



Australian Government



**NATIONAL
ARCHIVES
OF AUSTRALIA**

Records authority

2015/00280105

**Superannuation Complaints
Tribunal**

Superannuation Complaints Resolution

2015



© Commonwealth of Australia (National Archives of Australia) 2015

Copyright

This product, excluding the National Archives of Australia logo, Commonwealth Coat of Arms or registered trademark, has been licensed under a Creative Commons Attribution-Non-Commercial (CC-BY-NC) Version 4.0 International Licence. You may share, copy, redistribute, remix, transform and build upon this work for non-commercial purposes only. However, you must attribute the National Archives of Australia as the copyright holder of the original work, include the attribution as set out below and indicate if changes were made. The full terms and conditions of this licence are available at www.creativecommons.org.

Attribution

This Records Authority is licenced by the Commonwealth of Australia (National Archives of Australia) under a Creative Commons Attribution-Non-Commercial (CC-BY-NC) Version 4.0 International Licence. The original version can be found [on our website](#).

Accessibility

This is an accurate reproduction of the authorised records authority content, created for accessibility purposes.

Contact Us

Enquiries relating to copyright or accessibility should be emailed to recordkeeping@naa.gov.au.

CONTENTS

INTRODUCTION _____ **4**

APPLICATION OF THIS AUTHORITY _____ **4**

CONTACT INFORMATION _____ **5**

AUTHORISATION _____ **6**

SUPERANNUATION COMPLAINTS RESOLUTION _____ **7**

INTRODUCTION

The Superannuation Complaints Tribunal 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 Superannuation Complaints Resolution. It represents a significant commitment on behalf of the Tribunal to understand, create and manage the records of its activities.

This records authority is based on the identification and analysis of the business of the Tribunal. It takes into account the agency's legal and organisational records management requirements, and 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 the Tribunal 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 AUTHORITY

1. This records authority should be used in conjunction with records authority 2011/00681744 covering the core businesses of Tribunal External Relations, and Tribunal Management and Statutory Appointments.
2. 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 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 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 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.
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 this 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 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.
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 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 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 Tribunal 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 Tribunal 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.
9. Records coming within '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 when they were created, under Section 27 of the *Archives Act 1983*.
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 Tribunal's 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

AUTHORISATION

RECORDS AUTHORITY 2014/00280105

Person to whom notice of authorisation is given:

Ms Helen Davis
Chairperson
Superannuation Complaints Tribunal
Level 7, 120 Collins Street
Melbourne VIC 3000

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 Superannuation Complaints Resolution.

This 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

Christine Johnston
Assistant Director-General A/g
National Archives of Australia

Date of issue:

26 November 2015

SUPERANNUATION COMPLAINTS RESOLUTION

The core business of resolving superannuation related complaints, including complaints in the areas of regulated superannuation funds, annuities and deferred annuities, and retirement savings accounts.

The **core activities** include:

- receiving and assessing complaints to determine jurisdiction;
- investigating complaints, including obtaining submissions and evidence;
- withdrawal of complaints, by the plaintiff or the Tribunal;
- conducting conciliation conferences;
- conducting formal reviews of complaints;
- constituting a panel of tribunal members for review meetings;
- making determinations;
- referring complaints to external authorities; and
- managing appeals and reviews of tribunal decisions, including appeals to higher authorities.

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

- developing, implementing and reviewing policies, rules and procedures;
- negotiating, establishing and implementing agreements and contracts;
- planning and reviewing;
- delegating powers and authorising actions;
- making administrative arrangements to support conciliation conferences and review panel meetings, such as arranging venues and interpreter services; and
- handling routine enquiries.

Cross references to AFDA Express

For advice, briefs and submissions to the portfolio Minister, cabinet submissions and the organisation's participation in formal inquiries, use GOVERNMENT RELATIONS.

For development of new legislation and amendments to existing legislation, use GOVERNMENT RELATIONS and/or STRATEGIC MANAGEMENT.

For media releases, use COMMUNITY RELATIONS and/or GOVERNMENT RELATIONS.

For freedom of information requests, use INFORMATION MANAGEMENT.

For managing legal services, including providing legal advice and litigation activities, use LEGAL SERVICES.

For developing and executing contracts under seal or deeds, use CONTRACTS UNDER SEAL/DEEDS.

Cross references to other records authorities

For statutory and non-statutory advisory bodies, such as the Superannuation Complaints Tribunal Advisory Council, use ADVISORY BODIES.

For managing relationships with other tribunals, government and community stakeholders, including the provision of information and advice, and establishing external committees, use General Records Authority 2011/00681744 – TRIBUNAL EXTERNAL RELATIONS.

For establishing and managing the administration of the tribunal, including the appointment and terms and conditions of statutory appointees, the development of related tribunal policies, and establishing internal committees, use General Records Authority 2011/00681744 – TRIBUNAL MANAGEMENT AND STATUTORY APPOINTMENTS.

SUPERANNUATION COMPLAINTS RESOLUTION

Class no	Description of records	Disposal action
61808	<p>The following significant records documenting:</p> <ul style="list-style-type: none"> • developing and reviewing high-level tribunal policies, plans, rules and procedures that support the core business (eg Chairperson’s Guidelines and Procedural Rules). Includes final versions, major drafts, stakeholder consultation and supporting research; • master versions of complaint determinations; • conducting complaint cases (ie complaint case records), that: are controversial or of considerable public interest; ground-breaking or precedent setting; or result in substantial change to Tribunal policy, processes or operations or changes to legislation. Includes registration of complaint, submissions, investigation research and findings, conciliation file notes and outcomes, review meeting minutes, and copies of determinations. Also includes, where appropriate, negotiated agreements (including deeds of settlement), referrals to appropriate external authorities, and notice of formal withdrawal; • appeals or reviews of decisions made by the Tribunal that: are precedent setting, controversial or of public interest; or, result in major changes to agency policy or programs. Includes appeals to higher authorities such as the Federal Court where the appeal results in a legal precedent; • summary records created to support the superannuation complaints resolution process, such as registers and databases consolidating information on complaint reviews and resolutions (eg de-identified determination summaries database); • final versions of significant agreements and contracts and supporting documents, that: relate to substantial funding arrangements or the establishment of major partnerships and cooperative arrangements with other governments, agencies and organisations; are controversial, of public interest, or ground-breaking in nature; or have substantial implications for the conduct of agency business. Includes memorandums of understanding; • high-level reviews of the core business, including strategic and major internal reviews. Includes final review reports, recommendations, submissions, stakeholder consultations and supporting research; and • master versions of agency publications produced to support the core business. Includes guidelines, brochures and newsletters (eg Quarterly Bulletin). 	Retain as national archives
61809	<p>Records documenting:</p> <ul style="list-style-type: none"> • routine enquiries which do not relate to an existing complaint; and • conducting complaint cases (ie complaint case records), that are received and assessed as being out of jurisdiction on the basis that the complainant has not firstly raised and made reasonable efforts to resolve the complaint with the superannuation provider/trustee/insurer. <p><i>[For records documenting conducting complaint cases (ie complaint case records), that are deemed within jurisdiction but are later withdrawn, use classes 61808 and 61810.]</i></p>	Destroy 2 years after action completed

SUPERANNUATION COMPLAINTS RESOLUTION

Class no	Description of records	Disposal action
61810	Records documenting: <ul style="list-style-type: none">• routine operational administrative tasks supporting the core business; and• superannuation complaint resolution activities, other than those covered in classes 61808 and 61809.	Destroy 10 years after action completed