



**Australian Government**  

---

**National Archives of Australia**

**Records Authority**

**Fair Work Australia**  
**(former Australian Industrial**  
**Relations Commission)**

Job no 2009/00439481

26 March 2010

© Commonwealth of Australia 2010

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.

## CONTENTS

|                                      |           |
|--------------------------------------|-----------|
| <b>INTRODUCTION</b>                  | <b>5</b>  |
| <b>APPLICATION OF THIS AUTHORITY</b> | <b>6</b>  |
| <b>CONTACT INFORMATION</b>           | <b>7</b>  |
| <b>AUTHORISATION</b>                 | <b>8</b>  |
| <b>CLASSES</b>                       | <b>10</b> |
| ARCHIVES COLLECTION                  | 10        |
| EXTERNAL RELATIONS                   | 12        |
| INDUSTRIAL RELATIONS CASES           | 14        |
| STATUTORY APPOINTMENTS (AIRC)        | 16        |

[This page has been left blank intentionally.]

## INTRODUCTION

Fair Work Australia (FWA) 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 Archives Collection, External Relations, Industrial Relations Cases and Statutory Appointments. It represents a significant commitment on behalf of the AIRC to understand, create and manage the records of its activities.

This Authority is based on the identification and analysis of the business of FWA. 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.

This Authority gives FWA permission under the Archives Act 1983, for the destruction, retention or transfer to the National Archives of Australia of the records described. The Authority sets out those records that need to be retained as national archives and the minimum length of time that temporary records need to be kept. 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.

FWA may use the following tools to dispose of their records:

- this Records Authority covering its agency specific records;
- general records authorities, such as the Administrative Functions Disposal Authority (AFDA), covering business processes and records common to Australian Government agencies; and
- normal administrative practice (NAP) which allows for the destruction of records where the records are duplicated, unimportant or for short-term use only.

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.

Advice on using this Authority and other records management matters is available from the National Archives' website at [www.naa.gov.au](http://www.naa.gov.au) or by contacting the Agency Service Centre at [recordkeeping@naa.gov.au](mailto:recordkeeping@naa.gov.au) or (02) 6212 3610.

## APPLICATION OF THIS AUTHORITY

1. This Authority replaces Records Authorities RDA 1279, RDA 1268, RDA 1376 and RDA 1178. The superseded RAs can no longer be used by Fair Work Australia (FWA) to sentence records after the date of issue of this Authority.
2. This Authority should be used in conjunction with the Administrative Functions Disposal Authority (AFDA) issued by the National Archives to cover administrative records common to Australian Government agencies.
3. This Authority should be used in conjunction with general disposal authorities issued by the National Archives that cover other types of records that may be created by FWA, such as encrypted records and source records that have been copied.
4. This Authority is to be used to sentence records. Sentencing involves the examination of records in order to identify the individual disposal class to which they belong. This process enables sentencers to determine how long records need to be kept. Advice on sentencing is available from the National Archives.
5. 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 used to sentence the records created, providing the records document the same core business. The information must be accessible for the period of time prescribed in this Authority. The FWA will need to ensure that any software, hardware or documentation required to enable continuing access to the information is available for the periods prescribed.
6. In general, retention requirements indicate a minimum period for retention. FWA 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 FWA 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.
7. FWA may destroy certain records without formal authorisation as a normal administrative practice. This usually occurs where the records are duplicated, facilitative or for short-term use only. NAP does not replace the arrangements agreed to in records authorities. Advice and guidance on destroying records as a normal administrative practice is available from the National Archives' website at [www.naa.gov.au](http://www.naa.gov.au).
8. From time to time the National Archives will place a freeze on some groups of records to prevent their destruction. 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](http://www.naa.gov.au).
9. Records in the care of FWA should be appropriately stored and preserved. FWA needs 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 are in the open access period (currently after 30 years).
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 FWA records manager. If there are problems with the application of the Authority that cannot be resolved, please contact the National Archives.

12. All cases handled by State Industrial Bodies, Local Industrial Boards or Boards of Reference are to be treated as if the matter was handled by the former Australian Industrial Relations Commission, now FWA.

13. This Authority can continue to be used once the former Australian Industrial Registry (AIR) and Australian Industrial Relations Commission (AIRC) have fully transitioned to Fair Work Australia on 1 January 2010.

