



Australian Government



**NATIONAL
ARCHIVES
OF AUSTRALIA**

Records Authority

2019/00063273

**Indigenous Land and Sea
Corporation**

Land and Water-related Rights Acquisition,
Holding and Divestment

2019



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INTRODUCTION

The Indigenous Land and Sea Corporation (ILSC) and the National Archives of Australia have developed this records authority to set out the requirements for keeping or destroying records for the core business area of Land and Water-related Rights Acquisition, Holding and Divestment. It represents a significant commitment on behalf of ILSC to understand, create and manage the records of its activities.

This authority is based on the identification and analysis of the business of ILSC. It takes into account the agency's legal and organisational information management requirements, and the interests of stakeholders, the agency and the National Archives.

The authority sets out those records that need to be retained as national archives and specifies the minimum length of time that temporary records need to be kept. This authority gives ILSC permission under the *Archives Act 1983* for the destruction of the temporary records described after the minimum retention period has expired. Retention periods for these temporary records are based on: an assessment of business needs; broader organisational accountability requirements; and community expectations, and are approved by the National Archives on the basis of information provided by the agency.

As changes in circumstances may affect future information management requirements, the periodic review of this authority is recommended. All amendments must be approved by the National Archives.

APPLICATION OF THIS AUTHORITY

1. This authority is to be used to determine how long records must be kept. Records are matched to the relevant core business and records class in the authority.
 - Where the minimum retention period has expired and the records are not needed for ILSC business they should be destroyed as authorised in this authority.
 - Records that have not reached the minimum retention period must be kept until they do.
 - Records that are identified as retain as national archives' are to be transferred to the National Archives for preservation.
2. This authority is to be used in conjunction with Records Authority 2011/00324802 covering the functions of Indigenous Grant and Loan Funding and Indigenous Training. Records Authority 2011/00324802 has been reissued to ILSC and may be used to cover the legislated function of assisting Aboriginal persons and Torres Strait Islanders to manage Indigenous-held land.
3. This authority should be used in conjunction with general records authorities such as:
 - AFDA Express Version 2 issued by the National Archives to cover business processes and records common to Australian Government agencies; and
 - General Records Authority (31) - Destruction of source or original records after digitisation, conversion or migration (2015).
4. The normal administrative practice (NAP) provision of the *Archives Act 1983* gives agencies permission to destroy certain records without formal authorisation. This usually occurs where records are duplicated, facilitative or for short-term use only. NAP does not replace arrangements agreed to in this authority but can be used as a tool to assist in identifying records for destruction together with an agency's records authority or authorities, and with AFDA Express Version 2. The National Archives recommends that agencies develop and implement a NAP policy. Advice and guidance on destroying records as a normal administrative practice and on how to develop a NAP policy is available from the National Archives' website at www.naa.gov.au.
5. Records that are reasonably likely to be needed as evidence in a current or future judicial proceeding or are subject to a request for access under the *Archives Act 1983*, the *Freedom of Information Act 1982* or any other relevant act must not be destroyed until the action has been completed.
6. Records subject to a disposal freeze must not be destroyed until the freeze has been lifted. Further information about disposal freezes and whether they affect the application of this authority is available from the National Archives website at www.naa.gov.au
7. Where the method of recording information changes (for example from an analogue system to a digital system, or when information is migrated from one system to a new system) this authority can still be applied, providing the records document the same core business. The information must be accessible for

the period of time prescribed in this authority. The ILSC will need to maintain continuing access to the information, including digital information, for the periods prescribed in this records authority or until the information is transferred into the custody of the National Archives.

8. In general, retention requirements indicate a minimum period for retention. The ILSC may extend minimum retention periods if it considers that there is an administrative need to do so, without further reference to the National Archives. Where the ILSC believes that its accountability will be substantially compromised because a retention period or periods are not adequate, it should contact the National Archives for review of the retention period.
9. Records coming within 'retain as national archives' (RNA) classes in this authority have been determined to be part of the archival resources of the Commonwealth under section 3C of the *Archives Act 1983*. The determination of Commonwealth records as archival resources of the Commonwealth obliges agencies to transfer the records to the National Archives when they cease to be current and, in any event, within 15 years of the records coming into existence, under section 27 of the *Archives Act 1983*.
10. Records in the care of agencies should be appropriately stored, managed and preserved. Agencies need to meet this obligation to ensure that the records remain authentic and accessible over time. Under Section 31 of the *Archives Act 1983*, access arrangements are required for records that become available for public access including those records that remain in agency custody.
11. Appropriate arrangements should be made with the National Archives when records are to be transferred into custody. The National Archives accepts for transfer only those records designated as national archives. Records created digitally after 1 January 2016 can be transferred in digital formats only.
12. Advice on how to use this authority is available from the ILSC information manager. If there are problems with the application of the authority that cannot be resolved, please contact the National Archives.

CONTACT INFORMATION

For assistance with this authority or for advice on other information management matters, please contact National Archives' [Agency Service Centre](#).

AUTHORISATION

RECORDS AUTHORITY 2019/00063273

Person to whom notice of authorisation is given:

John Maher
Chief Executive Officer
Indigenous Land and Sea Corporation
Level 7, 121 King William Street
Adelaide SA 5001

Purpose:

Authorises arrangements for the disposal of records in accordance with Section 24(2)(b) of the *Archives Act 1983*

Determines records classed as 'Retain as national archives' in this records authority to be part of the archival resources of the Commonwealth under section 3C of the *Archives Act 1983*.

