



Australian Government

National Archives of Australia

AFDA Express Version 2

2019/00162467

Industrial Relations

This is an accurate reproduction of the authorised records authority content, created for accessibility purposes

2019



© Commonwealth of Australia (National Archives of Australia) 2019

Copyright

This product, excluding the National Archives of Australia logo, Commonwealth Coat of Arms or registered trademark, has been licensed under a Creative Commons Attribution-Non-Commercial (CC-BY-NC) Version 4.0 International Licence. You may share, copy, redistribute, remix, transform and build upon this work for non-commercial purposes only. However, you must attribute the National Archives of Australia as the copyright holder of the original work, include the attribution as set out below and indicate if changes were made. The full terms and conditions of this licence are available at www.creativecommons.org.

Attribution

This records authority is licenced by the Commonwealth of Australia (National Archives of Australia) under a Creative Commons Attribution-Non-Commercial (CC-BY-NC) Version 4.0 International Licence. The original version can be found [on our website](#).

Accessibility

This is an accurate reproduction of the authorised records authority content, created for accessibility purposes.

Contact Us

Enquiries relating to copyright or accessibility should be emailed to the [Agency Service Centre](#).

CONTENTS

INTRODUCTION	4
APPLICATION OF THIS AUTHORITY	4
CONTACT INFORMATION	5
AUTHORISATION	6
INDUSTRIAL RELATIONS	7

INTRODUCTION

The National Archives of Australia (National Archives) has developed this records authority to set out the requirements for keeping or destroying records for the general administrative function of Industrial Relations.

This records authority is based on the identification and analysis of the Industrial Relations function. The records 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 records authority gives agencies 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, this authority may occasionally be amended by the addition of new classes and the variation of existing classes. The National Archives will notify agencies of any such changes.

APPLICATION OF THIS AUTHORITY

1. The National Archives is progressively reviewing and retiring the *Administrative Functions Disposal Authority* (2010) and *AFDA Express* (March 2010) and will periodically issue revised functions that will ultimately comprise the revised version of *AFDA Express Version 2*. To aid agencies with implementation of the revised *AFDA Express Version 2* functions, the Archives will generally permit agencies the option of using either the existing AFDA functions or the newly issued revised functions until 1 July 2019 (by which time all revised functions are expected to be have been issued).
2. This authority supersedes:
 - classes 1418, 1420-1421, 1423-1427, 1429, 1432-1458 and 20951-20955 in the Industrial Relations function of the *Administrative Functions Disposal Authority* (2010); and
 - classes 20271-20274 in the Industrial Relations function of *AFDA Express* (March 2010).The superseded records classes cannot be used to sentence records after 1 July 2019.
3. This authority should be used in conjunction with record authorities issued to agencies for their core business and other General Records Authorities issued by the National Archives.
4. This records 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 records 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 records 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 for preservation.
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 records authority but can be used as a tool to assist in identifying records for destruction together with this records authority and with records authorities specifically issued to an agency. 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 records 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 a digital system, or when information is migrated from one system to a new system) this records 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 records authority. There is a 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. Agencies may extend minimum retention periods if there is an administrative need to do so, without further reference to the National Archives. Where an agency believes that its accountability will be substantially compromised because a retention period is not adequate, please 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 must 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, and in line with an approved transfer schedule.
13. Advice on how to use this authority is available from your agency's 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](#).

AUTHORISATION

RECORDS AUTHORITY 2019/00162467

Person to whom notice of authorisation is given:

Heads of Commonwealth institutions under the *Archives Act 1983*.

Purpose:

Authorises arrangements for the disposal of records in accordance with paragraph 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 records relating to the following general administrative business area: Industrial Relations.

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 if these actions take place with the consent of the agency responsible for the administrative business documented in the records.

Authorised by

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

Date of issue:

6 June 2019

INDUSTRIAL RELATIONS

The function of establishing formal relations with the organisation's employees and their representatives to achieve a harmonious workplace. Includes negotiations conducted to obtain determinations, agreements or awards, industrial disputes settled within the organisation or by an external arbitrator and reports of the state of industrial relations within an organisation.

The **core activities** include:

- negotiating, establishing, implementing and reviewing awards and agreements for the agency, including collective or enterprise bargaining agreements;
- handling disagreements or disputes pertaining to awards, agreements, demarcation issues and other industrial relations matters. Includes managing service, agency-wide and local industrial disputes;
- managing appeals to central arbitration or determining body (eg Fair Work Australia) against a decision or an order where the agency is a participant in negotiations, and reviews of agency decisions;
- handling and resolving of grievances and complaints raised by representatives on behalf of employees on issues that have a unit, organisational or sector-wide impact, including complaints relating to perceived discrimination, work environment, work organisation or distribution, and workplace interpersonal interactions;
- liaising with stakeholders, including employees, union representatives and the Commonwealth lead agency;
- managing protected and unprotected industrial actions (such as strikes, bans, lockouts, go-slows, work-to-rule) taken to settle a workplace dispute;
- undertaking inspections of workplaces, including investigations for suspected breaches of workplace laws (eg breaches of the National Employment Standards);
- managing infringements for breaches of mandatory standards, rules or statutory requirements; and
- managing insurance policies and claims covering loss or damage incurred in connection with industrial relations activities (eg as a result of industrial action).

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

- developing and implementing policies and procedures;
- providing and receiving advice;
- arranging and managing allowances;
- establishing, managing and participating in committees and meetings;
- fulfilling compliance requirements, including fiscal, legal, regulatory or quality standards and requirements;
- handling enquiries;
- delegating powers and authorising actions;
- planning and reporting;
- evaluating and reviewing;
- undertaking research and analysis; and
- identifying, assessing and managing risks.

