

Appraisal log

Department of Aboriginal and Torres Strait Islander Partnerships retention and disposal schedule

Date: 6 April 2017

Title	Scope Note
CULTURAL HERITAGE MANAGEMENT	<p><i>The function of recognising, protecting and conserving Aboriginal and Torres Strait Islander cultural heritage in accordance with the Aboriginal Cultural Heritage Act 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Includes the implementation of measures designed to avoid or minimise harm to cultural heritage including duty of care provisions and the approval of cultural heritage management plans, cultural heritage bodies and cultural heritage studies. Also includes the maintenance of the required registers under the Acts and the monitoring of activities to ensure compliance with the cultural heritage duty of care obligation and the investigation of incidents of non-compliance.</i></p> <p><i>This function was first appraised in 2009 as part of the Department of Environment and Resource Management retention and disposal schedule (now superseded). It has been re-issued for use by the Department of Aboriginal and Torres Strait Islander Partnerships but no additional research or analysis of the record classes or their retention periods has been done.</i></p>

Activity**ACQUISITION**

The activities associated with acquiring cultural heritage objects, items or land in accordance with the Aboriginal Cultural Heritage Act 2003 or the Torres Strait Islander Cultural Heritage Act 2003.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1694	<p><i>Cultural heritage for preservation purposes</i></p> <p>Records relating to the acquisition of cultural heritage for preservation purposes in accordance with section 33 of the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i> including records of acquisitions by purchase or gift.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: Under section 33 of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, the Minister can acquire cultural heritage for preservation purposes by acquisition or gift.</p> <p>Why the records are retained for this retention period: A permanent retention is recommended as the records provide evidence of the acquisition of cultural heritage by the State and the State's involvement in the preservation of Indigenous cultural heritage.</p> <p>Applicable legislation/standards: <i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i></p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
	<p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 16.3.0 of the <i>Retention and Disposal Authority for Records of the Department of Sustainability and Environment (PROS/05/09)</i> issued by the Public Record Office of Victoria <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 1.1.1</p>
1695	<p>Land acquisition</p> <p>Records relating to the purchase or compulsory acquisition of land to manage, preserve or protect cultural heritage in accordance with section 155 of the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under section 155 of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, the Minister can issue an acquisition certificate if the Minister is satisfied that the purchase or compulsory acquisition of land is necessary to manage, preserve or protect cultural heritage.</p> <p>Why the records are retained for this retention period:</p> <p>A permanent retention period is recommended as the records provide evidence of the State's involvement in the preservation of culturally significant land and the exercise of the Minister's powers to compulsorily acquire land under legislation.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act 2003</i></p> <p><i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<p>Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 16.3.0 of the <i>Retention and Disposal Authority for Records of the Department of Sustainability and Environment (PROS/05/09)</i> issued by the Public Record Office of Victoria. • Reference number 5.2.1 (acquisition of historically significant land) of the <i>Local Government Sector Retention and Disposal Schedule (QDAN 480 v.4)</i> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 1.1.2</p>

Activity**ADVICE**

The activities associated with offering opinions by or to the department as to an action or judgement. Includes the process of advising. See General Retention and Disposal Schedule for records of routine advice.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1696	<p><i>Existence and location of cultural heritage and human remains</i></p> <p>Records relating to advice received by the department regarding the custodianship, ownership and possession of cultural heritage including:</p> <ul style="list-style-type: none"> • advice provided under section 18 of the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i> regarding the handling, existence and location of Aboriginal or Torres Strait Islander human remains • advice provided under section 31 of the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i> 	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under section 18 of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, a person must advise the department of the existence and location of Aboriginal or Torres Strait Islander human remains when they become aware of their existence.</p> <p>Under section 31 of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, a person may advise the department of the existence of cultural heritage revealed as the result of an activity, other than an activity under an approved cultural heritage management plan.</p> <p>Why the records are retained for this retention period:</p> <p>A permanent retention period is recommended as the records provide evidence of the location and existence of Aboriginal or Torres Strait Islander human remains or cultural heritage as reported to the State under the relevant legislation.</p> <p>Applicable legislation/standards:</p> <p><i>Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals

Disposal Authorisation	Record class and retention period	Justifying the retention period
	<p>regarding the handling and existence of Aboriginal or Torres Strait Islander cultural heritage.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<ul style="list-style-type: none"> • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • reference number 6.1.1 of the <i>Functional Disposal Authority DA155</i> issued to NSW National Parks and Wildlife Service by the State Records Authority of New South Wales. <p>Previous schedule references: QDAN 653 v.1 – 1.2.1</p>

Activity		
AGREEMENTS		
<i>The processes associated with the establishment, maintenance, review and negotiation of agreements.</i>		
Disposal Authorisation	Record class and retention period	Justifying the retention period
1697	<p>Department as sponsor</p> <p>Records relating to agreements resulting from a cultural heritage study or cultural heritage management plan (CHMP) where the department is a sponsor in accordance with the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This record class relates to agreements between DERM and other parties made as part of the cultural heritage management plan or cultural heritage study processes.</p> <p>A cultural heritage management plan is a mandatory requirement for some high impact activities e.g. when an environmental impact statement is required under legislation such as the <i>Environmental Protection Act 1994</i>. The plan is an agreement between a land user and a traditional owner that explains how land use activities can be managed to avoid or minimise harm to Aboriginal or Torres Strait Islander cultural heritage.¹</p> <p>Under cultural heritage legislation, a cultural heritage study must be conducted to list a place or an area on the cultural heritage register managed by DERM.</p> <p>The department can be a sponsor of a cultural heritage management plan or a cultural heritage study.</p> <p>During the development of a cultural heritage management plan or cultural heritage study, agreements can be made between the sponsor (in this case DERM) and the traditional owners of the land.</p> <p>Why the records are retained for this retention period:</p> <p>A permanent retention period is recommended as the records provide evidence of the State's role in protecting cultural heritage in accordance with cultural heritage legislation.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act 2003</i></p> <p><i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives</p>

¹ Department of Natural Resources and Water, Fact sheets, Cultural Heritage Series – *Cultural Heritage Management Plan CH2*

		<p>Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 1.2.1 (management and conservation of cultural heritage) of the <i>Functional Disposal Authority DA155</i> issued to NSW National Parks and Wildlife Service by the State Records Authority of New South Wales. <p>Previous schedule references: QDAN 653 v.1 – 1.3.1</p>
1698	<p>Prior agreements</p> <p>Records relating to agreements regarding cultural heritage that are still in force prior to the commencement of the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This record class relates to agreements made prior to the commencement of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> that remain current.</p> <p>Under section 162 of the <i>Torres Strait Islander Cultural Heritage Act 2003</i> and section 164 of the <i>Aboriginal Cultural Heritage Act 2003</i>, a person who carries out an activity under an existing agreement does not commit an offence against a cultural heritage protection provision. Such agreements also exempt land users from having to develop a cultural heritage management plan under the current cultural heritage legislation.</p> <p>Why the records are retained for this retention period:</p> <p>A permanent retention period is recommended as the records provide evidence of the State's involvement in protecting cultural heritage prior to the introduction of the current cultural heritage legislation.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p>

		<ul style="list-style-type: none">• 2 – primary functions & programs of government• 4 – significant impact on individuals• 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none">• Reference number 1.2.1 (management and conservation of cultural heritage) of the <i>Functional Disposal Authority DA155</i> issued to NSW National Parks and Wildlife Service by the State Records Authority of New South Wales. <p>Previous schedule references: QDAN 653 v.1 – 1.3.2</p>
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Activity		
APPEALS (DECISIONS)		
<i>The activities involved in the process of appeals against decisions by application to a higher authority.</i>		
Disposal Authorisation	Record class and retention period	Justifying the retention period
1699	<p>Land Court</p> <p>Records relating to appeals submitted to the Land Court by the department in accordance with the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>. Includes appeals regarding the registration of a cultural heritage study and the approval of a cultural heritage management plan.</p> <p>Disposal action -</p> <p>13 years after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This record class relates to appeals submitted to the Land Court by the department in accordance with the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Why the records are retained for this retention period:</p> <p>The office of record for records relating to the appeals process would be the relevant court to which the appeal is made e.g. the Land Court. There is therefore no requirement for these records to be retained permanently by DERM or QSA.</p> <p>DERM has requested a retention period of ‘13 years after last action’ for appeal records to ensure that the records are available in the event of an action relating to the recovery of land in accordance with section 13 of the <i>Limitation of Actions Act 1974</i>.</p> <p>This retention period also covers the period allowed for an action to be brought following a judgement under section 10 (4) of the <i>Limitation of Actions Act 1974</i> which is 12 years after the date that the judgement becomes enforceable.</p> <p>Applicable legislation/standards:</p> <p><i>Cultural Heritage Act 2003</i></p> <p><i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 1.4.1</p>

