



Australian Government

National Archives of Australia

Records Authority

Department of Defence
Military Personnel
- Disciplinary Conduct

Job no 2009/00741349

August 2010

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INTRODUCTION

The Department of Defence 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 area of Military Personnel. It represents a significant commitment on behalf of the Department of Defence to understand, create and manage the records of its activities.

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

The Department of Defence may use the following tools to dispose of their records:

- This Records Authority covering its agency specific records;
- General disposal 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 or by contacting the Agency Service Centre at recordkeeping@naa.gov.au or (02) 6212 3610.

APPLICATION OF THIS AUTHORITY

1. This Authority replaces classes 3914, 3915 and 3916 in RA Job No 2002/4896824 – Military Personnel issued in 2003. The superseded classes may not be used by the Department of Defence to sentence records after the date of issue of this Authority.
2. Defence will need to review records sentenced under classes 3914, 3915 and 3916 to determine if records covered in this Authority need to be re-sentenced.
3. 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.
4. 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 the Department of Defence, such as encrypted records and source records that have been copied.

5. 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.

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 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 Department of Defence will need to ensure that any software, hardware or documentation required to enable continuing access to the information is available for the periods prescribed.

7. In general, retention requirements indicate a minimum period for retention. The Department of Defence 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 Department of Defence 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. The Normal Administrative Practice (NAP) provision of the Archives Act 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 Record Authority or Authorities, and with AFDA and AFDA Express. The National Archives recommends that agencies develop and implement a Normal Administrative Practice policy to assist in planning and implementing activities to determine whether records should be kept or destroyed. 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

9. From time to time the National Archives will place a freeze on some groups of records relating to a particular topic or event which has gained prominence or provokes controversy. While the freeze is in place no records relating to the topic or event may be destroyed. 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

10. 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 to the public currently after thirty years, including those records that remain in agency custody after this time.

11. 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.

12. Advice on how to use this Authority is available from the Department of Defence – Records Management Policy unit. 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 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
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2009/00741349

Person to whom notice of authorisation is given:

Dr Ian Watt
Department of Defence
Russell Offices
Canberra

Purpose:

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

Application:

MILITARY PERSONNEL - Disciplinary Conduct

This authorisation gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. The authorisation 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



Margaret Chalker
Assistant Director-General
Government Information Management
National Archives of Australia

Date of issue:

9 August 2010

MILITARY PERSONNEL

The function of managing all service members, accredited representatives, reservists and national service members from recruitment to final discharge. Also includes managing deployed civilians (in support of operations) for disciplinary conduct and honours and awards. Activities include career management, postings, promotions, reclassification, recruiting, appointment and enlistment, discharge and transfers, honours and awards, disciplinary conduct, pay, entitlements and allowances, travel, superannuation and retirement benefits, grievances, casualties, non compensable occupational rehabilitation and leave.

For review of adverse administrative action where a member lodges a complaint, use MILITARY PERSONNEL – Complaints and Grievances.

For provision of legal advice and records of the management, process and conduct of Summary Authority trials, Defence Force Magistrate trials, trials by the former Australian Military Court, courts martial and related appeals, proceedings and exhibits do not use MILITARY PERSONNEL. Use the MILITARY JUSTICE function

Disciplinary Conduct

The activity of managing the conduct of individual service members and Defence civilians under the jurisdiction of the Defence Force Discipline Act 1982. Includes managing the outcome of investigations, charges, punishment, petitions and appeals.

Entry	Description of records	Disposal action
21015	For service members and/or Defence civilians involved in war and/or warlike operations: name identified records documenting disciplinary and civilian investigations, proceedings and actions: <ul style="list-style-type: none"> • members' Unit Conduct Record under the Defence Force Discipline Act 1982 (summary) • evidence of civil convictions • appeals and petitions under the Defence Force Discipline Act 1982 	Retain as National Archives
21016	For members not involved in war and/or warlike operations: name identified records documenting disciplinary and civilian investigations, proceedings and actions, including <ul style="list-style-type: none"> • members' Unit Conduct Record under the Defence Force Discipline Act 1982 (summary) • evidence of civil convictions • appeals and petitions under the Defence Force Discipline Act 1982; records related to processing documentation resulting from administrative action leading to; <ul style="list-style-type: none"> • censure • formal warnings • unsuitability reports • incompatibility with service life • termination notices • discharges; 	Destroy 130 years after date of birth of member

MILITARY PERSONNEL

Disciplinary Conduct - Continued

Entry	Description of records	Disposal action
21016 - continued	<p>and records documenting Summary Authority procedures, including</p> <ul style="list-style-type: none">• charge sheets• action reports <p>For service members and/or Defence civilians involved in war and/or warlike operations: name-identified records documenting disciplinary investigation and outcomes of misconduct excluding:</p> <ul style="list-style-type: none">• members' Unit Conduct Record under the Defence Force Discipline Act 1982 (summary)• evidence of civil convictions• appeals and petitions under the Defence Force Discipline Act 1982	Destroy 130 years after date of birth of member
21018	<p>Records related to processing of documentation resulting from disciplinary proceedings where the following punishment(s) were imposed:</p> <ul style="list-style-type: none">• fines• reprimands• restrictions of privileges• stoppage of leave• extra duties• extra drill	Destroy 7 years after last action
21017	<p>Name-identified records documenting infringement of a prescribed defence member, the making of an election to be dealt with under the Discipline Officer scheme by the prescribed defence member, and action by a discipline officer as a result of the making of an election in accordance with section 169H of the <i>Defence Force Discipline Act 1982</i>. This includes records dealing with the infringement, namely the infringement notice, containing:</p> <ul style="list-style-type: none">• the election by the prescribed defence member• punishment imposed by the discipline officer• decision of the discipline officer not to impose a punishment in respect of the discipline infringement	Destroy 1 year after last action