

NORTHERN TERRITORY OF AUSTRALIA

INFORMATION AMENDMENT ACT 2009

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Act No. 11 of 2009

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TABLE OF PROVISIONS

1	Short title .....	1
2	Act amended .....	1
3	Amendment of section 4 (Definitions).....	1
4	Repeal and substitution of section 132.....	2
	131A     Records functions	
	131B     Archives functions	
	132      Performance of functions consistent with objects of Act	
5	Amendment of section 134 (Managing records) .....	3
6	Repeal and substitution of Part 9, Division 3 .....	4
	Division 2A             Records retention and disposal schedules	
	136A     Preparation of records retention and disposal schedule	
	136B     Approval of records retention and disposal schedule	
	Division 3               Standards	
	137      Definitions	
	137A     Records standards	
	137B     Archives standards	
	137C     Preparation of standards	
	138      Minister may approve standards	
	139      Review of standards	
	140      Advice to public sector organisations	
7	Amendment of section 145 (Mishandling records).....	6
8	Amendment of section 147 (Concealing or disposing of government information to prevent access or correction).....	7



# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 11 of 2009

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An Act to amend the *Information Act*

[Assented to 26 May 2009]  
[Second reading 17 February 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

**1 Short title**

This Act may be cited as the *Information Amendment Act 2009*.

**2 Act amended**

This Act amends the *Information Act*.

**3 Amendment of section 4 (Definitions)**

(1) Section 4, definitions ***archives service*** and ***standard***  
*omit*

(2) Section 4  
*insert (in alphabetical order)*

***applicable standard***, for a public sector organisation, means a standard approved by the Minister under section 138.

***appraise***, for a record, means to determine whether the record:

- (a) must be:
  - (i) retained as a permanent record or archive; or
  - (ii) retained for a specified period; or

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(b) may be destroyed.

**archives functions**, see section 131B.

**archives service** means the organisation (whether a public sector organisation or another organisation) established to perform the archives functions for the Territory.

**archives standard** means a standard mentioned in section 137B.

**disposal**, of a record, includes the following:

- (a) destroying or damaging the record;
- (b) abandoning, donating, selling or transferring the possession or control of the record.

**permanent record** means a record of permanent value to the Territory.

**records functions**, see section 131A.

**records service** means the organisation (whether a public sector organisation or another organisation) established to perform the records functions for the Territory.

**records standard** means a standard mentioned in section 137A.

**standard**, for Parts 9 and 10, means an archives standard or records standard.

## **4 Repeal and substitution of section 132**

Section 132

*repeal, substitute*

### **131A Records functions**

The **records functions** are:

- (a) to prepare, promote and monitor compliance with records standards; and
- (b) to facilitate and promote policy and systems to enable cost effective compliance with records standards; and
- (c) to provide advice (including training) to enable compliance with records standards; and

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- (d) to facilitate the preparation of records retention and disposal schedules.

**131B Archives functions**

The ***archives functions*** are:

- (a) to appraise records; and
- (b) to collect, transfer and preserve archives and permanent records; and
- (c) to provide access to Territory Archives; and
- (d) to maintain a register of records retention and disposal schedules; and
- (e) to prepare, promote and monitor compliance with archives standards; and
- (f) to provide advice (including training) to enable compliance with archives standards.

**132 Performance of functions consistent with objects of Act**

The archives service and records service must perform their functions in a way that is consistent with the objects of this Act.

**5 Amendment of section 134 (Managing records)**

Section 134(c)

*omit*

archives service

*substitute*

records service and archives service

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## 6 Repeal and substitution of Part 9, Division 3

Part 9, Division 3

*repeal, substitute*

### Division 2A Records retention and disposal schedules

#### 136A Preparation of records retention and disposal schedule

- (1) The records service must facilitate the preparation of records retention and disposal schedules.
- (2) A records retention and disposal schedule must be consistent with relevant records standards and archives standards.
- (3) A records retention and disposal schedule must specify classes of records and determine the following:
  - (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.

#### 136B Approval of records retention and disposal schedule

A records retention and disposal schedule must be approved by the records service, archives service and chief executive officer of the public sector organisation responsible for the schedule.

### Division 3 Standards

#### 137 Definitions

In this Division:

***other service*** means:

- (a) for the records service – the archives service; and
- (b) for the archives service – the records service.

***responsible service***, for a standard, means the service responsible for preparing the standard under section 137A or 137B.

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**137A      Records standards**

- (1) The records service must prepare standards for managing records (other than archives and permanent records) for approval by the Minister.
- (2) The matters that must be dealt with in the standards include, but are not limited to, the creation, maintenance and security of records.

**137B      Archives standards**

- (1) The archives service must prepare standards for managing archives and permanent records (whether those records are in the custody of the archives service or not) for approval by the Minister.
- (2) The matters that must be dealt with in the standards include, but are not limited to, the following:
  - (a) the transfer of permanent records from a public sector organisation to the archives service;
  - (b) access to Territory Archives;
  - (c) preservation formats for digital records (including archives).

**137C      Preparation of standards**

When preparing a standard, the responsible service:

- (a) must seek comments or submissions from the public sector organisation to which the standard is intended to apply; and
- (b) must consult with the Commissioner to ensure that, if the standard is approved by the Minister, compliance with the standard will be consistent with the objects of this Act; and
- (c) must seek comments or submissions from the other service; and
- (d) may seek comments or submissions from any other person.

**138      Minister may approve standards**

- (1) The responsible service for a standard must submit the standard to the Minister for approval.

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- (2) The Minister may, by *Gazette* notice, approve the standard if the Minister is satisfied:
    - (a) the responsible service has complied with section 137C in the preparation of the standard; and
    - (b) the standard is consistent with the objects of this Act.
  - (3) The *Gazette* notice must include:
    - (a) the standard name and a short description of its contents; and
    - (b) a statement about how to obtain a copy of the standard.
  - (4) The standard takes effect on:
    - (a) the date the notice is published in the *Gazette*; or
    - (b) if the notice specifies a later date – that date.

**139      Review of standards**

- (1) The responsible service for a standard must review the standard at least once every 3 years and, as a result of that review, may submit a revised or replacement standard to the Minister for approval.
- (2) Sections 137 to 138 apply to the preparation and approval of a revised or replacement standard.

**140      Advice to public sector organisations**

The responsible service for a standard must provide a public sector organisation with the advice (including training) the service considers appropriate to enable the organisation to comply with the standard.

**7          Amendment of section 145 (Mishandling records)**

- (1) Section 145(2)(b)

*omit*

relevant standard;

*substitute*

standard applicable to a public sector organisation; or

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(2) Section 145(1)(a) to (c), (2)(a), (2)(c) to (e) and (3)(a), at the end

*insert*

or

**8 Amendment of section 147 (Concealing or disposing of government information to prevent access or correction)**

(1) Section 147(3)(c)

*omit*

relevant standard;

*substitute*

standard applicable to a public sector organisation; or

(2) Section 147(3)(a), (b) and (d), at the end

*insert*

or