Activity		
AUTHORISATION		
<i>The process of seeking and granting permission to undertake a requested action.</i>		
Disposal Authorisation	Record class and retention period	Justifying the retention period
1700	<p><i>Cultural heritage bodies</i></p> <p>Records relating to the registration of a corporation as an Aboriginal or Torres Strait Islander cultural heritage body in accordance with the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Includes records relating to the registration, cancellation and refusal of cultural heritage bodies.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under section 36 of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, the Minister may register a corporation as an Aboriginal or Torres Strait Islander cultural heritage body.</p> <p>The role of a cultural heritage body is to identify who is the correct Aboriginal or Torres Strait Islander party to 'speak for country'. It is the first point of contact for matters relating to cultural heritage in a particular area.²</p> <p>To become registered as a cultural heritage body, the applicant must:</p> <ul style="list-style-type: none"> • apply in writing to the Cultural Heritage Coordination Unit of DERM • provide evidence of incorporation • provide evidence of capacity to carry out the functions of a cultural heritage body and • provide a written description of the area subject to the application and a map where possible. <p>Why the records are retained for this retention period:</p> <p>The recommended retention period ensures that records of cultural heritage bodies involved in the management of cultural heritage are retained.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act 2003</i></p> <p><i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government

² Department of Natural Resources and Water, Fact sheets, Cultural Heritage Series – *Role of cultural heritage bodies CH1*

		<ul style="list-style-type: none"> • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references: QDAN 653 v.1 – 1.5.1</p>
1701	<p><i>Cultural heritage studies - assessment</i></p> <p>Records relating to the assessment of an Aboriginal or Torres Strait Islander cultural heritage study, in accordance with the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, where the department is not the sponsor of the study.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: Under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, places that have Aboriginal and Torres Strait Islander significance can be listed on the Cultural Heritage Register. To list a place or an area on the Cultural Heritage Register, it is necessary to conduct a comprehensive cultural heritage study of the area in accordance with cultural heritage legislation. Once a study has been completed the results are submitted to the department for a decision on whether the area in question should be listed on the register.</p> <p>Why the records are retained for this retention period: A permanent retention is recommended as these records assist in identifying places and areas of cultural significance to Indigenous people and the State. This includes studies of places that are not currently listed on the Cultural Heritage Register that may be used to inform decisions about future assessments.</p> <p>Applicable legislation/standards: <i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics: These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 4 – significant impact on individuals • 5 – substantial contribution to community memory

		<p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 18.4.3 (the listing of buildings and places) of the <i>Local Government Sector Retention and Disposal Schedule (QDAN480 v.4)</i>. • Reference number 9.1.0 of the <i>Retention and Disposal Authority for Records of the Department for Victorian Communities (PROS 06/03)</i> issued by the Public Record Office Victoria • Reference number 6.1.1 of the <i>Functional Disposal Authority DA155</i> issued to NSW National Parks and Wildlife Service by the State Records Authority of New South Wales. <p>Previous schedule references: QDAN 653 v.1 – 1.5.2</p>
1702	<p>Cultural heritage studies – assessment (department sponsor)</p> <p>Records relating to the assessment of an Aboriginal or Torres Strait Islander cultural heritage study, in accordance with the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i> where the department is the sponsor of the study.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created:</p> <p>Under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, places that have Aboriginal and Torres Strait Islander significance can be listed on the Cultural Heritage Register.</p> <p>To list a place or an area on the Cultural Heritage Register, it is necessary to conduct a comprehensive cultural heritage study of the area in accordance with cultural heritage legislation. Once a study has been completed the results are submitted to the department for a decision on whether the area in question should be listed on the register.</p> <p>Why the records are retained for this retention period:</p> <p>A permanent retention is recommended as these records assist in identifying places and areas of cultural significance to Indigenous people and the State. This includes studies of places that are not currently listed on the Cultural Heritage Register that may be used to inform decisions about future assessments.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government

		<ul style="list-style-type: none"> • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 18.4.3 (the listing of buildings and places) of the <i>Local Government Sector Retention and Disposal Schedule (QDAN480 v.4)</i>. • Reference number 9.1.0 of the <i>Retention and Disposal Authority for Records of the Department for Victorian Communities (PROS 06/03)</i> issued by the Public Record Office Victoria • Reference number 6.1.1 of the <i>Functional Disposal Authority DA155</i> issued to NSW National Parks and Wildlife Service by the State Records Authority of New South Wales. <p>Previous schedule references: QDAN 653 v.1 – 1.5.3</p>
1703	<p>Cultural heritage management plans – assessment</p> <p>Records relating to the assessment of Aboriginal or Torres Strait Islander cultural heritage management plans (CHMP) in accordance with the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i> where the department is not the sponsor of the plan.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created:</p> <p>A cultural heritage management plan is an agreement developed under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Heritage Act 2003</i> between a land user and a traditional owner. The plan explains how land use activities can be managed to avoid or minimise harm to Aboriginal or Torres Strait Islander cultural heritage and is submitted to the department for assessment and approval.³</p> <p>A cultural heritage management plan is mandatory for some high impact activities e.g. when an environmental impact statement is required under other legislation such as the <i>Environmental Protection Act 1994</i>. However, a cultural heritage management plan can also be developed voluntarily to allow the land user to address cultural heritage with certainty within a statutory timeframe.</p> <p>There is no requirement to include a separate record class for refused cultural heritage management plans as plans are continually assessed and revised until they are approved by the department.</p> <p>Why the records are retained for this retention period:</p> <p>The plans will be in place for a long period of time as a tool for protecting the State's cultural heritage. A permanent retention period is therefore recommended as evidence of the State's role in conserving and protecting cultural heritage.</p> <p>Applicable legislation/standards:</p>

³ Department of Natural Resources and Water, Fact sheets, Cultural Heritage Series – *Cultural Heritage Management Plan CH2*

		<p><i>Aboriginal Cultural Heritage Act 2003</i></p> <p><i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 9.2.0 of the <i>Retention and Disposal Authority for Records of the Department for Victorian Communities (PROS 06/03)</i> issued by the Public Record Office Victoria • Reference number 6.1.1 of the <i>Functional Disposal Authority DA155</i> issued to NSW National Parks and Wildlife Service by the State Records Authority of New South Wales. <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 1.5.4</p>
1704	<p><i>Cultural heritage management plans – assessment (department sponsor)</i></p> <p>Records relating to the assessment of Aboriginal or Torres Strait Islander cultural heritage management plans in accordance with the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i> where the department is the sponsor of the plan.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>A cultural heritage management plan is an agreement developed under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Heritage Act 2003</i> between a land user and a traditional owner. The plan explains how land use activities can be managed to avoid or minimise harm to Aboriginal or Torres Strait Islander cultural heritage and is submitted to the department for assessment and approval.⁴</p> <p>A cultural heritage management plan is mandatory for some high impact activities e.g. when an environmental impact statement is required under other legislation such as the <i>Environmental Protection Act 1994</i>. However, a cultural heritage management plan can also be developed voluntarily to allow the land user to address cultural heritage with certainty within a statutory timeframe.</p> <p>There is no requirement to include a separate record class for refused cultural heritage management plans as plans are continually assessed and revised until they are approved by the department.</p>

⁴ Department of Natural Resources and Water, Fact sheets, Cultural Heritage Series – *Cultural Heritage Management Plan CH2*

	<p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Why the records are retained for this retention period:</p> <p>The plans will be in place for a long period of time as a tool for protecting the State's cultural heritage. A permanent retention period is therefore recommended as evidence of the State's role in conserving and protecting cultural heritage.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act 2003</i></p> <p><i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 9.2.0 of the <i>Retention and Disposal Authority for Records of the Department for Victorian Communities (PROS 06/03)</i> issued by the Public Record Office Victoria • Reference number 6.1.1 of the <i>Functional Disposal Authority DA155</i> issued to NSW National Parks and Wildlife Service by the State Records Authority of New South Wales. <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 1.5.5</p>
1705	<p>Prior authorisation</p> <p>Records relating to applications for the approval of measures that avoid or minimise harm to cultural heritage that were previously approved under another Act prior to the commencement of the <i>Aboriginal Cultural Heritage Act 2003</i> or the</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under section 166 of the <i>Aboriginal Cultural Heritage Act 2003</i> and section 164 of the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, a person can apply to the Minister for the continuation of transitional measures that avoid or minimise harm to cultural heritage that were previously approved prior to the commencement of the current cultural heritage legislation.</p> <p>Transitional measures remain in place until approval to avoid or minimise harm to cultural heritage is replaced by some other measure e.g. a cultural heritage management plan.</p>

	<p><i>Torres Strait Islander Cultural Heritage Act 2003.</i></p> <p>Includes designated landscape areas.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Why the records are retained for this retention period:</p> <p>The recommended permanent retention ensures that records of protective measures introduced prior to the current cultural heritage legislation are retained to provide evidence of the State’s intervention and protection of cultural heritage over time.</p> <p>Applicable legislation/standards:</p> <ul style="list-style-type: none"> • <i>Aboriginal Cultural Heritage Act 2003</i> • <i>Torres Strait Islander Cultural Heritage Act 2003</i> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 1.5.6</p>
1706	<p><i>Permits to explore</i></p> <p>Records relating to permits to explore issued under section 28 of the repealed <i>Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987.</i></p> <p>Disposal action -</p> <p>7 years after expiry of permit.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under section 28 of the repealed Act, the Minister could issue permits that authorised surveys, excavation, examination or research to be conducted in a particular area or place to determine evidence of human occupation at least 30 years in the past. The permits were issued for a period of one year.</p> <p>Under section 165 of the <i>Aboriginal Cultural Heritage Act 2003</i> and section 163 of the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, permits in place prior to the commencement of the current legislation remain in place as if the Act had not been repealed but cannot be renewed.</p> <p>Why the records are retained for this retention period:</p> <p>As the permits were issued for a short timeframe of one year the recommended retention is suitable. Any research findings produced as a result of the work conducted in accordance with the permit will be recorded on the cultural heritage register which is retained permanently under record class 1.10.1.</p>

