

Australian Capital Territory

Territory Records (Records Disposal Schedule – Judicial System Administration Records) Approval 2018 (No 1)

Notifiable instrument NI2018—709

made under the

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

1 Name of instrument

This instrument is the Territory Records (Records Disposal Schedule – Judicial System Administration Records) Approval 2018 (No 1)

2 Commencement

This instrument commences on the day after notification.

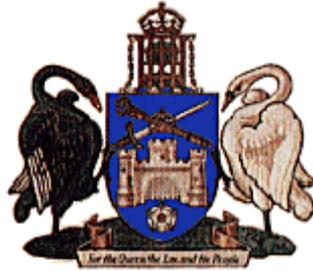
3 Approval

I approve the Records Disposal Schedule - Judicial System Administration Records.

4 Revocation

I revoke Notifiable Instrument NI2004-478 notified 10 December 2004.

Danielle Wickman
Director of Territory Records
13 December 2018



Records Disposal Schedule

Judicial System Administration Records

Table of Contents

INTRODUCTION	4
PURPOSE	4
SCOPE	4
AUTHORITY	4
STRUCTURE AND RELATIONSHIP TO THE TERRITORY WHOLE OF GOVERNMENT THESAURUS	4
<i>Whole of Government Thesaurus</i>	5
GUIDELINES FOR USE	5
<i>Coverage of authority</i>	5
<i>Layout of the schedule</i>	6
FORMAT OF RECORD	7
<i>Electronic records</i>	7
DESTRUCTION OF RECORDS	7
UPDATING THE RECORDS DISPOSAL SCHEDULE	7
ASSISTANCE IN USING THE RECORDS DISPOSAL SCHEDULE	7
RELATED LEGISLATION	8
BUSINESS CLASSIFICATION SCHEME	8
<i>JUDICIAL SYSTEM ADMINISTRATION</i>	10
RECORDS DISPOSAL SCHEDULE	12
<i>JUDICIAL SYSTEM ADMINISTRATION</i>	13
<i>Advice</i>	13
<i>Appointments (Statutory/Official)</i>	14
<i>Authorisations & Delegations</i>	14
<i>Compliance</i>	15
<i>Court Operations</i>	15
<i>Customer Service</i>	16
<i>Judicial Cases & Inquiries</i>	17
<i>Planning</i>	21
<i>Policies & Procedures</i>	21
<i>Reporting & Statements</i>	22
RETAIN AS TERRITORY ARCHIVES	23
<i>JUDICIAL SYSTEM ADMINISTRATION</i>	24
<i>Advice</i>	24
<i>Authorisations & Delegations</i>	25
<i>Court Operations</i>	25
<i>Judicial Cases & Inquiries</i>	26
<i>Planning</i>	27
<i>Policies & Procedures</i>	28
<i>Reporting & Statements</i>	28

INTRODUCTION

The *Records Disposal Schedule – Judicial System Administration Records* is the official authority for the disposal of these ACT Government Records.

It is one of a series of Whole of Government 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 provide for the authorised disposal of records created or maintained by 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.

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, officers 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. Officers must not dispose of records in contravention of this Records Disposal Schedule 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 WHOLE OF GOVERNMENT THESAURUS

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.

Retention periods set down in this schedule are minimum periods only and an agency may keep records for a longer period if considered necessary for business requirements. Reasons for longer retention could include legal requirements, administrative need or agency directives. **An agency must take all reasonable steps to ensure that no legal action is contemplated in relation to its records and 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.**

The *Records Disposal Schedule – Judicial System Administration Records* has a hierarchical structure that reflects its arrangements according to functions and activities, rather than by subject, and this also reflects a close relationship to the Territory Whole of Government Thesaurus originally based on the Territory Version of Keyword AAA. The Records Disposal Schedule is 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 this Records Disposal Schedule, may still be sentenced with relative ease.

Whole of Government Thesaurus

The Whole of Government Thesaurus is a controlled vocabulary of terms designed for use in the classifying, titling and indexing of records on creation.

The Whole of Government Thesaurus has been developed on the basis of the Territory Version of Keyword AAA (TVKAAA 2010), a thesaurus which incorporated 16 common functions. All other functions within the Whole of Government Thesaurus are considered functions performed by the ACT Government and have been included following consultation with agencies and after consideration by the Territory Records Office (TRO) via a formal approval process.

The Whole of Government Thesaurus is mandated by the TRO for use by all ACT Government agencies as part of their classifying and titling of paper and electronic records. See also *Records Advice No.28 Functional directories on shared drives*.

The disposal actions listed in this Records Disposal Schedule were determined through the process of appraisal in accordance with *Territory Records Office Standard for Records Management No.2 - Appraisal*. Appraisal is based upon the same type of analysis of business activity employed in the classification scheme used in the original Territory Version of Keyword AAA. Essentially, appraisal involves attaching record retention periods and disposal decisions (and even records creation requirements and rules) to the same classification scheme.