## **CONTACT INFORMATION**

For assistance with this authority or for advice on other recordkeeping 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](mailto:recordkeeping@naa.gov.au)  
Website: [www.naa.gov.au](http://www.naa.gov.au)

# AUTHORISATION

## RECORDS AUTHORITY

**Person to whom notice of authorisation is given:**

President  
Fair Work Australia  
L4, 11 Exhibition Street  
Melbourne VIC 3000

**Purpose:**

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

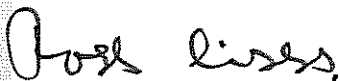
**Application:**

This Records Authority covers the core businesses of Archives Collection, External Relations, Industrial Relations Cases and Statutory Appointments.

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

**Authorising Officer**

**Date of issue:**



26 March 2010.

Ross Gibbs  
Director-General  
National Archives of Australia



[This page has been left blank intentionally.]

## ARCHIVES COLLECTION

The core business of developing and maintaining the organisation's collection of judicial archival material. Includes:

- the creation, development and maintenance of the agency archive;
- developing and reviewing policies governing the archive including issues of funding, access, security and organisation;
- ensuring materials important to the history of the agencies and their antecedent bodies are preserved, restored and catalogued so they do not degrade over time and may be accessed for study and public information purposes;
- promoting an interest in the history of agencies and their antecedent bodies among individuals internally and externally;
- providing access to and use of the collection;
- establishment and meetings of the archives committee;
- managing donations to the collection;
- holding exhibitions, including travelling exhibitions;
- arranging and recording oral histories related to the collection.

*[For the receipt and handling of gifts that do not form part of the collection, use AFDA - COMMUNITY RELATIONS – Donations.*

*For online exhibitions published via the Internet, use AFDA - PUBLICATION.]*

| <b>Class no.</b> | <b>Description of records</b>  | <b>Disposal action</b>                             |
|------------------|--|--|
| 20223            | <p>Records documenting the archives collection core function that relate to the high level control, preservation, design and use of the collection that have a significant impact on its ongoing management. Includes:</p> <ul style="list-style-type: none"> <li>• collection development policies and management agreements;</li> <li>• master set of guides to the collection and exhibitions, and associated background research;</li> <li>• establishment records, minutes and papers of the organisation's archives governing committee;</li> <li>• control records such as catalogues, classification methods, and other registers and metadata that provide essential finding aids and provenance for the collection;</li> <li>• letters of acceptance and agreements relating for donations of items which do meet current collection development criteria;</li> <li>• exhibition visitor books which contain signatures and comments from prominent members of the community, parliamentarians, and other significant persons;</li> <li>• final versions of the design and layout of exhibitions;</li> <li>• agency photographs collected for reference and display purposes to support collection exhibitions. Includes photographs of members, hearings and events;</li> <li>• original research into industrial law history, such as those which contain rare or unique accumulations of material on a topic or case, including oral history projects.</li> </ul> | Retain as national archives                        |
| 21574            | Records documenting conservation work undertaken for collection items.   | Retain as long as the collection is to be retained |

## ARCHIVES COLLECTION

| <b>Class no.</b> | <b>Description of records</b>  | <b>Disposal action</b>  |
|------------------|--|---|
| 20224            | Records documenting valuation, policy, and claim records relating to insurance of the collection.  | Destroy 7 years after expiry of policies  |
| 20225            | Records documenting the approved loan of items from the collection, including requests, authorisations, agreements and delivery arrangements.  | Destroy 7 years after the item is returned                                      |
| 20226            | Copyright permissions and permission to use and display collection material, including conditional permissions.  | Destroy 7 years after permission is revoked, expires or is otherwise terminated |
| 20227            | Records documenting the development of collection policies and arrangements for exhibitions. Includes: <ul style="list-style-type: none"> <li>• proposals, background research and consultation drafts and comments relating to the development and establishment of collection development policies;</li> <li>• exhibition arrangement records such as venue bookings, advertising, installation and delivery instructions.</li> </ul>  | Destroy 1 year after last action  |
| 20228            | Records documenting routine administrative matters concerning management and use of the collection, excluding policy development, insurance, exhibition and approved loan arrangements. Includes: <ul style="list-style-type: none"> <li>• correspondence concerning donations of items which do not meet current collection criteria;</li> <li>• enquires from the public;</li> <li>• arrangements, proceedings and notes of meetings, excluding those relating to the archives governing committee;</li> <li>• lists of collection items transferred to alternative storage areas;</li> <li>• unsuccessful requests for loans from the collection;</li> <li>• collection usage reports.</li> </ul> | Destroy 1 year after last action  |

## EXTERNAL RELATIONS

The core business of managing the agency's relationship with external stakeholders in association with broad industrial and employment matters. It includes:

- representation on and participation in industrial bodies and groups, such as the International Labour Organisation;
- participation in functions and events;
- presentations at national and international conferences;
- advice that is not related to a specific industrial case or registered organisations;
- meetings and other liaison with stakeholders, including industry consultative committees and heads of tribunal meetings;
- visits to and from external stakeholders, including international delegations.

