship, including annual reports as required under the Act.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.10.2	Records documenting the development of major reports. Includes draft versions, file notes, statistics and other supporting documentation.	Temporary Destroy 5 years after action completed