



**Australian Government**

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**National Archives of Australia**

**Records Authority**

**2019/00505773**

**Administrative Appeals Tribunal**

*Mediator Accreditation Management*

*Persona Designata Functions Support Management*

*Tribunal Case Management*

2019



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## INTRODUCTION

The Administrative Appeals 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 MEDIATOR ACCREDITATION MANAGEMENT, PERSONA DESIGNATA FUNCTIONS SUPPORT MANAGEMENT, and TRIBUNAL CASE MANAGEMENT. It represents a significant commitment on behalf of the Administrative Appeals 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 Administrative Appeals Tribunal. It takes into account the agency's legal and organisational information management requirements, and the interests of stakeholders, the agency and the National Archives of Australia.

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 Administrative Appeals 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 information management requirements, the periodic review of this Authority is recommended. All amendments must be approved by the National Archives of Australia.

## APPLICATION OF THIS AUTHORITY

This Authority supersedes Records Authority 2013/0014404 Administrative Appeals Tribunal (2014), Records Authority 2012/00316300 Migration Review Tribunal and Refugee Review Tribunal (2012), and Records Authority 2006/00118635 Social Security Appeals Tribunal (2008). The superseded records authorities cannot be used by the Administrative Appeals Tribunal after the date of issue of this Authority.

1. This Authority should be used in conjunction with the Records Authority 2011/00681744 - Tribunals, covering core businesses of Tribunal External Relations and Tribunal Management and Statutory Appointments.
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.
  - Records that are identified as 'Retain as National Archives' (RNA) are to be transferred to the National Archives of Australia for preservation.
3. This Authority should be used in conjunction with general records authorities such as:
  - the AFDA Express Version 2 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. 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 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 an analogue system to a digital 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 Administrative Appeals 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.
8. In general, retention requirements indicate a minimum period for retention. The Administrative Appeals 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 Administrative Appeals 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' class 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 Administrative Appeals Tribunal information 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 information management matters, please contact National Archives' [Agency Service Centre](#).

# AUTHORISATION

## RECORDS AUTHORITY 2019/00505773

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

Registrar  
Ms Sian Leathem

Administrative Appeals Tribunal  
Level 13, 83 Clarence Street  
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 'Mediator Accreditation Management', 'Persona Designata Functions Support Management', and '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

Linda Macfarlane  
Assistant Director-General (a/g)  
National Archives of Australia

### Date of issue:

5 December 2019

## MEDIATOR ACCREDITATION MANAGEMENT

The core business of managing the accreditation and re-accreditation of mediators.

The **core activities** include:

- applying for and maintaining membership of Australia’s mediator accreditation body (currently the Mediator Standards Board) as a Recognised Mediator Accreditation Body under the National Mediator Accreditation System;
- accrediting and re-accrediting, or arranging for the accreditation and re-accreditation of, Tribunal members, registrars and other staff as mediators;
- assessing external training and education opportunities;
- developing and conducting workshops and seminars; and
- arranging professional development opportunities for accredited mediators.

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

- developing and reviewing policies, guidelines and procedures for the accreditation and re-accreditation of Tribunal members, registrars and other staff (includes maintaining a complaints system);
- reporting and reviewing;
- providing and receiving advice; and
- establishing and managing committees.

*Cross references to AFDA Express Version 2*

*For general complaints and feedback in relation to mediation, use EXTERNAL RELATIONS.*

*For the payment of fees by the Tribunal relating to the National Mediator Accreditation System, use FINANCIAL MANAGEMENT.*

<b>Class no</b>	<b>Description of records</b>	<b>Disposal action</b>
62734	Records documenting: <ul style="list-style-type: none"> <li>• accreditation, re-accreditation, removal or suspension of individual Tribunal members, registrars and other staff as mediators.</li> </ul>	Destroy 75 years after date of birth of member/ employee or 7 years after last action, whichever is later
62735	Records documenting: <ul style="list-style-type: none"> <li>• routine operational administrative tasks supporting the core business; and</li> <li>• all other mediator accreditation management activities not covered in class 62734, including: <ul style="list-style-type: none"> <li>○ approval and maintenance of the Tribunal as a recognised mediator accreditation body-member of Australia’s mediator accreditation body</li> <li>○ development of policies, guidelines and procedures for dealing with requests for accreditation and re-accreditation, including final versions;</li> <li>○ establishment and work of committees, including agendas, minutes and papers; and</li> <li>○ professional development activities, including master training material and master attendance lists.</li> </ul> </li> </ul>	Destroy 7 years after action completed

