



Australian Government

National Archives of Australia

Records Authority

Family Court of Australia

Source records that have been reproduced

Job no 2009/0085939

10 November 2009

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INTRODUCTION

The object of the authority is to endorse the destruction of records, in certain categories, that: for all intents and purposes have been made redundant by the production and use of acceptable reproductions managed to adequate recordkeeping standards; and/or are excluded by the *General Disposal Authority (GDA) for source records that have been copied, converted or migrated*. In particular, the GDA excludes court records.

When the originals are destroyed (if not before, in some cases) the reproductions will become the principal record of the matters concerned, so it is essential to ensure that the reproductions have the authenticity, integrity, reliability and useability necessary to substitute for the original source records. Some of the reproductions will need to be retained for lengthy periods or, in some cases, indefinitely as national archives.

The National Archives of Australia has identified exclusions and attached conditions to the use of the authority to help ensure that the Court's reproduction activities and destruction of source records are undertaken in a controlled and accountable fashion, and with minimum risk to the Commonwealth and the public.

Definitions

In this authority *source records* means the original paper records or documents that have been reproduced.

Recordkeeping system means an information system, which captures, manages and provides access to records through time (equivalent to *records system* as defined by ISO 15489).

Amendment and variations to this authority

Approval should be sought from the National Archives for all amendments or variations to the classes in this authority. Officers who have difficulty using the authority should approach the Court's Records Manager. If there are problems with the application of the authority that cannot be resolved by the Court, the Records Manager should 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

ENDORSEMENT

RECORDS AUTHORITY

Person to whom notice of endorsement is given:

The Chief Executive Officer
Family Court of Australia
National Support Office
Level 4, 15 London Circuit
Canberra ACT 2601

Purpose:

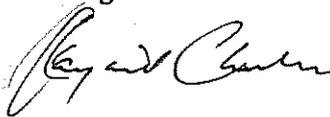
ENDORSES ARRANGEMENTS FOR THE DISPOSAL OF RECORDS IN ACCORDANCE WITH SECTION 24(2)(b) OF THE ARCHIVES ACT 1983

Application:

Certain classes of original paper based source records for the Family Court of Australia Family Court Services core business subject to the exclusions and conditions of this authority.

This endorsement gives permission for the destruction, retention or transfer to the National Archives of Australia. The endorsement will apply only if these actions take place with the consent of the agency responsible for the core businesses documented in the records.

Endorsing Officer



Margaret Chalker
Assistant Director-General
National Archives of Australia

Date of issue:

10 November 2009

APPLICATION OF THIS AUTHORITY

1. The classes identified in this records authority are supplementary in nature and can only be applied in relation to the Records Authority for the Family Court of Australia, job number 2008/00614707 issued in 2009.
2. In issuing the authority, the National Archives envisages the use of a wide range of reproduction processes and storage media where the substantive content, structure, and context of source records are reproduced, reformatted, or converted. The authority therefore covers, but is not limited to, document imaging and microform applications.
3. In the process of scanning, consideration should be given to any access conditions placed over the source records. For example access conditions on records which are contained in a sealed envelope marked “To be opened only by a Judge, Registrar, Family Consultant or other specified officer of the Court” are not to be opened for scanning without the specific authority of a Court officer authorised for the purpose.
4. In the process of scanning, consideration should be given to the need to access and handle documents as separate digital items. For example, the Retain as National Archives (RNA) component of source case files may need to be managed as a separate digital component from the remainder of the case file to allow for future transfer of the RNA component to the National Archives. In this example, the case file should be digitised as two separate items as a minimum but it may be appropriate to create more individual digital items for the one case file.

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REPRODUCED SOURCE RECORDS

Entry	Description of records	Disposal action
20052	Source records and documents identified in Records Authority 2008/00614707, classes 19887, 19892 and 19873 which have been copied, migrated or otherwise converted into a format approved by the Family Court (eg. scanned into electronic format) and captured in the Family Court's business information system (BIS) accompanied by the relevant metadata. Date range (1975 -)	Destruction endorsed subject to exclusions and conditions of this authority

REPRODUCED SOURCE RECORDS

EXCLUSIONS

1. Where endorsement is given to destroy records described in the classes annexed to this authority, this authority does not cover the destruction of source records where:
 - 1.1. There is a legal requirement to keep or retain the records in that particular form;
 - 1.2. They are required, or likely to be required, for a current or pending court action, by a court other than the Family Court of Australia, government inquiry or investigation, or they are the subject of a current application for access under Freedom of Information, Archives or other relevant legislation;
 - 1.3. There is a government policy or directive not to destroy them;
 - 1.4. The National Archives has issued a notice that specifically prohibits their disposal in a particular form or medium (for example, their original form) or calls for their retention in that form;
 - 1.5. They are the subject of a disposal freeze and adverse implications have been identified as a consequence of their destruction;
 - 1.6. The reproductions are generated for convenience of reference only and do not meet accepted standards of adequate recordkeeping; or
 - 1.7. They are on loan to the Court from the care of the National Archives. The National Archives requires loaned records to be returned in the same form and condition unless otherwise agreed.

