

Australian Capital Territory

# **Territory Records (Records Disposal Schedule – Protection of records relevant to the Royal Commission into Natural Disaster Arrangements) Approval 2020 (No 1)**

**Notifiable instrument NI2020—468**

made under the

**Territory Records Act 2002, s 19A (Records disposal schedules—suspension)**

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## **1. Name of Instrument**

This instrument is the Territory Records (Records Disposal Schedule – Protection of records relevant to the Royal Commission into Natural Disaster Arrangements) Approval 2019 (No 1).

## **2. Approval**

I approve the Records Disposal Schedule – Protection of records relevant to the Royal Commission into Natural Disaster Arrangements.

## **3. Commencement**

This instrument commences on the day after notification.

Danielle Wickman  
Director of Territory Records  
23 July 2020



## **Records Disposal Schedule**

# **Protection of records relevant to the Royal Commission into Natural Disaster Arrangements**

## Table of Contents

<b>INTRODUCTION</b> .....	<b>4</b>
<b>PURPOSE</b> .....	<b>4</b>
<b>SCOPE</b> .....	<b>4</b>
<b>AUTHORITY</b> .....	<b>4</b>
<b>GUIDELINES FOR USE</b> .....	<b>4</b>
<i>COVERAGE OF AUTHORITY</i> .....	5
<b>FUNCTIONS THAT MAY GIVE RISE TO RECORDS COVERED BY THIS SCHEDULE</b> .....	<b>6</b>
<b>UPDATING THE RECORDS DISPOSAL SCHEDULE</b> .....	<b>7</b>
<b>ASSISTANCE IN USING THE RECORDS DISPOSAL SCHEDULE</b> .....	<b>7</b>
<b>RELATED LEGISLATION</b> .....	<b>8</b>
<b>DEFINITIONS</b> .....	<b>9</b>
<i>AGENCY</i> .....	9
<i>APPRAISAL</i> .....	9
<i>BUSINESS CLASSIFICATION SCHEME</i> .....	9
<i>CONVERSION/CONVERTING</i> .....	9
<i>CONVERTED RECORDS</i> .....	9
<i>DIGITISED RECORDS</i> .....	9
<i>DISPOSAL ACTION</i> .....	9
<i>METADATA</i> .....	9
<i>PERMANENT RECORD</i> .....	9
<i>PRINCIPAL OFFICER</i> .....	10
<i>RECORD</i> .....	10
<i>RECORDKEEPING SYSTEM</i> .....	10
<i>RECORDS DISPOSAL FREEZE</i> .....	10
<i>RECORDS DISPOSAL SCHEDULE</i> .....	10
<i>RECORDS MANAGEMENT PROGRAM</i> .....	10
<i>RETENTION PERIOD</i> .....	10
<i>SENTENCED</i> .....	10
<i>SOURCE RECORD</i> .....	10
<i>TEMPORARY RECORD</i> .....	11
<i>TERRITORY ARCHIVES</i> .....	11
<b>RECORDS DISPOSAL SCHEDULE</b> .....	<b>12</b>
<i>RECORDS RELEVANT TO THE ROYAL COMMISSION INTO NATURAL DISASTERS</i> .....	13
<i>Records supporting the Royal Commission Terms of Reference</i> .....	13
<i>Records relating to Bushfire events</i> .....	15

## **INTRODUCTION**

The *Records Disposal Schedule – Protection of Records Relevant to the Royal Commission into Natural Disaster Arrangements* is the official authority for the disposal of these ACT Government Records. It is one of a series of records disposal schedules authorised by the Director of Territory Records in accordance with the provisions of the *Territory Records Act 2002*. It is used in conjunction with other Territory records disposal schedules.

## **PURPOSE**

The purpose of this Records Disposal Schedule is to suspend the application of all other records disposal schedules where they apply to records created or maintained by ACT Government Agencies that may be of relevance to the Commonwealth Government's Royal Commission into Natural Disaster Arrangements.

## **SCOPE**

This Records Disposal Schedule applies to records created or maintained by ACT Government Agencies. It also applies to consultants, contractors and other third parties undertaking functions on behalf of ACT Government Agencies.

It applies to records in any format, including electronic records.

## **AUTHORITY**

The Director of Territory Records, in consultation with stakeholders and the Territory Records Advisory Council, has approved this Records Disposal Schedule.

Officers using records disposal schedules should be aware that the authorisations for disposal are given in terms of the *Territory Records Act 2002* only. Officers must not dispose of records in contravention of this Records Disposal Schedule or other requirements such as when records are required for legal proceedings.

This Records Disposal Schedule will remain in force until the Director of Territory Records withdraws it from use. Subsequent records disposal schedules do not supersede this Schedule unless this is specifically indicated in the later schedule.