## PERSONA DESIGNATA FUNCTIONS SUPPORT MANAGEMENT

The core business of providing support for Tribunal members undertaking persona designata functions in their personal capacity under relevant legislation, including the *Crimes Act 1914*, the *Criminal Code Act 1995*, the *Proceeds of Crime Act 2002*, the *Surveillance Devices Act 2004* and the *Telecommunications (Interception and Access) Act 1979*.

The **core activities** include:

- handling requests for Tribunal members to undertake persona designata functions;
- arranging appointments, examinations and providing general administrative support;
- supporting the conduct of examinations and managing exhibits; and
- maintaining records associated with examinations conducted by members under relevant legislation (currently the *Proceeds of Crime Act 2002*).

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

- developing and reviewing policies and procedures;
- managing agreements;
- establishing and managing committees; and
- consulting with external stakeholders about the Tribunal persona designata role.

### Cross references to other records authorities

For administering the appointment of Tribunal members to undertake persona designata functions, use Records Authority 2011/00681744 – TRIBUNAL MANAGEMENT AND STATUTORY APPOINTMENTS.

Class no	Description of records	Disposal action
62736	Records documenting appointments and examinations maintained in all formats, such as proceeds of crime examination files.	Destroy 5 years after action completed
62737	Records documenting routine notifications, advice and the following arrangements: <ul style="list-style-type: none"> <li>• provision of interpreter or security services;</li> <li>• arranging attendance of proceeds of crime examinees who are in detention; and</li> <li>• routine booking arrangements for appointments and examinations.</li> </ul>	Destroy 1 year after action completed
62738	Records documenting: <ul style="list-style-type: none"> <li>• routine operational administrative tasks supporting the core business; and</li> <li>• all other persona designata functions support management activities not covered in classes 62736 and 62737, including: <ul style="list-style-type: none"> <li>○ development of policies, guidelines, procedures, manuals and agreements, including final versions;</li> <li>○ establishment and work of committees, including agendas, minutes and papers; and</li> <li>○ consultation with external stakeholders, including agendas and minutes of liaison meetings.</li> </ul> </li> </ul>	Destroy 7 years after action completed



## TRIBUNAL CASE MANAGEMENT

The core business of conducting independent merits review of administrative decisions made by the Australian Government under Commonwealth laws.

The **core activities** include:

- receipt and initial assessment of applications;
- managing applications (cases) from lodgement to finalisation;
- providing information to parties and their representatives;
- referral to legal or other assistance;
- monitoring case progress and compliance;
- issuing summonses and managing documents produced under summons;
- arranging and conducting alternative dispute resolution processes and hearings;
- managing recordings of hearings and other case events;
- arranging and managing interpreter, security and transcription services;
- managing exhibits;
- making and issuing directions, orders and decisions;
- finalising applications, including notifying parties;
- managing appeals and referrals of questions of law;
- managing a master set of written reasons for decisions; and
- managing appointments, authorisations and delegations of powers made by the President and Registrar under the Tribunal's legislation and other legislation.

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

- providing advice and assistance through the publishing and dissemination of practice directions, jurisdictional guides and fact sheets;
- developing, implementing and reviewing policies, guidelines, procedures and manuals;
- establishing and managing committees;
- handling enquiries;
- carrying out research; and
- managing risks and developing mitigation strategies.

