

Australian Capital Territory

# **Territory Records (Records Disposal Schedule – For preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage) Approval 2011 (No 1)**

**Notifiable instrument NI2011—162**

made under the

**Territory Records Act 2002, s 19 (Approval of schedules for the disposal of records)**

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## **1. Name of Instrument**

This instrument is the Territory Records (Records Disposal Schedule – For preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage) Approval 2011 (No 1)

## **2. Approval**

I approve the Records Disposal Schedule – For preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage.

## **3. Commencement**

This instrument commences on the day after notification.

David Wardle  
Director of Territory Records  
21 March 2011



## **Records Disposal Schedule**

**For Preserving Records Containing  
Information That May Allow People  
to Establish Links with Their  
Aboriginal or Torres Strait Islander  
Heritage**

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## INTRODUCTION

The *Records Disposal Schedule – For Preserving Records Containing Information That May Allow People to Establish Links with their Aboriginal or Torres Strait Islander Heritage* is the official authority for the disposal of Territory Records that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage. It is one of a series of Records Disposal Schedules authorised by the Director of Territory Records in accordance with provisions of the *Territory Records Act 2002*. It is used in conjunction with other relevant Records Disposal Schedules.

## PURPOSE

The purpose of this Records Disposal Schedule is to provide for preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage in the control of ACT Government Agencies.

## SCOPE

This Records Disposal Schedule applies to records created or maintained by ACT Government Agencies. It applies to records in any format, including electronic records. It does not replace or supersede any existing Records Disposal Schedule, and must be used in conjunction with existing Records Disposal Schedules.

## AUTHORITY

The Director of Territory Records, in consultation with stakeholders and the Territory Records Advisory Council, has approved this Records Disposal Schedule for use. The schedule does not take effect until it has been incorporated into an agency's Records Management Program that has been signed off by the Principal Officer of the agency.

Even so, agencies using this Records Disposal Schedule should apply it with caution. They should be aware that the authorisations for disposal are given in terms of the *Territory Records Act 2002* only. Agencies must not dispose of records in contravention of this or other Records Disposal Schedule(s) or other requirements.

This Records Disposal Schedule will remain in force until a new schedule supersedes it or the Director of Territory Records withdraws it from use.

## **STRUCTURE AND RELATIONSHIP TO THE TERRITORY VERSION OF KEYWORD AAA**

Most ACT Records Disposal Schedules have a hierarchical structure that reflects arrangements according to functions and activities, rather than by subject, and this also reflects a close relationship to the *Territory Version of Keyword AAA*. The *Territory Version of Keyword AAA* is the general administrative thesaurus produced by the Territory Records Office. This Records Disposal Schedule (RDS) for preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage does not have a hierarchical structure that reflects arrangements according to functions and activities and is based on records with a common recordkeeping requirement outside of the function and activity structure.

This Records Disposal Schedule (RDS) for preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage may affect the operation of other Records Disposal Schedules. This RDS takes precedence when information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage is found during sentencing using another RDS.

The conditions for disposal contained in this RDS are minimum requirements. An agency may keep records for a longer period where considered necessary. Reasons for longer retention could include legal requirements, administrative needs or where records could have a cultural or artistic value.

**An agency must not dispose of any records where it is aware of possible legal action for which the records may be required as evidence or if there is a current records disposal freeze in effect.**

## **GUIDELINES FOR USE**

### *Coverage of authority*

The Records Disposal Schedule – For preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage:

- covers all records;
- is to be used in conjunction with other relevant RDSs;
- specifies the minimum conditions under which may be disposed of; and
- is applicable to records created and maintained in any format, including:
  - cards

- registers
- files
- microfilm
- COM (computer output microfiche)
- electronic records, including various electronic media
- objects
- any other formats.

### ***Layout of the schedule***

This Records Disposal Schedule begins with an introduction incorporating definitions. The structure of the disposal classes is then described.

## **CUSTODY OF RECORDS**

Custody of all records remains the responsibility of the relevant agency unless formal transfer of custody has occurred. Although physical custody may be outsourced, responsibility for custody cannot be outsourced.

All records must be managed in accordance with the agency's Records Management Program, which must comply with the requirements of all Records Management Standards.

