



Australian Government

National Archives of Australia

Records Authority

2019/00344900

Department of Defence

Military Policing

2020



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INTRODUCTION

The Department of Defence (Defence) 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 MILITARY POLICING. It represents a significant commitment on behalf of the Department to understand, create and manage the records of its activities.

This authority is based on the identification and analysis of the business of the Department. It takes into account the agency's legal and organisational information 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 Department 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 information 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 RDA 1328 (1998). It also partially supersedes RDAs 508, 568, 630, 1157, 1176, 1222 and RA 2009/00741349 - Military Personnel. The superseded records authorities cannot be used to sentence records after the date of issue of this authority.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 Departmental 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' are to be transferred to the National Archives for preservation.
3. This authority should be used in conjunction with general records authorities such as:
 - 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. 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 Express Version 2. 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 a 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 and whether they affect the application of this authority is available from the National Archives website at 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 Department 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 Department 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 Department 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 Department 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 2019/00344900

Person to whom notice of authorisation is given:

Greg Moriarty
Secretary
Department of Defence
Russell Offices
Canberra ACT 2600

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 Military Policing.

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



Jason McGuire
A/g Assistant Director-General, Government Data and Policy
National Archives of Australia

Date of Issue: 19 August 2020

MILITARY POLICING

Military policing is the core business of enforcing the rule of law within the Australian Defence Force (ADF) in the non-operational environment through the delivery of policing, security and combat policing capabilities in support of the ADF, in order to ensure military effectiveness. Military Police monitor the ADF and provide police support to the ADF by preserving the peace; protecting life and property; maintaining order and discipline; preventing, detecting and investigating crime and enforcing the law. Defence members are subject to military discipline law in addition to civilian law. Through the application of special legal powers granted by legislation, Military Police assist commanders, the chain of command and civil authorities in maintaining good order and security through the prevention, detection and investigation of incidents, and by implementing crime prevention, safety and security strategies.

Military Police provide support for security of key assets, personnel and information, assist commanders in and provide a civilian/military interface for emergency management (including support to disaster victim identification, mortuary affairs and repatriation), conduct mobility and movement support operations and assist other government agencies in the management of displaced persons. The ADF military policing community is organised along similar lines to civilian police forces that typically consists of police who perform routine policing tasks such as law and order patrols, traffic management, incident response and minor investigations, and qualified investigators who conduct major, serious and sensitive investigations.

Note: When Military Police are required to assist in activities such as disaster victim identification and support to mortuary affairs and repatriation of deceased human remains this is usually in response to Defence activities outside Australia. These could be designated military operations, or in response to overseas disasters, in which case the Chief of the Defence Force will designate the response as an operation. Records of activities in these circumstances will be covered by the Defence Operations RA 2015/00284404.

The **core activities** include:

- crime prevention;
- police information and criminal intelligence;
- routine law enforcement duties;
- arrest of Defence personnel;
- conducting minor investigations and incident management;
- conducting major, serious and sensitive investigations;
- managing ADF detention centres, including detainee management and transportation; and
- support to emergency management.

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

- providing and receiving advice;
- enquiries;
- evaluation and review;
- handbooks, manuals and procedures;
- handling complaints;
- internal reporting
- liaison and coordination;
- orders and instructions;
- planning;
- policies and directives; and
- research.

Cross references to other Defence records authorities

For Military Policing relating to Defence operations, use Defence Operations - Legal and Service Police Support to Operations

For non-specific Military Police intelligence and security information, use Intelligence, Security and Communications.

For reporting to Government on Military policing matters, use Strategy and Advice.

For all Defence training, including Defence-specific Military Police training, use Defence Training.

For charging or sentencing of a Defence member, use Military Justice and Legal Services.

For military justice proceedings and service tribunals, use Military Justice and Legal Services.

For the establishment of an ADF detention centre, use Defence Specialised Premises Management.

For a civil or domestic emergency designated as an operation by the Chief of the Defence Force, use Defence Operations.

CLASSES

Class no	Description of records	Disposal action
62673	Records documenting: <ul style="list-style-type: none"> • developing, establishing and implementing Military Police policies and directives, including interim policies and directives; • agreements with other policing jurisdictions; • final reports of evaluations and reviews of military policing in the ADF; and • summary arrest records. 	Retain as national archives
62674	Records documenting: <ul style="list-style-type: none"> • arrest of Defence personnel not resulting from an investigation; • management of an authorised ADF detention centre (including administrative records relating to the establishment and management of the detention centre) by Military Police; • investigation and incident management by Military Police, (including non-disclosable records not included in a brief of evidence submitted for the conduct of a trial), such as crimes of a personal nature or offences such as fraud. Includes: <ul style="list-style-type: none"> ○ applications seeking the declaration of a service; ○ starting the investigation; ○ conducting the investigation; ○ apprehending the suspect; ○ presenting the evidence; ○ preparing for trial; and ○ post-trial actions. • Military Police receiving an incident but not commencing an investigation; • management of criminal intelligence; 	Destroy 100 years after last action

Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> • transport of Defence detainees, also known as persons in custody, between two discrete locations. Includes all transfer documentation such as requisitions, orders, notices and forms and liaison between detainee units and military police; and • detaining Defence personnel, including certificates, registers, medicals, dental and unit medical records and daily occurrence books. 	
62676	Records documenting: <ul style="list-style-type: none"> • developing, establishing and implementing significant overarching and high-level Military Police orders and instructions. 	Destroy 25 years after last action
62677	Records documenting: <ul style="list-style-type: none"> • conduct of significant liaison and coordination between Military Police, police within other Australian jurisdictions, international agencies, other forces and other nations. Includes Direct Liaison Authorisations, briefs, and final versions of recommendations provided through liaison channels. 	Destroy 15 years after last action
62678	Records documenting: <ul style="list-style-type: none"> • crime prevention programs within Defence, including associated brochures, publications and information sessions; • developing, establishing and implementing routine Military Police orders and instructions; and • briefs, reports and liaison based on criminal intelligence management. 	Destroy 10 years after last action
62679	Records documenting: <ul style="list-style-type: none"> • Military Police manuals, handbooks and procedures, including Aide Memoires and action guides. 	Destroy 7 years after last action
62680	Records documenting: <ul style="list-style-type: none"> • conduct of routine military policing tasks that do not lead to an investigation or arrest; and • support to the management of an emergency not designated an operation by the Chief of the Defence Force. Includes briefs, presentations, assessments, and statements. 	Destroy 5 years after last action
62681	Records documenting: <ul style="list-style-type: none"> • routine administrative tasks supporting the core business; and • Defence military policing activities, other than those covered in classes 62673 to 62680. 	Destroy 3 years after last action