Cross references to the AFDA Express records authority

For legal advice supporting industrial relations activities, including advice on legal aspects of an industrial dispute or industrial action, and any industrial relations related litigation, use LEGAL SERVICES.

For developing and executing contracts under seal or deeds, including signed joint venture contracts under seal, use CONTRACTS UNDER SEAL/DEEDS.

INDUSTRIAL RELATIONS

For managing the acquisition of goods and services to support the industrial relations function, including tendering and contracting-out arrangements, use PROCUREMENT.

For managing financial transactions supporting industrial relations activities, including payment of insurance premiums, use FINANCIAL MANAGEMENT.

For managing workers compensation insurance and claims for compensation by personnel and members of the public, use COMPENSATION.

For managing the organisation's workforce, including the engagement of individual employees and establishing their conditions of employment, use PERSONNEL MANAGEMENT.

For grievances lodged by individual employees, use PERSONNEL MANAGEMENT.

For establishing and changing the agency's organisational structure, use ESTABLISHMENT.

For implementing and coordinating work health and safety and associated legislation throughout the organisation, including conducting work health and safety inspections, use WORK HEALTH & SAFETY.

Class no	Description of records	Disposal action
62592	<p>Records documenting:</p> <ul style="list-style-type: none"> • developing, establishing and reviewing the agency's industrial relations policies. Includes policy proposals, research papers, results of stakeholder consultations, supporting reports, major drafts and final policy documents; and • management of protected and unprotected industrial actions (such as strikes, bans, lockouts, go-slows, work-to-rule) of a significant nature, that: <ul style="list-style-type: none"> ○ involve large numbers of staff; ○ are controversial or of major public interest; ○ are landmark or precedent setting nature; ○ result in innovative or significant changes to working conditions; ○ impact on a particular industry sector or the whole-of-government; ○ jeopardise the safety or security of the public; ○ have a major effect on the provision of services to the community; or ○ have service-wide implications that significantly change work practices. <p>Includes notification to Minister, liaison with lead agency, discussions/meetings and conferences between parties, hearings with the central arbitration or determining body (eg Fair Work Australia), hearings before the Federal Court and predecessor bodies, and communications with staff.</p> <p><i>[For management of all other protected and unprotected industrial action, use class 62596.</i></p> <p><i>For media releases and speeches made by the agency head or Minister relating to industrial action, use EXTERNAL RELATIONS.</i></p> <p><i>For employee pay deductions resulting from involvement in industrial action,</i></p>	Retain as national archives

INDUSTRIAL RELATIONS

Class no	Description of records	Disposal action
	<i>use FINANCIAL MANAGEMENT.]</i>	
62593	<p>Records documenting:</p> <ul style="list-style-type: none"> • cases covering awards and agreements heard or certified by the central arbitration or determining body (eg Fair Work Commission or the former Australian Industrial Relations Commission or Public Service Arbitrator) where the agency is a major participant in negotiations. Includes arbitrated variations and consent variations to an award; and <p><i>[For records documenting other cases covering awards and agreements where the agency had little or no input, use 62596.]</i></p> <ul style="list-style-type: none"> • negotiating, establishing and implementing agency collective or enterprise bargaining agreements made under industrial relations legislation. Includes: <ul style="list-style-type: none"> ○ negotiations with staff and union representatives; ○ records documenting the conduct of the staff ballot; ○ draft agreement; ○ liaison with the Commonwealth's lead agency; ○ Ministerial approval; ○ records to support lodgement of agreements with the central lodgement authority; ○ certified copy of final agreement; and ○ minutes of Workplace Relations Committee meetings considering issues relating to the development of certified agreements. <p><i>[For agreements with an individual employee, such as Australian Workplace Agreements, use PERSONNEL MANAGEMENT.]</i></p>	Destroy 10 years after expiry of agreement
62594	<p>Records documenting:</p> <ul style="list-style-type: none"> • internal and external committees formed to consider matters relating to the industrial relations function (eg Workplace Relations Committee). Includes documents establishing the committee; final versions of minutes; reports; recommendations; and supporting documents such as briefing papers and discussion papers. 	Destroy 10 years after action completed
62595	<p>Records documenting:</p> <ul style="list-style-type: none"> • receipt and provision of advice relating to industrial relations function; <p><i>[For legal advice obtained on industrial relations matters, use LEGAL SERVICES.]</i></p> <ul style="list-style-type: none"> • arranging and managing allowances paid to enable employees to attend meetings and events to support the industrial relations function (eg Workplace Relations Committee meetings); 	Destroy 3 years after action completed

INDUSTRIAL RELATIONS

Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> • development of section or business unit industrial relations plans, including those of state, regional or overseas offices. Includes final versions; and <i>[For agency-wide industrial relations plans (eg dispute contingency or action plans), use class 62596.]</i> • working papers documenting the development of agency procedures, reports and reviews supporting the industrial relations function. Includes drafts and stakeholder feedback. <i>[For final versions of agency procedures, reports and reviews supporting the industrial relations function, use class 62596.]</i> 	
62596	<p>Records documenting:</p> <ul style="list-style-type: none"> • routine operational administrative tasks supporting the function; and • industrial relations activities, other than those covered in classes 62592 to 62595. <i>[For a dispute which escalates into industrial action (eg strikes, bans, lock-outs), use class 62592.</i> <p><i>For workplace inspections that result in prosecution, use LEGAL SERVICES.]</i></p> 	Destroy 7 years after action completed