## **DESTRUCTION OF RECORDS**

When the approved disposal date for the destruction of a record has been reached, and all other conditions required before destruction have been met, appropriate arrangements for a record's destruction should be made. It is the responsibility of each agency to ensure that its records are destroyed in a secure and appropriate manner as indicated in the agency Records Management Program.

## **UPDATING THE RECORDS DISPOSAL SCHEDULE**

Records Disposal Schedules are reviewed and updated from time to time. For suggested amendments or alterations to this schedule please contact the Director of Territory Records.

## **ASSISTANCE IN USING THE RECORDS DISPOSAL SCHEDULE**

Agencies requiring any assistance in the interpretation or implementation of any Records Disposal Schedule are encouraged to contact the Director of Territory Records.

## **RELATED RECORDS DISPOSAL SCHEDULES**

The following exemplar Records Disposal Schedules may cover the disposition of relevant records in the first instance; however, if information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage in the control of ACT Government Agencies is found when sentencing under another Records Disposal Schedule, this one takes precedence.

Other instances not specifically listed below may also be within the scope of this Records Disposal Schedule; for instance specific committees, grants, funding, subsidies, scholarships, employment or other strategies or programmes requiring proof of aboriginality or Torres Strait Island heritage; however, if such information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage in the control of ACT Government Agencies is found when sentencing under another Records Disposal Schedule, this one takes precedence.

<b>FUNCTION</b>		<b>Activity</b>
<b>ACCOMMODATION SUPPORT SERVICES</b>		<b>Assessing</b>
<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
1.5.2 ■■■■■■■■■■	Records relating to updating applicant/waiting lists of eligible applicants.	Destroy 7 years after last entry
1.5.3 ■■■■■■■■■■	Records relating to ineligible applications and supporting documentation for the allocation of public housing and accommodation. Includes: <ul style="list-style-type: none"> <li>• registration for assistance forms</li> <li>• early allocation applications</li> <li>• rent rebate applications</li> <li>• renewal applications</li> </ul>	Destroy when reference ceases
<b>ADOPTION RECORDS</b>		<b>Cases</b>
<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
3.1.1 ■■■■■■■■■■	All Supreme Court Adoption registers, indexes and card systems including electronic indexes and registers.	Retain as Territory Archives
3.1.2 ■■■■■■■■■■	Bench Sheets for Adoption in the Supreme Court.	Retain as Territory Archives
3.1.3 ■■■■■■■■■■	Adoption Case Files in the Supreme Court (file prefix AD).	Retain as Territory Archives
3.1.4 ■■■■■■■■■■	Records of Adoption Proceedings (Transcripts) in the Supreme Court.	Retain as Territory Archives
3.1.5 ■■■■■■■■■■	ACT Adoption Records from 1930 until 1966 in the Magistrates Court (Adoption cases prior to 1966 were initially handled by the Court of Petty Sessions renamed the Magistrates Court).	Retain as Territory Archives

<b>FUNCTION</b>		<b>Activity</b>
<b>CEMETERIES AND CREMATORIA MANAGEMENT</b>		<b>Control</b>
<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
1.7.1 ■■■■■■■■	Master control records for agency register systems (both paper and electronic). Includes registers, indexes and mapping systems giving details of burial location, date, and other details as required.	Retain as Territory Archives
<b>CHILDREN'S COURT RECORDS</b>		<b>Cases</b>
<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
6.1.1 ■■■■■■■■	All Children's Court registers, indexes and card systems including electronic indexes and registers.	Retain as Territory Archives
6.1.2 ■■■■■■■■	Bench Sheets for Children's Court matters.	Retain as Territory Archives
6.1.3 ■■■■■■■■	Bench Sheets and last orders for Care matters.	Retain as Territory Archives
6.1.4 ■■■■■■■■	Bench Sheets, extracts of orders, and originating process on Application to the Court under the Maintenance Ordinance in the Magistrates Court.	Retain as Territory Archives
6.1.5 ■■■■■■■■	Bench Sheets, orders and payment records for Maintenance Order (Enforcement) (file prefix: Initial letter of payers surname and number in sequence).	Retain as Territory Archives
6.1.6 ■■■■■■■■	Bench Sheets and orders for Family Law matters.	Retain as Territory Archives
6.1.7 ■■■■■■■■	Children's Court Case Files (file prefix CH).	Destroy 10 years after person is 18 years old