		<p>Applicable legislation/standards: <i>Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987</i> (repealed)</p> <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none">• Reference number 11.10.2 (permits to damage vegetation) of the <i>Local Government Sector Retention and Disposal Schedule (QDAN480 v.4)</i>. <p>Previous schedule references: QDAN 653 v.1 – 1.5.7</p>
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Activity		
CLAIMS <i>The process of administering and managing payments sought as compensation in accordance with the Aboriginal Cultural Heritage Act 2003 or the Torres Strait Islander Cultural Heritage Act 2003.</i>		
Disposal Authorisation	Record class and retention period	Justifying the retention period
1707	<p>Compensation claims Records relating to compensation claims sought under the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Disposal action - 7 years after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: This record class relates to compensation claims sought under the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Why the records are retained for this retention period: The recommended retention period of '7 years after last action' allows sufficient time for the initiation of any legal action for personal injury in accordance with the <i>Limitation of Actions Act 1974</i> which is three years after the cause of action.</p> <p>Applicable legislation/standards: <i>Limitation of Actions Act 1974</i></p> <p>Previous schedule references: QDAN 653 v.1 – 1.6.1</p>

Activity**COMPLIANCE MONITORING**

The monitoring of the compliance of other organisations and individuals with mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes monitoring compliance with legislation.

1708	<p>Cultural heritage compliance monitoring</p> <p>Records relating to the monitoring of compliance with the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i> including information contained in the Compliance Information Register and Management System (CIRaM).</p> <p>Disposal action -</p> <p>7 years after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This activity relates to the monitoring of compliance with standards and legislation.</p> <p>Why the records are retained for this retention period:</p> <p>Under the above Acts, the majority of proceedings for an offence must commence within one year after the offence is committed or within six months to one year of the offence coming to the complainant's knowledge, but within two years after the commission of the offence.</p> <p>The recommended retention period for compliance monitoring records allows sufficient time for any legal action to occur in relation to summary offences within the time frames allowed within legislation.</p> <p>When this function was performed by the Department of Environment and Resource Management, records relating to compliance monitoring are contained within the Compliance Information Register and Management System known as CIRaM.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act, 2003</i> <i>Torres Strait Islander Cultural Heritage Act, 2003</i> <i>Aboriginal Land Act 1991</i> <i>Torres Strait Islander Land Act 1991</i></p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 1.7.1</p>
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Activity**CONSERVATION**

The activities involved in the preservation, protection, maintenance, restoration and enhancement of Aboriginal and Torres Strait Islander cultural heritage including buildings, land, objects and artefacts.

1709	<p>Cultural heritage conservation</p> <p>Records relating to the conservation of Aboriginal and Torres Strait Islander cultural heritage including the erection of structures to preserve Aboriginal or Torres Strait Islander cultural heritage in accordance with section 33 of the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under section 33(b) of the <i>Aboriginal Cultural Heritage Act, 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act, 2003</i>, the Minister can erect structures or take other steps that are necessary or desirable to preserve cultural heritage.</p> <p>Why the records are retained for this retention period:</p> <p>A permanent retention is recommended as these records provide evidence of the State's role in protecting cultural heritage in accordance with cultural heritage legislation.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 9.4.1 (preservation of cultural heritage) of the <i>Retention and Disposal Authority for Records of the Department for Victorian Communities (PROS 06/03)</i> issued by the Public Record Office Victoria • Reference number 6.13.1 (preservation of cultural heritage) of the <i>Functional Disposal Authority DA155</i> issued to NSW National Parks and Wildlife Service by the State Records Authority of New South Wales.
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		Previous schedule references: QDAN 653 v.1 – 1.8.1
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Activity**CONTROL**

The activities associated with creating, maintaining and evaluating control mechanisms. Includes classification, indexing, registration, forms design, etc. to ensure maximum control over records and recordkeeping systems. Also includes control mechanisms for other information resources and systems.

1710	<p><i>Entries in the Aboriginal and Torres Strait Islander cultural heritage register</i></p> <p>Entries comprising information about Aboriginal and Torres Strait Islander cultural heritage entered into the Aboriginal and Torres Strait Islander Cultural Heritage Register in accordance with section 46 of the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>The Aboriginal and Torres Strait Islander Cultural Heritage Register holds:</p> <ul style="list-style-type: none"> • information regarding cultural heritage studies • information about whether a particular area has been the subject of a cultural heritage management plan • information on cultural heritage bodies⁵ and • details of Aboriginal and Torres Strait Islander parties.⁶ <p>The register is intended to be:</p> <ul style="list-style-type: none"> • a depository of information for consideration for land-use planning, including local government planning schemes and regional planning strategies and • a research and planning tool to help people in their consideration of the Aboriginal cultural heritage values of particular objects and areas.⁷ <p>Under section 50 of the cultural heritage legislation, the Minister may add or take information off the register to keep the register up-to-date. The register is a tool for retaining information about cultural heritage and is updated on a regular basis as more information becomes available. For information to be removed from the register, the Minister must consult with the relevant Aboriginal or Torres Strait Islander party for the area to which the information relates.</p> <p>Why the records are retained for this retention period:</p> <p>Despite the requirement for the register to be updated in accordance with the cultural heritage legislation, in reality information is not overwritten but added if new information is discovered during the course of cultural heritage research. This was confirmed by Mike Rowland, Chief Archaeologist of the Cultural Heritage Unit in</p>
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⁵ The role of a cultural heritage body is to identify who is the correct Aboriginal or Torres Strait Islander party to 'speak for country'. It is the first point of contact for matters relating to cultural heritage in a particular area.

⁶ Department of Natural Resources and Water, Fact sheets, Cultural Heritage Series – *Cultural heritage database and register CH5*

⁷ *ibid.*

		<p>an email dated 14 August 2009.</p> <p>A permanent retention is required for information located in the register as it is a vital source of historical information and research for the location and management of cultural heritage. Information in the register aids the department in making critical decisions about the ongoing management of cultural heritage.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act 2003</i></p> <p><i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 1.10.1</p>
1711	<p><i>Entries in the Aboriginal and Torres Strait Islander cultural heritage database</i></p> <p>Anthropological, biogeographical, historical and archaeological information relating to Aboriginal and Torres Strait Islander cultural heritage and entered into the Aboriginal and Torres Strait Islander cultural heritage database in accordance with section 38 of the</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>The purpose of the Aboriginal and Torres Strait Islander cultural heritage database is to:</p> <ul style="list-style-type: none"> • assemble information about Aboriginal and Torres Strait Islander cultural heritage in a central and accessible location • provide a planning and research tool to help Aboriginal and Torres Strait Islander parties, researchers and other persons assess the Aboriginal and Torres Strait Islander cultural heritage values of particular areas.⁸ <p>Under section 40 of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>, information placed onto the database should be consistent with existing anthropological, biogeographical, historical and archaeological information.</p>

⁸ Department of Natural Resources and Water, Fact sheets, Cultural Heritage Series – *Cultural heritage database and register CH5*.

<p><i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Under section 41 of the cultural heritage legislation, the chief executive may take information off the database if it has been recorded in error after consultation with the relevant Aboriginal or Torres Strait Islander parties for the area.</p> <p>Why the records are retained for this retention period:</p> <p>Despite the requirement for the database to be updated in accordance with the cultural heritage legislation, in reality information is not overwritten but added if new information is discovered during the course of cultural heritage research. This was confirmed by Mike Rowland, Chief Archaeologist of the Cultural Heritage Unit in an email dated 14 August 2009.</p> <p>A permanent retention is required for information located in the database as it is a vital source of historical information and research for the location and management of cultural heritage. Information in the register aids the department in making critical decisions about the ongoing management of cultural heritage.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act 2003</i></p> <p><i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 1.10.2</p>
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Activity**ENQUIRIES**

The activities associated with the handling of requests for information about the department and its services by the general public or another department.

1712	<p>Access requests Records relating to requests to access the cultural heritage database and register.</p> <p>Disposal action - 7 years after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: This activity relates to handling requests for information about DERM and its services by the general public or another department. It includes requests to access databases and registers controlled by the Department of Aboriginal and Torres Strait Islander Partnerships.</p> <p>Why the records are retained for this retention period: The recommended retention period for search requests ensures the records are available in the event of legal action involving the department within time periods allowed under the <i>Limitation of Actions Act 1974</i>.</p> <p>Applicable legislation/standards: <i>Limitation of Actions Act 1974</i></p> <p>Previous schedule references: QDAN 653 v.1 – 1.11.1</p>
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Activity**INVESTIGATIONS**

The activities associated with authorised assessment of accidents, incidents or allegations relating to infringements of any legislation, standard, code, business or workplace policy, which may, or may not, lead to further formal action. Includes reports prepared by persons undertaking investigations.

