

**Records Disposal Schedule
Business Affairs Regulation
Department of Justice**

Disposal Schedule No. 2009/4

June 2009

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ABOUT THIS DISPOSAL SCHEDULE

Purpose

The purpose of this Disposal Schedule is to enable regular, planned and authorised disposal of records of Business Affairs Regulation of the Department of Justice.

Scope

Application of this Disposal Schedule is mandatory for Business Affairs Regulation records of the Department of Justice.

This Disposal Schedule applies to Business Affairs Regulation records in all formats, including electronic records and records in business systems, copies of records and parts of records of the Northern Territory Government.

Regulatory Framework

The regulatory basis for this Disposal Schedule is defined in:

- ▶ Associations Act
- ▶ Business Names Act
- ▶ Co-operatives Act
- ▶ Companies (Trustees & Personal Representatives) Act
- ▶ Information Act 2002
- ▶ Australian Standards AS ISO 15489:2002-Records Management

Related Documents

This Disposal Schedule is to be read in conjunction with:

- ▶ NT Government Records Management Standard – Records Disposal
- ▶ policies and procedures of the Department of Justice
- ▶ current authorised disposal schedules for the Department of Justice
- ▶ ^ Disposal Authority 1993/1 for Business Affairs

^ Note that this Disposal Schedule supersedes the Disposal Authority 1993/1 for Business Affairs which can no longer be used to sentence Business Affairs records.

- ▶ * Disposal Schedule for Administrative Records of the Northern Territory Government – Disposal Schedule No. 2000/8 (ADMIN).

* Note that section 6 of this schedule (Information Management) has been superseded by the Disposal Schedule for Information Management Records of the Northern Territory Government – Disposal Schedule No 2003/2 (IM).

- ▶ Disposal Schedule for Information Management Records of the Northern Territory Government – Disposal Schedule No 2003/2 (IM).
- ▶ Disposal Schedule for the Financial Management Records of the Northern Territory Government – Disposal Schedule No. 2001/2 (FM).
- ▶ Disposal Schedule for the Human Resource Management Records of the Northern Territory Government – Disposal Schedule No. 2001/6 (HRM).
- ▶ Disposal Schedule for Records of Short Term Value – Disposal Schedule No. 2003/10
- ▶ NT Archives Service Guidelines on Normal Administrative Practice for Records Disposal

Responsibility

The Chief Executive of the Department of Justice is responsible for the content and implementation of this Disposal Schedule including the provision of advice and training, and for monitoring compliance.

Authority

This Disposal Schedule was approved by the Director of the NT Archives Service, the Director of the NT Records Service, and the Chief Executive of the Department of Justice on 2 June 2009 and is effective immediately.

Explanation

This schedule has been 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.

Records disposal schedules are policy documents that describe each class of records held, using thesaurus classifications based on business analysis. The 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.

Either permanent or temporary status is assigned to each class of records. Records appraised with permanent status have been identified as archives and must be transferred to the NT Archives Service not later than 30 years after creation. Temporary records will be destroyed at an appropriate time determined by the disposal action identified in the schedule and by consultation with relevant operational business employees responsible for the records.

NT Government Disposal Schedules

There are two types of records disposal schedules:

- ▶ "general" disposal schedules that apply to records common to most or all NT Government public sector organisations, and
- ▶ records disposal schedules specific to an NT Government public sector organisation or function.

There are presently five disposal schedules which provide disposal coverage for records common to most or all NT Government public sector organisations:

- ▶ General Disposal Schedule for Financial Management Records
- ▶ General Disposal Schedule for Human Resource Management Records
- ▶ General Disposal for Administrative Records
- ▶ General Disposal Schedule for Information Management Records
- ▶ Disposal Schedule for Records of Short term Value.

These can be used by all NT Government public sector organisations to assist with the disposal of administrative records.

Sentencing Records

Sentence records with this records disposal schedule using the following five steps:

- ▶ Determine the appropriate function and activity of the records. This can be done by examining an existing record or when creating a new record.
- ▶ Identify the disposal class.
- ▶ 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.
- ▶ If the trigger event has already occurred (such as action is completed), confirm and implement the disposal action.
- ▶ If the trigger event has not occurred (eg. the record is still in active use), set a review date for the future.

Re-sentencing Records

All records sentenced under superseded disposal schedule Disposal Authority 1993/1 are to be re-sentenced using this schedule.

Normal Administrative Practice

Some records and ephemeral documents can be destroyed as a normal administrative practice if they are:

- ▶ duplicate (eg information or reference copy)
- ▶ obviously unimportant (eg telephone message slips)
- ▶ of short term facilitative value (eg compliment slips)
- ▶ a combination of these

The guiding principle is that organisations should be sure that destroying these records will not destroy evidence that might be needed.

Records that have been captured into a recordkeeping system should be destroyed using the disposal schedule for short term value records unless the class of records has been identified in a specific disposal schedule. The reason for destruction of all records must be recorded in full on the relevant control records. Normal administrative practice can be applied to electronic records as well as paper records (eg information on word processing systems where a hard copy has been captured into a recordkeeping system)

Notification of Destruction

Provide formal notification of destruction of all records to the NT Records Service.

