

State Records Authority of New South Wales

Functional Retention and Disposal Authority: FA302

This authority covers records documenting the function of Industrial relations

Issued to Industrial Relations Commission of New South Wales and Industrial Registry

This functional retention and disposal authority is approved under section 21(2)c of the *State Records Act 1998* following prior approval by the Board of the State Records Authority of New South Wales in accordance with section 21(3) of the Act.

State Records Authority of New South Wales
Functional Retention and Disposal Authority

Authority no FA302

SR file no 08/0206

Scope This functional retention and disposal authority covers records documenting the function of Industrial relations from c.1881 onwards.

Public office Industrial Relations Commission of New South Wales and Industrial Registry

Approval date

Alan Ventress
Director
State Records Authority of New South Wales

20/12/2010
Date

About the Functional Retention and Disposal Authority

Purpose of the authority

The purpose of this functional retention and disposal authority is to identify those records created and maintained by NSW public offices which are required as State archives and to provide approval for the destruction of certain other records created and maintained by NSW public offices, after minimum retention periods have been met.

The approval for disposal given by this authority is given under the provisions of the *State Records Act 1998* only and does not override any other obligations of an organisation to retain records.

The retention and disposal of State records

The records retention and disposal practices outlined in this authority are approved under section 21(2)(c) of the *State Records Act 1998 (NSW)*. Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of State Records with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Records does not disapprove. Advice on the State Records Act can be obtained from State Records.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. The State Records Authority ('State Records') reviews and approves organisations' retention and disposal authorities under the State Records Act.

This authority is the product of an appraisal process conducted in accordance with State Records' *Standard on the appraisal and disposal of State records*. It is the duty of a public office, in submitting a draft functional retention and disposal authority for approval, to disclose to State Records any information which affects the retention of the records covered by the authority.

State Records' decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Records' functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in *Building the Archives: Policy on records appraisal and the identification of State archives*. The Policy also explains the roles and responsibilities of State Records and of public offices in undertaking appraisal processes and disposal activities.

Implementing the authority

This functional retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority. The authority should be implemented as part of the records management program of the organisation. Two primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. Advice on sentencing can be obtained from State Records. See *Implementing a retention and disposal authority*.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependant records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see also the *General Retention and Disposal Authority – Imaged records*). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

Disposal action

Records required as State archives

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Records when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Records regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Records' control should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

Records approved for destruction

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are *minimum* periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, and government directives. A public office *must not* dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) where the records may be required as evidence.

Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded. See *Destruction of records: a practical guide*.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation's functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:

- business needs or practices change
- new laws, regulations or standards are introduced
- new technology is implemented
- government administration is restructured and functions are moved between entities, or
- unforeseen or new community expectations become apparent.

State Records recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office must not permanently transfer possession or ownership of a State record to any person or organisation without the explicit approval of State Records.

Custody

The custody column in the functional retention and disposal authority is designed to assist public offices in identifying storage requirements or transfer arrangements for records identified as State archives (ie with a Disposal action of 'Required as State archives'). The directions in this column are recommendations only and are *not* mandatory. The type of information may include directions on how long records should be retained in the office and how long they should be kept in off-site, off-line or secondary storage prior to their transfer as State archives. A

recommendation to retain records in the organisation for more than 25 years does not imply that a *still in use determination* (see Part 4, Section 28 of the *State Records Act 1998*) or that a distributed management agreement (see Part 4, Section 30 of the *State Records Act 1998*) has been approved by State Records. Advice on arrangements for managing and transferring State archives can be obtained from State Records.

Administrative change

This functional retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Records for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Records to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.

Amendment and review of this authority

State Records must approve any amendment to this authority. Public offices that use the authority should advise State Records of any proposed changes or amendments to the authority.

