



**Australian Government**  

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**National Archives of Australia**

**Records Authority**  
**2016/00537248**

**Australian Law Reform Commission**

**2016**



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## INTRODUCTION

The Australian Law Reform Commission (ALRC) 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 area of Law Reform. It represents a significant commitment on behalf of the ALRC to understand, create and manage the records of its activities.

This authority is based on the identification and analysis of the business of the ALRC. 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 ALRC 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 authority supersedes records authority (RA) 2001/00000628. The superseded records authority cannot be used by the ALRC to sentence records after the date of issue of this authority.
2. 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 for preservation.
3. 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)
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 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](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 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 ALRC 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 ALRC 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 ALRC 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 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'. Records created digitally after 1 January 2016 can be transferred in digital formats only.
12. Advice on how to use this authority is available from the ALRC 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

Email: [recordkeeping@naa.gov.au](mailto:recordkeeping@naa.gov.au)  
Website: [www.naa.gov.au](http://www.naa.gov.au)

# AUTHORISATION

## RECORDS AUTHORITY 2016/00537248

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

Professor Rosalind Croucher AM  
President, Australian Law Reform Commission  
Level 40, MLC Tower  
19 Martin Place  
Sydney NSW 2000

**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 Law Reform.

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

## LAW REFORM

The function of conducting a law reform program in response to inquiries given to the agency by the Attorney-General. Includes conducting research and consultation through a team on each inquiry to determine the need for reform and to develop law reform recommendations.

The function includes such core law reform related activities as:

- developing proposals for new inquiries;
- conducting research into the area of law under review;
- conducting consultations with stakeholders;
- establishing and conducting meetings with advisory committees;
- receiving and responding to formal advice and submissions from stakeholders;
- developing recommendations for reform of laws;
- producing reports to Government outlining recommendations for the reform of laws;
- monitoring the implementation of recommendations; and
- providing submissions to external inquiries which relate to past or current ALRC inquiries.

The performance of this function is supported by routine administrative tasks such as:

- developing policies for conducting inquiries;
- project management;
- management of committees and meetings;
- receiving and responding to informal advice and enquiries from stakeholders; and
- liaising with other law reform bodies.

### Cross references to AFDA Express Records Authority

*For the establishment of the agency use ESTABLISHMENT*

*For the management of agency personnel, use PERSONNEL*

*For video and audio production of a promotional event, use PUBLICATION.*

*For production of publications relating to an inquiry, such as consultation papers and final reports, use PUBLICATIONS.*

*For speeches by ALRC staff, use COMMUNITY RELATIONS.*

*For contracts with consultants undertaking research, use PROCUREMENT.*

### Cross references to other records authorities

*For governing bodies and ministerial councils, use GOVERNING BODIES.*

<b>Class no</b>	<b>Description of records</b>	<b>Disposal action</b>
62223	Records documenting: <ul style="list-style-type: none"> <li>• development of a new inquiry, including formalised Terms of Reference;</li> <li>• formal advice and submissions from stakeholders;</li> <li>• proceedings of consultations with stakeholders and advisory committee meetings;</li> <li>• empirical research undertaken as part of the inquiry;</li> <li>• production of briefing papers and other formal papers for limited distribution which are not published; and</li> <li>• submissions to external inquiries, relating to past or current</li> </ul>	Retain as national archives.

## LAW REFORM

Class no	Description of records	Disposal action
	<p>ALRC inquiries.</p> <p><i>[For empirical research containing personal information required by terms and conditions of empirical work to be destroyed, use class 62224]</i></p> <p><i>[For general research undertaken as part of the inquiry, use class 62224]</i></p> <p><i>[For the development of a new inquiry, where Terms of Reference are not formalised, use class 62224]</i></p>	
62224	<p>Records documenting:</p> <ul style="list-style-type: none"> <li>• identification of potential new inquiries, including suggestions from the community;</li> <li>• development of a new inquiry, where the inquiry is not formalised;</li> <li>• working papers documenting the development of policies relating to the conduct of law reform inquiries;</li> <li>• project management—such as allocation of staff, work plans, arrangements for team meetings, writing styles, promotional events;</li> <li>• general communication with stakeholders;</li> <li>• establishment of advisory committee and management of meetings;</li> <li>• arrangement of consultation meetings with stakeholders;</li> <li>• general research undertaken during an inquiry;</li> <li>• empirical research which contains personal information required by terms and conditions of empirical work to be destroyed;</li> <li>• drafting of papers in relation to an inquiry;</li> <li>• working papers documenting the development of submissions to external inquiries; and</li> <li>• documenting the implementation of law reform recommendations, including implementation registers.</li> </ul>	Destroy 3 years after action completed.
62225	<p>Records documenting:</p> <ul style="list-style-type: none"> <li>• routine operational administrative tasks; and</li> <li>• law reform activities other than those in classes 62223 and 62224, including;</li> <li>• policies relating to the conduct of law reform; and</li> <li>• liaison with other law reform bodies to coordinate law reform activities and to reduce duplication of law reform efforts.</li> </ul>	Destroy 7 years after action completed.