1713	<p>Investigations into alleged cultural heritage breaches and offences</p> <p>Records relating to investigations into alleged cultural heritage breaches and offences under the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i> including information contained in the Compliance Information Register and Management System (CIRaM).</p> <p>Disposal action - 7 years after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: The records are created to document investigations into alleged cultural heritage breaches and offences under the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Why the records are retained for this retention period: Under the above Acts, the majority of proceedings for an offence must commence within one year after the offence is committed or within six months to one year of the offence coming to the complainant's knowledge, but within two years after the commission of the offence.</p> <p>Records relating to investigations are contained within the Compliance Information Register and Management System known as CIRaM (this was a system maintained by the Department of Environment and Resource Management and this statement may not apply to how the Department of Aboriginal and Torres Strait Islander Partnerships manages these records).</p> <p>The recommended retention period for investigation records allows sufficient time for any legal action to occur within the time frames allowed for the commencement of proceedings.</p> <p>The retention period is consistent with that assigned to compliance monitoring records.</p> <p>Applicable legislation/standards: <i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>Previous schedule references: QDAN 653 v.1 – 1.12.1</p>
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Activity**NOTIFICATION**

The notification of reportable events and the registration of such by the department.

1714	<p>Required notifications Records relating to required notifications under the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Disposal action - 7 years after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: Notifications issued in accordance with cultural heritage legislation include:</p> <ul style="list-style-type: none"> • Qld Govt Gazette notice of duty of care guidelines under section 28 • Qld Govt Gazette notice of cultural heritage study guidelines under section 54 and • Qld Govt Gazette notice of cultural heritage management plan guidelines under section 85. <p>Why the records are retained for this retention period: The recommended retention period ensures that these records are available in the event of a dispute regarding the correct notification of guidelines issued by DERM in accordance with cultural heritage legislation. A longer retention period is not required as these records are publicly available in the <i>Queensland Government Gazette</i>.</p> <p>Applicable legislation/standards: <i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>Previous schedule references: QDAN 653 v.1 – 1.14.1</p>
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Activity**PROCEDURES**

Standard methods of operating laid down by the department according to formulated policy.

1715	<p>Guidelines</p> <p>Master set of cultural heritage guidelines issued by the Minister in accordance with the <i>Aboriginal Cultural Heritage Act 2003</i> or the <i>Torres Strait Islander Cultural Heritage Act 2003</i> including guidelines on:</p> <ul style="list-style-type: none"> • cultural heritage duty of care • cultural heritage management plans • cultural heritage studies • the repatriation of human remains. <p>Disposal action -</p> <p>Permanent. Retain in agency.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under the cultural heritage legislation, the Minister can issue guidelines by gazette notice on issues including cultural heritage duty of care, cultural heritage studies and cultural heritage management plans.</p> <p>Why the records are retained for this retention period:</p> <p>A permanent retention period is not required for the guidelines as they are published in the <i>Queensland Government Gazette</i> or ledged on legal deposit with the State Library of Queensland.</p> <p>DERM has requested that a master set of guidelines is retained permanently in the departmental library for reference purposes which will assist in the development of future guidelines.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act 2003</i></p> <p><i>Torres Strait Islander Cultural Heritage Act 2003</i></p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 1.15.1</p>
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Activity**RESEARCH**

The activities involved in investigating or enquiring into a subject or area of interest in order to discover facts, principles etc. Used to support the development of projects, standards, guidelines, etc., and the business activities of the department in general. Includes following up enquiries relating to departmental programs, projects, working papers, literature searches, etc.

1716	<p>Original research Final reports/papers of original research conducted into cultural heritage issues.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: This record class relates to final reports/papers of original research conducted into cultural heritage issues.</p> <p>Why the records are retained for this retention period: Research has significance or high public interest, such as those assigned to records of significant scientific research by the National Archives of Australia in their disposal authority for CSIRO. Indigenous cultural heritage is a highly emotive and sensitive subject and is regarded as significant by DERM. It is also a subject matter that is under represented and under documented in public records. A permanent retention is therefore warranted for these records to ensure that the results of any original research conducted into cultural heritage is retained to contribute to the documented knowledge of this subject matter.</p> <p>QSA permanent appraisal characteristics: These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references: QDAN 653 v.1 – 1.16.1</p>
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Title	Scope Note
INDIGENOUS LAND MANAGEMENT	<p><i>The function of managing land interests under the provisions of the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991. Includes the transfer of land that has been declared transferable from one trustee to a group of Aboriginal people or a group of Torres Strait Islander people as trustees to hold the land for the benefit of Aboriginal people or Torres Strait Islander people. Also includes the grant or lease of land that has been declared claimable.</i></p> <p><i>This function was first appraised in 2009 as part of the Department of Environment and Resource Management retention and disposal schedule (now superseded). It has been re-issued for use by the Department of Aboriginal and Torres Strait Islander Partnerships but no additional research or analysis of the record classes or their retention periods has been done.</i></p>

Activity**ADVICE**

The activities associated with offering opinions by or to the department as to an action or judgement. Includes the process of advising. See General Retention and Disposal Schedule for records of routine advice.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1717	<p>Land Tribunals</p> <p>Records relating to advice received from the Land Tribunals on the grounds for claimable land under the <i>Aboriginal Land Act 1991</i> and <i>Torres Strait Islander Land Act 1991</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>The Land Tribunal must recommend to the Minister the terms for granting the land to the Aboriginal or Torres Strait Islander group. Once the recommendation has been made, the Tribunal must advise the Minister of:</p> <ul style="list-style-type: none"> • The number of Aboriginal or Torres Strait Islander people who will be advantaged by a grant of land and the nature and extent of the advantage that will accrue to them • The responsibilities that the group of Aboriginal or Torres Strait Islander people will assume if the land is granted and how those responsibilities should be expressed in any deed of grant or lease in relation to the land • The detriment to persons or communities that may result from a grant of the land • The effect that a grant of land is likely to have on the existing and proposed patterns of land usage in the region of the land.

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<p>As the Land Tribunals currently do not have an approved retention and disposal schedule, a permanent retention period is suitable to ensure these records of the department are retained.</p> <p>Why the records are retained for this retention period:</p> <p>These records have been assigned a permanent retention period to document the State's involvement in adequately and appropriately recognising the interests and responsibilities of Aboriginal and Torres Strait Islander people in relation to the land. They also provide important historical evidence that support the land rights of Aboriginal and Torres Strait Islander people.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Regulation 1991</i></p> <p><i>Torres Strait Islander Land Regulation 1991</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.1.1</p>
1718	<p>Significant advice</p> <p>Records relating to significant advice issued and received by the department on Indigenous land management matters.</p> <p>Disposal action -</p> <p>Permanent. Transfer to</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This record class relates to significant advice issued or received by the Minister in relation to Indigenous land management.</p> <p>Why the records are retained for this retention period:</p> <p>These records provide evidence of advice provided by the State Government on issues that may impact on</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
	QSA after business action completed.	<p>the policy and legislation of the State relating to Indigenous land management.</p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 6.1.1 of the <i>Functional Retention and Disposal Authority FA253</i> issued by the State Records Authority of New South Wales to the Department of Lands. <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.1.2</p>

Activity**AGREEMENTS**

The processes associated with the establishment, maintenance, review and negotiation of agreements.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1719	<p>Indigenous land management agreements Records relating to agreements on Indigenous land management.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: Under the Acts, the Crown can enter into agreements with Aboriginal or Torres Strait Islander groups regarding the management of Indigenous land including the continued use of land or access to land by the Crown.</p> <p>Why the records are retained for this retention period: These agreements provide evidence of Indigenous land rights and the rights of the Crown to use or access Indigenous land. These records require a permanent retention period to document the State's involvement in securing Indigenous land rights and to ensure that Indigenous land rights are protected.</p> <p>Applicable legislation/standards: <i>Aboriginal Land Regulation 1991</i> <i>Torres Strait Islander Land Regulation 1991</i></p> <p>QSA permanent appraisal characteristics: These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 6.2.1 of the <i>Functional Retention and Disposal Authority FA253</i> issued by the

Disposal Authorisation	Record class and retention period	Justifying the retention period
		State Records Authority of New South Wales to the Department of Lands. Previous schedule references: QDAN 653 v.1 – 4.2.1

Activity**APPEALS (DECISIONS)**

The activities involved in the process of appeals against decisions by application to a higher authority.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1720	<p><i>Appeals – deeds of grant for transferable land and claimable</i></p> <p>Records relating to appeal processes available under the <i>Aboriginal Land Act 1991</i> and <i>Torres Strait Islander Land Act 1991</i> for deeds of grant for transferable land and claimable land.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under the Acts, there are provisions for appeals against decisions made in relation to claims for claimable land and grants of transferable⁹ land which include referring the matter to the Land Court.</p> <p>Why the records are retained for this retention period:</p> <p>Records of appeals made to the Land Court in accordance with the Acts, have a permanent retention period under reference number 1.5.1 of QDAN 598 v.1 issued to the Land Court. These departmental records should also be assigned a permanent retention period to document the State's involvement in securing and resolving issues relating to land rights for Indigenous people.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Regulation 1991</i></p> <p><i>Torres Strait Islander Land Regulation 1991</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements

⁹ Transferable land is land that may be transferred under either the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*. This includes Aboriginal or Torres Strait Islander deed of grant in trust land (including certain land within the external boundaries, eg. Land Act reserve land); Aboriginal or Torres Strait Islander reserves; Aurukun Shire lease land; Mornington Shire lease land; available State land declared by regulation to be transferable land.