Acknowledgment

The NT Archives Service acknowledges that material produced by National Archives of Australia, State Records Authority of New South Wales and Standards Australia was used in the development of this schedule.

The schedule was drafted principally by the Business Affairs section, Department of Justice, in consultation with the NT Records Service.

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COMPLIANCE

Compliance Checklist

- Implement a records disposal program to ensure regular appraisal, sentencing, destruction and transfer of all records
- 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 Records Service
- Familiarise all employees of the organisation with the authorised records disposal schedules relevant to the organisation's records
- 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
- 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
- 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
- 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
- Implement review or quality control procedures in electronic recordkeeping systems to ensure disposal actions are implemented correctly.
- Identify records series that require re-sentencing
- Stop applying sentences from previous schedules that have been revoked or amended
- Retain all records in good order and condition to be available for retrieval during the retention period.
- Identify and update control records so that you can demonstrate what happened to each record, whether paper or electronic
- Select and implement an appropriate and approved strategy for retention of records of continuing value, eg. preservation in original form migration to new systems conversion to long term medium
- 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
- Transfer records of permanent value to the NT Archives Service not later than 30 years after creation for retention as archives
- Inactive records can be transferred to offsite service providers providing they have been sentenced
- Destroy time expired temporary records in a secure manner that ensures complete deletion/destruction beyond any possible reconstruction
- Notify the NT Records Service of destruction of all records
- Do not destroy records that are not described in an authorised records disposal schedule unless they are ephemeral documents that are obviously duplicate and/or unimportant

DISPOSAL SCHEDULE

1. BUSINESS AFFAIRS REGULATION

The function of providing registration of business names, incorporated associations and cooperatives. Includes liaising with clients and authorities and provision of information to businesses and the public to facilitate legislative compliance.

1.1 COMPLIANCE

The activities associated and/or complying with, or monitoring compliance with mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes compliance with legislation and with national and international standards.

Class No.	Description of Records	Status and Disposal Action
1.1.1	Superseded by 2014/20 1.1.1	
1.1.2	Superseded by 2014/20 1.1.2	
1.1.3	Records relating to the registration of Business Names, containing application, copy of registration certificate, changes in person or particulars, notice of cessation and other statutory documents.	TEMPORARY Destroy 6 years after action completed
1.1.4	Records relating to Co-ops, Foreign and Local Companies, including copy of Certificate of Registration or Incorporation, Memorandum and Articles of Association, Returns of Directors, audit reports and other statutory documents.	TEMPORARY Destroy 6 years after action completed
1.1.5	Records relating to Trustees & Personal Representatives, Building Societies, Credit Unions, Non-Banking Financial Institutions including audit reports, financial statements and other statutory documents.	TEMPORARY Destroy 6 years after action completed
1.1.6	Non public disclosure supporting records relating to the registration of Associations, Business Names, Co-ops.	TEMPORARY Destroy 3 years after action completed

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. BUSINESS AFFAIRS REGULATION

The function of providing registration of business names, incorporated associations and cooperatives. Includes liaising with clients and authorities and provision of information to businesses and the public to facilitate legislative compliance.

1.2 CONTROL

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

Class No.	Description of Records	Status and Disposal Action
1.2.1	Register of Business Names, Associations and Co-operatives in hard copy or electronic format showing applications for and the registration of associations business names and co-operatives in the Northern Territory.	PERMANENT Transfer hard copy register to the NT Archives Service 4 years after last entry. Retain electronic data in office, migrating as necessary
1.2.2	Records relating to renewal of registration that has been returned to sender.	TEMPORARY Destroy when registration status is removed (RMVD) from Register of Business Names

Use BUSINESS AFFAIRS REGULATION – COMPLIANCE for the activities associated with the monitoring and compliance requirements of the registered company or association.

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1. BUSINESS AFFAIRS REGULATION

The function of providing registration of business names, incorporated associations and cooperatives. Includes liaising with clients and authorities and provision of information to businesses and the public to facilitate legislative compliance.

1.3 INVESTIGATIONS

The acts and processes involved in ascertaining facts by inquiry or examination. Includes investigation into any matters arising under the Associations Act, Business Names Act or Co-operatives Act.

Class No.	Description of Records	Status and Disposal Action
1.3.1	Records relating to major investigations that have set a precedent or resulted in change to legislation. Includes final report.	PERMANENT Transfer to the NT Archives 4 years after action completed
1.3.2	Records relating to investigations where the decision has been made to proceed but has not set a precedent or resulted in change to legislation. Includes final report.	TEMPORARY Destroy 10 years after investigation completed.
1.3.3	Records relating to investigations where a decision has been made not to investigate further. Includes final report.	TEMPORARY Destroy 3 years after investigation completed

Use STRATEGIC MANAGEMENT – LEGISLATION for the activities associated with the formulation and amendment of legislation that forms the basis for the organisation.

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