<b>FUNCTION</b>		<b>Activity</b>
<b>CHILDREN'S COURT RECORDS</b>		<b>Cases</b>
<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
6.1.8 ■■■■■■■■	Care Case Files (file prefix CE).	Destroy 6 years after person is 18 years old
<b>CHILDREN'S COURT RECORDS</b>		<b>Cases</b>
<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
6.1.9 ■■■■■■■■	Care Case Files (file prefix CE) where the person who is subject of an order dies.	Destroy 6 years after last action
6.1.10 ■■■■■■■■	Plea by Post Case Files (file prefix CP).	Destroy 10 years after last action
6.1.11 ■■■■■■■■	Voluntary Attendance at Court (VATAC) Case Files (file prefix CV).	Destroy 10 years after last action
6.1.12 ■■■■■■■■	Family Law, including all maintenance order matters and office enforcement, Case Files (file prefix FM).	Destroy 10 years after last action
6.1.13 ■■■■■■■■	Records of Children's Court Proceedings (Sound Recordings and Transcripts).  Any part of proceedings listed in Magistrates Court Act 1930 Section 54A(6) must be reduced to transcript before erasing.	Destroy 7 years after completion of proceedings
<b>CORONIAL RECORDS</b>		<b>Cases</b>
<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
8.1.1 ■■■■■■■■	All Coronial registers, indexes and card systems including electronic indexes and registers.	Retain as Territory Archives
8.1.2 ■■■■■■■■	Bench Sheets for Coronial matters.	Retain as Territory Archives



<b>FUNCTION</b>		<b>Activity</b>
<b>LAND ASSET MANAGEMENT</b>		<b>Conservation</b>
<i>Entry</i>	<i>Description of Records</i>	<i>Disposal Action</i>
1.12.1 ■■■■■■■■■■	Preservation, protection, maintenance, restoration and enhancement of land which is listed on the ACT Heritage Places Register or which have national significance including natural, historic and indigenous significance and are listed in the Register of the National Estate, by the World Heritage Commission, classified by the National Trust listings.	Retain as Territory Archives
1.12.3 ■■■■■■■■■■	Preservation, protection, maintenance, restoration and enhancement of land other than land which is listed on the ACT Heritage Places Register or which have national significance including natural, historic and indigenous significance and are listed in the Register of the National Estate, by the World Heritage Commission, classified by the National Trust listings.	Destroy after property is disposed of or transfer to new owners
<b>LAND MANAGEMENT &amp; DEVELOPMENT CONTROLS</b>		<b>Registration</b>
<i>Entry</i>	<i>Description of Records</i>	<i>Disposal Action</i>
3.34.1 ■■■■■■■■■■	Registers including, but not limited to: <ul style="list-style-type: none"> <li>• Development Application Lodgement Register;</li> <li>• Register of Lease and Development Conditions;</li> <li>• Fences;</li> <li>• Place Names/Aboriginal Names; and</li> <li>• Heritage Places Register.</li> </ul>	Retain as Territory Archives

<b>FUNCTION</b>		<b>Activity</b>
<b>MATRIMONIAL CAUSES RECORDS</b>		<b>Cases</b>
<i>Entry</i>	<i>Description of Records</i>	<i>Disposal Action</i>
10.1.1 ■■■■■■■■■■	All Supreme Court Matrimonial Causes registers, indexes and card systems including electronic indexes and registers.	Retain as Territory Archives
10.1.2 ■■■■■■■■■■	Bench Sheets for Matrimonial Causes in the Supreme Court	Retain as Territory Archives
10.1.3 ■■■■■■■■■■	Matrimonial Causes Case Files in the Supreme Court (file prefix MC).	Retain as Territory Archives
10.1.4 ■■■■■■■■■■	Records of Matrimonial Causes Proceedings (Transcripts) in the Supreme Court.	Retain as Territory Archives
<b>PROBATE RECORDS</b>		<b>Cases</b>
<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
11.1.1 ■■■■■■■■■■	All Supreme Court Probate registers, indexes and card systems including electronic indexes and registers.	Retain as Territory Archives
11.1.2 ■■■■■■■■■■	Bench Sheets for Probate in the Supreme Court.	Retain as Territory Archives
11.1.3 ■■■■■■■■■■	Probate Case Files in the Supreme Court (file prefix P).	Retain as Territory Archives
11.1.4 ■■■■■■■■■■	Records of Probate Proceedings (Transcripts) in the Supreme Court.	Retain as Territory Archives