Application:

All core business records relating to Land and Water-related Rights Acquisition, Holding and Divestment.

This authority gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. This authority will apply only with the consent of the agency currently responsible for the business documented in the records described.

Authorising Officer

Linda Macfarlane
Assistant Director-General (a/g)
National Archives of Australia

Date of issue:

7 June 2019

LAND AND WATER-RELATED RIGHTS ACQUISITION, HOLDING AND DIVESTMENT

The core business of acquiring and managing land and water-related rights for the economic, environmental, social or cultural benefit of Indigenous people, to the point where they are transferred by way of grant to an Indigenous corporation or disposed of as surplus. Includes acquiring and holding land and water rights to the point of grant or disposal and post grant monitoring activities. The core business also includes funding for activities undertaken during assessment, the holding period prior to grant or disposal, and post grant phases.

The core activities include:

- receiving, assessing and determining applications for land and water-related rights by Indigenous corporations;
- developing criteria for the assessment of land and water-related rights grant applications;
- granting interest in land and water-related rights to an Indigenous body corporate;
- post grant monitoring and project evaluation;
- fulfilling compliance requirements;
- dealings with the land or water-related rights by the title holding body (body corporate) (i.e. caveat or charge in regard to sale or mortgage during the post-grant phase); and
- return of granted land or water-related rights to the agency where either is at risk of being lost to the Indigenous estate.

The performance of the core business is supported by general activities such as:

- preparing and presenting addresses, seminars and workshops;
- providing advice;
- establishing and managing agreements;
- managing internal and external audits;
- managing meetings and consulting with internal and external stakeholders delegating powers and authorising actions;
- planning;
- developing policies and procedures;
- managing programs and projects;
- managing risks; and
- reporting, recording, reviewing and evaluating the effectiveness of the core business.

Cross references to AFDA Express Version 2

For all other property management activities, including acquisition, leasing and access arrangements, use PROPERTY MANAGEMENT.

For managing financial transactions supporting property management activities, use FINANCIAL MANAGEMENT.

For legal advice supporting property management activities, use LEGAL SERVICES.

Cross references to other records authorities

For records of the Indigenous Land and Sea Corporation Board, use General Records Authority 27 – Governing Bodies.

For all other records relating to Indigenous grants and funding, including grants of money and loan guarantees, use Records Authority 2011/00324802 – INDIGENOUS GRANTS AND LOAN FUNDING.

LAND AND WATER-RELATED RIGHTS ACQUISITION, HOLDING AND DIVESTMENT

For the delivery of training programs to enhance the effective administration of Indigenous businesses, use Records Authority 2011/00324802 – INDIGENOUS TRAINING.

62572	<p>Records documenting:</p> <ul style="list-style-type: none"> • framework and high level management activities including acquisition (in regard to national and regional land and sea strategies) and property management policies, procedures and strategic plans; • assessment criteria for determining appropriate acquisition of land and water rights; • successful applications for the acquisition of land and water rights; • assessment of applications including supporting documents evidencing the decisions made; • final versions of minutes, briefs, reports and supporting documents recording acquisition and grant decisions made; • final versions of reports on consultations with Indigenous applicants and communities and other stakeholders; • establishing and maintaining agreements and joint ventures with state and territory governments; • geospatial information (including datasets, maps, technical boundary descriptions and overlap analysis reports); • historical, cultural, anthropological and linguistic research or information provided in support of applications; • major datasets and registers; • final versions of reviews, evaluation and reports of the function; • grants of land and water-related rights (e.g. assessments and investigation, valuations, details of preparation undertaken before disposal or grant (i.e. 'making good')); • return of land or water-related rights to the agency; • final versions of speeches and addresses given by the Chair of the Board (Accountable Authority) and agency head; • records of handover (grant) ceremonies; • information files on Indigenous communities; • projects such as capital works projects that have a marked social or economic impact on Indigenous groups or communities; and • plans supporting the protection and maintenance of land and water ways that are of significance, or contain, cultural, environmental and heritage sites and objects. 	Retain as national archives.
62573	<p>Records documenting:</p> <ul style="list-style-type: none"> • unsuccessful applications for acquisition of land and water rights; • claims and any subsequent appeals made against agency decisions in relation to the acquisition function. 	Destroy 10 years after finalisation or withdrawal of claim.

LAND AND WATER-RELATED RIGHTS ACQUISITION, HOLDING AND DIVESTMENT

62574	Deeds and Certificates of Title for property owned then divested by the agency to an Indigenous corporation (Title Holding Body).	Transfer to new owner when property is granted.
62575	<p>Records documenting:</p> <ul style="list-style-type: none">• routine operational administrative tasks supporting the function; and• acquisition, holding and divestment activities other than those covered in classes 62572 to 62574, including:<ul style="list-style-type: none">○ the disposal of properties, land and water-related rights that are surplus and without any identifiable Indigenous benefit (e.g. assessments and investigation, valuations, details of preparation undertaken before disposal (i.e. 'making good'); and○ post-grant monitoring. <p><i>For the management of major datasets and registers, use Class 62572.</i></p>	Destroy 7 years after action completed.