

Records disposal schedule

Royal Commissions and Boards of Inquiry

Department of the Chief Minister

Disposal Schedule No. 2020/008

May 2020

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Preamble

Introduction

The Information Act 2002 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.

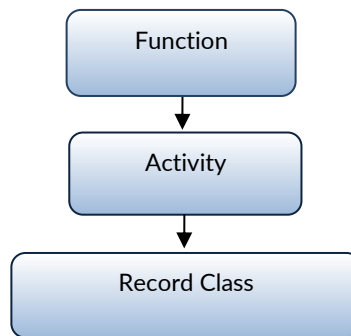
Disposal schedules are developed using the functional structure based on the classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

¹ S.145 Information Act 2002

² S.136A(3) Information Act 2002

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 Archives Service. Permanent records must be transferred no later than 30 years after creation in accordance with the Information Act 2002, 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 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 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 Royal Commissions and Boards of Inquiry coordinated by the Department of the Chief Minister.

Scope

Application of this Records Disposal Schedule is mandatory for Royal Commissions and Boards of Inquiry records of the Department of the Chief Minister.

This Records Disposal Schedule applies to Royal Commissions and Boards of Inquiry records in all formats.

Responsibility

The Chief Executive of the Department of the Chief Minister 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 2002.

Disposal Schedule No. 2020/008 was approved by the Senior Director of Library & Archives NT (the Archives Service), Senior Director of ICT Policy and Governance (the Records Service), and the Chief Executive of the Department of the Chief Minister on 20 May 2020 and is effective immediately.

Regulatory framework

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

- Inquiries Act 1945
- Information Act 2002
- Royal Commissions Act 1902 (Cth)
- 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 [name of public sector organisation]
- current authorised disposal schedules for [name of public sector organisation]
- current authorised general disposal schedules.

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 (e.g. 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.

Acknowledgement

The Archives Service and the 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 Archives Service. Requests and enquiries concerning reproduction and rights should be directed to the Director, Archives Service. The terms in the 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

| | | | |
|---|--------------------------|---|--------------------------|
| <p>Implement a records disposal program to ensure regular appraisal, sentencing, destruction and transfer of all records.</p> | <input type="checkbox"/> | <p>Stop applying sentences from previous schedules that have been revoked or amended.</p> | <input type="checkbox"/> |
| <p>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 Archives Service and Records Service.</p> | <input type="checkbox"/> | <p>Retain all records in good order and condition to be available for retrieval during the retention period.</p> | <input type="checkbox"/> |
| <p>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.</p> | <input type="checkbox"/> | <p>Identify and update control records so that you can demonstrate what happened to each record, whether paper or electronic.</p> | <input type="checkbox"/> |
| <p>Ensure all copies of temporary records are destroyed in any format (including backups), unless otherwise stated in a disposal schedule.</p> | <input type="checkbox"/> | <p>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.</p> | <input type="checkbox"/> |
| <p>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.</p> | <input type="checkbox"/> | <p>Transfer records of permanent value to the Archives Service for retention as archives not later than 30 years after creation.</p> | <input type="checkbox"/> |
| <p>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.</p> | <input type="checkbox"/> | <p>Inactive records can be transferred to offsite service providers providing they have been sentenced.</p> | <input type="checkbox"/> |
| <p>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.</p> | <input type="checkbox"/> | <p>Destroy time expired temporary records in a secure manner that ensures complete deletion/destruction beyond any possible reconstruction.</p> | <input type="checkbox"/> |
| <p>Implement review or quality control procedures in recordkeeping systems to ensure disposal actions are implemented correctly.</p> | <input type="checkbox"/> | <p>Do not destroy records that are not described in an authorised records disposal schedule.</p> | <input type="checkbox"/> |
| <p>Identify records that require re-sentencing where a previous disposal schedule has been superseded.</p> | <input type="checkbox"/> | <p>Do not destroy any records created prior to 1 July 1978 without specific authorisation from the Archives Service.</p> | <input type="checkbox"/> |

Disposal Schedule

1. Administration of Royal Commissions and Inquiries

The function of performing independent investigations to inquire into, and report on, a specific subject of public importance or public interest, including Royal Commissions established by Letters Patent, and Boards of Inquiry established by a Minister under the Inquiries Act 1945 (NT).

Note: Does not include investigations conducted as routine agency business e.g. NT Auditor General's Office.