*For relations with government agencies and representatives concerning administrative matters, use AFDA - GOVERNMENT RELATIONS.*

*For the agency's relationship with the community concerning administrative matters, including public relations presentations to students and other members of the community, use AFDA - COMMUNITY RELATIONS.*

*For the publication of presentations, use PUBLICATION.*

*For matters related to specific industrial cases, use INDUSTRIAL RELATIONS CASES.*

| <b>Class no.</b> | <b>Description of records</b>   | <b>Disposal action</b>      |
|------------------|---|-----------------------------|
| 20229            | <p>Records documenting external relations activities that could have far-reaching social, economic and national implications for the agency and/or the Australia industry or public such as those associated with regulatory or policy change. Includes:</p> <ul style="list-style-type: none"> <li>• final, unpublished versions of addresses made by the portfolio Minister or senior agency representatives or staff at major occasions such as peak industry events or to announce significant policy initiatives;</li> <li>• strategic, controversial or precedent setting advice relating to the External Relations core business, given or received by the agency;</li> <li>• representation of the organisation at international summits and on international bodies such as the International Labour Organisation;</li> <li>• the negotiation, establishment, maintenance and review of agreements that are: <ul style="list-style-type: none"> <li>○ between the Commonwealth and international parties or national governments (or their agencies);</li> <li>○ of a high level, significant or controversial nature between the Commonwealth, and States, Territories or other domestic parties;</li> </ul> </li> <li>• committees and meetings, including heads of tribunal meetings and consultative councils where the agency provides secretariat support or is the Commonwealth's main representative;</li> <li>• key industry conferences organised by the agency;</li> <li>• visits to international organisations by agency representatives;</li> <li>• visits by overseas delegations and dignitaries to the agency.</li> </ul> | Retain as national archives |

## EXTERNAL RELATIONS

---

| <b>Class no.</b> | <b>Description of records</b>  | <b>Disposal action</b>            |
|------------------|--|-----------------------------------|
| 20230            | <p>Records documenting other external relations activities of a minor nature with no far-reaching social, economic and national implications for the agency and/or the Australia industry or public. Includes:</p> <ul style="list-style-type: none"><li>• final, unpublished versions of addresses by the Minister, senior agency representatives or staff;</li><li>• advice given or received by the agency such as routine clarification of regulatory requirements to industry;</li><li>• the negotiation; establishment, maintenance and review of agreements that are not:<ul style="list-style-type: none"><li>○ between the Commonwealth and international parties or national governments (or their agencies);</li><li>○ of a high level, significant or controversial nature between the Commonwealth, and States, Territories or other domestic parties;</li></ul></li><li>• committees and meetings where the agency does not provide secretariat support or is not the Commonwealth's main representative;</li><li>• representation of the agency on domestic industrial relations bodies and groups;</li><li>• participation in industry conferences and events that are of a routine nature or are organised by another agency or industrial body;</li><li>• visits to or by other domestic industrial relations related organisations or educational institutes.</li></ul> | Destroy 7 years after last action |

---

## INDUSTRIAL RELATIONS CASES

The core business of dealing with national employment issues. It includes:

- assisting employers and employees to resolve industrial disputes;
- handling termination of employment claims;
- making, rationalising and simplifying awards;
- handling applications for industrial action;
- liaising with and advising external and internal stakeholders in relation to specific cases; and
- responding to enquiries in relation to industrial matters.

*For the publication of case reports and selective decisions, use AFDA - PUBLICATION.*

*For liaison with the media in relation to cases, use AFDA - COMMUNITY RELATIONS – Media Relations.*

(Includes records of former Commonwealth arbitration bodies whose responsibilities have been transferred to the agency, such as the Public Service Arbitrator and the Coal Industry Tribunal.)

| <b>Class no.</b> | <b>Description of records</b>  | <b>Disposal action</b>  |
|------------------|--|---|
| 20231            | <p>Records documenting the management of cases that broadly impact workplaces. Includes:</p> <ul style="list-style-type: none"> <li>• log of claims, variations, revocation, suspensions and disputes in respect of an industrial award;</li> <li>• national wage test and benchmark case records;</li> <li>• cases that are appealed or referred for a Full Bench hearing;</li> <li>• Full Bench of President's directions regarding hearings</li> <li>• award reviews that could include award simplification and modernisation;</li> <li>• master sets of awards;</li> <li>• collective agreements including certification of enterprise bargaining agreements;</li> <li>• registers of hearings.</li> </ul> <p>Includes agency library duplicates for master copies of industrial awards, alphabetical series, irretrievably damaged by water (consignments B1857/0 1926-1972 and B1857/1 1932-1974).</p> <p>Excludes termination of employment decisions, individual workplace agreement decisions, supported wage cases, industrial action orders and protected action ballot decisions.</p> | Retain as national archives   |
| 20232            | <p>Records documenting termination of employment decisions. Includes applications, notices, decisions, transcripts, exhibits, orders, related correspondence, arrangements, advice and meeting notes concerning the case.</p>  | Destroy 75 years after date of birth of terminated employee or 7 years after last action, whichever is the longer. If date of birth is unknown, assume the individual was 15 at the time of the termination |

