

## State Records Authority of New South Wales

### **Functional Retention and Disposal Authority: FA330**

This authority covers records documenting the function of land and resource management

Issued to NSW Aboriginal Land Council

This functional retention and disposal authority is approved under section 21(2)c of the *State Records Act 1998* following prior approval by the Board of the State Records Authority of New South Wales in accordance with section 21(3) of the Act.

# State Records Authority of New South Wales

## Functional Retention and Disposal Authority

**Authority no** FA330

**SR file no** 05/0483

**Scope** This functional retention and disposal authority covers records documenting the function of land and resource management from c.1973 onwards.

**Public office** NSW Aboriginal Land Council

**Approval date**

Jenni Stapleton  
A/Director  
State Records Authority of New South Wales

19/04/2013  
Date

## **About the Functional Retention and Disposal Authority**

### **Purpose of the authority**

The purpose of this functional retention and disposal authority is to identify those records created and maintained by NSW public offices which are required as State archives and to provide approval for the destruction of certain other records created and maintained by NSW public offices, after minimum retention periods have been met.

The approval for disposal given by this authority is given under the provisions of the *State Records Act 1998* only and does not override any other obligations of an organisation to retain records.

### **The retention and disposal of State records**

The records retention and disposal practices outlined in this authority are approved under section 21(2)(c) of the *State Records Act 1998 (NSW)*. Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of State Records with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Records does not disapprove. Advice on the State Records Act can be obtained from State Records.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. The State Records Authority ('State Records') reviews and approves organisations' retention and disposal authorities under the State Records Act.

This authority is the product of an appraisal process conducted in accordance with State Records' *Standard on the appraisal and disposal of State records*. It is the duty of a public office, in submitting a draft functional retention and disposal authority for approval, to disclose to State Records any information which affects the retention of the records covered by the authority.

State Records' decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Records' functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in *Building the Archives: Policy on records appraisal and the identification of State archives*. The Policy also explains the roles and responsibilities of State Records and of public offices in undertaking appraisal processes and disposal activities.

### **Implementing the authority**

This functional retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority. The authority should be implemented as part of the records management program of the organisation. Two

primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. Advice on sentencing can be obtained from State Records. See *Implementing a retention and disposal authority*.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependant records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see also the *General Retention and Disposal Authority – Imaged records*). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

## **Disposal action**

### ***Records required as State archives***

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Records when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Records regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Records' control should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

### ***Records approved for destruction***

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are *minimum* periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, and government directives. A public office *must not* dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) where the records may be required as evidence.

Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded. See *Destruction of records: a practical guide*.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation's functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:

- business needs or practices change
- new laws, regulations or standards are introduced
- new technology is implemented
- government administration is restructured and functions are moved between entities, or
- unforeseen or new community expectations become apparent.

State Records recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office must not permanently transfer possession or ownership of a State record to any person or organisation without the explicit approval of State Records.

### **Custody**

The custody column in the functional retention and disposal authority is designed to assist public offices in identifying storage requirements or transfer arrangements for records identified as State archives (ie with a Disposal action of 'Required as State archives'). The directions in this column are recommendations only and are *not* mandatory. The type of information may include directions on how long records should be retained in the office and how long they should be kept in off-site, off-line or secondary storage prior to their transfer as State archives. A recommendation to retain records in the organisation for more than 25 years does not imply that a *still in use determination* (see Part 4, Section 28 of the *State Records Act 1998*) or that a distributed management agreement (see Part 4, Section 30 of the *State Records Act 1998*) has been approved by State Records. Advice on arrangements for managing and transferring State archives can be obtained from State Records.

### **Administrative change**

This functional retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Records for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Records to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.

## **Amendment and review of this authority**

State Records must approve any amendment to this authority. Public offices that use the authority should advise State Records of any proposed changes or amendments to the authority.

State Records recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Records may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements or procedures which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Records and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

### Contact Information

State Records

PO Box 516 Kingswood NSW 2747

Telephone: (02) 8247 8627

Facsimile: (02) 8247 8626

E-mail: [govrec@records.nsw.gov.au](mailto:govrec@records.nsw.gov.au)

**Functional Retention and Disposal Authority  
Land and resource management (NSW Aboriginal Land Council)**

**Authority number: FA330**

**Dates of coverage: c.1973+**

**List of Functions and Activities covered**

<b>Reference</b>	<b>Function</b>	<b>Activity</b>	<b>Page</b>
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3.0	LAND MANAGEMENT		10
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**Functional Retention and Disposal Authority  
Land and resource management (NSW Aboriginal Land Council)**

