



**Australian Government**



**NATIONAL  
ARCHIVES  
OF AUSTRALIA**

**Records Authority**

2015/00280264

**Companies Auditors and  
Liquidators Disciplinary Board**

*Auditors and Liquidators Disciplinary Matters*

2015



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## INTRODUCTION

The Companies Auditors and Liquidators Disciplinary Board (CALDB) 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 Auditors and Liquidators Disciplinary Matters. It represents a significant commitment on behalf of CALDB to understand, create and manage the records of its activities.

This records authority is based on the identification and analysis of the business of CALDB. 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 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 records authority gives CALDB 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 records 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:
  - 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;
  - 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](http://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](http://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 records 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 records 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. CALDB 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 CALDB 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 records 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*.
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 records authority is available from CALDB'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](mailto:recordkeeping@naa.gov.au)  
Website: [www.naa.gov.au](http://www.naa.gov.au)

## AUTHORISATION

### RECORDS AUTHORITY 2015/00280264

**Person to whom notice of authorisation is given:**

Mr David Castle  
Chairperson  
Companies Auditors and Liquidators Disciplinary Board  
Level 5, 100 Market Street  
Sydney NSW 2001

**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 Auditors and Liquidators Disciplinary Matters.

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  
Acting Assistant Director-General  
National Archives of Australia

**Date of issue:**

21 January 2016

## AUDITORS AND LIQUIDATORS DISCIPLINARY MATTERS

The core business of hearing and determining disciplinary matters relating to registered auditors and liquidators. Includes hearing and determining applications for the cancellation or suspension of the registration of auditors and liquidators, and the application of other sanctions as determined, such as admonishing, reprimanding or requiring specific undertakings.

The **core activities** include:

- receiving and processing applications for disciplinary action to be taken in relation to registered auditors and liquidators;
- receiving, reviewing and analysing statements, submissions and other evidence;
- constituting panels of Board members to deal with applications;
- conducting pre-hearing conferences;
- conducting mediation between parties, including drafting agreed terms of orders for acceptable outcomes to present to the panel for consideration;
- formally withdrawing matters (where appropriate);
- managing communications with applicants and respondents;
- managing the distribution and dispatch of case records to relevant parties;
- conducting hearings, including summoning witnesses;
- making determinations and subsequent decisions and orders, including the awarding of costs;
- gazetting board decisions (where appropriate); and
- managing appeals and reviews of board decisions, including appeals to higher authorities.

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

- developing, implementing and reviewing procedures and plans;
- making administrative arrangements to support pre-hearing conferences and hearings;
- delegating powers and authorising actions; and
- handling routine enquiries.

### Cross references to AFDA Express Records Authority

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

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

*For freedom of information requests, use INFORMATION MANAGEMENT.*

*For the procurement of goods and services, including transcription services, use PROCUREMENT.*

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

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

## AUDITORS AND LIQUIDATORS DISCIPLINARY MATTERS

Class no	Description of records	Disposal action
61812	<p>The following <b>significant records</b> documenting:</p> <ul style="list-style-type: none"> <li>• final version of Board decisions and reasons, including gazettal notices;</li> <li>• conduct matters heard by the Board (ie conduct case records) that set a precedent, are controversial, subject to significant media attention, or which have led to substantial changes to Board policies, procedures or operations. Includes applications, timetables, statements of facts and contentions, submissions, notices, witness statements and other supporting evidence, communications to or from all parties, expert reports, summonses, recordings or transcripts of pre-hearing conferences and hearings, Board determinations, decisions and orders, and awarding of costs. Also includes, where applicable, mediation agreements, settlement draft consent orders, statements of undertakings, and appeals against decisions;</li> <li>• final versions of high-level plans and procedures that govern the conduct of disciplinary matters, such as manuals of practice and procedure for administrative and conduct matters (eg Costs Practice Note);</li> <li>• summary records created to support the core business, such as registers and databases consolidating information on disciplinary reviews and resolutions (eg case summaries spreadsheet); and</li> <li>• master versions of agency publications produced to support the core business. Includes information sheets and published guidelines.</li> </ul>	Retain as national archives
61988	<p>Records documenting:</p> <ul style="list-style-type: none"> <li>• conduct matters heard by the Board other than those covered in class 61812.</li> </ul>	Destroy 10 years after action completed
61813	<p>Records documenting:</p> <ul style="list-style-type: none"> <li>• routine operational administrative tasks supporting the core business; and</li> <li>• auditors and liquidators disciplinary activities, other than those covered in classes 61812 and 61988.</li> </ul>	Destroy 7 years after action completed