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<ul style="list-style-type: none"> • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 6.3.1 of the <i>Functional Retention and Disposal Authority FA253</i> issued by the State Records Authority of New South Wales to the Department of Lands. <p>Previous schedule references: QDAN 653 v.1 – 4.3.1</p>

Activity**AUTHORISATION**

The process of seeking and granting permission to undertake a requested action in accordance with the Aboriginal Land Act 1991 or the Torres Strait Islander Land Act 1991.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1721	<p><i>Transferable land</i></p> <p>Records relating to the transfer of land under the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Transferable lands may be granted on the recommendation of the Minister for the benefit of Aboriginal or Torres Strait Islander people through the issue of a deed of grant. The deed of grant must show that the land is held by the grantees for the benefit of the Aboriginal or Torres Strait Islander people and their ancestors and descendants.</p> <p>Why the records are retained for this retention period:</p> <p>A permanent retention period is suitable for these records as they relate to the granting of land rights to Indigenous people in perpetuity. These records are therefore required to be retained permanently to protect the rights of the people to which the land has been granted.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Regulation 1991</i></p> <p><i>Torres Strait Islander Land Regulation 1991</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> Reference number 6.4.2 of the <i>Functional Retention and Disposal Authority FA253</i> issued by the State Records Authority of New South Wales to the Department of Lands. <p>Previous schedule references: QDAN 653 v.1 – 4.4.1</p>
1722	<p>Permitted dealings Records relating to permitted dealings with transferred and granted land in accordance with the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i>.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: The grantees of transferred or granted land can transfer or grant their interest in the land to another party including another Indigenous group or the Crown</p> <p>Why the records are retained for this retention period: As these records also relate to the management and protection of land rights issued to Indigenous people in perpetuity, a permanent retention period is required.</p> <p>Applicable legislation/standards: <i>Aboriginal Land Regulation 1991</i> <i>Torres Strait Islander Land Regulation 1991</i></p> <p>QSA permanent appraisal characteristics: These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> 2 – primary functions & programs of government 3 – enduring rights & entitlements 4 – significant impact on individuals 5 – substantial contribution to community memory <p>Previous schedule references: QDAN 653 v.1 – 4.4.2</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
1723	<p>Claimable land</p> <p>Records relating to the approval of claims for claimable land and associated dealings under the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under the Acts, a claim for claimable land may be made by an Aboriginal or Torres Strait Islander group on the following grounds:</p> <ul style="list-style-type: none"> • traditional affiliation • historical association • economic or cultural viability. <p>Under the Acts, a claim must be made to the Land Claims Registrar. If the Registrar is satisfied that the claim is duly made, the application must be accepted and referred to the Land Tribunal.</p> <p>Under the Acts, a claim must be made no later than 15 years after the commencement of the Acts.</p> <p>Why the records are retained for this retention period:</p> <p>These records require a permanent retention period as they provide evidence of the State's involvement in assessing claims for claimable land under the Acts and document the rights of Indigenous people to land granted to them in accordance with the Acts.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Regulation 1991</i></p> <p><i>Torres Strait Islander Land Regulation 1991</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • Reference number 6.4.2 of the <i>Functional Retention and Disposal Authority FA253</i> issued by the

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<p>State Records Authority of New South Wales to the Department of Lands.</p> <p>Previous schedule references: QDAN 653 v.1 – 4.4.3</p>
1724	<p>Trustees</p> <p>Records relating to the appointment, removal and suspension of trustees in accordance with the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created:</p> <p>The Minister must appoint trustees of transferred land for the benefit of Aboriginal or Torres Strait Islander people. The Minister also has the power to remove or suspend trustees under the Acts.</p> <p>Why the records are retained for this retention period:</p> <p>As these records relate to Ministerial appointments of trustees on behalf of Indigenous people, a permanent retention period is required to protect their rights to transferred land.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Regulation 1991</i> <i>Torres Strait Islander Land Regulation 1991</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references: QDAN 653 v.1 – 4.4.4</p>
1725	<p>Land claim associations and land trusts – successful</p> <p>Records relating to the</p>	<p>Date of last review: September 2009</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
	<p>incorporation of Indigenous land claim associations and land trusts in accordance with the <i>Aboriginal Land Regulation 1991</i> and the <i>Torres Strait Islander Land Regulation 1991</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Why are these records created:</p> <p>Under the <i>Aboriginal Land Regulation 1991</i> and the <i>Torres Strait Islander Land Regulation 1991</i> (the Regulations), a group of Aboriginal or Torres Strait Islander people wishing to make a claim for claimable land under the Regulations can apply to the Land Claims Registrar for incorporation as a land claim association.</p> <p>Under the Regulations, when a deed of grant or a lease of land is granted under the regulations for the benefit of Aboriginal or Torres Strait Islander people, the grantees are incorporated as a land trust.</p> <p>Why the records are retained for this retention period:</p> <p>As these records relate to the involvement of the State in the management and protection of Indigenous land rights, a permanent retention period is required.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Regulation 1991</i> <i>Torres Strait Islander Land Regulation 1991</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.4.5</p>
1726	<p><i>Land claim associations and land trusts – unsuccessful</i></p> <p>Records relating to unsuccessful applications</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>The Land Claims Registrar may refuse an application for incorporation as a land claims association, if:</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
	<p>for incorporation where no other interest is registered.</p> <p>Disposal action -</p> <p>7 years after business action completed.</p>	<ul style="list-style-type: none"> • the application does not comply with the standards set out in the regulations • the rules of the proposed association are not reasonable or • the proposed association is to be formed for a purpose other than a land claim purpose. <p>Why the records are retained for this retention period:</p> <p>The recommended retention period allows for any appeals against the decision of the Land Claims Registrars and for any resulting legal action involving DERM.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Regulation 1991</i></p> <p><i>Torres Strait Islander Land Regulation 1991</i></p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.4.6</p>
1727	<p>Audit approvals</p> <p>Records relating to the approval of auditors to audit the accounts of a land trust.</p> <p>Disposal action -</p> <p>7 years after approval ceases.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under the <i>Aboriginal Land Regulation 1991</i> and the <i>Torres Strait Islander Land Regulation 1991</i>, the Land Claims Registrar can approve a person as having the necessary skills and experience for conducting an audit of a land trust.</p> <p>Why the records are retained for this retention period:</p> <p>The retention period allows sufficient time for any dispute arising from the appointment of auditors while the approval remains current.</p> <p>Comparison with other schedules' retention period:</p> <p>The retention period is consistent with that assigned to approved auditors under reference number 4.8.2 of the <i>Queensland Audit Office Retention and Disposal Schedule (QDAN 648 v. 1)</i></p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.4.7</p>

Activity**COMPLIANCE MONITORING**

The monitoring of the compliance of other organisations and individuals with mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes monitoring compliance with legislation.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1728	<p>Compliance monitoring Records relating to the monitoring of compliance with the <i>Aboriginal Land Act 1991</i> or the <i>Torres Strait Islander Land Act 1991</i>.</p> <p>Disposal action - 13 years after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: Under the <i>Aboriginal Land Regulations 1991</i> and the <i>Torres Strait Islander Land Regulation 1991</i>, the Land Claims Registrar must monitor compliance of land trusts with the requirements of the regulations. This may include the provision of audited accounts, financial statements and minutes of annual general meetings to the Land Claims Registrar by the land trust.</p> <p>Why the records are retained for this retention period: The recommended retention period ensures that these records are available in the event of an action relating to the recovery of land in accordance with section 13 of the <i>Limitation of Actions Act 1974</i>.</p> <p>Applicable legislation/standards: <i>Aboriginal Land Act 1991</i> <i>Torres Strait Islander Land Act 1991</i></p> <p>Previous schedule references: QDAN 653 v.1 – 4.5.1</p>

Activity**CONSULTATION**

The formal process of internal and/or external stakeholder consultation and participation in which opinions and feedback on specific issues are sought, and implications and possible solutions canvassed. This could take the form of community forums, calls for submissions, focus groups, workshops, etc.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1729	<p>Consultation</p> <p>Records relating to consultation with Aboriginal and Torres Strait Islander people in accordance with the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>These records cover consultation with Aboriginal and Torres Strait Islander people in accordance with the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i>.</p> <p>Why the records are retained for this retention period:</p> <p>As these records document historically, socially and culturally significant consultation with Aboriginal and Torres Strait Islander people by the department regarding the management of land granted to them by the State, they warrant a permanent retention period.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Act 1991</i></p> <p><i>Torres Strait Islander Land Act 1991</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • reference number 6.4.2 (consultation with Indigenous people) of the <i>Functional Retention and Disposal</i>