GUIDELINES FOR USE

Coverage of authority

The *Records Disposal Schedule – Judicial System Administration Records*:

- covers all records related to the function;
- is intended to be used in conjunction with other Territory Whole of Government Records Disposal Schedules;
- specifies the minimum period records should be kept (retention periods)
- specifies whether, upon the expiry of the retention periods, the records may be destroyed or are required as Territory Archives; and
- is applicable to records created and maintained in any format, including electronic or formats such as microfiche.

Layout of the schedule

This Records Disposal Schedule begins with an introduction incorporating definitions and the business classification scheme. Then each of the functions and activity disposal sets or 'disposal classes' relating to the functions are described. These are followed by a composite list of classes designated 'Retain as Territory Archives'. The functions and activity disposal sets show the following details:

Function

This is the broad level business function and is displayed in bold capital letters at the top of each page. It is the highest level in the business classification scheme. It is followed by the scope note, which provides definitions of the function and a collective view of the business activities that make that function unique.

Activity

Activities are the processes or operations that make up the business function. They are set in bold and italics below the function statement. This is the second level of the business classification scheme. The scope of the activity encompasses all of the transactions that take place in relation to the activity. Activities can relate to many functions with the scope notes covering all of these relationships (e.g., the activity 'Policy' is linked to all of the functions). However, each function and activity set represents a unique unit.

Entry No.

This is the disposal class number allocated based on the function and activity set and the class number of the record. The barcode is the same as the Entry No. and may be used in an automated recordkeeping system.

Description of Records

This is the description of the records documenting the business function, activity and transactions. The descriptions can relate to one record such as a register or a group of records documenting a particular set of transactions.

Disposal Action

This is the minimum period a record must be kept for and is the trigger event from which the disposal date can be calculated.

FORMAT OF RECORD

This Records Disposal Schedule is applicable to any record that performs the function prescribed, irrespective of format. Records may include:

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

Electronic records

Refers to records created, communicated and maintained by means of electronic equipment. Information could be maintained/stored in a number of ways - on the database (the main database, or a special archives database); on magnetic media; on optical disks; or on separate hardcopy (paper, COM).

Electronic records must be readily accessible for the length of the specified retention period. Routine treatment (such as wiping, updating, alterations or re-recording) does not constitute disposal.

DESTRUCTION OF RECORDS

When the approved disposal date for the destruction of records has been reached, appropriate arrangements for their 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 LEGISLATION

The following legislation is related to the records classes covered by this Records Disposal Schedule and may have an impact on the length of time that records are required to be retained. This list does not necessarily represent all of the legislation that the organisation deals with, and may include Acts that are not directly administered by the organisation.

ACT Civil and Administrative Tribunal Act 2008
ACT Freedom of Information Act 1989
Administration and Probate Act 1929
Adoption Act 1993
Bail Act 1992
Children and Young People Act 2008
Common Boundaries Act 1981
Confiscation of Criminal Assets Act 2003
Coroners Act 1997
Court Procedures Act 2004
Crimes Act 1900
Crimes (Restorative Justice) Act 2004
Crimes (Sentencing) Act 2005
Crimes (Sentence Administration) Act 2005
Crimes (Surveillance Devices) Act 2010
Discrimination Act 1991
Evidence Act 2011
Evidence (Miscellaneous Provisions) Act 1991
Family Violence Act 2016
Freedom of Information Act 2016
Guardianship and Management of Property Act 1991
Human Rights Act 2004
Information Privacy Act 2014
Juries Act 1967
Judicial Commissions Act 1994
Jurisdiction of Courts (Cross-vesting) Act 1993
Legislation Act 2001
Limitation Act 1985
Magistrates Court Act 1930
Mental Health Act 2015
Oaths and Affirmations Act 1984
Personal Violence Act 2016
Residential Tenancies Act 1997
Retirement Villages Act 2012
Supreme Court Act 1933
Unit Titles Act 2001
Unit Titles (Management) Act 2011
Utilities Act 2000
Victims of Crime (Financial Assistance) Act 2016
Wills Act 1968
Witness Protection Act 1996
Workers Compensation Act 1951
Work Health and Safety Act 2011

BUSINESS CLASSIFICATION SCHEME

JUDICIAL SYSTEM ADMINISTRATION

The function of providing and managing access to justice by way of any proceeding held before the ACT Courts and ACT Civil and Administrative Tribunal, where evidence and arguments may be presented to determine an issue of fact or law, resulting in a decision or ruling. Includes facilitating claims for dispute resolution; administrative decisions review; assigning disciplinary actions; overseeing mediation and conciliation between parties; requests for legal applications; appeals to a higher jurisdiction; and court led inquiries into systemic issues. Also includes the administration of evidence, witnesses and juries.

Advice

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

Appointments (Statutory/Official)

The activities associated with the making of statutory or official appointments. Includes the termination/suspension, etc. of statutory or official appointments.

Authorisation & Delegation

The activities associated with delegating power to authorise an action and the seeking or granting permission to undertake a requested action.

Compliance

The activities associated with complying with mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes compliance with legislation and with national and international standards, such as the ISO 9000 series.

Courts Operations

The activities associated with ensuring the effective operation of the courts and tribunal. Includes managing juries and case listings, keeping registers of cases and decisions and making arrangements to serve documents on behalf of foreign jurisdictions.

