



Australian Government

National Archives of Australia

Records Authority
2011/00681744

Tribunals

Tribunal External Relations
Tribunal Management and Statutory Appointments

May 2012

CONTENTS

INTRODUCTION _____ **3**

APPLICATION OF THIS AUTHORITY _____ **3**

CONTACT INFORMATION _____ **4**

AUTHORISATION _____ **5**

TRIBUNAL EXTERNAL RELATIONS _____ **6**

TRIBUNAL MANAGEMENT AND STATUTORY APPOINTMENTS _____ **8**

© Commonwealth of Australia 2012

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without prior written permission from the National Archives of Australia. Requests and inquiries concerning reproduction and rights should be directed to the Publications Manager, National Archives of Australia, PO Box 7425, Canberra Mail Centre ACT 2610, Australia.

INTRODUCTION

The National Archives of Australia has developed this Records Authority to set out the requirements for keeping or destroying records for the core business areas of Tribunal External Relations, and Tribunal Management and Statutory Appointments. It excludes case management records and policy material which must be covered in a records authority developed for each tribunal in consultation with the National Archives.

This Authority is based on the identification and analysis of the business of Tribunals. It takes into account legal and organisational records management requirements, the interests of stakeholders, Tribunals and the National Archives of Australia.

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 Tribunals 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.

As changes in circumstances may affect future records 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 agency 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 (RNA) are to be transferred to the National Archives of Australia for preservation.
2. This Authority should be used in conjunction with general records authorities such as:
 - the Administrative Functions Disposal Authority (AFDA) and/or AFDA Express issued by the National Archives to cover business processes and records common to Australian Government agencies;
 - General Records Authority (31) For source (including original) records after they have been copied, converted or migrated.
3. 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 and AFDA Express. The National Archives recommends that agencies develop and implement a Normal Administrative Practice policy. Advice and guidance on destroying records as a normal administrative practice and on how to develop an agency NAP policy is available from the National Archives' website at www.naa.gov.au.
4. 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.
5. 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.
6. Where the method of recording information changes (for example from a manual system to an electronic 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 Tribunal 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.
7. In general, retention requirements indicate a minimum period for retention. The Tribunal 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 Tribunal 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.

8. Records coming within 'Retain as national archives' 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 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.
9. 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.
10. 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.
11. Advice on how to use this Authority is available from the Tribunal records 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 records management matters, please contact National Archives' Agency Service Centre.

Queen Victoria Terrace
Parkes ACT 2600
PO Box 7425
Canberra Mail Centre ACT 2610

Tel: (02) 6212 3610
Fax: (02) 6212 3989
Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2011/00681744

Person to whom notice of authorisation is given:

Heads of Commonwealth Tribunals:

Administrative Appeals Tribunal;

Australian Competition Tribunal;

Copyright Tribunal of Australia;

Defence Force Discipline Appeal Tribunal;

Defence Force Remuneration Tribunal;

Migration Review Tribunal and Refugee Review Tribunal;

Superannuation Complaints Tribunal;

Veterans Review Board;

And other Tribunals to whom the Archives subsequently issues this Authority.

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 Tribunal External Relations, Tribunal Management and Statutory Appointments.

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.

Authorised by:

David Fricker
Director-General
National Archives of Australia

Date of issue:

29.5.2012

TRIBUNAL EXTERNAL RELATIONS

The core business of administering relationships with other tribunals, and government and community stakeholders in the tribunal process, on collaborative projects and to improve service delivery.

The tasks associated with this core business may include:

- receiving or providing advice;
- developing, monitoring and review of agreements with stakeholders and inter-governmental partners;
- managing or participating in external committees or peak bodies;
- reporting to and liaising with external stakeholders including managing feedback and receiving submissions;
- addresses, conferences and seminars;
- liaison with and visits to, or from other bodies;
- conducting external training.

Excludes Tribunal Case Management. These cases need to be covered in a separate records authority issued by the National Archives for each Tribunal.

