



Records disposal schedule

Records Disposal Schedule Public Trustee Services Office of the Public Trustee

Disposal Schedule No. 2015/13

August 2015

For information and advice, please contact
NT Records Service
Department of Corporate and Information Services
GPO Box 2391
Darwin NT 0801

Email: NTG.RecordsPolicy@nt.gov.au
Telephone: (08) 8924 3847
Facsimile: (08) 8924 3880
Website: http://www.nt.gov.au/dcis/info_tech/records_policy_standards/index.shtml

Table of Contents

Preamble	i
Introduction	i
Structure of a Records Disposal Schedule	i
Function	ii
Activity	ii
Record Class	ii
Status and Disposal Action	ii
About this Records Disposal Schedule	iv
Purpose	iv
Scope	iv
Responsibility.....	iv
Authority.....	iv
Re-sentencing Records.....	iv
Regulatory Framework.....	iv
Related Documents	iv
Normal Administrative Practice	v
Notification of Destruction	v
Acknowledgement.....	v
Compliance Checklist	vi
Disposal Schedule	1
1. Public Trustee Services	1
1.1 Advice	1
1.2 Authorisation	2
1.3 Committees	3
1.4 Control.....	4
1.5 Estate Administration.....	5
1.6 Funds Management.....	6
1.7 Trust Administration.....	8
1.8 Will Services.....	9

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.

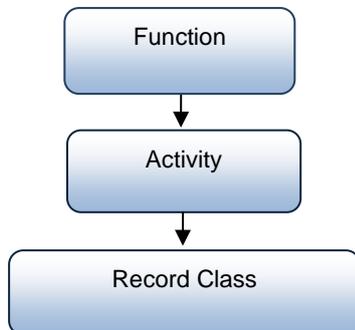
Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

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 Trustee Services of the Office of the Public Trustee.

Scope

Application of this Records Disposal Schedule is mandatory for Public Trustee Services records by the Office of the Public Trustee. This Records Disposal Schedule applies to Public Trustee records in all formats.

Responsibility

The Public Trustee of the Office of the Public Trustee 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. 2015/13 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 Public Trustee of the Office of the Public Trustee on 24 August 2015 and is effective immediately.

Re-sentencing Records

All records sentenced using records Disposal Schedule Records of the Attorney General's Department 2000/7 (AG) under section 2 only are to be re-sentenced using this schedule.

Regulatory Framework

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

- *Public Trustee Act*
- *Wills Act*
- *Trustee Act*
- *Administration and Probate Act*
- *Advance Personal 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 Office of the Public Trustee
- current authorised disposal schedules for the Office of the Public Trustee

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. Public Trustee Services

The function of providing a Trustee, Executor or Will making service within the Northern Territory, including managing investments in relation to Public Trustee clients (Trusts and Estates), including maintaining the NT Wills Register and the Advance Personal Planning Register and managing restrained and forfeiture property under the *Criminal Property Forfeiture 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 formal advice to and from the Minister and other government bodies in relation to public trustee services where a detailed response has been provided, including advice on high level policies, reforms and legal opinions. Includes drafts, legal advice, ministerial and briefing notes.	Formal Advice <ul style="list-style-type: none"> - Minister - Government Bodies 	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 public trustee services such as the complaint process or obligations under the Act.	<ul style="list-style-type: none"> • Routine advice 	Temporary Destroy 3 years after action completed

<h2>1. Public Trustee Services</h2> <p>The function of providing a Trustee, Executor or Will making service within the Northern Territory, including managing investments in relation to Public Trustee clients (Trusts and Estates), including maintaining the NT Wills Register and the Advance Personal Planning Register and managing restrained and forfeiture property under the <i>Criminal Property Forfeiture Act</i>.</p>			
<h3>1.2 Authorisation</h3> <p>The process of seeking and granting permission to undertake requested action.</p>			
Class No.	Description of Records	Examples	Status and Disposal Action
1.2.1	<p>Records documenting appointments of persons to be the public trustee for the Northern Territory, including the deputy public trustee by the Administrator.</p> <p>Includes recommendations by the Chief Executive Officer and ministerial.</p>	<ul style="list-style-type: none"> Appointments of Public Trustee 	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>
1.2.2	<p>Records documenting where the Public Trustee has discharged all powers and duties of an executor, administrator, receiver, committee or guardian.</p> <p>Includes applications, copies of newspaper advertisements, and copies of applications given to persons entitled to receipt of any income or corpus of the estate.</p>	<ul style="list-style-type: none"> Discharge Powers and Duties 	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>

1. Public Trustee Services

The function of providing a Trustee, Executor or Will making service within the Northern Territory, including managing investments in relation to Public Trustee clients (Trusts and Estates), including maintaining the NT Wills Register and the Advance Personal Planning Register and managing restrained and forfeiture property under the *Criminal Property Forfeiture 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	<p>Records documenting the establishment of the Public Trustee Investment Board, including ministerial appointments.</p> <p>Includes:</p> <ul style="list-style-type: none"> - Appointments - Terms and conditions - Resignations and terminations - Agendas and Minutes - Discussion papers - Decision registers 	<ul style="list-style-type: none"> • Public Trustee Investment Board – Establishment • Public Trustee Investment Board - Meetings 	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>

1. Public Trustee Services

The function of providing a Trustee, Executor or Will making service within the Northern Territory, including managing investments in relation to Public Trustee clients (Trusts and Estates), including maintaining the NT Wills Register and the Advance Personal Planning Register and managing restrained and forfeiture property under the *Criminal Property Forfeiture Act*.

