INTRODUCTION

The Administrative Appeals Tribunal 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 areas of Mediator Accreditation Management, Persona Designata Functions Support Management and Tribunal Case Management. It represents a significant commitment on behalf of the Administrative Appeals Tribunal to understand, create and manage the records of its activities.

This Authority is based on the identification and analysis of the business of the Administrative Appeals Tribunal. It takes into account the agency's legal and organisational records management requirements, and the interests of stakeholders, the agency 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 the Administrative Appeals Tribunal 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 of Australia on the basis of information provided by the agency.

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 of Australia.

APPLICATION OF THIS AUTHORITY

1. This Authority supersedes Records Authority RDA 1271 (1996). The superseded records authority cannot be used by the Administrative Appeals Tribunal after the date of issue of this Authority.

2. This Authority should be used in conjunction with the Tribunals Records Authority 2011/00681744 covering core businesses of Tribunal External Relations and Tribunal Management and Statutory Appointments.

3. 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.

4. 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; and
   - General Records Authority (31) For source (including original) records that have been copied, converted or migrated.

5. 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.

6. 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.

7. 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.
8. 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 Administrative Appeals 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.

9. In general, retention requirements indicate a minimum period for retention. The Administrative Appeals 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 Administrative Appeals 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.

10. 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 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.

11. 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.

12. 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.

13. Advice on how to use this Authority is available from the Administrative Appeals 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 the National Archives’ Agency Service Centre.

Queen Victoria Terrace
Parkes ACT 2600
PO Box 7425
Canberra Business Centre ACT 2610
Tel: (02) 6212 3610
Fax: (02) 6212 3989
Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au
AUTHORISATION

RECORDS AUTHORITY 2013/00144004

Person to whom notice of authorisation is given: Registrar
Mr Philip Kellow
Administrative Appeals Tribunal
Level 7, City Centre Tower
55 Market Street
Sydney NSW 2000

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 Mediator Accreditation Management; Persona Designata Functions Support Management; and Tribunal Case Management.

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
Date of issue: 3 June 2014
Director-General
National Archives of Australia
MEDIATOR ACCREDITATION MANAGEMENT

The core business of the Administrative Appeals Tribunal’s management of the accreditation of mediators as a Recognised Mediator Accreditation Body (RMAB) under the National Mediator Accreditation System (NMAS).

The core activities include:

- applying for and maintaining membership of the Mediator Standards Board (MSB) as a RMAB;
- accrediting and re-accrediting Tribunal members and Conference Registrars as mediators;
- assessing external training and education opportunities;
- developing and conducting workshops and seminars; and
- arranging professional development opportunities for accredited mediators.

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

- developing and monitoring policies, procedures and guidelines for the accreditation and re-accreditation of Tribunal members and Conference Registrars (includes maintaining a complaints system);
- reporting and reviewing;
- providing and receiving advice; and
- establishing and managing committees.

Cross references to AFDA Express Records Authority

For complaints made against mediators, use COMMUNITY RELATIONS.

For the payment of fees by the Tribunal relating to the NMAS, use FINANCIAL MANAGEMENT.

<table>
<thead>
<tr>
<th>Class no</th>
<th>Description of records</th>
<th>Disposal action</th>
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<tbody>
<tr>
<td>61342</td>
<td>Records documenting:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• accreditation, re-accreditation, removal or suspension of individual Tribunal members and Conference Registrars as mediators.</td>
<td>Destroy 75 years after date of birth of member/employee or 7 years after last action, whichever is later</td>
</tr>
<tr>
<td>61343</td>
<td>Records documenting:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• routine operational administrative tasks supporting the core business; and mediator accreditation management activities, other than those covered in 61342 for example:</td>
<td>Destroy 7 years after action completed</td>
</tr>
<tr>
<td></td>
<td>o approval and maintenance of the Tribunal as a RMAB member of the MSB;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o development of policies, guidelines and procedures for dealing with requests for accreditation and re-accreditation including final versions;</td>
<td></td>
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<tr>
<td></td>
<td>o establishment and work of committees, including agendas, minutes and papers; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o activities relating to professional development, including master training material and master attendance lists.</td>
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</tbody>
</table>
PERSONA DESIGNATA FUNCTIONS SUPPORT MANAGEMENT


The core activities include:

- handling requests for Tribunal members to undertake persona designata functions;
- arranging appointments, examinations and providing general administrative support;
- supporting the conduct of examinations and managing exhibits; and
- maintaining records associated with examinations conducted by members under the Proceedings of Crime Act 2002.

The performance of the core business includes tasks establishing a general framework such as:

- developing and monitoring policies and procedures;
- managing agreements;
- establishing and managing committees; and
- consulting with external stakeholders about the Tribunal persona designata role.

Cross references to other records authorities

For records documenting the appointment of Tribunal members to undertake persona designata functions, use Tribunal Records Authority 2011/00681744 – TRIBUNAL MANAGEMENT AND STATUTORY APPOINTMENTS.

<table>
<thead>
<tr>
<th>Class no</th>
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<th>Disposal action</th>
</tr>
</thead>
<tbody>
<tr>
<td>61344</td>
<td>Records documenting appointments and examinations maintained in all formats such as proceeds of crime examination files.</td>
<td>Destroy 5 years after action completed</td>
</tr>
</tbody>
</table>
| 61345    | Records documenting routine notifications, advice and the following arrangements:  
  • provision of interpreter or security services;  
  • arranging attendance of proceeds of crime examinees who are in detention; and  
  • videoconferencing and room booking arrangements. | Destroy 3 months after action completed |
| 61346    | Records documenting:  
  • routine operational administrative tasks supporting the core business; and  
  • persona designata functions support management activities, other than those covered in classes 61344 and 61345 for example:  
    o the development of policies, guidelines, procedures, manuals and agreements including final versions;  
    o establishment and work of committees, including agendas, minutes and papers; and  
    o consultation with external stakeholders, including agendas and minutes of liaison meetings. | Destroy 7 years after action completed |
TRIBUNAL CASE MANAGEMENT

The core business of conducting independent merits review of administrative decisions and managing other applications made under the Administrative Appeals Tribunal’s legislation.