Authority number: FA330

Dates of coverage: c.1973+

No	Function/Activity	Description	Disposal Action	Custody*
1.0	<b>ABORIGINAL CULTURE, IDENTITY AND HERITAGE</b>	<p>The function of maintaining and enhancing Aboriginal culture, identity and heritage. Includes managing traditional sites and cultural materials within NSW.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Community relations - Celebrations, ceremonies, functions</b> for records relating to arranging and managing celebrations, formal ceremonies and social functions to honour a particular event, occasion or individual.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Community relations - Exhibitions</b> for records relating to the organisation's participation in or mounting of exhibitions, displays and shows.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Financial management - Accounting</b> for records relating to financial transactions supporting the acquisition of items or the set up of exhibitions, forums and community consultations.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Government relations - Advice</b> for records relating to advice to the Minister or other government organisations on issues affecting Aboriginal people in NSW, including the preservation of culture and heritage.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Government relations - Submissions</b> for records relating to submissions to Cabinet, the Minister or other government organisations regarding issues affecting Aboriginal people in NSW, e.g. submissions on policies developed by other organisations regarding Aboriginal culture and heritage.</p>		

\* see *About the functional retention and disposal authority*

## Land and resource management

Authority number: FA330

Dates of coverage: c.1973+

No	Function/Activity	Description	Disposal Action	Custody*
<i>ABORIGINAL CULTURE, IDENTITY AND HERITAGE</i>				
		See General Retention and Disposal Authority <i>Administrative records Strategic management - Planning</i> for records relating to the development and review of the organisation's strategic, corporate and business plans, including its community, land and business plan.		
1.1		<p>Records relating to the acquisition, management and documentation of items, places and customs of significance to Aboriginal people in NSW. Records include:</p> <ul style="list-style-type: none"> <li>• documentation regarding the bequeathing or donation of items to the organisation</li> <li>• registers of items owned by the organisation or forming part of recognised collections and of places of significance to Aboriginal culture, identity and heritage</li> <li>• photographs, oral and pictorial histories and other historical information</li> <li>• records documenting language, traditions, family lineage and ritual and spiritual activities.</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer
1.2		<p>Records relating to the development and implementation of strategies for the preservation and conservation of items, places and customs of significance to Aboriginal people in NSW. Includes determining the likely impact of mining, tourism and forestry projects upon recognised Aboriginal lands. Records include:</p> <ul style="list-style-type: none"> <li>• agreements and records of meetings with government and private sector agencies</li> <li>• planning documents</li> <li>• records of assessments.</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer

\* see *About the functional retention and disposal authority*

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Dates of coverage: c.1973+

No	Function/Activity	Description	Disposal Action	Custody*
<i>ABORIGINAL CULTURE, IDENTITY AND HERITAGE</i>				
1.3		Records relating to research into issues supporting the maintenance and enhancement of Aboriginal culture, identity and heritage.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
1.4		Final versions of fact sheets or information resources regarding the maintenance and protection of Aboriginal culture, identity and heritage developed by the Council.	Required as State archives	
1.5		Records relating to the development and review of published information resources regarding the maintenance and protection of Aboriginal culture, identity and heritage.	Retain minimum of 7 years after advice superseded or withdrawn, then destroy	
1.6		Records relating to responding to requests for information from the public about Aboriginal culture, identity and heritage.	Retain minimum of 7 years after action completed, then destroy	
2.0	<b>COMMUNITY BENEFIT SCHEMES</b>	<p>The function of establishing and administering schemes for the provision of benefits or services to Aboriginal people in NSW, including funeral funds, education and training, scholarships and other assistance for education and training, and cultural activities.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Financial management - Accounting</b> for records relating to financial transactions supporting the distribution of funding.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Strategic management - Joint ventures</b> for</p>		

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Dates of coverage: c.1973+

No	Function/Activity	Description	Disposal Action	Custody*
<i>COMMUNITY BENEFIT SCHEMES</i>				
		<p>records relating to establishing strategic alliances with other organisations for the purpose of providing benefits or services to Aboriginal people.</p> <p>See General Retention and Disposal Authority <i>Administrative records Strategic management - Planning</i> for records relating to the development and review of the organisation's strategic, corporate and business plans, including its community, land and business plan.</p>		
2.1		<p>Records relating to establishing and reviewing schemes to support the delivery or provision of services or benefits to aboriginal communities. Records include:</p> <ul style="list-style-type: none"> <li>• agreements with partners and stakeholders</li> <li>• reports on outcomes of schemes and periodic reports on scheme performance</li> <li>• policies and procedures supporting the operation of schemes.</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer
2.2		<p>Records relating to the receipt and assessment of applications for and distribution of funding for the provision of benefits or services to Aboriginal people. Records include:</p> <ul style="list-style-type: none"> <li>• applications and supporting documentation</li> <li>• correspondence with applicants</li> <li>• records of grants.</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer
3.0	<b>LAND MANAGEMENT</b>	<p>The function of acquiring, disposing of and managing land. Includes the acquisition (including by land claim), disposal and management of land by the organisation and provision of assistance to Local Aboriginal Land Councils with land</p>		

