



Records disposal schedule

Records Disposal Schedule Supreme Court Administration Department of the Attorney-General and Justice

Disposal Schedule No. 2016/24

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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.

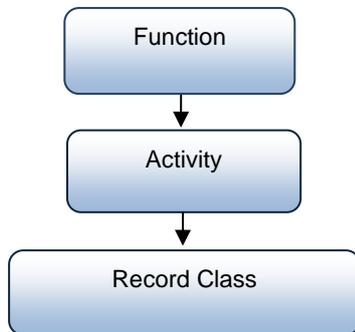
Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

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 Supreme Court Administration of the Department of the Attorney-General and Justice.

Scope

Application of this Records Disposal Schedule is mandatory for Supreme Court Administration records of the Department of the Attorney-General and Justice.

This Records Disposal Schedule applies to Supreme Court Administration 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. 2016/24 was approved by the Director of the NT Archives Service (The Archives Service), Senior Director, Digital Policy (The Records Service), and the Chief Executive of the Department of the Attorney-General and Justice on 25 November 2016 and is effective immediately.

Regulatory Framework

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

- *Supreme Court Act*
- *Supreme Court Regulations*
- *Supreme Court Rules*
- *Bail Act*
- *Bail Regulations*
- *Criminal Code Act*
- *Coroners Act*
- *Coroners Regulations*
- *Crown Proceedings Act*
- *Juries Act*
- *Juries Regulations*
- *Legal Profession Act*
- *Public Notaries Act*
- *Sheriff Act*
- *Information Act*
- NT Government Records Management Standards

- NT Government Archives Management Standards
- Australian Standards AS ISO 15489:Records Management

Related Documents

This Records Disposal Schedule is to be read in conjunction with:

- NT Government Records Management Standard – Records Disposal
- policies and procedures of the 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 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. Supreme Court Administration

The function of providing civil and criminal justice by way of trial, hearing or consensus, in resolving matters in criminal cases and civil proceedings, and by hearing and determining appeals through the Supreme Court system in the Northern Territory. Includes the appointments of statutory positions under the *Supreme Court Act* and other relevant Acts.

1.1 Advice

The activities associated with offering opinions by or to the organisation as to an action or judgment. 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 Supreme Court administration where a detailed response has been provided.	<ul style="list-style-type: none">• Ministerial• Briefing note	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 Supreme Court administration such as policies and procedures.	<ul style="list-style-type: none">• Routine advice	Temporary Destroy 3 years after action completed

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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 the establishment of the Supreme Court of the Northern Territory of Australia under the Act.	<ul style="list-style-type: none"> Establishment of the Supreme Court 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.2	Records documenting the appointment of Judges, and the appointment of Additional and Acting Judges. Includes ministerials, retirements, resignations, and terms and conditions.	<ul style="list-style-type: none"> Appointments of Judges Appointment of Additional and Acting Judges Instruments of appointments Determinations Oaths 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.3	Records documenting the approval by the Attorney-General for a judge to accept another judicial commission or accept an office of profit under the Crown. Includes ministerials.	<ul style="list-style-type: none"> Judicial Commission Commission Instruments of appointments 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.4	Records documenting the appointment of Masters	<ul style="list-style-type: none"> Appointments of Masters 	Permanent

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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
	and Acting Masters by the Administrator under the Act, including resignations and retirements. Includes recommendations of the Chief Justice, ministerial, terms and conditions and written notices.	<ul style="list-style-type: none"> Instruments of appointments 	Transfer to the NT Archives Service 10 years after action completed
1.2.5	Records documenting the establishment of the Registry of the Court at Darwin and other places in the Territory approved by the Attorney-General.	<ul style="list-style-type: none"> Establishment of the Registry 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.6	Records documenting the appointments of Public Notaries by the court. Includes original motions, applications, accompanying evidentiary material, written appointments, copies of certificates of appointments and other supporting documentation.	<ul style="list-style-type: none"> Appointments of Public Notaries 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.7	Records documenting the appointments of Senior Counsel by the Chief Justice. Includes expressions of interest, copies of	<ul style="list-style-type: none"> Appointments of Senior Counsel 	Temporary Destroy 7 years after data is entered into the Admission roll

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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
	qualifications, written appointments, copies of instruments of appointments and other supporting documentation.		
1.2.8	Records documenting the appointment of Registrars and Sheriffs by the Attorney-General. Includes written notices, ministerial and instruments of appointments.	<ul style="list-style-type: none"> • Registrars • Sheriffs • Other officers 	Permanent Transfer to the NT Archives Service 10 years after action completed

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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, appointments of members, terms of reference, proceedings, minutes, reports, agenda etc.

Class No.	Description of Records	Examples	Status and Disposal Action
1.3.1	Records documenting high level committees where the NT Government is represented, such as the Judicial Conference of Australia Includes agendas, minutes, discussion papers and related correspondence.	<ul style="list-style-type: none"> Judicial Conference of Australia 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.2	Records documenting the Supreme Court administrative committees and inter-departmental formal committees. Includes agendas, minutes, discussion papers and action items.	<ul style="list-style-type: none"> Selection Committee Statutory Officers 	Temporary Destroy 5 years after action completed

1. Supreme Court Administration

The function of providing civil and criminal justice by way of trial, hearing or consensus, in resolving matters in criminal cases and civil proceedings, and by hearing and determining appeals through the Supreme Court system in the Northern Territory. Includes the appointments of statutory positions under the *Supreme Court Act* and other relevant Acts.