1.1 Investigations

The activity of carrying out processes to ascertain facts by enquiry or examination.

| Class No. | Description of Records | Status and Disposal Action |
|-----------|---|--|
| 1.1.1 | <p>Master set of records received or gathered by the Royal Commission or Inquiry that relate to the terms of reference.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • submissions • formal statements • material submitted in response to a summons or request from the Commissioner. | <p>PERMANENT</p> <p>Transfer to the Archives Service after completion of the Royal Commission or Inquiry</p> |
| 1.1.2 | <p>Records received or gathered by the Royal Commission or Inquiry that relate to the terms of reference but are not relevant to the Inquiry.</p> | <p>TEMPORARY</p> <p>Destroy 10 years after completion of the Royal Commission or Inquiry</p> |
| 1.1.3 | <p>Records received or gathered by the Royal Commission or Inquiry that are outside of the scope of the terms of reference and can be returned, including material provided in error.</p> | <p>TEMPORARY</p> <p>Return to the record owner</p> |
| 1.1.4 | <p>Records received or gathered by the Royal Commission or Inquiry that are outside of the scope of the terms of reference and cannot be returned, including material provided in error.</p> | <p>TEMPORARY</p> <p>Destroy 3 months after completion of the Royal Commission or Inquiry</p> |

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Administration of Royal Commissions and Inquiries

The function of performing independent investigations to inquire into, and report on, a specific subject of public importance or public interest, including Royal Commissions established by Letters Patent, and Boards of Inquiry established by a Minister under the Inquiries Act 1945 (NT).

Note: Does not include investigations conducted as routine agency business undertaken as a core function e.g. NT Auditor General's Office.

1.1 Investigations

The activity of carrying out processes to ascertain facts by enquiry or examination.

| Class No. | Description of Records | Status and Disposal Action |
|-----------|---|---|
| 1.1.5 | Register or other way of recording submissions and exhibits received by the Royal Commission or Inquiry, including submissions and exhibits received in error and not relevant, and submissions and exhibits destroyed. | PERMANENT Transfer to the Archives Service after completion of the Royal Commission or Inquiry |
| 1.1.6 | Records about the return, or attempted return, of documents and other material to its owner, including exhibits. | TEMPORARY Destroy 10 years after completion of the Royal Commission or Inquiry |
| 1.1.7 | Transcripts of public and private hearings of the Royal Commission or Inquiry including interviews and/or meetings held as part of the Inquiry. | PERMANENT Transfer to the Archives Service after completion of the Royal Commission or Inquiry |
| 1.1.8 | Video and audio recordings of public and private hearings of the Royal Commission or Inquiry, including interviews or meetings which have not been transcribed. | PERMANENT Transfer to the Archives Service after completion of the Royal Commission or Inquiry |
| 1.1.9 | Records relating to summonses, notices, warrants or orders issued by the head of the Commission or Inquiry to: <ul style="list-style-type: none"> • attend to give evidence • produce evidence • provide information • provide written material | PERMANENT Transfer to the Archives Service after completion of the Royal Commission or Inquiry |

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1. Administration of Royal Commissions and Inquiries

The function of performing independent investigations to inquire into, and report on, a specific subject of public importance or public interest, including Royal Commissions established by Letters Patent, and Boards of Inquiry established by a Minister under the Inquiries Act 1945 (NT).

Note: Does not include investigations conducted as routine agency business e.g. NT Auditor General's Office.

1.2 Governance

The activities of establishing, operating, administering and completing the Inquiry.

| Class No. | Description of Records | Status and Disposal Action |
|-----------|---|--|
| 1.2.1 | <p>Records about establishing, running and ending the Royal Commission or Inquiry.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • appointment of Commissioners, Deputy Commissioners and other significant Inquiry officials • terms of reference • agreements relating to inquiry • delegations of authority by the head of the Inquiry to the Royal Commission or Inquiry officers • rulings, orders or practice directions issued by the Commissioner • transcript of proceedings • Ministerial directives • legal advice requested or provided to the Inquiry • records relating to the submission of the final report • running sheets documenting daily activities of Commissioners and officers assigned to the Royal Commission or Inquiry • appointment of and advice provided by expert reference groups or consultants <p><i>See class 1.3.1 for interim, preliminary and final reports</i></p> | <p>PERMANENT</p> <p>Transfer to the Archives Service after completion of the Royal Commission or Inquiry</p> |

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1. Administration of Royal Commissions and Inquiries

The function of performing independent investigations to inquire into, and report on, a specific subject of public importance or public interest, including Royal Commissions established by Letters Patent, and Boards of Inquiry established by a Minister under the Inquiries Act 1945 (NT).