\* see *About the functional retention and disposal authority*

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No	Function/Activity	Description	Disposal Action	Custody*
<i>LAND MANAGEMENT</i>				
		<p>claims.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Financial management</b> for records of financial transactions relating to the operational management of rural holdings</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Government relations - Advice</b> for records relating to advice to the Minister or other government organisations regarding land management.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Legal services</b> for records relating to legal advice regarding and the conduct of appeals against unsuccessful land claims or challenging compulsory acquisition notices.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Property management</b> for records relating to the acquisition, leasing and disposal of property required for the conduct of business (e.g. offices) and for records relating to the management and maintenance of rural properties or holdings.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Property management - Acquisition</b> for summary records created to facilitate the management of all property owned by the organisation, e.g. deed registers, property registers, land registers etc.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Property management - Leasing-out</b> for records relating to leasing-out or agisting property to another organisation or person.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Strategic management - Planning</b> for records</p>		

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<i>LAND MANAGEMENT</i>				
		relating to the development and review of the organisation's strategic, corporate and business plans, including its community, land and business plan.		
3.1		<p>Records relating to the acquisition and disposal of land. Records include:</p> <ul style="list-style-type: none"> <li>• records documenting the purchase of land, including records of investigations into and reports on land, correspondence with vendors or owners, and contracts of purchase</li> <li>• records documenting successful land claims, including advice received from external agencies about the process of registering land claims, correspondence with Local Aboriginal Land Councils, research into claims, documentation submitted in support of claims, and records documenting outcomes of claims</li> <li>• records documenting the transfer of land to the organisation</li> <li>• records documenting the disposal of land, including assessments and investigations, correspondence with Local Aboriginal Land Councils, valuations and contracts of sale.</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer
3.2		<p>Records relating to land claims that are discontinued or unsuccessful. Records include:</p> <ul style="list-style-type: none"> <li>• advice received from external agencies about the process of registering land claims</li> <li>• correspondence with Local Aboriginal Land Councils</li> <li>• research into claims</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer

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<i>LAND MANAGEMENT</i>				
		<ul style="list-style-type: none"> <li>• documentation in support of claims</li> <li>• records documenting outcomes of claims.</li> </ul>		
3.3		Register of all lands held by Aboriginal land councils.	Required as State archives	
3.4		Maps supporting the land claims process. Includes: <ul style="list-style-type: none"> <li>• maps indicating the boundaries of tribal lands and land claims upon Crown land</li> <li>• maps showing public works, proposed boundary changes and locations of leased and owned assets</li> <li>• maps of Local Aboriginal Land Council divisions, National Parks, Nature Reserves and State Forests.</li> </ul>	Required as State archives	Retain until reference use ceases, then transfer
3.5		Records relating to responding to requests for information from the public about land management.	Retain minimum of 7 years after action completed, then destroy	
3.6		Records relating to developing policies regarding the acquisition and disposal of land and the supporting of land claims.	Required as State archives	Retain minimum of 10 years after superseded, then transfer
4.0	<b>LOCAL ABORIGINAL LAND COUNCILS</b>	The function of regulating the activities of Local Aboriginal Land Councils and providing Land Councils with assistance and support.  See <b>LAND MANAGEMENT - Acquisition</b> for records relating to assisting Local Aboriginal Land Councils to lodge land claims.		

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<i>LOCAL ABORIGINAL LAND COUNCILS</i>				
		<p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Community relations - Conferences</b> for records relating to arranging Local Aboriginal Land Council State Conferences and Regional Forums, including proceedings, reports and addresses from conferences.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Contracting-out</b> for records relating to arranging, procuring and managing the performance of work or the provision of services by an external contractor or consultant, e.g. training service providers.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Financial management - Accounting</b> for records relating to financial transactions supporting the distribution of funding.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Government relations</b> for records relating to advising and reporting to the Minister regarding Local Aboriginal Land Councils, e.g. advice regarding the dissolution of a Land Council and reports to the Minister regarding the funds granted to Local Aboriginal Land Councils and Land Councils' compliance with financial obligations.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Legal services - Litigation</b> for records relating to appeals against Council decisions, e.g. appeals against land dealings decisions.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Strategic management - Grant funding</b> for records relating to applying for and receiving grants from other organisations.</p>		