<b>FUNCTION</b>		<b>Activity</b>
<b>PUBLIC TRUSTEE SERVICES</b>		<b>Cases</b>
<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
1.2.1 ■■■■■■■■■	A person's Will (where an estate is administered by the Public Trustee). Lodged in the Supreme Court after death.	Retain as Territory Archives
1.2.2 ■■■■■■■■■	A person's Will (where the client is unlocatable or no action taken under the Will by the Public Trustee).	Destroy 100 years after execution date
1.2.3 ■■■■■■■■■	Enduring Powers of Attorney (where not acted upon).	Destroy 100 years after execution date
1.2.4 ■■■■■■■■■	Records relating to a deceased person's estate including instructions for Wills, grants of representation, notices to treat, next-of-kin declarations and determinations, discovery of assets and liabilities, bank books and records, share and investment certificates, lists and details of assets and liabilities, title searches, valuations and dealings with real estate, statements of account and details of beneficiaries.	Destroy 25 years after last action
1.2.5 ■■■■■■■■■	No asset Will and associated documents (where Will current at death).	Destroy 25 years after last action

<b>FUNCTION</b>		<b>Activity</b>
<b>REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES</b>		<b>Adoptions</b>
<i>Entry No</i>	<i>Description of Records</i>	<i>Disposal Action</i>
2.1.1 	A <i>record (instrument)</i> in relation to an adoption includes: <ul style="list-style-type: none"> <li>• Court Order</li> <li>• Birth Registration Statement</li> </ul>	Retain as Territory Archives <ul style="list-style-type: none"> <li>• Capture in DMS post 2002/2003</li> <li>• Store originals pre 2002/2003 on-site for historical and conversion purposes.</li> <li>• Destroy originals after scanning post 2002/2003</li> </ul>
<b>REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES</b>		<b>Births</b>
<i>Entry No</i>	<i>Description of Records</i>	<i>Disposal Action</i>
2.2.1 	A <i>record (instrument)</i> in relation to a birth includes: <ul style="list-style-type: none"> <li>• Hospital Notification</li> <li>• Birth Registration Statements</li> </ul>	Retain as Territory Archives <ul style="list-style-type: none"> <li>• Capture in IDMS post 2002/2003</li> <li>• Store originals pre 2002/2003 on-site for historical and conversion purposes</li> <li>• Destroy originals after scanning post 2002/2003</li> </ul>

<b>FUNCTION</b>		<b>Activity</b>
<b>REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES</b>		<b>Change of name</b>
<i>Entry No</i>	<i>Description of Records</i>	<i>Disposal Action</i>
2.3.1 	A <i>record (instrument)</i> in relation to a change of name includes: <ul style="list-style-type: none"> <li>• Court Order</li> <li>• Change of Name Form</li> </ul>	Retain as Territory Archives <ul style="list-style-type: none"> <li>• Capture in IDMS post 2002/2003</li> <li>• Store originals pre 2002/2003 on-site for historical and conversion purposes</li> <li>• Destroy originals after canning post 2002/2003</li> </ul>
<b>REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES</b>		<b>Deaths</b>
<i>Entry No</i>	<i>Description of Records</i>	<i>Disposal Action</i>
2.4.1 	A <i>record (instrument)</i> in relation to a death includes: <ul style="list-style-type: none"> <li>• Medical Certificate of Cause of Death</li> <li>• Death Registration Statement</li> <li>• Coroners Report</li> </ul>	Retain as Territory Archives <ul style="list-style-type: none"> <li>• Capture in IDMS post 2002/2003</li> <li>• Store originals pre 2002/2003 on-site for historical and conversion purposes</li> <li>• Destroy originals after scanning post 2002/2003</li> </ul>