1.4 Control

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

Class No.	Description of Records	Examples	Status and Disposal Action
1.4.1	Hardcopy registers: <ul style="list-style-type: none"> - Adoption records - Estates - General Civils - Divorces - Supreme Court Record Books 	<ul style="list-style-type: none"> • Leather bound hard copy registers • Indexes • Card Systems 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.4.2	Admission rolls of persons admitted to the legal profession as a lawyer under the <i>Legal Profession Act</i> and barristers appointed as King's Counsel, Queen's Counsel or Senior Counsel.	<ul style="list-style-type: none"> • Admission roles for lawyers and barristers • Roll of public notaries • Roll of solicitors • Roll of barristers • Roll of King's Counsel, Queen's Counsel and Senior Counsel 	Permanent Retain in organisation (manage and migrate data to new platform during system upgrades) Transfer hardcopy registers to Northern Territory Archives Service 10 years after last entry
1.4.3	Register of artwork collected or donated to the	<ul style="list-style-type: none"> • Indigenous Artwork 	Permanent

1. Supreme Court Administration

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1.4 Control

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

Class No.	Description of Records	Examples	Status and Disposal Action
	Supreme Court. Includes acquisition dates, donators and bequester details,	<ul style="list-style-type: none"> • Portraits • Milkway Dreaming • Carpets Case • Nora Napaljarri's Mosaic • Skye Raabe's <i>Then Then Now</i> 	Retain in organisation

1. Supreme Court Administration

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1.5 Court Proceedings

The activities involved in legal action carried on in a court of law whereby an individual seeks a legal remedy, protection of a right or for prevention of a wrong.

Class No.	Description of Records	Examples	Status and Disposal Action
1.5.1	<p>Records documenting criminal court proceedings and civil court proceedings dealt with in the Supreme Court, Court of Appeal or the Court of Criminal Appeal that set a precedent, are reported on in Austlii, are deemed to be significant or are of public wide interest, including where the matter is appealed to the High Court.</p> <p>Includes but not limited to:</p> <ul style="list-style-type: none"> - Charges / Complaints / Summons - Facts / Precis - Criminal History - Reports - References - Exhibit Items - Transcripts 	<ul style="list-style-type: none"> • Significant case files for criminal court proceedings • Significant case files for civil court proceedings 	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>

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The activities involved in legal action carried on in a court of law whereby an individual seeks a legal remedy, protection of a right or for prevention of a wrong.

Class No.	Description of Records	Examples	Status and Disposal Action
	<ul style="list-style-type: none"> - Notices of appeal - Results of appeals - Audio and/or visual recordings - Statement of claims - Suppression orders - Defences - Orders of the Court <p>May include requests for copies of audio recordings from members of the public.</p>		
1.5.2	Records documenting criminal court proceedings and civil court proceedings dealt with in the Supreme Court, Court of Appeal or Court of Criminal Appeal that are not deemed significant by the judge, including cross vesting proceedings.	<ul style="list-style-type: none"> • Case files for criminal proceedings not deemed significant • Case files for civil court proceedings not deemed 	Temporary Destroy 50 years after case is finalised

1. Supreme Court Administration

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The activities involved in legal action carried on in a court of law whereby an individual seeks a legal remedy, protection of a right or for prevention of a wrong.

Class No.	Description of Records	Examples	Status and Disposal Action
		significant	
1.5.3	Records documenting the transfer of court proceedings from the Supreme Court to the Local Court and to the Supreme Court from the Local Court Includes the original court file, notice of transfer to all parties, statement of claim or particulars by the plaintiff and records of the conciliation conference, court orders and applications.	<ul style="list-style-type: none"> • Transfer of proceedings to the local court • Transfer of proceedings from the local court 	Temporary Destroy 50 years after action completed
1.5.4	Records documenting the scheduling of all cases heard in the Supreme Court including the Court of Appeal and the Court of Criminal Appeal	<ul style="list-style-type: none"> • court listings • court diary • daily court lists • court calendars • allocation of judicial officers 	Temporary Destroy 5 years after action completed
1.5.5	Records documenting judge's notes and copies of decisions.	<ul style="list-style-type: none"> • Judges notepads 	Temporary Destroy 25 years after last entry

1. Supreme Court Administration

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1.6 Enquiries

The activities associated with the handling of requests for information about the organisation and its services by the general public or another organisation.

Class No.	Description of Records	Examples	Status and Disposal Action
1.6.1	Records documenting litigation search requests in relation to business transactions from organisations such as law firms and conveyancers on behalf of the vendor. Includes requests, copies of invoices, responses and other supporting correspondence.	<ul style="list-style-type: none"> Litigation search requests 	Temporary Destroy 3 years after action completed

1. Supreme Court Administration

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1.7 Jury Management

The activities associated with the management of juries and jury service under the *Juries Act*.

Class No.	Description of Records	Examples	Status and Disposal Action
1.7.1	<p>Records documenting the management of juries and jury service under the <i>Juries Act</i>, including the summoning of jurors for jury services and the forming of panels of prospective jurors for civil and criminal trials.</p> <p>Includes:</p> <ul style="list-style-type: none"> - Attendance sheets - Trial sheets - Jury summary lists - Statutory Declarations - Precepts - Receipts of payments to jurors - And other supporting documents 	<ul style="list-style-type: none"> • Jury Packages • Jury lists 	<p>Temporary</p> <p>Destroy 10 years after action completed</p>

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1.8 Procedures

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

Class No.	Description of Records	Examples	Status and Disposal Action
1.8.1	Master set of Practice Directions issued by the judges in the Supreme Court.	<ul style="list-style-type: none"> Master set of Practice Directions 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.8.2	Records documenting the development of Practice Directions.	<ul style="list-style-type: none"> Draft versions of Practice Directions 	Temporary Destroy 5 years after action completed