



Australian Government



**NATIONAL
ARCHIVES
OF AUSTRALIA**

Records authority

2014/00446207

**Australian Prudential Regulation
Authority (APRA)**

*Financial Crisis Management and amendments to the
Enforcement and Prudential Supervision functions*

2015

CONTENTS

INTRODUCTION _____ 3

APPLICATION OF THIS RECORDS AUTHORITY _____ 3

CONTACT INFORMATION _____ 4

AUTHORISATION _____ 5

ENFORCEMENT _____ 6

FINANCIAL CRISIS MANAGEMENT _____ 7

PRUDENTIAL SUPERVISION _____ 9

© Commonwealth of Australia 2015

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 Business Centre ACT 2610, Australia.

INTRODUCTION

The Australian Prudential Regulation Authority (APRA) 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 of Financial Claims Management. It represents a significant commitment on behalf of APRA to understand, create and manage the records of its activities.

This records authority is based on the identification and analysis of the business of APRA. It takes into account the agency's legal and organisational records management requirements, the interests of stakeholders, the agency and the National Archives.

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 Authority gives APRA 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 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 RECORDS AUTHORITY

1. This records authority consists of a new core business and amendments to records authority 2005/00516189 for APRA and should be used in conjunction with it. The new core business is Financial Crisis Management. The amendments consist of:
 - two new temporary records classes to be added to the existing core business of Enforcement; and
 - one new 'retain as national archives' (RNA) class and one new temporary class to be added to the existing core business of Prudential Supervision.
2. This authority replaces class 12135 in records authority 2005/00516189 for APRA, December 2005. The class has been superseded and cannot be used after the date of issue of this records authority.
3. Records that are now identified as RNA in class 61646 must be retained in accordance with this records authority.
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 RNA are to be transferred to the National Archives of Australia for preservation.
5. This records authority should be used in conjunction with general records authorities such as:
 - AFDA Express issued by the National Archives to cover business processes and records common to Australian Government agencies;
 - General records authority 24 – Records relating to Data Matching Exercises; and
 - General records authority 31 – For source (including original) records that have been copied, converted or migrated.
6. 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 an agency's records authority or Authorities, and with the Administrative Functions Disposal Authority (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.

7. 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.
8. Records subject to a disposal freeze issued by the National Archives 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.
9. 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 records authority can still be applied, providing the records document the same core business. The agency 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.
10. In general, retention requirements indicate a minimum period for retention. APRA 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 APRA 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.
11. Records described in '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*.
12. 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.
13. 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.
14. Advice on how to use this records authority is available from the agency's records manager. If there are problems with its application, please contact the National Archives.

CONTACT INFORMATION

For assistance with this authority or for advice on other records management matters, please contact the National Archives' Agency Service Centre.

Queen Victoria Terrace
Parkes ACT 2600
PO Box 7425
Canberra Business Centre ACT 2610

Tel: (02) 6212 3610
Fax: (02) 6212 3989
Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2014/00446207

Person to whom notice of authorisation is given:

Wayne Byres
Chairman
Australian Prudential Regulation Authority
Level 26, 400 George Street
Sydney NSW 2000

Purpose:

Authorises arrangements for the disposal of records in accordance with Section 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 core business records relating to Financial Crisis Management and amendments to Enforcement and Prudential Supervision.

This records authority gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. This authority will apply only with the consent of the agency currently responsible for the business documented in the records described.

Authorised by

David Fricker
Director-General
National Archives of Australia

Date of issue:

19 October 2015

ENFORCEMENT

The function of managing enforcement action against entities and related parties under prudential regulation framework law. Includes undertaking enforcement action (including litigation), managing the case plan, developing appropriate procedures, exercising regulatory powers and referring appropriate matters to other enforcement agencies.

Records authority 2005/00516189 includes records classes associated with the following activities for ENFORCEMENT: Advice; Agreements; Appeals (decisions); Authorisation; Case Management Planning; Committees; Contracting-out; Litigation; Meetings; Policy; Procedures; Referral; Regulatory Action; Reporting; Reviewing and Tendering.

This records authority 2014/00446207 adds **Intelligence Coordination**. The activities include:

- developing, evaluating, collating and analysing intelligence information from regulated entities and compiling intelligence product;
- cooperating with agencies, organisations and foreign governments in support of intelligence activities; and
- provision, receipt and analysis of intelligence information relating to regulated entities.

Cross references to other records authorities

For action taken as a result of intelligence activities, use ENFORCEMENT – Regulatory Action or PRUDENTIAL SUPERVISION – Regulatory Action.

Class no	Description of records	Disposal action
61644	Intelligence collected and received on new or changing areas of risk, or details about a specified person, entity or subjects. Includes developing formal intelligence reports and products of assessments of intelligence received.	Destroy 10 years after action completed
61645	Records supporting the exchange and gathering of intelligence information covered in class 61644. Includes reports on intelligence relationships and making and receiving queries in relation to intelligence information.	Destroy 5 years after action completed

FINANCIAL CRISIS MANAGEMENT

The core business of administering the Government's financial crisis management scheme affecting regulated entities such as, authorised deposit institutions and general insurers. Includes developing and managing crisis resolution tools and resources.