Note: Does not include investigations conducted as routine agency business e.g. NT Auditor General's Office.

1.2 Governance

The activities of establishing, operating, administering and completing the Inquiry.

| Class No. | Description of Records | Status and Disposal Action |
|-----------|---|--|
| 1.2.2 | <p>Records relating to routine or administrative matters of the Inquiry.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • arrangements for hearings, interviews and submissions • arrangements for meetings of the Inquiry, including community meetings in regional areas • requests for information on procedure for making submissions or hearing dates • schedules and notices • media advertisements, events and services publicity | <p>TEMPORARY</p> <p>Destroy 10 years after completion of the Royal Commission or Inquiry</p> |
| 1.2.3 | <p>Records relating to alleged and established breaches of the <i>Inquiry Act 1945</i>.</p> | <p>PERMANENT</p> <p>Transfer to the Archives Service after completion of the Royal Commission or Inquiry</p> |
| 1.2.4 | <p>Correspondence relating to the operation and proceedings of the Royal Commission or Inquiry (e.g. calling of witnesses, requests for the submission of information, invitations for comment on draft reports).</p> | <p>PERMANENT</p> <p>Transfer to the Archives Service after completion of the Royal Commission or Inquiry</p> |
| 1.2.5 | <p>Official diaries and notebooks of the Commissioner, Deputy Commissioners, Chairperson or other significant Royal Commission or Inquiry officials, including bench notes.</p> | <p>PERMANENT</p> <p>Transfer to the Archives Service after completion of the Royal Commission or Inquiry</p> |

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Administration of Royal Commissions and Inquiries

The function of performing independent investigations to inquire into, and report on, a specific subject of public importance or public interest, including Royal Commissions established by Letters Patent, and Boards of Inquiry established by a Minister under the Inquiries Act 1945 (NT).

Note: Does not include investigations conducted as routine agency business e.g. NT Auditor General's Office.

1.2 Governance

The activities of establishing, operating, administering and completing the Inquiry.

| Class No. | Description of Records | Status and Disposal Action |
|-----------|--|---|
| 1.2.6 | Official notebooks and diaries consisting of routine administrative records of officers assigned to or assisting the Royal Commission or Inquiry. | TEMPORARY Destroy 10 years after completion of the Royal Commission or Inquiry |
| 1.2.7 | Records created by the Counsel assisting the Royal Commission or Inquiry, including working papers, briefs, instructions and significant drafts. | PERMANENT Transfer to the Archives Service after completion of the Royal Commission or Inquiry |
| 1.2.8 | Media releases issued by the Royal Commission or Inquiry. | PERMANENT Transfer to the Archives Service after completion of the Royal Commission or Inquiry |
| 1.2.9 | Background research and reference material compiled by the Royal Commission or Inquiry to assist with the establishment and operation of the Inquiry, including copies of legislation and other information. | TEMPORARY Retain until reference ceases |

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Administration of Royal Commissions and Inquiries

The function of performing independent investigations to inquire into, and report on, a specific subject of public importance or public interest, including Royal Commissions established by Letters Patent, and Boards of Inquiry established by a Minister under the Inquiries Act 1945 (NT).

Note: Does not include investigations conducted as routine agency business e.g. NT Auditor General's Office.

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 the examination or investigation. Includes agenda, briefing, business, discussion papers, proposals, reports, reviews and returns.

| Class No. | Description of Records | Status and Disposal Action |
|-----------|---|---|
| 1.3.1 | <p>Reports issued by a Royal Commission or Inquiry. Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • final, preliminary and interim reports and significant drafts • discussion or issues papers released by a Commission of Inquiry, including significant drafts • research or briefing papers produced by staff of the Inquiry, including significant drafts | <p>PERMANENT Transfer to the Archives Service after completion of the Royal Commission or Inquiry</p> |
| 1.3.2 | <p>Records relating to the development of reports issued by the Inquiry, including non-significant drafts, supporting research and reference material and other information.</p> | <p>TEMPORARY Destroy 10 years after completion of the Royal Commission or Inquiry</p> |

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.