<b>FUNCTION</b>		<b>Activity</b>
<b>REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES</b>		<b>Marriages</b>
<i>Entry No</i>	<i>Description of Records</i>	<i>Disposal Action</i>
2.6.1 	A <i>record (instrument)</i> in relation to a marriage includes: <ul style="list-style-type: none"> <li>• Notice of Intended Marriage</li> <li>• Marriage Certificate</li> </ul>	Retain as Territory Archives <ul style="list-style-type: none"> <li>• Capture in IDMS post 2002/2003</li> <li>• Store originals pre 2002/2003 on-site for historical and conversion purposes</li> <li>• Destroy originals after scanning post 2002/2003</li> </ul>
<b>REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES</b>		<b>Parentage</b>
<i>Entry No</i>	<i>Description of Records</i>	<i>Disposal Action</i>
2.8.1 	A <i>record (instrument)</i> in relation to acknowledgement of parentage includes: <ul style="list-style-type: none"> <li>• Court Order</li> <li>• Parentage Information Form</li> </ul>	Retain as Territory Archives <ul style="list-style-type: none"> <li>• Capture in IDMS post 2002/2003.</li> <li>• Store originals pre 2002/2003 on-site for historical and conversion purposes</li> <li>• Destroy originals after scanning post 2002/2003</li> </ul>



## **RELATED LEGISLATION**

Legislation related to classes of records covered by this Records Disposal Schedule includes, but is not limited to, the following legislation:

*Aboriginal Land Grant (Jervis Bay Territory) Act 1986 (Cwlth)*  
*Aborigines Welfare Ordinance 1954*  
*Aborigines Welfare Ordinance Repeal Ordinance 1965*  
*Administration and Probate Act 1929*  
*Adoption Act 1993*  
*Australian Capital Territory and Jervis Bay (Lands Acquisition) Act 1955*  
*Births Deaths and Marriages Act 1997*  
*Cemeteries and Crematoria Act 2003*  
*Children and Young Peoples Act 1999*  
*Coroners Act 1997*  
*Crimes Act 1900*  
*Electoral Act 1992*  
*Environment Protection Act 1997*  
*Evidence Act 1971*  
*Evidence Act 1995 (Cwlth)*  
*Freedom of Information Act 1989*  
*Heritage Act 2004*  
*Heritage (Objects) Act 1991*  
*Housing Assistance Act 1987*  
*Jervis Bay Territory Acceptance Act 1915 (Cwlth)*  
*Marriages Act 1961(Cwlth)*  
*Native Title Act 1994*  
*Privacy Act 1988 (Cwlth)*  
*Public Trustee Act 1985*  
*Residential Tenancies Act 1997*  
*Territory Records Act 2002*  
*Tree Protection Act 2005*  
*Wills Act 1968*

## **DEFINITIONS**

### **Actioned**

Any substantive work carried out in an agency in response to receiving the correspondence. This does not include purely process work (e.g. conversion).

### **Agency**

The Executive, an ACT Court, the Legislative Assembly Secretariat, an administrative unit, a Board of Inquiry, a Judicial or Royal Commission, any other prescribed authority, or an entity declared under the regulations of the *Territory Records Act 2002* to be an agency.

### **Archives**

See Territory Archives

### **Permanent**

These records are considered of archival value to the Territory and may not be destroyed. Permanent records are defined by a Records Disposal Schedule.

### **Principal Officer**

The Chief Executive of an administrative unit, or its equivalent in other types of agencies.

### **Records**

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. This recorded information must be maintained or managed by the agency to provide evidence of their business activities. Records can be in written, electronic or any other form.

### **Records Disposal Schedule (RDS)**

A Notifiable Instrument created under S.19 of the *Territory Records Act 2002* granting permission to dispose of particular classes of records after a specified period of time. Some records may not be disposed of and must be retained as Territory Archives. The Notifiable Instrument may impose additional conditions.

## **Records of an Agency**

Records in written, electronic or any other form, under the control of an agency or to which it is entitled to control, kept as a record of its activities, whether it was created or received by the agency.