The **core activities** include:

- developing, implementing and reviewing programs, schemes, policies, procedures, guidelines, plans and strategies;
- developing, implementing and reviewing crisis management products, services, needs, solutions and resources;
- providing and receiving advice and other information;
- negotiating, establishing and implementing agreements;
- handling enquiries;
- liaising with stakeholders in the event of a financial crisis;
- identifying, assessing and managing the financial crisis management risks for supervised entities;
- monitoring supervised entities undergoing remedial action during a financial crisis;
- conducting compliance testing of supervised entities; and
- crisis management and communication in the event of a financial crisis.

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

- managing and participating in meetings and committees;
- delivering external training on products and resources;
- preparing and presenting speeches and presentations;
- reporting;
- conducting research; and
- testing, evaluating and reviewing products, processes, procedures, standards, services and systems.

Cross references to AFDA Express

For managing public reaction, use COMMUNITY RELATIONS.

For media releases, use COMMUNITY RELATIONS or GOVERNMENT RELATIONS.

For delivering internal training on products and resources, use STAFF DEVELOPMENT.

For the acquisition of goods and services, use PROCUREMENT.

For the corporate risk committee, use STRATEGIC MANAGEMENT.

Cross references to other records authorities

For prudential reviews and consultations, advice given to agency staff on prudential matters and assessments on an entity's compliance with prudential requirements, use records authority 2005/00516189 - PRUDENTIAL SUPERVISION.

For enforcement actions taken during or as a result of a financial crisis, use records authority 2005/00516189 - ENFORCEMENT.

For the development of standards under prudential regulation framework law with which regulated entities must comply, use records authority 2005/00516189 - POLICY AND STANDARDS.

For liaison with regulatory and other financial sector agencies, professional associations and other organisations, use records authority 2005/00516189 - FINANCE SECTOR RELATIONS.

FINANCIAL CRISIS MANAGEMENT

Class no	Description of records	Disposal action
61646	<p>The following significant records documenting:</p> <ul style="list-style-type: none"> • developing and reviewing high-level policies, plans, strategies, schemes and programs. Includes final versions, proposals, briefs, submissions, records of consultation, major drafts and supporting research; • implementing financial crisis management plans. Includes final version of crisis management plan implemented; • crisis management case records resulting from implementation of the crisis management plan. Includes final reports and correspondence, recommendations, risk assessments, monitoring reports, remedial strategies and liaison with key stakeholders; • developing high-level reports. Includes final versions, major drafts, stakeholder consultation and supporting research; • summary records, such as registers of regulated entities participating in financial crisis schemes; • high-level advice given to or received by major stakeholders. Includes advice provided to the Minister regarding invoking financial claims schemes; • high-level internal and external committees and other bodies where the agency provides the secretariat, is the Australian Government's main representative, or plays a prominent or central role (eg the Council of Financial Regulators). Includes establishment documentation, agenda, final version of minutes, tabled papers, briefings, reports and recommendations; • developing and reviewing crisis management products, services and resources such as toolkits, flowcharts and information papers designed to support regulated entities through a financial crisis. Includes final version, major drafts and summaries of supporting research and consultation; • outcomes of major research that results in changes to prudential policies and standards or is controversial or creates intense interest in the industry. Includes final research reports and supporting research datasets and associated information; • high-level reviews relating to the core business including major internal reviews or sector wide reviews; • master version of agency publications; and • final version of speeches presented by the portfolio Minister or senior agency staff. 	Retain as national archives
61647	Records documenting enquiries from the public relating to a financial crisis affecting a regulated entity.	Destroy 5 years after action completed
61648	<p>Records documenting:</p> <ul style="list-style-type: none"> • routine operational administrative tasks supporting the core business; and • financial crisis management activities, other than those covered in classes 61646 and 61647. 	Destroy 7 years after action completed

PRUDENTIAL SUPERVISION

The function of supervising the prudent management of financial institutions under prudential regulation framework law. Includes the licensing, ongoing supervision and review of regulated entities subject to prudential regulation, managing complaints about entities and exercising regulatory powers relating to prudential supervision. Also includes developing appropriate internal and external procedures and the provision of services that support prudential regulation.

Records authority 2005/00516189 includes records classes associated with the following activities for PRUDENTIAL SUPERVISION: Addresses (presentations); Advice; Agreements; Appeals (decisions); Authorisation; Committees; Complaints Handling; Contracting-out; Enquiries; Licensing; Planning; Policy; Procedures; Regulatory Action; Reporting; Research; Reviewing; Services Management; Supervisory Coordination; Supervisory Review; and Technical Support.

This records authority replaces class 12135 in **Supervisory Review**: the activities involved in the evaluation of regulated and non-regulated entities subject to prudential review under the prudential regulation framework law. Includes scheduling the review, identifying area of review, producing findings and applying the risk rating and supervision strategy.

Replaced class 12135 has been superseded and cannot be used after the date of issue of this records authority.

Class no	Description of records	Disposal action
61649	Supervisory assessment datasets collected and generated by the agency for regulated entities with a high-level supervision stance such as mandated improvement or restructure. Includes information about the data fields, for example data dictionaries. Includes assessments using risk assessment and supervisory response tools, probability and impact ratings, related supervision stance and supervisory action plan mapping the supervision approach to be taken for a regulated entity.	Retain as national archives
61650	Supervisory assessment datasets and associated records collected and generated by the agency for regulated entities other than those covered by class 61649.	Destroy 15 years after last action