## INDUSTRIAL RELATIONS CASES

| <b>Class no.</b> | <b>Description of records</b>   | <b>Disposal action</b>  |
|------------------|---|---|
| 20233            | Records documenting formal decisions by the agency in relation to matters concerning individual workplace agreements. Includes decisions regarding ambiguity or uncertainty, disputes over the application of agreements, termination of agreements, and related correspondence, arrangements, advice and meeting notes concerning the decision. Also includes apprenticeship matters such as requests for approval of an apprenticeship indenture. Excludes supported wage agreements.   | Destroy 10 years after the expiry or other termination of the agreement |
| 20234            | Records documenting the management of industrial matters that do not broadly impact on workplaces, including: <ul style="list-style-type: none"> <li>• cases that do not require a judicial decision or are withdrawn, directed for no further action or resolved by recommendation or statement;</li> <li>• bargaining period applications;</li> <li>• industrial action orders; and</li> <li>• protected action ballot decisions.</li> </ul> Includes related correspondence, arrangements, advice and meeting notes concerning the industrial dispute. Excludes log of claims cases. | Destroy 10 years after last action                                      |
| 20238            | Waiver of fee records. Includes requests and agency responses.  | Destroy 7 years after last action                                       |
| 20239            | Records documenting wage agreements for workers with a disability based on assessment under Australian Government schemes such as the Supported Wage System. Includes related correspondence, advice and meeting notes.   | Destroy 7 years after last action                                       |
| 20235            | Records documenting administrative matters including reports and registrations. Also includes applications and renewals from companies that are part of the clothing trade award, together with related correspondence, advice and meeting notes.   | Destroy 2 years after last action                                       |
| 20236            | Enquiries received in relation to particular case matters and associated procedures. Includes requests, responses, referrals and reports.   | Destroy 1 year after last action  |
| 20237            | General enquiries that do not relate to a specific case under consideration by the judicial body. Includes requests, responses, referrals and reports.  | Destroy 3 months after last action                                      |

## STATUTORY APPOINTMENTS

The core business of managing statutory positions within the organisation and associated operational matters. Statutory appointments include those to judicial body positions. Includes matters concerning:

- appointments and remuneration, together with the appointment history of each individual member;
- internal policies and procedures;
- travel arrangements;
- notebooks and diaries created by appointees.

*For financial transactions relating to the remuneration or travel of statutory appointments, use AFDA - FINANCIAL MANAGEMENT.*

*For presentations and visits by statutory appointees, use EXTERNAL RELATIONS.*

| <b>Class no.</b> | <b>Description of records</b>   | <b>Disposal action</b>  |
|------------------|---|---|
| 21575            | Appointee notebooks and diaries that provide a consolidated summary of core business activities and decisions.  | Retain as national archives   |
| 20245            | Records documenting the assignment, educational and professional development and individual recordings of appointees. Includes: <ul style="list-style-type: none"> <li>• the organisation and establishment of panels comprising existing judiciary members;</li> <li>• statutory conference proceedings held in accordance with legislative requirements relating to the professional development of members, and details of member attendance.</li> </ul> | Disposal not authorised   |
| 20243            | Records documenting a consolidated employment history of individuals appointed to statutory positions. Includes: <ul style="list-style-type: none"> <li>• declarations of interest;</li> <li>• summary records of leave;</li> <li>• legal advice regarding employment conditions;</li> <li>• payment history records;</li> <li>• professional development and other training received;</li> <li>• retirement and other separation records.</li> </ul>       | Destroy 75 years after date of birth or 7 years after last action, whichever is later |
| 20244            | Policies and procedures associated with the statutory appointments core business.   | Destroy 1 year after last action  |
| 20240            | Records documenting routine notifications, advice and arrangements concerning statutory appointments. Includes: <ul style="list-style-type: none"> <li>• appointment notices and details of remuneration levels from the lead agency;</li> <li>• travel itineraries and bookings.</li> </ul>  | Destroy 3 months after last action  |