State Records recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Records may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements or procedures which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Records and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

Contact Information

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Functional Retention and Disposal Authority
Industrial relations (Industrial Relations Commission of New South Wales and Industrial Registry)

Authority number: FA302

Dates of coverage: c.1881+

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No	Function/Activity	Description	Disposal Action	Custody*
1.0.0	COMMISSION MANAGEMENT	<p>The function of managing the overall conduct of the organisation's responsibilities, functions and activities.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Community relations - Conferences for records relating to conferences organised or attended by members of the organisation, e.g. the Annual Conference of the Industrial Relations Commission.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Strategic management for records relating to broad systematic planning for the organisation as a whole and the business plans of individual units.</p>		
1.1.0	Committees, tribunals and panels	<p>The activity of establishing and administering industrial committees, tribunals and panels formed to exercise the functions of the organisation.</p> <p>See relevant activities under REPRESENTATIVE ORGANISATIONS and WORKING CONDITIONS for records relating to the work carried out by industrial committees, tribunals and panels.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Committees for records relating to the establishment and administration of other internal and external committees.</p>		
1.1.1		<p>Records relating to the establishment and dissolution of industrial committees, tribunals and panels. Records include:</p> <ul style="list-style-type: none"> • applications and notifications relating to the 	Required as State archives	Retain minimum of 3 years after finalisation, then

* see *About the functional retention and disposal authority*

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No	Function/Activity	Description	Disposal Action	Custody*
<i>COMMISSION MANAGEMENT - Enquiries</i>				
		<p>establishment, dissolution, extension or re-establishment of committees, tribunals or panels or to the removal of matters before committees and panels</p> <ul style="list-style-type: none"> • records documenting the nomination and appointment of members and of persons with sufficient industrial interest to committees, tribunals and panels, including vetoes of nominations • records documenting variations to the membership of committees, tribunals and panels, including resignations of members, notifications and determinations of dissolutions • registers of all industrial committees, tribunals and panels established by the organisation. 		transfer
1.2.0	Enquiries	<p>The activity of handling enquiries from the public about practice and procedure.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Community relations - Enquiries for records relating to enquiries regarding routine information about the organisation and its services, e.g. hours of opening.</p>		
1.2.1		Records relating to requests for information unique to the practice and procedure of the organisation.	Retain minimum of 5 years after last action, then destroy	
1.3.0	Evaluation and review	The process of determining the suitability of potential programs, services or systems, or re-evaluating existing programs, services or systems. Includes programs or		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>COMMISSION MANAGEMENT - Evaluation and review</i>				
		<p>systems designed to increase the efficiency of the organisation.</p> <p>See COMMISSION MANAGEMENT - Policies and procedures for records relating to procedures or guidelines introduced to support the implementation of new or revised programs, services or systems.</p>		
1.3.1		Records relating to the evaluation or review of potential or existing programs, services or systems. Includes systems for the allocation of hearing dates, time standards for the disposition of work etc.	Retain minimum of 10 years after program, service or system superseded, then destroy	
1.4.0	Inquiries	<p>The activity of inquiring into and reporting on industrial matters. Includes matters referred by the Minister.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Government relations - Inquiries for records relating to liaising with bodies carrying out inquiries and participating in them, e.g. Royal Commissions and Parliamentary and Ombudsman's inquiries.</p>		
1.4.1		Records relating to inquiring into and reporting on industrial matters. Records include final reports and background information and research.	Required as State archives	Retain minimum of 3 years after finalisation, then transfer
1.5.0	Interagency cooperation	The activity of cooperating and liaising with industrial, judicial and law enforcement agencies in NSW and Australia. Includes liaison with State and Federal tribunals, the Police and other courts regarding joint proceedings and referral of		

