



Records disposal schedule

Records Disposal Schedule Public Prosecutions Director of Public Prosecutions

Disposal Schedule No. 2015/14

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Table of Contents

- Preamble..... i**
 - Introduction i
- Structure of a Records Disposal Schedule i**
 - Functionii
 - Activityii
 - Record Classii
 - Status and Disposal Actionii
- About this Records Disposal Schedule..... iv**
 - Purposeiv
 - Scopeiv
 - Responsibility.....iv
 - Authority.....iv
 - Re-sentencing Records.....iv
 - Regulatory Framework.....iv
 - Related Documentsvi
 - Normal Administrative Practicevi
 - Notification of Destructionvi
 - Acknowledgement.....vi
- Compliance Checklist vii**
- Disposal Schedule 1**
 - 1. Public Prosecutions..... 1
 - 1.1 Advice 1
 - 1.2 Authorisation 2
 - 1.3 Committees 3
 - 1.4 Criminal Prosecution 4
 - 1.5 Enquiries..... 10
 - 1.6 Extension Services..... 11
 - 1.7 Policy 12
 - 1.8 Reporting 13
 - 1.9 Training..... 14

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.

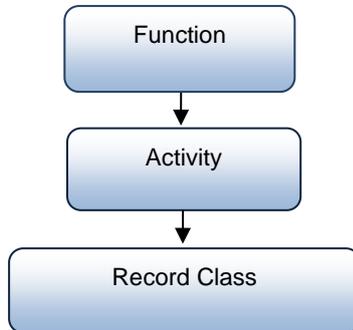
Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

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 Public Prosecutions of the Director of Public Prosecutions.

Scope

Application of this Records Disposal Schedule is mandatory for public prosecutions records of the Director of Public Prosecutions. This Records Disposal Schedule applies to Public Prosecutions records in all formats.

Responsibility

The Director of Public Prosecutions 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. 2015/14 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.

Re-sentencing Records

All records sentenced using records Disposal Schedule for Case Files of the Director of Public Prosecutions in the Northern Territory 2000/1 (DPP) are to be re-sentenced in accordance with this schedule.

Regulatory Framework

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

- Aboriginal Land Act
- Animal Welfare Act
- Auctioneers Act
- Bail Act
- Bail Regulations
- Commercial and Private Agents Licensing Act
- Consumer Affairs and Fair Trading Act
- Coroners Act
- Coroners Regulations
- Criminal Code Act
- Criminal Property Forfeiture Act
- Crown Proceedings Act

- Crown Proceedings Regulations
- Dangerous Goods Act
- Dangerous Goods Regulations
- Director of Public Prosecutions Act
- Domestic and Family Violence Act
- Gaming Control Act
- Gaming Control Regulations
- Gaming machine Act
- Kava Management Act
- Liquor Act
- Liquor Regulations
- Local Court Act
- Local Court Regulations
- Local Court Rules
- Magistrates Act
- Mining Act
- Misuse of Drugs Act
- Misuse of Drugs Regulations
- NT Aboriginal Sacred site Act
- Observance of Law Act
- Places of Public Entertainment Act
- Police Administration Act
- Prostitution Regulation Act
- Protective Security Manual
- Summary Offences Act
- Summary Offences Regulations
- Supreme Court Act
- Supreme Court Regulations
- Supreme Court Rules
- Surveillance Devices Act
- Telecommunications (Interception) Northern Territory Act
- Trespass Act
- Uncollected Goods Act
- Unlawful Betting Act
- Victims of Crimes Assistance Act
- Victims of Crimes Assistance Regulations
- Youth Justice Act
- Youth Justice Regulations
- Witness Protection (Northern Territory) 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 Director of Public Prosecutions
- current authorised disposal schedules for Director of Public Prosecutions.

