



Records disposal schedule

Records Disposal Schedule Births, Deaths and Marriages Registration Department of the Attorney-General and Justice

Disposal Schedule No. 2016/02

June 2016

Disposal Schedule for Births, Deaths and Marriages Registration Records of the Department of the Attorney – General and Justice	2016/02 June 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, 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.

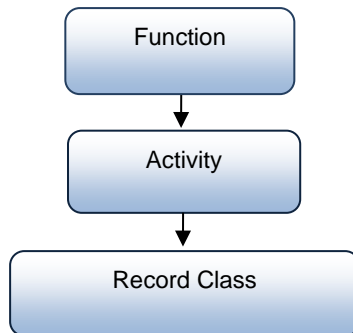
Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

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 Births, Deaths and Marriages Registration of the Department of the Attorney-General and Justice.

Scope

Application of this Records Disposal Schedule is mandatory for Births, Deaths and Marriages Registration records of the Department of the Attorney-General and Justice.

This Records Disposal Schedule applies to Births, Deaths and Marriages Registration 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. 2016/2 was approved by the Director of the NT Archives Service (The Archives Service), A/Senior Director of ICT Policy and Governance (The Records Service), and the Chief Executive of the Department of the Attorney-General and Justice on 3 June 2016 and is effective immediately.

Re-sentencing Records

All records sentenced under the now superseded records disposal schedule Births, Deaths and Marriages Registration – 2008/8 are to be re-sentenced using this schedule.

Regulatory Framework

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

- *Births, Deaths and Marriages Registration Act*
- *Births, Deaths and Marriages Registration Regulations*
- *Marriage Act 1961 (Cth)*
- *Status of Children Act*
- *Information Act*
- *Adoption of Children Act*
- NT Government Records Management Standards
- NT Government Archives Management Standards
- Australian Standards AS ISO 15489:2002-Records Management

Related Documents

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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.

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	<input type="checkbox"/>	Do not destroy any records created prior to 1 July 1978 without specific authorisation

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Compliance Checklist

	been superseded		from the NT Archives Service
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Disposal Schedule

1. Births, Deaths and Marriages Registration

The function of registering births, deaths and marriages in the Northern Territory, including the registration of changes of name and sex under the *Births, Deaths and Marriages Registration Act*.

Includes issuing certified information from the registers, providing statistical information to relevant government bodies and perform civil ceremonies within the Northern Territory.

1.1 Authorisation

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

Class No.	Description of Records	Examples	Status and Disposal Action
1.1.1	Records documenting approved applications to register a minister of religion under the <i>Marriage Act 1961</i> . Includes applications, correspondence and other supporting documents.	<ul style="list-style-type: none"> Minister of Religion applications 	Permanent Transfer to NT Archives Service 10 years after action completed
1.1.2	Records documenting applications for registrations of change of sex as required under the Act, where the Registrar has rejected the application. Includes applications to register change of sex, recognition certificates and other supporting documents.	<ul style="list-style-type: none"> Rejected change of sex applications 	Temporary Destroy 10 years after action completed

1. Births, Deaths and Marriages Registration

The function of registering births, deaths and marriages in the Northern Territory, including the registration of changes of name and sex under the *Births, Deaths and Marriages Registration Act*.

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1.1 Authorisation

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

Class No.	Description of Records	Examples	Status and Disposal Action
1.1.3	Records documenting rejected applications to register a minister of religion under the <i>Marriage Act 1961(Cth)</i> . Includes applications, correspondence, notice of decision and other supporting documents.	<ul style="list-style-type: none"> Rejected Minister of Religion applications 	Temporary Destroy 10 years after action completed
1.1.4	Records documenting applications to the Registrar for a change of name as required under the Act for both adult and child's names where the Registrar has refused to register a change of name. Includes applications, copies of published newspaper notifications, copies of identification and statutory declarations. May include copies of court orders and a child's consent form. May include change of names of serious sex	<ul style="list-style-type: none"> Refused change of name applications 	Temporary Destroy 10 years after action completed

1. Births, Deaths and Marriages Registration

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1.1 Authorisation

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

Class No.	Description of Records	Examples	Status and Disposal Action
	offenders where the Commissioner of Correctional Services has requested the Registrar to refuse the change of name or reverse the change if necessary.		
1.1.5	Records documenting applications for certificates and searches of the Registered entries where the application is approved. Includes applications, copies of receipts of prescribed fees, conditions, copies of extracts, copies of identity documents.	<ul style="list-style-type: none"> Applications for Searches and issue of Certificates from the Register 	Temporary Destroy 3 years after action completed
1.1.6	Records documenting applications for certificates and searches of the Registered entries where the Registrar has refused access due to privacy or notices of prohibition lodged under the <i>Adoption of Children Act</i> . Includes applications, copies of identity	<ul style="list-style-type: none"> Refused applications for Searches and issue of Certificates from the Register 	Temporary Destroy 1 year after action completed