Customer Service

The activities associated with the planning, monitoring and evaluation of services provided to customers by the agency.

Judicial Cases & Inquiries

The activities associated with managing the proceedings of courts and tribunal on a case basis. Includes the claims, actions, legal proceedings and decisions relating to individual cases.

Planning

The process of formulating ways in which objectives can be achieved. Includes determination of services, needs and solutions to those needs.

Policies & Procedures

The activities associated with drafting, developing and implementing policies, procedures, and guidelines establishing decisions, directions, precedents and standard methods of operating which act as a reference for future decision making, and maintaining their currency over time. Includes guidelines devised by both internal and external sources of authority, rules and instructions

Reporting & Statements

The activities associated with drafting, preparing and providing reports relating to the function including in the form of informal or formal statements, statistics, returns, submissions or similar reports.

RECORDS DISPOSAL SCHEDULE

		years after the date of the last entry
183.424.015 ████████████████████	Records of audio or audio-visual exhibits provided by parties	Return exhibits as per Court Procedure Rules or 1 year after final judgment (including any appeals)
183.424.016 ████████████████████	Records of audio or audio-visual exhibits created by the court	Audio destroy 7 years after the final judgment or finalisation of appeal whichever is the longer without any need to replace with a hard or soft copy transcript.
183.424.017 ████████████████████	Records of audio or audio-visual exhibits providing victim evidence in sexual assault cases created by the court	Destroy 20 years after the matter is finalised, unless there is a direction by a judicial officer that the records should be retained for a longer period.
183.424.018 ████████████████████	Audio records of cases	Destroy 10 years after last action unless there is a direction by a judicial officer that the records should be retained for a longer period. For significant cases a written transcript must be created. Note that any part of proceedings listed in <i>Magistrates Court Act 1930</i> Section 316(6) must be reduced to transcript before erasing.
183.424.019 ████████████████████	Video records of hearings created for security and transcription purposes	Destroy 30 days after hearing.
183.424.020 ████████████████████	Records documenting routine file searches that are not included on case files and are not requests under freedom of information	Destroy 1 year after last action.

183.273.002 ■■■■■■■■■■■■■■■■■■■■	Records documenting the development and establishment of policies or procedures supporting the judicial system administration function. Includes: <ul style="list-style-type: none"> • policy proposals • results of consultations and comments on proposals • supporting reports • significant drafts. 	Destroy 7years after policy is superseded
-------------------------------------	---	---

Reporting & Statements

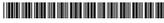
The activities associated with drafting, preparing and providing reports relating to the function including in the form of informal or formal statements, statistics, returns, submissions or similar reports.

Note: Where reports support a more specific activity, use the relevant classification, (e.g. use Borrowing & Investment, for reports on organisation investments).

[For Annual Report drafting and production processes, use GOVERNMENT & STAKEHOLDER RELATIONS – Publication & Marketing.]

Entry No.	Description of Records	Disposal Action
183.295.001 ■■■■■■■■■■■■■■■■■■■■	Final versions of internal formal reports and reports made to external agencies on issues of significance relating to the judicial system administration function.	Retain as Territory Archives
183.295.002 ■■■■■■■■■■■■■■■■■■■■	Final versions of periodic internal reports used to monitor and document recurring activities to support judicial administration. Includes the collection and reporting of statistical information.	Destroy 3 years after last action
183.295.003 ■■■■■■■■■■■■■■■■■■■■	Working papers documenting the development of all reports. Includes drafts and comments received.	Destroy 6 months after last action

RETAIN AS TERRITORY ARCHIVES

<p>183.423.004 </p>	<p>Records documenting high level external or internal committees (e.g. Joint Rules Advisory Committee) formed to manage or advise where the agency provides Secretariat, is the Territory's main representative or plays a significant role. Includes:</p> <ul style="list-style-type: none"> • establishing the committee • terms of reference • appointment of members • minutes • reports • recommendations • briefing and discussion papers. 	<p>Retain as Territory Archives</p>
---	--	-------------------------------------

Judicial Cases & Inquiries

The activities associated with managing the proceedings of courts and tribunal on a case basis. Includes the claims, actions, legal proceedings and decisions relating to individual cases.

<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
<p>183.424.001 </p>	<p>Case files for the Supreme Court and Court of Appeals comprising records lodged or created. Includes:</p> <ul style="list-style-type: none"> • adoptions • probates • criminal cases • appeals from other jurisdictions. <p><i>[For court registers, use JUDICIAL SYSTEM ADMINISTRATION – Court Operation.]</i></p>	<p>Retain as Territory Archives</p>
<p>183.424.002 </p>	<p>Case files for the Magistrates Court comprising records lodged or created where the case is:</p> <ul style="list-style-type: none"> • high profile; or • controversial; or • subject to social or political interest; or • precedent setting. <p><i>[For the support of media coverage of significant criminal cases, use GOVERNMENT & STAKEHOLDER RELATIONS – Media Relations.]</i></p>	<p>Retain as Territory Archives</p>