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 (eg telephone message slips)
- of short term facilitative value (eg 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. Public Prosecutions

The function of instituting, preparing and conducting criminal cases on behalf of the Crown before the Supreme Courts and the Courts of Summary Jurisdiction of the Northern Territory and the High Court of Australia, including Summary Prosecutions. Includes Criminal Property Forfeiture and Witness Assistance Services.

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 Director of Public Prosecutions where a detailed response has been provided. Includes drafts and briefing notes.	<ul style="list-style-type: none">• Ministerial• Briefing notes and minutes providing advice to the Minister• correspondence	Permanent Transfer to the NT Archives Service 10 years after action completed

1. Public Prosecutions

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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 appointments of the Director of Public Prosecutions, including Acting Director of Public Prosecutions. Includes terms and conditions, written notices of disclosure of interests and resignations and revocations.	<ul style="list-style-type: none"> • Instruments • Gazette notices 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.2	Records documenting delegations of power and functions to persons approved by the Director of Public Prosecutions, such as police officers. Includes written delegations and legal opinions.	<ul style="list-style-type: none"> • Directions to Police Officers 	Permanent Transfer to the NT Archives Service 10 years after action completed

1. Public Prosecutions

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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, appointment of members, terms of reference, proceedings, minutes, reports, agendas etc.

Class No.	Description of Records	Examples	Status and Disposal Action
1.3.1	Records documenting high level committees such as the Director of Public Prosecutions National Executives Meeting where the Director of Public Prosecutions of the Northern Territory is a representative. Includes minutes, agendas and discussion papers.	<ul style="list-style-type: none"> • DPP National Executives Meeting • Australian Association Crown Prosecutors (AACP) • Heads of Prosecuting Agencies Conference (HOPAC) 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.2	Records documenting inter-departmental formal committees such as the Sexual Assault Committee and the Courts Users Group. Includes minutes, agendas and discussion papers.	<ul style="list-style-type: none"> • Sexual Assault Committee • Courts Users Group 	Temporary Destroy 5 years after action completed

1. Public Prosecutions

The function of instituting, preparing and conducting criminal cases on behalf of the Crown before the Supreme Courts and the Courts of Summary Jurisdiction of the Northern Territory and the High Court of Australia, including Summary Prosecutions. Includes Criminal Property Forfeiture and Witness Assistance Services.

1.4 Criminal Prosecution

The activities associated with bringing and conducting prosecutions for offences that are indictable and not indictable.

Class No.	Description of Records	Examples	Status and Disposal Action
1.4.1	<p>Prosecution files for major criminal proceedings or criminal cases deemed exceptional, precedent setting or of widespread public interest of persons indicted through the Magistrates Court, Supreme Court, Court of Criminal Appeal and the High Court.</p> <p>Records include:</p> <ul style="list-style-type: none"> - Record of proceedings - Exhibit list - Photographs - Plan - File cover - Crown papers (police brief for trial) including: - index - proofs and/or statutory declarations - depositions - copies of (paper based) exhibits - statements 	<ul style="list-style-type: none"> • Murder contrary to section 156 of the Criminal Code (and successor legislation) • Attempted murder contrary to section 165 of the Criminal Code (and successor legislation) • Manslaughter (including Motor Manslaughter) contrary to section 160 of the Criminal Code (and successor legislation) • Cause death by dangerous driving contrary to section 174F of the Criminal Code (and successor legislation) • Rape contrary to section 192 of the Criminal Code (and successor legislation) 	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>

1. Public Prosecutions

The function of instituting, preparing and conducting criminal cases on behalf of the Crown before the Supreme Courts and the Courts of Summary Jurisdiction of the Northern Territory and the High Court of Australia, including Summary Prosecutions. Includes Criminal Property Forfeiture and Witness Assistance Services.

1.4 Criminal Prosecution

The activities associated with bringing and conducting prosecutions for offences that are indictable and not indictable.