## **GUIDELINES FOR USE**

A records disposal schedule generally specifies retention periods: that is, how long records are to be retained by the agency before being destroyed or retained as Territory Archives. This Schedule acts to suspend any previously authorised retention periods for records that are of a type described in this Schedule.

**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.**

Records disposal schedules are designed to be applicable to all ACT Government records regardless of titling conventions used, so that records which have not been titled using the terminology represented by a records disposal schedule may still be sentenced with relative ease.

This records disposal schedule is intended to highlight disposal classes that may still require protection in accordance with the findings of the Royal Commission into Natural Disaster Arrangements. Identified classes focus on those that are likely to contain personal records, complaints, investigations, and the appointment and delegation of administrative powers.

**It is important to note that this list is not exhaustive.** The destruction of any record meeting the characteristics described in this Schedule is not currently authorised, regardless of whether it has been classified using the function and activity descriptors below.

It is also important to note that inclusion of a disposal class in this list does not mean that destruction of all records classifiable under these descriptors is suspended. The identified functions, activities and classes list is indicative only, and only records having the characteristics set out in the disposal classes of this Schedule are required to be retained beyond their usual retention period. Records of the functions, activities and classes below which do not meet the specific characteristics of this Schedule may be disposed of as authorised by the relevant existing records disposal schedules.

### ***Coverage of authority***

*The Records Disposal Schedule – Protection of records relevant to the Royal Commission into Natural Disaster Arrangements:*

- covers all ACT Government records;
- is intended to be used in conjunction with other Territory records disposal schedules;
- suspends the application of any other authorised records disposal schedule for records that meet the characteristics set out in this Schedule;
- is applicable to all relevant records regardless of when they were created; and
- is applicable to records created and maintained in any format.

## **FUNCTIONS THAT MAY GIVE RISE TO RECORDS COVERED BY THIS SCHEDULE**

Disaster Recovery (Human Services)
Emergency Awareness
Emergency Management
Environmental Management
Government and Stakeholder Relations
Information and Communications Technology
Land Development Records
Land, Planning and Building
Parks, Reserves and Public Places
Population Health Care Management and Control
Property Equipment and Fleet
Road and Rail Management
Security Coordination
Traffic and Transport
Waste Management
Water Management

## **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 Territory Records Office.

## **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 Territory Records Office.

## **RELATED LEGISLATION**

The following legislation may be related to the record classes covered by this Records Disposal Freeze. Records may be subject to additional legislation listed in Records Disposal Freezes upon the lifting of this freeze:

*Royal Commissions Act 1991*

*Territory Records Act 2002*



## **DEFINITIONS**

### ***Agency***

As defined in the *Territory Records Act 2002*.

### ***Appraisal***

The process of evaluating business activities to:

- determine which Records need to be captured;
- determine how long the Records need to be kept to meet business needs; and
- meet the requirements of organisational accountability and community expectations.

### ***Business Classification Scheme***

A hierarchical scheme for identifying and defining the functions, activities and transactions an agency performs in the conduct of its business, and the relationships between them.

### ***Conversion/Converting***

The act of converting a Source Record from one format to another, for example by digitising, resulting in a Converted Record.

### ***Converted Records***

The copy of the record resulting from the conversion (compare source record). For example, the digitised or microfilm copy of a paper record.

### ***Digitised Records***

Converted Records that are in a digital format.

### ***Disposal Action***

The direction relating to disposal or retention of a Record that applies to a Record once it has been sentenced, including any conditions about the necessary Retention Period and prerequisites for disposal.

### ***Metadata***

Structured or semi-structured information, which enables the creation, management, and use of records through time and within and across domains.

### ***Permanent Record***

A record that has been sentenced under a Records Disposal Schedule so that the applicable Disposal Action is Retain as Territory Archives. Permanent Records are considered of archival value to the Territory and may not be destroyed.

### ***Principal Officer***

As defined in the *Territory Records Act 2002*

### ***Record***

As defined in the *Territory Records Act 2002*

### ***Recordkeeping System***

An information system that captures, maintains and provides access to records over time. While the term is often associated with computer software, the term ‘Recordkeeping System’ also encompasses policies, procedures, practices and resources that are applied within an Agency to ensure that full and accurate records of business activity are made and kept.

### ***Records Disposal Freeze***

When the Director of Territory Records temporarily suspends the approval of all or part of a Records Disposal Schedule.

### ***Records Disposal Schedule***

A document approved by the Director of Territory Records, in accordance with section 19 of the *Territory Records Act 2002*, which sets out the types of Records created or received by an Agency and how long these Records must be retained by the Agency.

