



Australian Government



NATIONAL
ARCHIVES
OF AUSTRALIA

Records Authority

2015/00053304

Federal Court of Australia

Federal Police Disciplinary Tribunal Case Management

2015

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INTRODUCTION

The Federal Court of Australia (the Court) and the National Archives of Australia have developed this Records Authority to set out the requirements for keeping or destroying records for the defunct core business area of Federal Police Disciplinary Tribunal Case Management. It represents a significant commitment on behalf of the Federal Court of Australia to understand, create and manage the records of its activities.

This Authority is based on the identification and analysis of the business of the defunct Federal Police Disciplinary Tribunal. It takes into account the Tribunal's legal and organisational records management requirements, and the interests of stakeholders of both the Tribunal and the National Archives of Australia.

This Authority gives the Court endorsement 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 specifies 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 Court.

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 of Australia.

APPLICATION OF THIS AUTHORITY

1. This Authority should be used in conjunction with the Tribunals Records Authority 2011/00681744 covering Tribunal External Relations and Tribunal Management and Statutory Appointments.
2. This Authority is to be used to determine how long records must be kept. Records are matched to the relevant business area and records class in the Authority.
 - Where the minimum retention period has expired and the records are not needed for agency business they should be destroyed as endorsed in this Authority.
 - Records that have not reached the minimum retention period must be kept until they do.
 - Records that are identified as retain as national archives (RNA) are to be transferred to the National Archives of Australia for preservation.
3. This Authority should be used in conjunction with general records authorities such as:
 - AFDA Express which covers administrative business processes and records common to many 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.
4. 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 records authorities but can be used to destroy very low-value records. 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
5. 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.
6. Records subject to a disposal freeze must not be destroyed until the freeze has been lifted. 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
7. Where the method of recording information changes (for example from a manual system to an electronic system, or when information is migrated to a new system) this authority still applies, providing the records document the same business area. The information must be accessible for the period of time prescribed in this Authority. 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.

8. In general, retention requirements indicate a minimum period for retention. The Federal Court 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 Federal Court believes that its accountability will be substantially compromised because a retention period or periods are not adequate, they should contact the National Archives for review of the retention period.
9. Records coming with '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*.
10. The Federal Court of Australia is not subject to the records transfer provisions of the *Archives Act 1983* at present. However, in the interests of accountable and consistent decision making and preservation of the archival resources of the Commonwealth, records identified as "retain as national archives" in the possession of the Court may be transferred to the custody of the National Archives of Australia, by mutual agreement between the Court and the Archives.
11. 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.
12. Advice on how to use this Authority is available from the Court 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 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

ENDORSEMENT

RECORDS AUTHORITY 2015/00053304

Person to whom notice of endorsement is given:

Warwick Soden
Registrar
Federal Court of Australia
Queens Square
Sydney NSW 2000

Purpose:

Endorses 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 Federal Police Disciplinary Tribunal Case Management.

This authority endorses 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.

Endorsed by

David Fricker
Director-General
National Archives of Australia

Date of issue:

9 September 2015

FEDERAL POLICE DISCIPLINARY TRIBUNAL CASE MANAGEMENT

The core business of hearing and determining disputes that commence as disciplinary "charges" under federal police complaints legislation and discipline regulations. The decisions of the Tribunal relate to alleged improper behaviour of members of the Australian Federal Police Force while working in an official capacity. Includes matters referred to the Tribunal by the Minister for inquiry and reporting relating to the Australian Federal Police. Excludes administrative review matters.

The **activities** include:

- handling enquiries and consultations with stakeholders;
- receipt and initial assessment of applications (usually a summons);
- monitoring of case progress;
- conducting research;
- providing procedural advice to parties;
- development of practice directions;
- arranging and conducting hearings, security or interpreter services;
- referral of cases or matters to higher appeal bodies;
- finalisation of applications/cases/review including notifying parties and other stakeholders;
- developing policies, procedures and guidelines; and
- reporting.

Cross references to AFDA Express records authority

For committees relating to governance and strategic matters, use STRATEGIC MANAGEMENT.

For security breaches and general security arrangements, use PROPERTY MANAGEMENT.

Cross references to other records authorities

For records relating to managing relationships with other tribunals, government and community stakeholders, including the provision of advice, use Tribunal Records Authority 2011/00681744 – TRIBUNAL EXTERNAL RELATIONS.

For records relating to establishing and managing the administration of the tribunal, including the appointment and terms and conditions of statutory appointees, and the development of tribunal policies, procedures and guidelines, use Tribunal Records Authority 2011/00681744 – TRIBUNAL MANAGEMENT AND STATUTORY APPOINTMENTS.

FEDERAL POLICE DISCIPLINARY TRIBUNAL CASE MANAGEMENT

Class no	Description of records	Disposal action
61735	<p>The following significant records:</p> <ul style="list-style-type: none"> • master set/register of tribunal decisions; • principal records of the major policies, guidelines and procedures relating to the operations of the Tribunal including the master set of practice directions; and • outcomes of reviews referred to the Tribunal, including final reports requested by the Minister. 	Retain as national archives
61736	<p>Tribunal case files (part A only). Includes:</p> <ul style="list-style-type: none"> • initial notification, appeal or application and any document particularising the issues; • reply/defence and any document particularising this, but only where they define the issues; • documents that identify the parties; • documents that record the final orders and decisions made by the Tribunal and any other determinations and orders of the Tribunal deciding substantive issues; and • reasons for decisions. 	Destroy 15 years after action completed
61737	<p>Records documenting:</p> <ul style="list-style-type: none"> • Tribunal case files (part B only) – correspondence with parties and file notes; • operational schedules and rosters, such as daily hearing schedules, and member schedules and rosters; • provision of interpreter services; and • routine arrangements for hearings, such as room, facility, phone and video conferencing bookings and arrangements. 	Destroy 3 years after action completed
61738	<p>Original documents and items received from parties to support a case that are not required to be retained as part of the case file which is either:</p> <ul style="list-style-type: none"> • not wanted by the owner; or • unable to be returned to the owner after reasonable efforts have been made for their return. 	Destroy 1 year after reasonable efforts have been made to return the items
61739	<p>Records documenting:</p> <ul style="list-style-type: none"> • routine operational administrative tasks supporting the core business; and • federal police disciplinary tribunal case management activities, other than those covered in classes 61735 to 61738. 	Destroy 7 years after action completed