Class No.	Description of Records	Examples	Status and Disposal Action
	<ul style="list-style-type: none"> - record of interview - transcript of interview - fact form and antecedent report - record of convictions - File notes and correspondence - Internal memoranda - Notes by counsel - Bail letters - Pre-trial check list - Points of view - Exhibits - Reports - Comments on passing sentence - Sentence letter <p>May also include preliminary inquiries in relation to criminal property forfeiture by the Solicitor for the Northern Territory.</p>	<ul style="list-style-type: none"> • Incest contrary to section 134 of the Criminal Code (and successor legislation) • Robbery contrary to section 211 of the Criminal Code (and successor legislation) 	

1. Public Prosecutions

The function of instituting, preparing and conducting criminal cases on behalf of the Crown before the Supreme Courts and the Courts of Summary Jurisdiction of the Northern Territory and the High Court of Australia, including Summary Prosecutions. Includes Criminal Property Forfeiture and Witness Assistance Services.

1.4 Criminal Prosecution

The activities associated with bringing and conducting prosecutions for offences that are indictable and not indictable.

Class No.	Description of Records	Examples	Status and Disposal Action
1.4.2	Records documenting legal opinions from prosecutors to the Police Force in relation to public prosecutions such as cases that are rare and exceptional or set a precedent, where the accused have warrants for their arrest as outstanding, crimes of violence or sexual offences. Includes drafts, file notes and other supporting documents.	<ul style="list-style-type: none"> Legal Advice from the Prosecutor to the Police 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.4.3	Prosecutions files where the accused has failed to appear and a warrant for their arrest has been issued and the warrant remains outstanding.	<ul style="list-style-type: none"> Warrants outstanding 	Temporary Destroy 50 years after warrant is issued
1.4.4	Records documenting criminal public prosecution case files of persons indicted through the Magistrates Court, Supreme Court, and the Court of Criminal Appeal that are not considered of major significance, including	<ul style="list-style-type: none"> Minor criminal proceedings 	Temporary Destroy 50 years after proceedings have finalised.

1. Public Prosecutions

The function of instituting, preparing and conducting criminal cases on behalf of the Crown before the Supreme Courts and the Courts of Summary Jurisdiction of the Northern Territory and the High Court of Australia, including Summary Prosecutions. Includes Criminal Property Forfeiture and Witness Assistance Services.

1.4 Criminal Prosecution

The activities associated with bringing and conducting prosecutions for offences that are indictable and not indictable.

Class No.	Description of Records	Examples	Status and Disposal Action
	<p>discontinued prosecutions, proceedings where there has been no committal for trial, retrials, committals, special hearings, appeals, breaches of good behaviour bonds and the granting of bail such as robbery, sexual crimes, and crimes of violence, and not covered in class 1.4.1 or 1.4.2 or 1.4.3</p> <p>Records include apprehension reports, statement of facts, police and witness statements, bail considerations, criminal history checks, results from drug and DNA tests, exhibit files, committal and proceedings transcripts, domestic violence orders, briefing to council and prosecutors, legal opinions and other supporting documents.</p>		
1.4.5	Records documenting hard copy apprehension reports created prior to the introduction of the Integrated Justice Information System (IJIS).	<ul style="list-style-type: none"> Apprehension reports 	<p>Temporary</p> <p>Destroy 30 years after action completed</p>

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1.4 Criminal Prosecution

The activities associated with bringing and conducting prosecutions for offences that are indictable and not indictable.

Class No.	Description of Records	Examples	Status and Disposal Action
1.4.6	Records documenting the provision of witness assistance services to the community in relation to public prosecutions. Includes file notes and correspondence with the police, court staff and prosecutors.	<ul style="list-style-type: none"> Witness Assistance Services 	Temporary Destroy 10 years after action completed
1.4.7	Records documenting prosecution files that are not serious violent or sexual offences where prosecution action is managed by NT Police. Includes master sealed electronic records of interviews.	<ul style="list-style-type: none"> NT Police prosecution 	Temporary Destroy 10 years after action completed
1.4.8	Copies of domestic violence orders issued by the Police or the Court. Includes applications, reviews, variations and revocations of interim orders, consent orders and external orders.	<ul style="list-style-type: none"> Domestic Violence Orders 	Temporary Destroy 10 years after action completed

1. Public Prosecutions

The function of instituting, preparing and conducting criminal cases on behalf of the Crown before the Supreme Courts and the Courts of Summary Jurisdiction of the Northern Territory and the High Court of Australia, including Summary Prosecutions. Includes Criminal Property Forfeiture and Witness Assistance Services.