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1.1 Authorisation

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

Class No.	Description of Records	Examples	Status and Disposal Action
	documents receipts of refunded prescribed fees and other supporting documents. May include copies of court orders where an application has sought a review of the Registrar's decision to the Civil and Administrative Tribunal.		
1.1.7	Records documenting applications for certificates and searches of the Registered entries where the application is incomplete or unpaid. Includes applications, correspondence, copies of extracts and copies of identity documents.	<ul style="list-style-type: none"> Incomplete or unpaid applications for Searches and issue of Certificates from the Register 	Temporary Destroy 6 months after action completed

1. Births, Deaths and Marriages Registration

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1.2 Control

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

Class No.	Description of Records	Examples	Status and Disposal Action
1.2.1	<p>Birth Register as required under the Act.</p> <p>Includes medical certificates, birth registration statements, and other supporting documentation.</p> <p>May include court orders and applications to include additional information to the register.</p>	<ul style="list-style-type: none"> • Birth Register 	<p>Permanent</p> <p>Retain in organisation</p> <p>(manage and migrate data to new platform during system upgrades)</p> <p>Transfer hardcopy registers to NT Archives Service 10 years after action completed</p>
1.2.2	<p>Death Register as required under the Act.</p> <p>Includes medical certificates, notifications by funeral directors, notifications of a death of a doctor to the Medical Board of Australia and notifications of a death of a pharmacist to the Pharmacy Board of Australia.</p> <p>May include court orders, notifications of deaths by doctors or the Coroner and applications to include</p>	<ul style="list-style-type: none"> • Death Register 	<p>Permanent</p> <p>Retain in organisation</p> <p>(manage and migrate data to new platform during system upgrades)</p> <p>Transfer hardcopy registers to NT Archives Service 10 years after action completed</p>

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

Class No.	Description of Records	Examples	Status and Disposal Action
	additional information to the register.		
1.2.3	<p>Marriage Register as required under the Act.</p> <p>Includes records documenting Registry Office Marriages, certificates of marriage, notices of intended marriage and any other evidence required by the Registrar.</p> <p>May include copies of birth certificates, copies of passports, statutory declarations, copies of Decree Absolutes, copies of death certificates, evidence of name change, parent consent forms and court orders for persons aged between 16 to 18 years of age.</p>	<ul style="list-style-type: none"> Marriage Register 	<p>Permanent</p> <p>Retain in organisation (manage and migrate data to new platform during system upgrades)</p> <p>Transfer hardcopy registers to NT Archives Service 10 years after action completed</p>
1.2.4	<p>Change of Name Register as required under the Act for both adults and children.</p> <p>Includes copies of published newspaper notifications, copies of identification and statutory</p>	<ul style="list-style-type: none"> Change of Name Register 	<p>Permanent</p> <p>Retain in organisation (manage and migrate data to new platform during system upgrades)</p>

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1.2 Control

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

Class No.	Description of Records	Examples	Status and Disposal Action
	<p>declarations.</p> <p>May include dispute correspondence where parents have lodged an application with the Court for resolution, copies of other court orders and a child's consent form.</p>		Transfer hardcopy registers to NT Archives Service 10 years after action completed
1.2.5	<p>Change of Sex Register as required under the Act.</p> <p>Includes application forms, recognition certificates, statutory declarations and any other evidence.</p> <p>May also include copies of identity documents, change of name documents and previously issued birth certificates.</p>	<ul style="list-style-type: none"> Change of Sex Register 	<p>Permanent</p> <p>Retain in organisation</p> <p>(manage and migrate data to new platform during system upgrades)</p> <p>Transfer hardcopy registers to NT Archives Service 10 years after action completed</p>
1.2.6	<p>Register of Ministers of Religion as required under the <i>Marriage Act 1961(Cth)</i>.</p> <p>Includes paper register and other supporting documents.</p>	<ul style="list-style-type: none"> Ministers of Religion Register 	<p>Permanent</p> <p>Retain in organisation</p> <p>(manage and migrate data to new platform during system upgrades)</p>

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Class No.	Description of Records	Examples	Status and Disposal Action
			Transfer hardcopy registers to NT Archives Service 10 years after action completed

1. Births, Deaths and Marriages Registration

The function of registering births, deaths and marriages in the Northern Territory, including the registration of changes of name and sex under the *Births, Deaths and Marriages Registration Act*.

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1.3 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
1.3.1	Records documenting notifications of births by responsible persons as required under the Act.	<ul style="list-style-type: none"> • Notifications of Births 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.2	Records documenting notifications of deaths as required under the Act.	<ul style="list-style-type: none"> • Notifications of Death 	Permanent Transfer to the NT Archives Service 10 years after action completed