



Records Authority
2016/00094616

**Department of
Foreign Affairs and Trade**

Trade Relations

2016



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INTRODUCTION

The Department of Foreign Affairs and Trade (DFAT) and the National Archives of Australia have developed this records authority to set out the requirements for keeping or destroying records for the business area of Trade Relations. It represents a significant commitment on behalf of DFAT to understand, create and manage the records of its activities.

This records authority is based on the identification and analysis of the business of DFAT. 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 permanently as national archives and specifies the minimum length of time that temporary records need to be kept. This records authority gives DFAT 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 records authority is recommended. All amendments must be approved by the National Archives.

APPLICATION OF THIS AUTHORITY

1. This records authority supersedes the core businesses of Trade Policy and Development and Trade Negotiations in Record Authority 2003/00622439. Classes in the old Trade Policy and Development, and Trade Negotiations functions have been reviewed and merged into the new core business of Trade Relations. The superseded classes cannot be used after the date of issue of this records authority.
2. This records authority is to be used to determine how long records must be kept by matching them 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 purposes 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; and
 - Records that are identified as 'retain as national archives' are to be transferred to the National Archives 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; and
 - Destruction of source or original records after digitisation, conversion or migration (GRA 31) (2015)
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 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 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 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 records authority. DFAT 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. DFAT 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 DFAT 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 Act.
10. Records in the care of agencies should be appropriately stored, managed and preserved to ensure that they remain authentic and accessible over time. Under Section 31 of the Act, 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 DFAT 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 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 2016/00094616

Person to whom notice of authorisation is given:

Peter Varghese AO
Secretary
Department of Foreign Affairs and Trade
RG Casey Building
John McEwen Crescent
Barton ACT 0221 Australia

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 Trade Relations.

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.

Authorising Officer

Anne Lyons
Assistant Director-General
National Archives of Australia

Date of issue 25 May 2016

TRADE RELATIONS

The core business of establishing, implementing and developing the framework conditions that govern Australia's trade with other countries. Including advice, initiatives and actions to support and strengthen the international trading system.

The core activities include:

- participating in accession processes involving countries becoming members of international trade organisations;
- providing and receiving trade negotiation policy and advice;
- providing advice on policies relating to Australia's commitments under trade agreements;
- developing and implementing policies relating to international and domestic trade, decision-making and service delivery;
- developing, implementing, reviewing and maintaining policies, frameworks, plans, priorities and programs;
- negotiating, maintaining, complying with, monitoring, reporting on and reviewing agreements, treaties, conventions, alliances, assurances and understandings;
- conducting international trade negotiations, including reporting on and enforcing entitlements under trade agreements;
- conducting international and national consultations with trading partners, foreign countries and domestic stakeholders;
- developing, implementing and reviewing strategies for advancing and facilitating Australia's trade, investment and commercial interests;
- defining market development strategies and identifying trading opportunities;
- identifying and negotiating market access, impediments to market access and trade liberalisation;
- monitoring, reporting and responding to events affecting trade relations;
- undertaking national and high-level reviews;
- making representations to and receiving representations from, other governments on trade and commercial issues; and
- defending Australia's actions and interests in dispute settlement proceedings.

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

- providing briefings;
- arranging and attending conferences, seminars, discussion forums and workshops;
- preparing addresses and speeches;
- identifying and managing of risk;
- delegating powers and authorising actions;
- developing procedures and guidelines;
- managing and participating in internal and external committees and meetings;
- managing and responding to enquiries;
- liaising with other government agencies and organisations;
- providing outreach services; and
- analysis, research, and evaluation and reporting of trading activity.

Cross references to other DFAT records authorities

For visits by foreign dignitaries to Australia and visits by Australian dignitaries to foreign countries, use INTERNATIONAL RELATIONS.

TRADE RELATIONS

Cross references to AFDA Express records authority

For audit committees, use STRATEGIC MANAGEMENT.

For receiving and assessing tenders, contracting out, making offers and finalising contract arrangements for the supply, sale or purchase of goods and services, use PROCUREMENT.

For master set of media releases, use COMMUNITY RELATIONS.

For agency-wide strategic corporate or business plans, use STRATEGIC MANAGEMENT.

