



Australian Government

National Archives of Australia

Records Authority

2010/00735424

Australian Electoral Commission

Elections, Ballots and Referendums

Maintenance amendments

3 December 2010

CONTENTS

INTRODUCTION	3
APPLICATION OF THIS AUTHORITY	3
CONTACT INFORMATION	4
AUTHORISATION	5
CLASSES	6
ELECTIONS, BALLOTS AND REFERENDUMS	6

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INTRODUCTION

The Australian Electoral Commission 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 Elections, Ballots and Referendums. It represents a significant commitment on behalf of the Commission to understand, create and manage the records of its activities.

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

APPLICATION OF THIS AUTHORITY

1. This Authority consists of amendments to the 2005/210284 Records Authority of the Australian Electoral Commission and should be used in conjunction with it.
2. This Authority replaces the two activities of Disputed Returns and Post Election Operations in Records Disposal Authority 2005/210284. All classes associated with these activities have been terminated and superseded. They can no longer be used to sentence records after the date of issue of this Authority. Records Authority 2008/00194021 has also been terminated and superseded. This Authority can no longer be used to sentence records after the date of issue of this Authority. Records that have already been sentenced using the superseded activities and the superseded Authority may still be destroyed.

The activity of Disputed Returns and Election Challenges supersedes the activity of Disputed Returns.

Class 21930 supersedes Class 11706

Class 21931 supersedes Class 11707

The activity of Post Election Operations in this Authority supersedes the activity of Post Election Operations in previous Authorities.

Class 21932 supersedes Class 11722, Class 11724 and Class 11725

Class 21933 supersedes Class 11723

Class 21934 supersedes Class 19262 from Records Authority 2008/00194021 (which had previously superseded Class 11726 in Records Disposal Authority 2005/210284)

3. 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.
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;
 - encrypted records; and
 - source records that have been copied.

5. 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. 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. 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 Commission 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.
7. In general, retention requirements indicate a minimum period for retention. The Commission 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 Commission 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. 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
9. Records which relate to any current or pending legal action, or are subject to a request for access under the *Archives Act 1983* or any other relevant Act must not be destroyed until the action has been completed.
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 for public access including those records that remain in agency custody.
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 Commission 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.

Queen Victoria Terrace

Parkes ACT 2600

PO Box 7425

Canberra Mail Centre ACT 2610

Tel: (02) 6212 3610

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Email: recordkeeping@naa.gov.au

Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2010/00735424

Person to whom notice of authorisation is given:

Mr Ed Killesteyn
Electoral Commissioner
Australian Electoral Commission
National Office
West Block
Queen Victoria Terrace
Parkes ACT 2600

Purpose:

Authorises arrangements for the disposal of records in accordance with Section 24(2)(b) of the Archives Act 1983.

Application:

Specific core business records relating to Elections, Ballots and Referendums.

This authority will apply only with the consent of the agency currently responsible for the business documented in the records described..

Authorising Officer

Date of issue:



3 December 2010

Margaret Chalker
Assistant Director-General
National Archives of Australia

ELECTIONS, BALLOTS & REFERENDUMS

The function of managing, conducting and assisting in local government, state, territory and federal elections, ballots, referendums and plebiscites. Includes by-elections, provision of elections for Aboriginal organisations and ballot votes for industrial organisations and various other bodies. Also includes the issue of writs, managing agreements to conduct elections for another party, planning the election process, managing nominations and declarations of candidates, developing rules and procedures for elections, organising polling arrangements, providing polling information, equipment and materials, conducting the elections, sorting and counting votes and reviewing and evaluating aspects of the election system. It involves identifying non-voters and electoral fraud and challenges to the validity of any election.

Disputed Returns and Election Challenges – the activity of dealing with disputes challenging the validity of any election, ballot, referendum or return result in the courts. Includes the lodgement and return of security deposits. Also includes challenging the validity of any industrial or fee for service election result and disputing a returning officer decision.

Disputed Returns refer to challenging the validity of any election for the Commonwealth Parliament, or referendum under the Constitution, in the court. Election Challenges refer to challenging the validity of any industrial election, protected action ballot, fee for service election or fee for service ballot in the court.

The activity of Disputed Returns and Election Challenges replaces the activity of Disputed Returns in Records Disposal Authority 2005/210284 as described in the Application page (page 3) of this Authority.

For parliamentary inquiries into an electoral event, use AFDA – GOVERNMENT RELATIONS – Inquiries.

For handling breaches of the Act relating to elections, ballots and referendums, use AFDA – LEGAL SERVICES – Infringements.

For delegation of power to employ staff under the Electoral Act, use AFDA – ESTABLISHMENT – Authorisations.

Class No	Description of records	Disposal action
21930	Records documenting the process of disputing elections, ballots or referendums in the courts that relate to cases in which a precedent has been set or which have social or political significance. Includes: <ul style="list-style-type: none"> • notifications • copies of petitions • briefs • evidence 	Retain as National Archives
21931	Records documenting the process of disputing elections, ballots or referendums in the courts that relate to cases in which a precedent has not been set or which do not have social or political significance. Includes: <ul style="list-style-type: none"> • notifications • copies of petitions • briefs • evidence 	Destroy 8 years after last action

ELECTIONS, BALLOTS & REFERENDUMS

Post Election Operations - The activity of finalising operations following an election or ballot. Includes the collection, storage and disposal of electoral documents.

This version of the activity of Post Election Operations replaces the activity of Post Election Operations in Records Disposal Authority 2005/210284 and Records Disposal Authority 2008/00194021 as described in the Application page (page 3) of this Authority.

For identification of suspected non-voters or multiple voting following an election, use ELECTIONS, BALLOTS AND REFERENDUMS – Scanning.

For disputes challenging the validity of an election (including industrial and fee for service elections), ballot or referendum, in the courts, use ELECTIONS, BALLOTS AND REFERENDUMS – Disputed Returns and Election Challenges.

Class No	Description of Records	Disposal action
21932	Records documenting post election operations for the conduct of: <ul style="list-style-type: none"> • industrial elections • protected action ballots • fee for service elections such as elections to boards, committee members and other representatives • fee for service ballots such as enterprise agreement ballots and other yes/no ballots. Includes: lists and rolls of voters; ballot papers; and declarations (including reports).	Destroy 1 year after last action
21933	Polling place copies of certified list of voters relating to the elections, ballots and referendum function.	Destroy 1 year after the declaration of poll or when non-voting and prosecution action is finalised, whichever is longer.
21934	Electoral documents used in a Federal election, ballot or referendum. Includes but is not restricted to: <ul style="list-style-type: none"> • ballot papers • certified lists of voters • certified copies of the roll • declarations • postal vote certificates • pre-poll vote certificates 	Destroy when all of the following conditions are met: <ul style="list-style-type: none"> • Not less than 6 months have elapsed since the declaration of the poll in which the documents were used, except for Senate elections, where Senate ballot papers may only be destroyed after the completion of the Senate term; and • The documents are not longer required by the Electoral Commission for the performance of its functions; and • The Electoral Commissioner has directed that the documents can be destroyed in accordance with relevant legislation, currently s393A (10) of the Commonwealth Electoral Act (1918)