



Australian Government



**NATIONAL
ARCHIVES
OF AUSTRALIA**

Records Authority

2016/00431214

Remuneration Tribunal

Tribunal Case Management

2016



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INTRODUCTION

The Remuneration 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 areas of Tribunal Case Management. It represents a significant commitment on behalf of the Remuneration Tribunal to understand, create and manage the records of its activities.

This authority is based on the identification and analysis of the business of the Remuneration 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 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 Remuneration 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 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 authority is recommended. All amendments must be approved by the National Archives.

APPLICATION OF THIS AUTHORITY

1. This 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; and
 - Records that are identified as 'retain as national archives' are to be transferred to the National Archives of Australia for preservation.
2. This 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
 - General Records Authority (31) - Destruction of source or original records after digitisation, conversion or migration (2015)
3. 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 NAP 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.
4. 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.
5. 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.
6. 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 Remuneration Tribunal 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.

7. In general, retention requirements indicate a minimum period for retention. The Remuneration 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 Remuneration 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.
8. 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 the records coming into existence, under section 27 of the *Archives Act 1983*.
9. 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.
10. 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. Records created digitally after 1 January 2016 can be transferred in digital formats only.
11. Advice on how to use this authority is available from the Remuneration Tribunal 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 recordkeeping matters, please contact National Archives' Agency Service Centre.

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

Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2016/00431214

Person to whom notice of authorisation is given:

Patrick Palmer
Secretary
Commonwealth Remuneration Tribunal
PO Box 281
CIVIC SQUARE ACT 2608

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 Tribunal Case Management.

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:

23 September 2016

TRIBUNAL CASE MANAGEMENT

The core business of reviewing, determining, reporting on, and providing advice about remuneration under the *Remuneration Tribunal Act 1973* and subsequent legislation, including allowances and entitlements that are within its jurisdiction for:

- Federal Parliamentarians, including Ministers and Parliamentary office holders;
- judicial and non-judicial offices of federal courts and tribunals;
- Secretaries of Departments;
- full-time and part-time holders of various public offices; and
- Principal Executive Offices.

Under relevant legislation (currently the *Parliamentary Service Act 1999*), the Speaker of the House of Representatives and the President of the Senate are required to consult the Tribunal about appropriate levels of remuneration for the offices of Secretaries, the Parliamentary Service Commissioner and the Parliamentary Services Merit Protection Commissioner.

The tasks associated with the Tribunal core business include:

- handling enquiries;
- receipt and initial assessment of submissions;
- monitoring of submission progress;
- research or investigation undertaken in relation to submissions;
- conducting reviews in accordance with legislative requirements;
- providing advice to stakeholders;
- finalisation of submissions including notifying stakeholders; and
- publication of decisions and determinations.

Cross reference to other records authorities

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

Class no	Description of records	Disposal action
62154	Records documenting: <ul style="list-style-type: none"> • major policies, guidelines and procedures relating to the operations of the Tribunal. • cases, also known as submissions, where a precedent is set, that are controversial, create intense media interest, result in major changes to policy, procedure or legislation, have far-reaching corporate, social, economic, environmental, national or international implications, or are appealed to the Federal or High Court. Includes individual and departmental submissions, decisions, determinations, research, legal advice, reports, and briefing papers in written, electronic or audio form. • master set or register of Tribunal decisions and determinations. 	Retain as national archives

TRIBUNAL CASE MANAGEMENT

Class no	Description of records	Disposal action
62155	Records documenting: <ul style="list-style-type: none"><li data-bbox="344 383 1094 443">• routine operational administrative tasks supporting the core business; and<li data-bbox="344 461 1174 521">• Tribunal Case Management activities, other than those covered in 62154.	Destroy 7 year after action completed.