1.4 Criminal Prosecution

The activities associated with bringing and conducting prosecutions for offences that are indictable and not indictable.

Class No.	Description of Records	Examples	Status and Disposal Action
1.4.9	Working copies of electronic records of interview (EROI).	<ul style="list-style-type: none"> Electronic Records of Interview (EROI) 	Temporary Destroy 28 days after appeals period has lapsed

1. Public Prosecutions

The function of instituting, preparing and conducting criminal cases on behalf of the Crown before the Supreme Courts and the Courts of Summary Jurisdiction of the Northern Territory and the High Court of Australia, including Summary Prosecutions. Includes Criminal Property Forfeiture and Witness Assistance Services.

1.5 Enquiries

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
1.5.1	Records documenting the provision of assistance to other State or Commonwealth Directors of Public Prosecutions in accordance with the law.	<ul style="list-style-type: none"> Other jurisdictions 	Temporary Destroy 10 years after action completed

1. Public Prosecutions

The function of instituting, preparing and conducting criminal cases on behalf of the Crown before the Supreme Courts and the Courts of Summary Jurisdiction of the Northern Territory and the High Court of Australia, including Summary Prosecutions. Includes Criminal Property Forfeiture and Witness Assistance Services.

1.6 Extension Services

The activities involved in planning and developing educational activities and programs which raise awareness and understanding of the broader role of the organisation.

Class No.	Description of Records	Examples	Status and Disposal Action
1.6.1	Records documenting the organisation's participation in raising awareness of its services to the broader community such as giving presentations to school students, NT Police, Sexual Assault Awareness Month and holding a Supreme Court Open Day. Includes research, briefing notes and copies of handouts used as part of the extension display.	<ul style="list-style-type: none"> • School Students • NT Police • Sexual Assault Awareness Month • Supreme Court Open Day 	Temporary Destroy 10 years after action completed

1. Public Prosecutions

The function of instituting, preparing and conducting criminal cases on behalf of the Crown before the Supreme Courts and the Courts of Summary Jurisdiction of the Northern Territory and the High Court of Australia, including Summary Prosecutions. Includes Criminal Property Forfeiture and Witness Assistance Services.

1.7 Policy

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined.

Class No.	Description of Records	Examples	Status and Disposal Action
1.7.1	Final set of the Director Guidelines in relation to public prosecutions.	<ul style="list-style-type: none"> Director Guidelines 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.7.2	Records documenting the development of the Director Guidelines. Includes drafts and consultation notes.	<ul style="list-style-type: none"> Draft working copies 	Temporary Destroy 5 years after policy superseded

1. Public Prosecutions

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1.8 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
1.8.1	Final versions of annual reports of the Director of Public Prosecutions.	<ul style="list-style-type: none"> Annual Reports 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.8.2	Records documenting the development of annual reports in relation to public prosecutions. Includes drafts, consultation notes and file notes.	<ul style="list-style-type: none"> Draft annual reports 	Temporary Destroy 5 years after action completed

1. Public Prosecutions

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1.9 Training

The activities associated with all aspects of training.

Class No.	Description of Records	Examples	Status and Disposal Action
1.9.1	Records documenting presentations for the delivery of training in relation to public prosecutions such as modules for the Diploma of Public Safety (Policing).	<ul style="list-style-type: none">Draft training course material	Temporary Destroy 5 years after action completed