1.4 Control

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

Class No.	Description of Records	Examples	Status and Disposal Action
1.4.1	Includes: <ul style="list-style-type: none"> - Personal details - Dealings in relation to land - Amendments - Cessation date - Search requests 	<ul style="list-style-type: none"> • Register of Advance Personal Plans 	Permanent Retain in organisation (manage and migrate data to new platform during system upgrades)
1.4.2	Copies of Advance Personal Plans.	<ul style="list-style-type: none"> • Copies of Advance Personal Plans 	Temporary Destroy 3 years after date of application
1.4.3	Northern Territory Wills Register Includes: <ul style="list-style-type: none"> - Personal details - Amendments and Rectifications - Revocations - Execution Date 	<ul style="list-style-type: none"> • NT Wills Register 	Permanent Retain in organisation (manage and migrate data to new platform during system upgrades) Transfer hardcopy register to the NT Archives Service 10 years after last entry

1. Public Trustee Services

The function of providing a Trustee, Executor or Will making service within the Northern Territory, including managing investments in relation to Public Trustee clients (Trusts and Estates), including maintaining the NT Wills Register and the Advance Personal Planning Register and managing restrained and forfeiture property under the *Criminal Property Forfeiture Act*.

1.5 Estate Administration

The activities association with administering the estate of a deceased person.

Class No.	Description of Records	Examples	Status and Disposal Action
1.5.1	<p>Record documenting the administration of estates of deceased persons, whether testate or intestate, including where the owner of the estate is unknown.</p> <p>Includes appointments, court orders, certificates of birth, death and marriage, copies of family trees, wills, statements of accounts, deeds and other legal documents, authorities, directions and claims from beneficiaries, valuations and other related correspondence.</p> <p>May include notice of intentions to assume Trust and other related correspondence relating to a notice received.</p>	<ul style="list-style-type: none"> Deceased Persons Estate 	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>
1.5.2	<p>Records documenting where a trustee of a trust estate has requested the Public Trustee to be appointed and the Public Trustee refuses.</p> <p>Includes notices served on all persons interested in the appointment.</p>	<ul style="list-style-type: none"> Refusals 	<p>Temporary</p> <p>Destroy 3 years after action completed</p>

1. Public Trustee Services

The function of providing a Trustee, Executor or Will making service within the Northern Territory, including managing investments in relation to Public Trustee clients (Trusts and Estates), including maintaining the NT Wills Register and the Advance Personal Planning Register and managing restrained and forfeiture property under the *Criminal Property Forfeiture Act*.

1.6 Funds Management

The activities associated with the management of funding bodies.

Class No.	Description of Records	Examples	Status and Disposal Action
1.6.1	Records relating to the establishment of common funds such as cash funds, conservative funds, balance funds and growth funds. Includes minute extracts from the Public Trustee Investment Board.	<ul style="list-style-type: none"> Establishment of Common Funds 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.6.2	Records documenting payments made by the Public Trustee to the Central Holding Authority, including monies received from criminal property forfeitures. Includes directions by the Treasurer.	<ul style="list-style-type: none"> Payments to the Central Holding Authority 	Permanent Retain in organisation
1.6.3	Records documenting the day to day operations of the common funds, including the establishment of other Public Trustee accounts such as the operating and fees accounts. Includes accounts, investments, payments to and from the fund, valuations, reports to	<ul style="list-style-type: none"> Operations of the Common Fund 	Temporary Destroy 5 years after last audit

1. Public Trustee Services

The function of providing a Trustee, Executor or Will making service within the Northern Territory, including managing investments in relation to Public Trustee clients (Trusts and Estates), including maintaining the NT Wills Register and the Advance Personal Planning Register and managing restrained and forfeiture property under the *Criminal Property Forfeiture Act*.

1.6 Funds Management

The activities associated with the management of funding bodies.

Class No.	Description of Records	Examples	Status and Disposal Action
	investors and prospective investors of the common fund, extracts of the annual report, loans to beneficiaries or estates, approvals from the Investment Board to borrow money, and levies.		

1. Public Trustee Services

The function of providing a Trustee, Executor or Will making service within the Northern Territory, including managing investments in relation to Public Trustee clients (Trusts and Estates), including maintaining the NT Wills Register and the Advance Personal Planning Register and managing restrained and forfeiture property under the *Criminal Property Forfeiture Act*.

1.7 Trust Administration

The process of managing funds on behalf of and the benefit of another by order of the court.

Class No.	Description of Records	Examples	Status and Disposal Action
1.7.1	Records documenting the management of funds on behalf of and for the benefit of another, according to ones wishes by order of the court, including where ownership of real or personal property in the Territory is not known and where property is managed under the <i>Criminal Property Forfeiture Act</i> . Includes court orders, copies of deeds, receipts of payments, invoices, taxation, banking records, and other related documents.	<ul style="list-style-type: none"> Management of Trusts 	Permanent Transfer to the NT Archives Service 10 years after action completed

1. Public Trustee Services

The function of providing a Trustee, Executor or Will making service within the Northern Territory, including managing investments in relation to Public Trustee clients (Trusts and Estates), including maintaining the NT Wills Register and the Advance Personal Planning Register and managing restrained and forfeiture property under the *Criminal Property Forfeiture Act*.

1.8 Will Services

The activities of making a legal document that outlines how assets are distributed and appoints a person responsible for the administration of the estate.

Class No.	Description of Records	Examples	Status and Disposal Action
1.8.1	Records documenting the making, amending and revocations of wills by persons without testamentary capacity. Includes copies of final wills, draft wills, court orders.	<ul style="list-style-type: none"> • Making Wills • Amending Wills • Revocation of Wills 	Permanent Transfer to the NT Archives Service 10 years after action completed