### ***Records Management Program***

A document setting out the means by which an Agency must manage its Records that complies with section 16 of the *Territory Records Act 2002* and is approved in accordance with section 17 of the *Territory Records Act 2002*.

### ***Retention Period***

The period of time during which an Agency must retain a Record, as specified in the relevant Records Disposal Schedule.

### ***Sentenced***

The process of applying appraisal decisions to individual records by determining the part of a Records Disposal Schedule that applies to the record and assigning a retention period consistent with that part.

### ***Source Record***

The Record that is being converted into another format. For example, the paper Record that is being digitised.

***Temporary Record***

A Record that has been sentenced under a Records Disposal Schedule so that the applicable Disposal Action is something other than Retain as Territory Archives, and therefore the Record may be destroyed after the relevant Retention Period


***Territory Archives***

Records considered of archival value to the Territory, which, in order to be preserved for the benefit of present and future generation, may not be destroyed. All Records Sentenced with the applicable Disposal Action being Retain as Territory Archives are Permanent Records.

## **RECORDS DISPOSAL SCHEDULE**

**RECORDS RELEVANT TO THE ROYAL COMMISSION INTO NATURAL DISASTERS**


**Records supporting the Royal Commission Terms of Reference**

<b>Entry No.</b>	<b>Description of Records</b>	<b>Disposal Action</b>
GE10.GE1.001 	<p>Records relevant to Royal Commission into Natural Disaster Arrangements terms of reference. Includes relevant records relating to:</p> <ol style="list-style-type: none"> <li>a. the responsibilities of, and coordination between, the Commonwealth and State, Territory and local Governments relating to preparedness for, response to, resilience to, and recovery from, natural disasters, and what should be done to improve these arrangements, including with respect to resource sharing;</li> <li>b. Australia’s arrangements for improving resilience and adapting to changing climatic conditions, what actions should be taken to mitigate the impacts of natural disasters, and whether accountability for natural disaster risk management, preparedness, resilience and recovery should be enhanced, including through a nationally consistent accountability and reporting framework and national standards;</li> <li>c. whether changes are needed to Australia’s legal framework for the involvement of the Commonwealth in responding to national emergencies, including in relation to the following:                             <ol style="list-style-type: none"> <li>i. thresholds for, and any obstacles to, State or Territory requests for Commonwealth assistance;</li> <li>ii. whether the Commonwealth Government should have the power to declare a state of national emergency;</li> <li>iii. how any such national declaration would interact with State and Territory emergency management frameworks;</li> <li>iv. whether, in the circumstances of such a national declaration, the Commonwealth</li> </ol> </li> </ol>	Destruction not currently authorised

Government should have clearer authority to take action (including, but without limitation, through the deployment of the Australian Defence Force) in the national interest;

- d. any relevant matter reasonably incidental to a matter referred to in paragraphs (a) to (c).
- e. the findings and recommendations (including any assessment of the adequacy and extent of their implementation) of other reports and inquiries that you consider relevant, including any available State or Territory inquiries relating to the 2019-2020 bushfire season,
- f. ways in which Australia could achieve greater national coordination and accountability — through common national standards, rule-making, reporting and data-sharing — with respect to key preparedness and resilience responsibilities, including for the following:
  - i. land management, including hazard reduction measures;
  - ii. wildlife management and species conservation, including biodiversity, habitat protection and restoration;
  - iii. land-use planning, zoning and development approval (including building standards), urban safety, construction of public infrastructure, and the incorporation of natural disaster considerations;
- g. any ways in which the traditional land and fire management practices of Indigenous Australians could improve Australia's resilience to natural disasters.

***Records relating to Bushfire events.***

<b>Entry No.</b>	<b>Description of Records</b>	<b>Disposal Action</b>
GE10.GE2.001 	<p>Records relating to bushfire events, including but not limited to the following::</p> <ul style="list-style-type: none"> <li>• Policy and advice relating to preparations for bushfire events throughout the ACT and nearby regions</li> <li>• Policy and advice relating to the response to bushfire events throughout the ACT and nearby regions</li> <li>• Bushfire forecast and prediction, including long term climate forecasting</li> <li>• Airplane Fleet contracts, management and operations</li> <li>• Bushfire Mitigation strategy and arrangements – policy, planning, prescribed burn permits, land use arrangements, lease requirements &amp; enforcement</li> <li>• Emergency response requests &amp; reports, including traffic management &amp; road closures</li> <li>• Air Quality testing and public advice</li> <li>• Public health advice and communications</li> <li>• Public alert system, including management of website, apps and data sharing with public and interstate agencies</li> <li>• findings and recommendations of previous relevant reports and inquiries.</li> </ul>	<p>Destruction not currently authorised</p>