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<p><i>Authority FA253</i> issued by the State Records Authority of New South Wales to the Department of Lands.</p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.6.1</p>
1730	<p>Consultation – appointment of trustees</p> <p>Records relating to consultation with Aboriginal and Torres Strait Islander people in accordance with section 28 (3) of the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i> to determine the appointment of trustees.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>These records cover consultation with Aboriginal and Torres Strait Islander people in accordance with section 28 (3) of the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i> to determine the appointment of trustees.</p> <p>Why the records are retained for this retention period:</p> <p>As these records document historically, socially and culturally significant consultation with Aboriginal and Torres Strait Islander people by the department regarding the management of land granted to them by the State, they warrant a permanent retention period.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Act 1991</i></p> <p><i>Torres Strait Islander Land Act 1991</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • reference number 6.4.2 (consultation with Indigenous people) of the <i>Functional Retention and Disposal Authority FA253</i> issued by the State Records Authority of New South Wales to the Department of Lands. <p>Previous schedule references:</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
1731	<p>Consultation – claimable land</p> <p>Records relating to consultation with Aboriginal and Torres Strait Islander people in accordance with section 18 of the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i> to determine if land should be claimable land.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>QDAN 653 v.1 – 4.6.2</p> <p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>These records cover consultation with Aboriginal and Torres Strait Islander people in accordance with section 18 of the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i> to determine if land should be claimable land.</p> <p>Why the records are retained for this retention period:</p> <p>As these records document historically, socially and culturally significant consultation with Aboriginal and Torres Strait Islander people by the department regarding the management of land granted to them by the State, they warrant a permanent retention period.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Act 1991</i></p> <p><i>Torres Strait Islander Land Act 1991</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <ul style="list-style-type: none"> • reference number 6.4.2 (consultation with Indigenous people) of the <i>Functional Retention and Disposal Authority FA253</i> issued by the State Records Authority of New South Wales to the Department of Lands. <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.6.3</p>

Activity**CONTROL**

The activities associated with creating, maintaining and evaluating control mechanisms. Includes classification, indexing, registration, forms design, etc. to ensure maximum control over records and recordkeeping systems. Also includes control mechanisms for other information resources and systems.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1732	<p>Transferable land database</p> <p>Entries in the transferable land database used as a management information system (MIS) to track the approval of interest and dealings of Indigenous transferable land processes.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This database is used by the department to record significant information relating to claimable land that can be claimed by, or granted to, Aboriginal or Torres Strait Islander people.</p> <p>Why the records are retained for this retention period:</p> <p>As with other record classes in this section, these records contain valuable information relating to the protection and exercise of the land rights of Indigenous people and the Government's involvement in protecting those rights.</p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.7.1</p>
1733	<p>Claimable land database</p> <p>Entries in the claimable land database used as a</p>	<p>Date of last review:</p> <p>September 2009</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
	<p>management information system (MIS) to track the approval of interest and dealings of Indigenous claimable land processes.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Why are these records created:</p> <p>This database is used by the department to record significant information relating to claimable land that can be claimed by, or granted to, Aboriginal or Torres Strait Islander people.</p> <p>Why the records are retained for this retention period:</p> <p>As with other record classes in this section, these records contain valuable information relating to the protection and exercise of the land rights of Indigenous people and the Government's involvement in protecting those rights.</p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references: QDAN 653 v.1 – 4.7.2</p>
1734	<p><i>Creation of interest database</i></p> <p>Entries in the creation of interest database.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created:</p> <p>This database is used by the department to record significant information relating to claimable land that can be claimed by, or granted to, Aboriginal or Torres Strait Islander people.</p> <p>Why the records are retained for this retention period:</p> <p>As with other record classes in this section, these records contain valuable information relating to the protection and exercise of the land rights of Indigenous people and the Government's involvement in protecting those rights.</p> <p>QSA permanent appraisal characteristics:</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references: QDAN 653 v.1 – 4.7.3</p>
1735	<p><i>Land trust register</i> Records relating to the land trust register established under section 35F of the <i>Aboriginal Land Regulation 1991</i> and the <i>Torres Strait Islander Land Regulation 1991</i>.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: Under section 35F of the Acts, the Land Claims Registrar must establish and maintain a land trust register which contains the following information about each land trust:</p> <ul style="list-style-type: none"> • name • address for service of documents • names and addresses of all the grantees forming the land trust • names and addresses of the persons who are the members of the land trust's executive committee • a description of the land for which the land trust is formed • copies of annual financial statements and audit reports the Land Claims Registrar receives from the Land Trust • a copy of the rules of the land trust. <p>Why the records are retained for this retention period: A permanent retention period is warranted for the register as it provides a summary record of the people responsible for managing land transferred and granted to Indigenous people. This was confirmed in an interview between Bronwyn Huitfeldt, Director, Strategic Recordkeeping Implementation Project, DERM and Julie Brogan, Manager, Indigenous Services and Jeannie Rowden, Senior Land Officer, Indigenous Services and emailed to QSA on 12 September 2008.</p> <p>Applicable legislation/standards:</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<p><i>Aboriginal Land Regulation 1991</i></p> <p><i>Torres Strait Islander Land Regulation 1991</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.7.4</p>

Activity**ENQUIRIES**

The activities associated with the handling of requests for information about the department and its services by the general public or another department.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1736	<p>Access requests</p> <p>Records relating to search requests of the Indigenous land management registers.</p> <p>Disposal action -</p> <p>7 years after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This activity relates to handling requests for information about DERM and its services by the general public or another department. It includes requests to access databases and registers controlled by the Department of Aboriginal and Torres Strait Islander Partnerships.</p> <p>Why the records are retained for this retention period:</p> <p>The recommended retention period for search requests ensures the records are available in the event of legal action involving the department within time periods allowed under the <i>Limitation of Actions Act 1974</i>.</p> <p>Applicable legislation/standards:</p> <p><i>Limitation of Actions Act 1974</i></p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.8.1</p>

Activity**NOTIFICATION**

The notification of reportable events and the registration of such by the department.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1737	<p>Gazettals</p> <p>Records relating to gazettals under the <i>Aboriginal Land Act 1991</i> and the <i>Torres Strait Islander Land Act 1991</i>.</p> <p>Disposal action -</p> <p>Permanent. Retain in agency.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under sections 19 and 23 of the <i>Aboriginal Land Regulation 1991</i> and the <i>Torres Strait Islander Land Regulation 1991</i> the Minister must issue gazette notices on the incorporation and dissolution of grantees as a land trust.</p> <p>Why the records are retained for this retention period:</p> <p>Although these records are published in the <i>Queensland Government Gazette</i>, DERM have requested a permanent retention period for these records to assist the department in their dealings with Indigenous land management issues. This was confirmed in an interview between Bronwyn Huitfeldt, Director, Strategic Recordkeeping Implementation Project, DERM and Julie Brogan, Manager, Indigenous Services and Jeannie Rowden, Senior Land Officer, Indigenous Services and emailed to QSA on 12 September 2008</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Land Act 1991</i></p> <p><i>Torres Strait Islander Land Act 1991</i></p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.10.1</p>

Activity**RESEARCH**

The activities involved in investigating or enquiring into a subject or area of interest in order to discover facts, principles etc. Used to support the development of projects, standards, guidelines, etc., and the business activities of the department in general. Includes following up enquiries relating to departmental programs, projects, working papers, literature searches, etc.

See Scientific and Technical Investigation activities for records relating to scientific research.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1738	<p>Tenure history</p> <p>Records relating to research into tenure history and investigations.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>These records are created during research into tenure history and investigations.</p> <p>Why the records are retained for this retention period:</p> <p>These records provide valuable information into the history of land tenure as it relates to Indigenous people and supports the documented knowledge about this subject matter.</p> <p>A permanent retention period is warranted for these records as it provides information that may support the rights and entitlements of Indigenous people.</p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.11.2</p>

Activity**REVIEWING**

The activities involved in subsequent re-evaluation or re-examination of products, processes, procedures, standards and systems to establish their conformance to specifications or requirements following implementation. Includes recommendations and advice resulting from these activities.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1739	<p><i>Programs and projects – major</i></p> <p>Records relating to major reviews of Indigenous land management programs and projects.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This record class relates to major reviews of Indigenous land management programs and projects.</p> <p>Why the records are retained for this retention period:</p> <p>As this activity has significance for the Government and its involvement in the protection and exercise of Indigenous land rights, a permanent retention period is warranted.</p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 4.12.1</p>
1740	<p><i>Minor reviews</i></p> <p>Records relating to minor reviews of Indigenous land management issues.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This record class has been included to specifically cover reviews by DERM of Indigenous land management</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
	Disposal action - 7 years after business action completed.	programs and projects. Why the records are retained for this retention period: The retention period of '7 years after last action' is sufficient to cover any departmental legal or judicial requirements. Previous schedule references: QDAN 653 v.1 – 4.12.2