## **Recordkeeping Systems**

Information systems that capture, maintain and provide access to records over time. While the term is often associated with computer software, Recordkeeping Systems also encompass policies, procedures, practices and resources which are applied within an agency to ensure that full and accurate records of business activity are made and kept.

## **Records Management**

The managing of the records of an agency to meet its operational needs and, if appropriate, to allow public access to the records consistent with the *Freedom of Information Act 1989* and for the benefit of future generations. Records management covers but is not limited to the creation, keeping, protection, preservation, storage and disposal of, and access to records of the agency.

## **Records Management Program**

A document which complies with section 16 of the *Territory Records Act 2002* by setting out the means by which an agency will manage its records, and is approved by the agency's Principal Officer.

## **Temporary**

Temporary records are not considered of archival value to the Territory and may be destroyed after a minimum period of time. Temporary records are defined in a Records Disposal Schedule, which also sets the minimum retention period.

## **Territory Archives**

Records preserved for the benefit of present and future generations.

## **Unsentenced Records**

Records that are not covered by a Records Disposal Schedule.

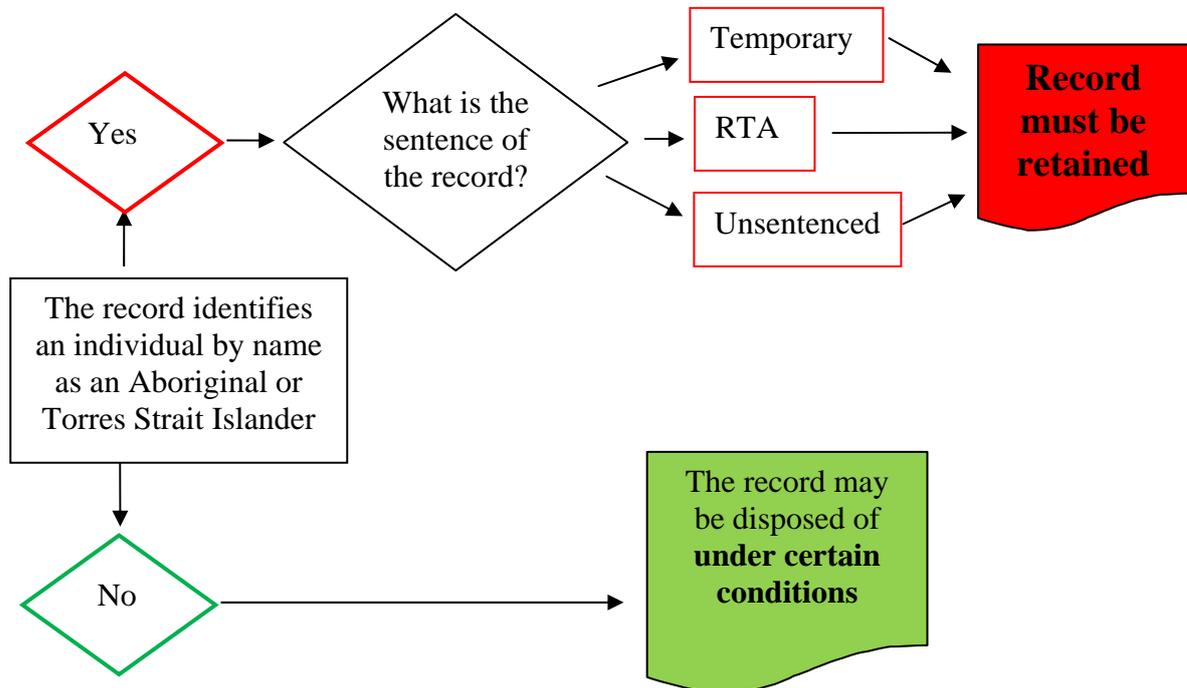
## STRUCTURE OF THE DISPOSAL CLASSES

The *Territory Records Act 2002* states:

### Section 16 Approved records management programs

- (1) An agency must have an approved records management program.
- (2) The approved records management program must include arrangements—
  - (i) for preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage;

The following chart summarises the decision points in applying the RDS for preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage. Note that RTA means “Retained as Territory Archives”.



# **RECORDS DISPOSAL SCHEDULE**