REPRODUCED SOURCE RECORDS

CONDITIONS

1. Application

- 1.1. The records authority may only be applied:
 - 1.1.1. By the Court, or the Court with current functional responsibility for the records concerned, or their authorised agents; or
 - 1.1.2. In situations where the Court responsible for the source records, or its functional successors, made the reproductions for administrative or preservation purposes.
- 1.2. The National Archives may withdraw endorsement in cases of non-compliance, if warranted.

2. Reproduction standards

- 2.1. The Court must ensure that:
 - 2.1.1. All reproductions which are intended to replace source records have the degree of authenticity, integrity, reliability, and useability necessary to meet the identified purposes of the source records; examples of reproduction standards that should be considered include:
 - 2.1.1.1. The Family Court of Australia Case Management Directions: Practice Direction 3 of 2004: 13.8 Attachment H: Guidelines for Exchange of Documents by Electronic Communication; and
 - 2.1.1.2. The Federal Court Practice Note CM 6: Electronic Technology in Litigation.
 - 2.1.2. The reproductions are complete and reproduce the information contained in the source records as accurately as possible; and
 - 2.1.3. The reproductions can be taken to be true reproductions.

3. Managing the reproduction process

- 3.1. The Court must ensure that:
 - 3.1.1. Its reproduction programs are viable and appropriate to the circumstances, and the reproduction process selected must be suitable for the nature of the records to be reproduced, for example, if colour is essential for understanding the source records, the process must reproduce colour;
 - 3.1.2. All material intended to be reproduced is reproduced;
 - 3.1.3. There is no or minimal damage to source records during reproduction, such as would compromise quality verification;
 - 3.1.4. Adequate quality control and verification procedures are in place and applied;
 - 3.1.5. Errors and defects in the reproductions made are corrected;
 - 3.1.6. Editorial notes or variations introduced through the reproduction process are identified so that it is clear they were not part of the source record;

REPRODUCED SOURCE RECORDS

- 3.1.7. Sufficient documentation is kept to demonstrate that the methods used routinely produce accurate and reliable reproductions; and
- 3.1.8. Documentation is kept which identifies or describes the records that have been reproduced. Such documentation may consist of metadata at item, file or series level as appropriate, or statements in Court policies and procedures that define the categories of records approved for or normally subject to reproduction.

4. Maintenance of reproductions as official records

4.1. The Court must ensure that:

- 4.1.1. The reproductions are maintained in place of the source records for as long as required by any current records authority applying to the source records;
- 4.1.2. The reproductions are captured and kept in accordance with Court guidelines into a Family Court's business information system (BIS) before the destruction of the source records proceeds;
- 4.1.3. The reproductions are kept in accordance with relevant recordkeeping standards and guidelines promulgated by the National Archives for Commonwealth use. The management of reproductions generated before the introduction of particular standards and guidelines should comply to the extent possible. A reproduction under this Authority is an official record, which should be managed to the same standards as apply to any record;
- 4.1.4. Additional security or backup reproductions, if produced, are controlled and documented so that they can be relied on in the event that they are needed; and
- 4.1.5. Measures are in place to prevent unauthorised access, alterations or additions to the reproductions.

5. Electronic systems and reporting

- 5.1. Where the reproductions are to be kept electronically, the Court must ensure that they have appropriate systems and strategies in place to maintain the records in an accessible condition for as long as required. Agencies should consider factors such as:
 - 5.1.1. Storage media and environmental conditions;
 - 5.1.2. Backup arrangements;
 - 5.1.3. Measures to prevent unauthorised or accidental alteration or access;
 - 5.1.4. Measures to preserve record context, meaning and accessibility; and
- 5.2. Any other factors relevant to the future upkeep of the records.

REPRODUCED SOURCE RECORDS

6. Disposal and management of source records

6.1. The Court must ensure that:

6.1.1. The source records are not disposed of by means other than destruction (for example, transfer outside the Commonwealth) unless such disposal is required by law, or it is endorsed by the National Archives, or it is a normal administrative practice of which the National Archives does not disapprove;

6.1.2. Where the source records are eligible for transfer to the National Archives, under National Archives care policy, they are kept as they would normally have been kept in a recordkeeping system of the Court, to adequate standards; and

6.1.3. It keeps documentation that adequately identifies the types and ranges of records it destroys after reproduction.

6.2. Where the authority endorses the destruction of some original paper-based source records but not others, there may be a need for the Court to maintain hybrid paper/electronic files.

6.3. When undertaking large-scale projects to reproduce or convert established series of records the Court should consider delaying the destruction of the source records until after the successful completion of the whole project. This will provide flexible management options should the project cease part of the way through.

6.4. The Court shall contact the National Archives if, after the issue of the authority, it considers that source records permitted to be destroyed under this authority are worth keeping because they possess a high level of social or historical significance or utility.

SPECIFIC CONDITIONS

There may be specific conditions that apply to a records authority that relate only to the records described in the authority. In this case, the conditions may be found in the section of the authority, titled *Application of this Authority* which appears immediately before the disposal classes.