Class no	Description of records	Disposal action
62010	<p>Records documenting:</p> <ul style="list-style-type: none"> • trade negotiations, advice, policy and agreements that establish a precedent, leading to changes in domestic legislation, policy and implementation of commercial arrangements in relation to trade agreements, obligations or entitlements; • participation in the accessions processes associated with countries becoming members of international trade organisations. Includes background details, statistical data, legislation, minutes of meetings and negotiation details; • developing, reviewing and maintaining high-level policies, strategies, frameworks and plans for Trade Relations. Includes: final versions, major drafts, results of stakeholder consultations and supporting research. • high-level advice, advice regarding major trading partners, briefings, submissions, policy contributions and negotiation, and other reports (including supporting data, research and resources) provided to and by Ministers, parliamentary members, parliamentary committees, government agencies, foreign governments, domestic stakeholders and community groups and the public; • negotiating, developing, monitoring, and reviewing agreements (whether ratified or not), treaties, conventions, undertakings and understandings by the agency. Includes negotiation strategies; proposals and options; development, review or interpretation of draft text; consultations between state and Commonwealth ministers for trade and investment and other stakeholder consultations relating to Australia's trade agreements; and the implications of those negotiations to third countries; • consultations with domestic business and industry representatives on exports, market access, developments; • consultations with foreign governments including bi-lateral and multilateral trade consultations; • international or national committees, forums and taskforces established to deal with trade negotiation matters, where the agency provides the secretariat, is the Australian representative, or plays a significant role. Includes agenda, final version of minutes and tabled papers; • conferences and conventions, seminars and workshops hosted by the agency; Includes final versions of unpublished proceedings, reports, presentations and papers from conferences, seminars and workshops hosted by the agency; 	Retain as national archives

TRADE RELATIONS

Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> • facilitation of implementation of trade agreements, by state governments and industry and compliance with international obligations; • market access which documents the identification of barriers to international markets and the development of strategies to gain access to markets; • market development goals and the development of strategies to promote Australian trade; • monitoring the activities of Australia's major trading partners. Includes responding to events affecting trade policy and the legal basis of trade relations, through tariffs and non-tariff barriers, bindings, regulations, quotas, market access conditions, intellectual property issues and the employment of countervailing, anti-dumping, subsidies, sanctions and embargoes; • representations and advocacy to foreign governments on behalf of Australian industry, business interests and individuals, and government agencies, or received from foreign countries; • trade disputes and dispute settlement processes. Includes both defending and prosecuting cases to protect Australia's trading rights, consultations and proceedings before panels and appeals, and resolutions. • outcomes of major research and analysis undertaken or commissioned by the agency. Includes final research reports, statistical modelling and trend analysis, and supporting research datasets and associated information; • developing and reviewing tools, products and calculators for use in trade relations such as the Free Trade Agreements Portal and the FTA Toolkit; • major summary records created to support the core business, such as the Australian Treaties database; • final versions of speeches and addresses presented by the portfolio Minister, the agency head or senior agency staff; • developing and implementing strategies in relation to government debt, renegotiation of debts; and • high-level reviews of the core business, including national and major internal reviews. 	
62011	<p>Records documenting:</p> <ul style="list-style-type: none"> • administrative tasks, logistics and supporting activities associated with new members' accession to international organisations; • advice provided to portfolio ministers and government agencies regarding partners other than those covered in 62010; • agency liaison with domestic stakeholders on trading conditions; • conference papers and proceedings where the agency is not the host or the Australian representative, but which is of significant interest to Australia; • monitoring the activities of Australia's lesser trading partners and 	Destroy 20 years after action completed

TRADE RELATIONS

Class no	Description of records	Disposal action
	<p>developments where activities significantly impact Australia's trade relations;</p> <ul style="list-style-type: none"> • other consultations and information provision with lesser trade partners, or national representatives, • disputes where Australia is not party to the dispute, or cases that are not proceeded with; and • market access, documenting ad hoc concerns that may impact trade arrangements, but not the formal trade agreements, including comments made to other agencies on programs that could hinder market access. 	
62012	<p>Records documenting:</p> <ul style="list-style-type: none"> • Agreements between other countries where Australia has participated as an observer; • internal agency committees formed to assess trade policy and development issues; • conferences and conventions other than those covered in classes 62010 and 62011; • consultations with and information provided to or received from minor trading partners; • monitoring minor trade and trade negotiation activities of Australia's trading partners and their implementation of trade obligations; • matters relating to the administration of the relationship with the Export Finance and Insurance Corporation (EFIC); and • routine reports, including periodic reports and notifications required as a result of international trade agreements made to World Trade Organization. 	Destroy 10 years after last action
62013	<p>Records documenting:</p> <ul style="list-style-type: none"> • minor advice, documenting provision of routine, non-ministerial advice; • minor committees where the agency is not the Australian representative and/or plays only a minor role; • liaison, outreach to domestic industry and business community; • outreach services; • operational plans; • working papers documenting the development and drafting of minor internal reports and returns; • routine operational administrative tasks; and • trade relation activities other than those in classes 62010, 62011 and 62012. 	Destroy 5 years after action completed