



Records disposal schedule

Records Disposal Schedule Consumer Affairs and Fair Trading Regulation Northern Territory Consumer Affairs Department of the Attorney-General and Justice

Disposal Schedule No. 2016/5

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.

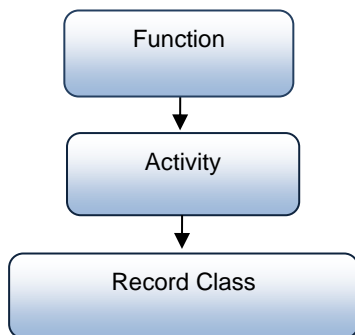
Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

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.

Sequence 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 Consumer Affairs and Fair Trading Regulation of the Department of the Attorney-General and Justice.

Scope

Application of this Records Disposal Schedule is mandatory for Consumer Affairs and Fair Trading Regulation records of the Department of the Attorney-General and Justice.

This Records Disposal Schedule applies to Consumer Affairs and Fair Trading Regulation 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. 2016/5 was approved by the Director of the NT Archives Service (The Archives Service), Senior Director of ICT Policy and Governance (The Records Service), and the Chief Executive of the Department of the Attorney-General and Justice on 14 June 2016 and is effective immediately.

Re-sentencing Records

This schedule supersedes the all classes in the Disposal Schedule for Investigation Records of the Northern Territory Office of Consumer Affairs and Fair Trading 2001/1. Records sentenced under these superseded classes are to be re-sentenced using this schedule.

Regulatory Framework

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

- *Accommodation Providers Act*
- *Australian Consumer Law (Cth)*
- *Building Act*
- *Building Regulations*
- *Building (Resolution of Residential Building Work Disputes) Regulations*
- *Building (RBI and Fidelity Funds Schemes) Regulations*
- *Business Tenancies (Fair Dealings) Act*
- *Business Tenancies (Fair Dealings) Regulations*
- *Caravan Parks Act*
- *Caravan Parks Regulations*

- *Consumer Affairs and Fair Trading Act*
- *Consumer Affairs and Fair Trading (infringement Notice Offences) Regulations*
- *Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations*
- *Partnerships Act*
- *Price Exploitation Prevention Act*
- *Residential Tenancies Act*
- *Residential Tenancies Regulations*
- *Retirement Villages Act*
- *Retirement Villages Regulations*
- *Sale of Goods Act*
- *Uncollected Goods Act*
- *Warehousemen's Liens Act*
- *Information Act*
- NT Government Records Management Standards
- NT Government Archives Management Standards
- Australian Standards AS ISO 15489:2002-Records Management

Related Documents

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

- NT Government Records Management Standard – Records Disposal
- policies and procedures of the 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

Compliance Checklist	
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been superseded	from the NT Archives Service
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Disposal Schedule

1. Consumer Affairs and Fair Trading Regulation

The function of informing the community on their rights and responsibilities as consumers, business proprietors, tenants or landlords, including the promotion of responsible business conduct under the *Consumer Affairs and Fair Trading Act* and other relevant legislation.

Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.1 Advice

The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes the process of advising.

Class No.	Description of Records	Examples	Status and Disposal Action
1.1.1	Records documenting the provision of formal advice to the Minister, other government bodies and Industry in relation to consumer affairs and fair trading regulation such as the impact of national practice standards, emerging issues in relation to consumer affairs and fair trading. Includes ministerials and briefing notes.	<ul style="list-style-type: none"> Major advice - formal 	Permanent Transfer to the NT Archives Service 10 years after action completed

1. Consumer Affairs and Fair Trading Regulation

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Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.2 Agreements

The processes associated with the establishment, maintenance, review and negotiation of agreements. Includes formal agreements and /or exchange of letters between parties, as well as informal agreements.

Class No.	Description of Records	Examples	Status and Disposal Action
1.2.1	Records documenting the establishment, negotiation and review of high level agreements between other government bodies, such as jurisdiction regulators. Includes memorandums of agreements and service level agreements.	<ul style="list-style-type: none"> High Level Agreements 	Permanent Transfer to the NT Archives Service 10 years after action completed

1. Consumer Affairs and Fair Trading Regulation

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Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.3 Authorisation

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

Class No.	Description of Records	Examples	Status and Disposal Action
1.3.1	Records documenting ministerial appointments of the Commissioner of Consumer Affairs, including Deputy Commissioners as required under the Act.	<ul style="list-style-type: none"> Appointments of the Commissioner Appointments of the Deputy Commissioner 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.2	Records documenting written delegations given by the Commissioner to authorised officers as required under the Act.	<ul style="list-style-type: none"> Commissioner's written delegations 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.3	Records documenting Commissioner appointments of authorised officers under the Act, including terminations, such as Fair Trading Officers and Licensing Officers. Includes terms and conditions, and returned identity cards.	<ul style="list-style-type: none"> Appointments of Fair Trading Officers Appointments of Licensing Officers 	Temporary Destroy 6 years after person ceases in position

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Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.4 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
1.4.1	Records documenting the establishment and management of advisory committees for the purpose of advising the Commissioner in relation to the Act. Includes appointments, agendas, minutes and discussion papers.	- Advisory Committees	Permanent Transfer to the NT Archives Service 10 years after action completed
1.4.2	Records documenting high level national committees, where the Commissioner is representing the NT Government such as Consumer Affairs Australia and New Zealand. Includes copies of agendas, minutes and	- Consumer Affairs Forum - Consumer Affairs Australia and New Zealand - National Indigenous Consumer Strategy	Permanent Transfer to the NT Archives Service 10 years after action completed

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The function of informing the community on their rights and responsibilities as consumers, business proprietors, tenants or landlords, including the promotion of responsible business conduct under the *Consumer Affairs and Fair Trading Act* and other relevant legislation.

Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.4 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
	discussion papers.		
1.4.3	Records documenting internal administrative committees, or inter-departmental formal committees such as working groups. Includes copies of agendas, minutes and discussion papers.	- Working Groups	Temporary Destroy 5 years after action completed

1. Consumer Affairs and Fair Trading Regulation

The function of informing the community on their rights and responsibilities as consumers, business proprietors, tenants or landlords, including the promotion of responsible business conduct under the *Consumer Affairs and Fair Trading Act* and other relevant legislation.

Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.5 Complaints Management

The activities associated with addressing complaints and resolving disputes.

Class No.	Description of Records	Examples	Status and Disposal Action
1.5.1	<p>Records documenting investigations into complaints into persons suspected of non-compliance in fair trade practices as required under the Act.</p> <p>Includes matters regarding:</p> <ul style="list-style-type: none"> - Residential building contracts and consumer guarantees - Retail shop leases and suspected infringements - Caravan Park Agreements and suspected offences - Price exploitation - Retirement villages <p>Includes final investigation reports, file notes, witness statements, photos, inspection reports and other</p>	<ul style="list-style-type: none"> • Investigations into Complaints 	<p>Temporary</p> <p>Destroy 6 years after action completed</p>

1. Consumer Affairs and Fair Trading Regulation

The function of informing the community on their rights and responsibilities as consumers, business proprietors, tenants or landlords, including the promotion of responsible business conduct under the *Consumer Affairs and Fair Trading Act* and other relevant legislation.

Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.5 Complaints Management

The activities associated with addressing complaints and resolving disputes.

Class No.	Description of Records	Examples	Status and Disposal Action
	supporting documents.		

1. Consumer Affairs and Fair Trading Regulation

The function of informing the community on their rights and responsibilities as consumers, business proprietors, tenants or landlords, including the promotion of responsible business conduct under the *Consumer Affairs and Fair Trading Act* and other relevant legislation.

Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.6 Control

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

Class No.	Description of Records	Examples	Status and Disposal Action
1.6.1	<p>Register of complaints received under the Act and other relevant Acts, including enquiries.</p> <p>Includes:</p> <ul style="list-style-type: none"> - Details of parties - Categories - Types of callers (consumer, traders, landlords, tenants etc) - Investigation matters - Referred complaints - Public warnings issued - Infringement notices issues - Investigations referred for prosecution 	<ul style="list-style-type: none"> - Resolve Database 	<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 function of informing the community on their rights and responsibilities as consumers, business proprietors, tenants or landlords, including the promotion of responsible business conduct under the *Consumer Affairs and Fair Trading Act* and other relevant legislation.

Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.6 Control

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

Class No.	Description of Records	Examples	Status and Disposal Action
	- No. of Compliance education delivered		

1. Consumer Affairs and Fair Trading Regulation

The function of informing the community on their rights and responsibilities as consumers, business proprietors, tenants or landlords, including the promotion of responsible business conduct under the *Consumer Affairs and Fair Trading Act* and other relevant legislation.

Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.7 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
1.7.1	Records documenting routine advice provided to stakeholders in relation to consumer affairs and fair trading regulation, such as disputes between residential tenancies. Includes emails, file notes and related correspondence.	<ul style="list-style-type: none"> • Routine advice • Enquiries 	Temporary Destroy 3 years after action completed

1. Consumer Affairs and Fair Trading Regulation

The function of informing the community on their rights and responsibilities as consumers, business proprietors, tenants or landlords, including the promotion of responsible business conduct under the *Consumer Affairs and Fair Trading Act* and other relevant legislation.

Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.8 Extension Services

The activities involved in planning and developing educational activities and programs which raise awareness and understanding of the broader role of the organisation.

Class No.	Description of Records	Examples	Status and Disposal Action
1.8.1	Records documenting the promotion and awareness in relation to consumer's rights and responsibilities and assessment and use of goods and services such as information sessions, presentations, and workshops as required under the Act and other relevant Acts.	<ul style="list-style-type: none"> • Darwin Defence Day Expo • Supreme Court Open Day • Sunrise Centre • Council of Aged Territorians • Private Landlords 	Temporary Destroy 5 years after action completed

1. Consumer Affairs and Fair Trading Regulation

The function of informing the community on their rights and responsibilities as consumers, business proprietors, tenants or landlords, including the promotion of responsible business conduct under the *Consumer Affairs and Fair Trading Act* and other relevant legislation.

Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.9 Policy

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined.

Class No.	Description of Records	Examples	Status and Disposal Action
1.9.1	Final versions of Codes of Practice for fair dealing under the Act.	<ul style="list-style-type: none"> Codes of Practice - final 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.9.2	Records documenting the development of Codes of Practice as required under the Act. Includes consultation notes from industry stakeholders, copies of published notifications in newspapers of intent to prepare a draft code of practice.	<ul style="list-style-type: none"> Codes of Practice – Draft versions 	Temporary Destroy 5 years after action completed

1. Consumer Affairs and Fair Trading Regulation

The function of informing the community on their rights and responsibilities as consumers, business proprietors, tenants or landlords, including the promotion of responsible business conduct under the *Consumer Affairs and Fair Trading Act* and other relevant legislation.

Includes the management of complaints and disputes for consumers, statutory appointments and authorisations, and the establishment and management of Advisory Committees by the Commissioner.

1.10 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
1.10.1	Final versions of Annual reports as required under the Act.	<ul style="list-style-type: none"> Final Annual Reports 	Permanent Transfer to the NT Archives Service 10 years after action completed
1.10.2	Records documenting the development of annual reports. Includes draft versions, consultation notes, statistics and other supporting documents.	<ul style="list-style-type: none"> Draft Annual Reports 	Temporary Destroy 5 years after action completed