For publication of material related to External Relations, use AFDA/AFDA Express - PUBLICATION

For liaison and interaction with the Parliament, use AFDA/AFDA Express- GOVERNMENT RELATIONS

Class no	Description of records	Disposal action
58894	<p>The following significant records documenting:</p> <ul style="list-style-type: none"> • advice, visits, liaison or reports of activities involving stakeholders or other agencies on matters that have far-reaching corporate, social, economic, environmental, national or international implications; • addresses or presentations given by agency head, tribunal members or high level agency staff; • negotiation, establishment, maintenance and review of high level agreements with stakeholders and inter-governmental partners that have far-reaching corporate, social, economic, environmental, national or international implications; • high level inter-governmental or inter-agency committees and working groups and/or high level committees or peak bodies where the agency is the lead agency, is the government's main representative or plays a prominent or lead role. 	Retain as national archives
58896	<p>Routine administrative records supporting the External Relations core business:</p> <ul style="list-style-type: none"> • arrangements for training courses, such as venue bookings, catering and attendance lists; • arrangements for visits or conferences conducted by the agency; • drafts and working papers relating to development of training material. 	Destroy 1 year after action completed
58895	<p>Records documenting the External Relations core business including:</p> <ul style="list-style-type: none"> • advice, visits, liaison or reports of activities involving stakeholders or other agencies on matters that do not have far-reaching corporate, social, economic, environmental, national or international implications; • addresses or presentations given by agency staff. Excludes agency head, tribunal members or high level agency staff 	Destroy 7 years after action completed

TRIBUNAL EXTERNAL RELATIONS

Class no	Description of records	Disposal action
	<ul style="list-style-type: none">• negotiation, establishment, maintenance and review of routine agreements with stakeholders and intergovernmental partners;• inter-governmental or inter-agency committees and working groups or peak bodies where the agency does not play a prominent or lead role, or is not the lead agency;• master training material;• External Relations activities, other than those covered in classes 58894 and 58896. <p>[For routine administrative records supporting the External Relations core business use class 58896.]</p>	

TRIBUNAL MANAGEMENT AND STATUTORY APPOINTMENTS

The core business of establishing and managing the administration of the Tribunal, including the appointment and terms and conditions of statutory appointees. The tasks associated with this core business may include:

- establishment and composition of tribunal membership, including appointments, agreements and separations;
- administration of remuneration and allowances, leave, declarations of interest, training and professional development and travel arrangements;
- creation and management of internal committees;
- development and dissemination of policies, procedures and guidelines;
- monitoring, audit and review of tribunal decisions and organisational processes;
- provision of secretariat support.

Excludes Tribunal Case Management. These cases need to be covered in a separate records authority issued by the National Archives for each Tribunal.

Excludes the development of policies, guidelines and procedures for the handling of cases and directions for case management by the Tribunal. These records need to be covered in a separate records authority issued by the National Archives for each Tribunal.

For agency wide strategic planning, use AFDA/AFDA Express - STRATEGIC MANAGEMENT

For employment of agency staff under the Public Service Act 1999, use AFDA/AFDA Express - PERSONNEL

For legal advice unrelated to cases or individuals appointed to statutory conditions, use AFDA/AFDA Express - LEGAL SERVICES

Class no	Description of records	Disposal action
58897	The following significant records documenting: <ul style="list-style-type: none"> • establishment, constitution and powers of the Tribunal. Includes record copies of instruments of appointments to the Tribunal; • final versions of policies relating to the administration of the Tribunal; • establishment and work of high level internal committees, such as those dealing with significant issues facing the Tribunal. 	Retain as national archives
58898	Records documenting a consolidated employment history of individuals appointed to statutory positions. Includes: <ul style="list-style-type: none"> • declarations of interest; • summary records of leave; • legal advice regarding employment conditions; • payment history records; • professional development and other training received; • retirement and other separation records. 	Destroy 75 years after date of birth or 7 years after last action, whichever is later
58900	Routine administrative records supporting the Tribunal Management and Statutory Appointments core business. <i>[Excludes those relating to the TRIBUNAL CASE MANAGEMENT records authority]</i>	Destroy 1 year after action completed
58901	Records documenting routine notifications, advice and arrangements concerning statutory appointments: <ul style="list-style-type: none"> • appointment notices and details of remuneration levels from the lead 	Destroy 3 months after action

TRIBUNAL MANAGEMENT AND STATUTORY APPOINTMENTS

Class no	Description of records	Disposal action
	agency; <ul style="list-style-type: none"> • travel itineraries and bookings. <i>[For records relating to statutory appointee travel, payment of travel allowances and entitlements, use AFDA/AFDA Express - PERSONNEL.]</i>	completed
58899	Records documenting the Tribunal Management and Statutory Appointments core business including: <ul style="list-style-type: none"> • the establishment and management of routine or lower level internal committees, such as those for planning or review; • developing and disseminating policies and procedures relating to the administration and day-to-day operation of the Tribunal; • monitoring, auditing, evaluating and reviewing the Tribunal; • Tribunal Management and Statutory Appointments activities, other than those covered in classes 58897, 58898, 588900, 588901. <i>[Excludes those policies and procedures related to the case management function of the Tribunal]</i>	Destroy 7 years after action completed