Title	Scope Note
NATIVE TITLE	<p><i>The function of implementing the Commonwealth Native Title Act 1993 and administering the Native Title (Queensland) Act 1993 within the State. Includes the provision of policy advice on native title matters and the resolution of native title claims. Also includes the negotiation and facilitation of Indigenous Land Use agreements (ILUAs) and Right to Negotiate (RTN) agreements.</i></p> <p><i>This function was first appraised in 2009 as part of the Department of Environment and Resource Management retention and disposal schedule (now superseded). It has been re-issued for use by the Department of Aboriginal and Torres Strait Islander Partnerships but no additional research or analysis of the record classes or their retention periods has been done.</i></p>

Activity**ADVICE**

The activities associated with offering opinions by or to the department as to an action or judgement. Includes the process of advising. See General Retention and Disposal Schedule for records of routine advice.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1741	<p>Native title advice Records relating to advice issued and received on native title by head office and regional offices.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: The Indigenous Natural Resource Management Policy Unit provides advice to the Queensland government about Aboriginal and Torres Strait Islander interests in natural resource management including:</p> <ul style="list-style-type: none"> • the implementation of the <i>Looking after Country Together</i> strategy designed to increase Indigenous involvement and access to traditional land and sea country • providing support and advice on the Council of Australian Governments (COAG) <i>Advancing Reconciliation in Primary Industries and Natural Resource Management</i> initiative • supporting the department with policy advice regarding Aboriginal and Torres Strait Islander interests and involvement in natural resource management. <p>Why the records are retained for this retention period: As the department is providing advice on contentious issues involving native title claims, a permanent retention period is required to protect the interests of the department and Indigenous people involved in land title claims.</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none">• 3 – enduring rights & entitlements• 4 – significant impact on individuals• 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 8.1.1</p>

Activity**AGREEMENTS**

The processes associated with the establishment, maintenance, review and negotiation of agreements.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1742	<p>Indigenous land use agreements</p> <p>Records relating to Indigenous land use agreements required by the State to carry out a dealing in accordance with the Commonwealth <i>Native Title Act 1993</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>The Commonwealth <i>Native Title Act 1993</i> provides for ILUAs between native title holders or claimants and other interested parties, about how land and waters in the area covered by the agreement will be managed and used in the future. Interested parties may include the State Government.</p> <p>ILUAs can be an alternative to other processes under the Commonwealth <i>Native Title Act 1993</i>.</p> <p>ILUAs can cover a range of subjects including:</p> <ul style="list-style-type: none"> • future developments that may affect native title • how native title coexists with the rights of the people • extinguishment of native title by surrendering it to the State • compensation for the effects of dealings on native title rights and interests. <p>There are three types of ILUAs:</p> <ul style="list-style-type: none"> • alternative procedure agreements ¹⁰ • body corporate agreements ¹¹ • area agreements. ¹² <p>Why the records are retained for this retention period:</p> <p>As these records provide evidence of the State's involvement in protecting the interests and rights of Indigenous people, a permanent retention period is required.</p>

¹⁰ Usually initiated by the State.

¹¹ Used where a body corporate has been established to hold native title or represent native title holders.

¹² Used if part of the area of the proposed dealing is covered by a native title body corporate or if there are no body corporate for the area

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<p>Applicable legislation/standards: Commonwealth <i>Native Title Act 1993</i></p> <p>QSA permanent appraisal characteristics: These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period: Reference number 6.2.1 (agreements with Aboriginal land claimants), <i>Functional Retention and Disposal Authority FA253</i> issued by the State Records Authority of New South Wales to the Department of Lands - Permanent</p> <p>Previous schedule references: QDAN 653 v.1 – 8.2.1</p>
1743	<p>Right to negotiate agreements Records relating to right to negotiate (RTN) agreements in accordance with section 31 of the Commonwealth <i>Native Title Act 1993</i> including any expedited procedure processes.</p> <p>Disposal action - Permanent. Transfer to QSA after business action</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: Right to negotiate agreements, under the Commonwealth <i>Native Title Act 1993</i>, are made to allow activities that may affect native title to be validly undertaken. The right to negotiate process is often employed by the department for mining leases, mining claims and some mineral development licences.</p> <p>Why the records are retained for this retention period: As these agreements relate to the protection of the interests and rights of Indigenous people and the involvement of the State Government in this process, a permanent retention period is required.</p> <p>Applicable legislation/standards: Section 31 of the Commonwealth <i>Native Title Act 1993</i> regulates that negotiation must take place between</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
	completed.	<p>native title parties, the Government and the person wishing to undertake the activity.</p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Comparison with other schedules' retention period:</p> <p>Reference number 6.2.1 (agreements with Aboriginal land claimants), <i>Functional Retention and Disposal Authority FA253</i> issued by the State Records Authority of New South Wales to the Department of Lands - Permanent</p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 8.2.2</p>
1744	<p>Ministerial determinations</p> <p>Records relating to State Minister determinations issued in accordance with section 36A and section 42 of the Commonwealth <i>Native Title Act 1993</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under section 36A of the Commonwealth <i>Native Title Act 1993</i> if a decision about an activity that may affect native title cannot be reached and the National Native Title Tribunal cannot make a decision, the relevant State or Territory Minister can make a determination.</p> <p>Why the records are retained for this retention period:</p> <p>As these records relate to Ministerial involvement in decisions about activities that may impact on native title interests and that may happen only on rare occasions, a permanent retention period is required.</p> <p>Applicable legislation/standards:</p> <p>Commonwealth <i>Native Title Act 1993</i></p> <p>QSA permanent appraisal characteristics:</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references: QDAN 653 v.1 – 8.2.3</p>
1745	<p>Commonwealth agreements</p> <p>Agreements with the Commonwealth Government on financial assistance relating to native title.</p> <p>Disposal action - 13 years after agreement expires.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: This record class relates to agreements with the Commonwealth Government on financial assistance relating to the implementation of native title.</p> <p>Why the records are retained for this retention period: As the Commonwealth Government is the office of record for these agreements, a permanent retention period is not required. The recommended retention period is suitable in the event of a breach of contract under seal under section 10 of the <i>Limitation of Actions Act 1974</i>.</p> <p>Previous schedule references: QDAN 653 v.1 – 8.2.4</p>

Activity**CLAIM RESOLUTION**

The activity of coordinating the State's response to native title claims.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1746	<p>Native title determinations</p> <p>Records relating to native title determinations submitted to the Federal Court in accordance with section 61 of the Commonwealth <i>Native Title Act 1993</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>The Federal Court and the High Court of Australia are the only bodies able to make a determination of native title.</p> <p>By lodging a native title claim in the Federal Court, the native title party commences a legal proceeding that involves the Queensland Government and other respondent parties including Indigenous groups, local governments, farmers and miners.</p> <p>Why the records are retained for this retention period:</p> <p>Although the Federal Court and the High Court of Australia are the office of record when determining native title claims, a permanent retention period is required for these records as they provide valuable evidence of the State Government's involvement in decisions that affect the rights and interests of Indigenous people.</p> <p>These records also provide evidence upon which further native title claims may be made thus providing a sound basis for the Queensland Government to participate in future claims.</p> <p>The permanent retention period is consistent with that assigned to native title claims under reference number 6.4.1 of the <i>Functional Retention and Disposal Authority FA253</i> issued by the State Records Authority of New South Wales to the Department of Lands.</p> <p>Applicable legislation/standards:</p> <p>Commonwealth <i>Native Title Act 1993</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government