### Cross references to AFDA Express Version 2

*For the development of Tribunal service charter, use EXTERNAL RELATIONS.*

*For complaints against the Tribunal relating to case management activities, use EXTERNAL RELATIONS.*

*For handling of public enquiries and requests for information, other than those related to specific cases, use EXTERNAL RELATIONS.*

*For reporting to government and portfolio Minister on the core business, use EXTERNAL RELATIONS*

*For the management of money received, use FINANCIAL MANAGEMENT.*

*For legal research reports and advice, use LEGAL SERVICES.*

*For the acquisition of goods and services, including contracting-out and tendering processes use PROCUREMENT.*

*For general security arrangements, use PROPERTY MANAGEMENT.*

*For the production and distribution of published reports, use PUBLICATION.*

*For freedom of information requests and metadata management/file movement registers, use TECHNOLOGY AND INFORMATION MANAGEMENT.*

*Cross references to other records authorities*

*For addresses or presentation given by the President, other Tribunal members, the Registrar and other staff, use Records Authority 2011/00681744 – TRIBUNAL EXTERNAL RELATIONS.*

*For administering relationships and liaison with other tribunals, government and community stakeholders, use Records Authority 2011/00681744 – TRIBUNAL EXTERNAL RELATIONS.*

*For creation and management of inter-agency committees and working groups, use Records Authority 2011/00681744 – TRIBUNAL EXTERNAL RELATIONS.*

*For creation and management of internal committees and working groups, use Records Authority 2011/00681744 – TRIBUNAL MANAGEMENT AND STATUTORY APPOINTMENTS.*

*For records relating to establishing and managing the administration of the Tribunal, including consolidated employment history of members, administration of remuneration and allowances, leave, declarations of interest etc., use Records Authority 2011/00681744 – TRIBUNAL MANAGEMENT AND STATUTORY APPOINTMENTS.*

Class no	Description of records	Disposal action
62739	<p>Records documenting:</p> <ul style="list-style-type: none"> <li>• final versions of case management practice directions and other major policies and guidelines for handling cases;</li> </ul> <p><i>[For the development and dissemination of these records, use class 62741]</i></p> <ul style="list-style-type: none"> <li>• cases which are: controversial, create intense media interest, result in major change to Tribunal or other legislation, jurisdiction, practice and procedure or operations, or have far-reaching corporate, economic, environmental, legal, social or other national or international implications;</li> <li>• case registers and other case control records maintained in all formats; and</li> <li>• master set of Tribunal written reasons for decision.</li> </ul> <p><i>[For high-level strategies, policies, programs, standards, plans and procedures on Tribunal's role, objectives and priorities, use AFDA Express Version 2 – STRATEGIC MANAGEMENT.]</i></p>	Retain as national archives
62740	Records documenting appointments, authorisations or delegations of power made by the President or the Registrar under the Tribunal's legislation or other legislation.	Destroy 75 years after date of birth of member/ employee or 7 years after last action, whichever is later
62741	Records documenting the development and dissemination of case management practice directions and other major policies and guidelines, including requests for comment from external stakeholders and submissions received.	Destroy 20 years after action completed
62742	<p>Records documenting:</p> <ul style="list-style-type: none"> <li>• cases other than those covered in class 62739;</li> <li>• activities supporting the management of individual cases such as signed directions or schedules about the constitution of the Tribunal and alternative dispute resolution processes.</li> </ul>	Destroy 5 years after action completed

<b>Class no</b>	<b>Description of records</b>	<b>Disposal action</b>
62743	Records documenting: <ul style="list-style-type: none"><li>• circuit venue and travel bookings;</li><li>• provision of interpreter, security or transcription services;</li><li>• arranging attendance of parties who are in detention;</li><li>• routine booking arrangements for hearings and other case events;</li><li>• operational schedules and rosters such as daily hearing schedules, weekly listing schedules, and member schedules and rosters;</li><li>• liaison with and submissions from potential applicants, where an application is not subsequently lodged; and</li><li>• submissions received which are unidentifiable.</li></ul>	Destroy 1 year after action completed
62744	Original documents and items received in relation to a case: <ul style="list-style-type: none"><li>• not wanted by the owner; or</li><li>• unable to be returned to the owner.</li></ul>	Destroy 1 year after reasonable efforts have been made to return the items
62745	Records documenting: <ul style="list-style-type: none"><li>• routine operational administrative tasks supporting the core business; and</li><li>• all other Tribunal case management activities not covered in classes 62739 to 62744.</li></ul>	Destroy 7 years after action completed