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<i>LOCAL ABORIGINAL LAND COUNCILS</i>				
		<p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Strategic management - Legislation</b> for records relating to the review of legislation and regulations relating to Aboriginal people in NSW, including workshops with Local Aboriginal Land Councils to discuss proposed amendments.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>Tendering</b> for records relating to tendering, e.g. for auditors appointed to each Local Aboriginal Land Council.</p> <p>See General Retention and Disposal Authority <i>Audio visual programs and recordings</i> for records relating to the production of videos to assist Local Aboriginal Land Councils.</p>		
4.1		<p>Records relating to assessing land dealings applications and community, land and business plans submitted by Local Aboriginal Land Councils. Records include:</p> <ul style="list-style-type: none"> <li>• advice provided to Land Councils on making applications and developing plans</li> <li>• applications, plans and supporting documentation submitted by Land Councils</li> <li>• reports of expert advisory panels on proposed land dealings</li> <li>• records of assessment and evaluations by staff, and negotiations with Land Councils.</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer
4.2		<p>Records relating to the allocation of funding to and monitoring of the financial position, performance and compliance of Local Aboriginal Land Councils.</p> <p>Records include:</p> <ul style="list-style-type: none"> <li>• funding or assistance agreements with Land Councils</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer

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<i>LOCAL ABORIGINAL LAND COUNCILS</i>				
		<ul style="list-style-type: none"> <li>• budgets, financial and annual reports and other compliance documentation or reports required to be submitted by Land Councils</li> <li>• records of risk assessments, management support plans and associated dealings or correspondence with Land Councils to implement or address identified areas of deficiencies</li> <li>• records relating to managing and monitoring the appointment, the progress of investigations and administrations and any recommendations arising from them</li> <li>• records relating to evaluations and reporting or advising.</li> </ul>		
4.3		Records relating to mediating disputes between Local Aboriginal Land Council board members and staff.	Required as State archives	Retain minimum of 15 years after action completed, then transfer
4.4		Records relating to complaints about Local Aboriginal Land Councils that are dealt with by the organisation. Records include: <ul style="list-style-type: none"> <li>• advice to complainants</li> <li>• records documenting attempts to mediate, conciliate or arbitrate between the complainant and the relevant Land Council.</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer
4.5		Records relating to complaints about Local Aboriginal Land Councils that result in referral to another organisation or body for response.	Retain minimum of 10 years after action completed,	

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<i>LOCAL ABORIGINAL LAND COUNCILS</i>				
			then destroy	
4.6		<p>Records relating to the development and review of policies, guidelines and fact sheets to assist Local Aboriginal Land Councils in meeting their statutory obligations. Includes:</p> <ul style="list-style-type: none"> <li>• policies, guidelines and fact sheets on making land dealings applications and entering into biobanking agreements</li> <li>• policies, manuals and guidelines on developing and implementing community, land and business plans or housing schemes</li> <li>• guidelines and manuals on making land claims</li> <li>• policies, manuals and guidelines on funding and financial obligations.</li> </ul> <p>Records include:</p> <ul style="list-style-type: none"> <li>• records of consultation with Land Councils, including records of workshops conducted as part of developing policies, guidelines and fact sheets</li> <li>• background research, e.g. into the capacity of biobanking within the Land Council network</li> <li>• information packages developed to assist consultation processes.</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer
4.7		<p>Records relating to the development and review of internal plans, policies and procedures governing the organisation's relationship with and provision of support and services to Local Aboriginal Land Councils. Includes:</p> <ul style="list-style-type: none"> <li>• policies and procedures the allocation and administration of funding, for tendering for and</li> </ul>	Required as State archives	Retain minimum of 10 years after action completed, then transfer

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No	Function/Activity	Description	Disposal Action	Custody*
<i>LOCAL ABORIGINAL LAND COUNCILS</i>				
		appointing auditors to a Land Council <ul style="list-style-type: none"> <li>• plans for building the capacity of Land Council members through training</li> <li>• case management plans and other strategies for individual Land Councils.</li> </ul>		
4.8		Final versions of training material developed or commissioned for Local Aboriginal Land Councils. Records include participant booklets and trainers' manuals.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
4.9		Records relating to the development and delivery of training to Local Aboriginal Land Councils. Records include: <ul style="list-style-type: none"> <li>• records documenting the development of training programs</li> <li>• records documenting the identification of relevant external training opportunities</li> <li>• records documenting the enrolment of Land Council members in training programs</li> <li>• records documenting assessment or examination results of Land Council members.</li> </ul>	Retain minimum of 10 years after action completed, then destroy	
4.10		Records relating to the provision of support to Local Aboriginal Land Councils to assist them in fulfilling their responsibilities and functions. This may include records relating to the provision of advice and assistance with general administration or operational matters, housing management, the coordination of workshops, etc.	Retain minimum of 10 years after action completed, then destroy	

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