Disposal Authorisation	Record class and retention period	Justifying the retention period
		<ul style="list-style-type: none"> • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references: QDAN 653 v.1 – 8.3.1</p>
1747	<p><i>Native Title applications - other</i> Records relating to other applications submitted to the Federal Court in accordance with section 69 of the Commonwealth <i>Native Title Act 1993</i>.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: Under section 69 of the Commonwealth <i>Native Title Act 1993</i> claims other than native title claims, can be made to the Federal Court including applications for a review of a decision of the Registrar not to register a native title claim and an application to remove details about an agreement from the Register of ILUAs.</p> <p>Why the records are retained for this retention period: Although the Federal Court and the High Court of Australia are the office of record when determining native title claims, a permanent retention period is required for these records as they provide valuable evidence of the State Government’s involvement in decisions that affect the rights and interests of Indigenous people.</p> <p>Applicable legislation/standards: <i>Commonwealth Native Title Act 1993</i></p> <p>QSA permanent appraisal characteristics: These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
		QDAN 653 v.1 – 8.3.2
1748	<p><i>National Native Title Tribunal applications</i></p> <p>Records relating to applications submitted to the National Native Title Tribunal as a government party in accordance with section 75 of the Commonwealth <i>Native Title Act 1993</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>Under section 75 of the Commonwealth <i>Native Title Act 1993</i> a party may make an application to the National Native Title Tribunal regarding the right to negotiate process.</p> <p>Why the records are retained for this retention period:</p> <p>Although the National Native Title Tribunal is the office of record when dealing with native title claims, a permanent retention period is required for these records as they provide valuable evidence of the State Government's involvement in the decisions that affect the rights and interests of Indigenous people.</p> <p>Applicable legislation/standards:</p> <p>Commonwealth <i>Native Title Act 1993</i></p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 8.3.3</p>
1749	<p><i>Regional input</i></p> <p>Records relating to native title input on land tenure by regions.</p> <p>Disposal action -</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>During the native title claim and associated processes, regional areas of DERM may be required to provide</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
	3 years after business action completed.	<p>input into the process.</p> <p>Why the records are retained for this retention period:</p> <p>As the centralised head of DERM is the office of record and these are only reference copies, a longer retention period is not required.</p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 8.3.4</p>
1750	<p>Search requests Requests to search native title registers received from the Federal Court.</p> <p>Disposal action - 13 years after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: This record class relates to searches of State records and registers of current or former interests in land or waters requested by the Federal Court.</p> <p>Why the records are retained for this retention period: As the Federal Court is the office of record in this instance, a long term retention period is not required. The retention period is sufficient in the event that future search requests are made and for the ongoing evaluation of native title claim requests.</p> <p>Applicable legislation/standards: Under section 83A of the Commonwealth <i>Native Title Act 1993</i>, where a State or Territory Minister is a party to a proceeding, the Federal Court may request the Minister to conduct searches of the State or Territory's registers or other records of current or former interests in land or waters and report the results to the Court.</p> <p>Previous schedule references: QDAN 653 v.1 – 8.3.5</p>
1751	<p>Nominations Records relating to the nomination of equivalent bodies by the State.</p> <p>Disposal action - Permanent. Transfer to</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: This record class relates to the nomination of equivalent bodies to the Commonwealth Government.</p> <p>Why the records are retained for this retention period:</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
	QSA after business action completed.	<p>As these records provide evidence of the State’s involvement in the native title process, a permanent retention period is required.</p> <p>Applicable legislation/standards:</p> <p>Under section 207B of the Commonwealth <i>Native Title Act 1993</i> the State Minister can nominate to the Commonwealth Minister, a body established for the purposes of performing specified functions or powers of the National Native Title Tribunal.</p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 8.3.6</p>

Activity**CLAIMS**

The process of administering and managing payments sought as compensation for injury, death, or denial of rights of a person, damage to or destruction of property, resumption of land or property, or for any actions of Government employees where those actions result in a compensable claim. Includes disputes over rights and ownership, and recompense sought for stolen or lost property.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1752	<p>Compensation claims</p> <p>Records relating to compensation payable by the State under the Commonwealth <i>Native Title Act 1993</i>.</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This record class relates to compensation claims payable by the State in accordance with the Commonwealth <i>Native Title Act 1993</i>.</p> <p>Why the records are retained for this retention period:</p> <p>As these records document the State's involvement in paying compensation claims to native title holders, a permanent retention period is required.</p> <p>Applicable legislation/standards:</p> <p>Under section 22G of the Commonwealth <i>Native Title Act 1993</i> a native title holder may recover compensation under the Act from a State or Territory government.</p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 8.4.1</p>

Activity**COMPLIANCE MONITORING**

The monitoring of the compliance of other organisations and individuals with mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes monitoring compliance with legislation.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1753	<p><i>Native title compliance</i></p> <p>Records relating to the monitoring of compliance with native title matters and reports received from the presiding member.</p> <p>Disposal action -</p> <p>7 years after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>This activity relates to the monitoring of compliance with standards and legislation.</p> <p>Why the records are retained for this retention period:</p> <p>Under the above Acts, the majority of proceedings for an offence must commence within one year after the offence is committed or within six months to one year of the offence coming to the complainant's knowledge, but within two years after the commission of the offence.</p> <p>The recommended retention period for compliance monitoring records allows sufficient time for any legal action to occur in relation to summary offences within the time frames allowed within legislation.</p> <p>When this function was performed by the Department of Environment and Resource Management, records relating to compliance monitoring are contained within the Compliance Information Register and Management System known as CIRaM.</p> <p>Applicable legislation/standards:</p> <p><i>Aboriginal Cultural Heritage Act, 2003</i> <i>Torres Strait Islander Cultural Heritage Act, 2003</i> <i>Aboriginal Land Act 1991</i> <i>Torres Strait Islander Land Act 1991</i></p> <p>Previous schedule references:</p> <p>QDAN 653 v.1 – 8.5.1</p>

Activity**CONTROL**

The activities associated with creating, maintaining and evaluating control mechanisms. Includes classification, indexing, registration, forms design, etc. to ensure maximum control over records and recordkeeping systems. Also includes control mechanisms for other information resources and systems.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1754	<p>Native title registers</p> <p>Registers relating to native title including:</p> <ul style="list-style-type: none"> • current and past tenure reports database • annotated leases register • register of dealings • native title claim summary database/register <p>Queensland Native Title Information Management Environment (QNTIME).</p> <p>Disposal action -</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review:</p> <p>September 2009</p> <p>Why are these records created:</p> <p>These record classes cover entries in numerous registers required to manage land title claims and associated dealings. The databases are used by the department to record important information to manage native title claims and Indigenous land use agreements with Indigenous people.</p> <p>Why the records are retained for this retention period:</p> <p>As with other record classes in this section, these records contain valuable information relating to the protection and exercise of the land rights of Indigenous people. These records provide evidence of the Government's involvement in this process as well as the rights of Indigenous people. A permanent retention period is therefore required.</p> <p>The registers are also control records of permanent records covered under this function. As many of these records will be transferred to QSA, a permanent retention period is required to provide continued access to these records.</p> <p>QSA permanent appraisal characteristics:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references:</p>

Disposal Authorisation	Record class and retention period	Justifying the retention period
		QDAN 653 v.1 – 8.6.1

Activity**ENQUIRIES**

The activities associated with the handling of requests for information about the department and its services by the general public or another department.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1755	<p>Access requests Records relating to search requests of the native title registers excluding Federal Court requests.</p> <p>Disposal action - 7 years after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: This activity relates to handling requests for information about DERM and its services by the general public or another department. It includes requests to access databases and registers controlled by the Department of Aboriginal and Torres Strait Islander Partnerships.</p> <p>Why the records are retained for this retention period: The recommended retention period for search requests ensures the records are available in the event of legal action involving the department within time periods allowed under the <i>Limitation of Actions Act 1974</i>.</p> <p>Applicable legislation/standards: <i>Limitation of Actions Act 1974</i></p> <p>Previous schedule references: QDAN 653 v.1 – 8.8.1</p>

Activity**NOTIFICATION**

The notification of reportable events and the registration of such by the department.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1756	<p><i>Native title notifications</i> Records relating to notification processes of native title matters.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: This record relates to notifications required under the Commonwealth <i>Native Title Act 1993</i>. Under section 29 of the Commonwealth <i>Native Title Act 1993</i>, the Government must give notifications to native title parties and other interested parties impacted by activities on land covered by a native title ruling.</p> <p>Why the records are retained for this retention period: As these records are part of the native title claim process and show the State Government's involvement in protecting the rights and entitlements of Indigenous people, a permanent retention period is required.</p> <p>Applicable legislation/standards: Commonwealth <i>Native Title Act 1993</i></p> <p>QSA permanent appraisal characteristics: These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references: QDAN 653 v.1 – 8.10.1</p>

Activity**PROCEDURES**

Standard methods of operating laid down by the department according to formulated policy.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1757	<p><i>Native title procedures</i> Master set of native title procedures required under native title legislation.</p> <p>Disposal action - Permanent. Retain in agency.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: This record class relates to a master set of procedures relating to native title. The procedures include guidelines for right to negotiation processes.</p> <p>Why the records are retained for this retention period: The recommended retention period ensures that the department has a reference set of procedures that shows the department's compliance with the Commonwealth <i>Native Title Act 1993</i> and to provide a reference set of material that will assist in the future development of procedures and guidelines.</p> <p>Previous schedule references: QDAN 653 v.1 – 8.11.1</p>

Activity**REVIEWING**

The activities involved in subsequent re-evaluation or re-examination of products, processes, procedures, standards and systems to establish their conformance to specifications or requirements following implementation. Includes recommendations and advice resulting from these activities.

Disposal Authorisation	Record class and retention period	Justifying the retention period
1758	<p>Reviews of trends Records relating to reviews of native title matters and claim applications to establish trends in the use of provisions of the Commonwealth <i>Native Title Act 1993</i>.</p> <p>Disposal action - Permanent. Transfer to QSA after business action completed.</p>	<p>Date of last review: September 2009</p> <p>Why are these records created: This record class relates to reviews of native title matters and claims to establish trends in the application of the Commonwealth <i>Native Title Act 1993</i>.</p> <p>Why the records are retained for this retention period: As this function has such significance for the Government and its involvement in the protection and exercise of native title matters, a permanent retention period is warranted.</p> <p>Applicable legislation/standards: Commonwealth <i>Native Title Act 1993</i></p> <p>QSA permanent appraisal characteristics: These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – primary functions & programs of government • 3 – enduring rights & entitlements • 4 – significant impact on individuals • 5 – substantial contribution to community memory <p>Previous schedule references: QDAN 653 v.1 – 8.13.1</p>