The **core activities** include:

- managing applications (cases) from lodgement to finalisation;
- receipt and initial assessment of applications;
- providing information to parties and their representatives;
- referral to legal assistance;
- monitoring case progress and compliance;
- issuing summonses and managing documents produced under summons;
- arranging and conducting alternative dispute resolution processes and hearings;
- arranging and managing interpreter, security and recording and transcription services;
- managing exhibits;
- making and issuing directions, orders and decisions;
- finalising applications, including notifying parties;
- managing appeals and referrals of questions of law;
- managing a master set of written reasons for decisions; and
- managing appointments, authorisations and delegations of powers made by the President and Registrar under the Tribunal’s legislation and other legislation.

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

- developing policies, procedures, guidelines and manuals;
- establishing and managing committees;
- handling enquiries;
- carrying out research; and
- consulting and liaising with stakeholders.

**Cross references to AFDA Express Records Authority**

For committees relating to governance and strategic matters, use STRATEGIC MANAGEMENT.

For the development of the Administrative Appeals Tribunal Service Charter, use COMMUNITY RELATIONS.

For complaints against the Administrative Appeals Tribunal relating to case management activities, use COMMUNITY RELATIONS.

For freedom of information requests and file movement registers, use INFORMATION MANAGEMENT.

For the management of money received, use FINANCIAL MANAGEMENT.

For general security arrangements, use PROPERTY MANAGEMENT.

**Cross references to other records authorities**

For records relating to establishing and managing the administration of the tribunal, including the appointment and terms and conditions of statutory appointees, use Tribunal Records Authority 2011/00681744 – TRIBUNAL MANAGEMENT AND STATUTORY APPOINTMENTS.

For records relating to managing relationships with other tribunals, government and community stakeholders, use Tribunal Records Authority 2011/00681744 – TRIBUNAL EXTERNAL RELATIONS.
### TRIBUNAL CASE MANAGEMENT

<table>
<thead>
<tr>
<th>Class no</th>
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</table>
| 61347    | **The following significant records documenting:**  
- final versions of case management practice directions and other major policies and guidelines for handling cases;  
- cases finalised by way of a decision on the merits following a hearing under the Tribunal’s legislation which are controversial, create intense media interest, result in major changes to policy, procedure or legislation, have far-reaching corporate, social, economic, environmental, national or international implications or have a major effect on the Tribunal’s practices or procedures such as Drake and Minister for Immigration and Ethnic Affairs [No 2] and No Ship Action Group Inc and Minister for Sustainability, Environment, Water Population and Communities & Anor;  
- cases in relation to which an interlocutory or final decision is appealed to the Federal Court or another court;  
- case registers and other case control records maintained in all formats, including code records relating to confidential matters; and  
- master set of Tribunal written reasons for decision.                                                                                                      | Retain as national archives          |
| 61348    | Records documenting appointments, authorisations or delegations of power made by the President or the Registrar under the Tribunal’s legislation or other legislation.                                                                 | Destroy 75 years after date of birth of member/employee or 7 years after last action, whichever is later |
| 61349    | Records documenting the development and dissemination of case management practice directions and other major policies and guidelines, including requests for comment from external stakeholders and submissions received.                                                                 | Destroy 20 years after action completed |
| 61350    | Records documenting:  
- cases that are finalised by way of a decision on the merits following a hearing under the Tribunal’s legislation and not covered by 61347; and  
- activities supporting the management of individual cases such as directions about the constitution of the Tribunal and alternative dispute resolution processes.                                                                 | Destroy 5 years after action completed |

[For file movement registers for the Security Appeals Division, use INFORMATION MANAGEMENT.]

<p>| 61351    | Records documenting cases finalised other than by way of a decision on the merits following a hearing under the Tribunal’s legislation, including cases that are withdrawn, finalised by a decision made in accordance with terms of agreement lodged by the parties, or dismissed.                                                                 | Destroy 2 years after action completed |</p>
<table>
<thead>
<tr>
<th>Class no</th>
<th>Description of records</th>
<th>Disposal action</th>
</tr>
</thead>
<tbody>
<tr>
<td>61352</td>
<td>Records documenting routine notifications, advice and the following arrangements: • circuit venue and travel bookings; • provision of interpreter or security services; • arranging attendance of parties in detention; • videoconferencing and room booking arrangements; and • weekly listing schedules.</td>
<td>Destroy 3 months after action completed</td>
</tr>
<tr>
<td>61353</td>
<td>Records documenting: • routine operational administrative tasks supporting the core business; and • Tribunal case management activities, other than those covered in classes 61347 to 61352 for example: o activities relating to case management policies, guidelines and procedures not included in classes 61347 or 61349 such as: o establishment and work of committees, including agendas, minutes and papers; o final versions and major supporting documents of manuals supporting the case management function; o consultations with external stakeholders relating to case management such as agendas and minutes of liaison meetings; and o recordings of hearings made and held by the Tribunal or by a contracted service provider.</td>
<td>Destroy 7 years after action completed</td>
</tr>
</tbody>
</table>