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<i>COMMISSION MANAGEMENT - Interagency cooperation</i>				
		<p>matters. Also includes sharing information, statistics etc.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Committees for records relating to advisory or interagency committees established to facilitate interagency cooperation or consultation with stakeholders, user groups etc.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Community relations - Liaison for records relating to liaising with professional associations, professionals in related fields, private sector organisations and community groups.</p>		
1.5.1		Records relating to cooperating and liaising with industrial, judicial and law enforcement agencies regarding the functions and jurisdiction of the organisation. Records include agreements, notes or minutes of meetings and other records documenting decisions made, and reports or correspondence about follow up actions.	Retain minimum of 10 years after last action, then destroy	
1.6.0	Policies and procedures	<p>The activity of developing and establishing policies, directions, principles and procedures for the conduct of the organisation's processes and decision making.</p> <p>See relevant functions and activities in the <i>General retention and disposal authority: administrative records</i> for records relating to policies and procedures supporting administrative processes and decision making, e.g. see PROPERTY MANAGEMENT - Policy for records relating to the organisation's policies for the management of facilities or property.</p>		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>COMMISSION MANAGEMENT - Policies and procedures</i>				
		<p>See COMMISSION MANAGEMENT - Committees, tribunals and panels for records relating to the establishment and administration of committees charged with making rules (i.e. Rules Committee).</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> Strategic management - Legislation for records relating to rules published as subordinate legislation.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Publication - Production for records relating to the development and review of forms.</p>		
1.6.1		Records relating to the formulation, establishment and review of high level policy, principles, practice directions and practice notes. Records include final, approved policies, principles, directions and notes.	Required as State archives	Retain until superseded and/or no longer required for reference purposes, then transfer
1.6.2		Records relating to the development, issue and review of procedures, advices to practitioners and guidelines. Records include final, approved procedures, advices and guidelines.	Retain until superseded, then destroy	
1.7.0	Publication	<p>The activity of researching and drafting publications relating to industrial relations, including publications produced in electronic format on the organisation's website.</p> <p>See COMMISSION MANAGEMENT - Policies and procedures for records relating to developing policies, directions, principles, procedures and guidelines published</p>		

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<i>COMMISSION MANAGEMENT - Publication</i>				
		<p>on the organisation's website.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Government relations - Reporting for records relating to the development of published and unpublished reports to government relating to the organisation's core functions and performance, including annual reports.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Publication for records relating to the production and distribution of publications.</p>		
1.7.1		Final/master versions of the <i>Industrial Gazette</i> .	Required as State archives	Retain minimum of 1 year after publication, then transfer
1.7.2		Records relating to the development of content for inclusion in the <i>Industrial Gazette</i> , other than records on matter files. Records include background and research material and drafts.	Retain until reference use ceases, then destroy	
1.8.0	Registration	<p>The activity of registering and listing matters before the Industrial Registrar, the Industrial Relations Commission or the Industrial Court.</p> <p>See the relevant function and activity for records documenting the progress and outcome of matters.</p>		
1.8.1		Daily court lists.	Retain until reference use ceases, then	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>COMMISSION MANAGEMENT - Registration</i>				
			destroy	
1.8.2		Registers of matters before the Industrial Registrar, the Industrial Relations Commission or the Industrial Court.	Required as State archives	Retain minimum of 15 years after last entry, then transfer
1.9.0	Reporting	<p>The activity of collecting statistical data and reporting on the organisation's activities and operations for the purpose of ongoing monitoring.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Government relations - Reporting for records relating to reports submitted to the Minister and Parliament about the management and activities of the organisation, e.g. annual reports.</p>		
1.9.1		Records relating to the compilation of data concerning the organisation's activities and operations for reporting purposes. Includes statistical data relating to filings and the handling or finalisation of matters.	Retain minimum of 5 years after last action, then destroy	
2.0.0	CONCILIATION AND ARBITRATION	<p>The function of resolving claims, disputes and applications relating to industrial matters through conciliation and arbitration. Includes claims of unfair dismissal, disputes about industrial matters and applications for orders in relation to unfair contracts.</p> <p>See REPRESENTATIVE ORGANISATIONS or WORKING CONDITIONS for records relating to matters which are not resolved through conciliation and arbitration.</p> <p>See COMMISSION MANAGEMENT - Registration for</p>		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>CONCILIATION AND ARBITRATION - Employment termination</i>				
		registers of matters before the Industrial Registrar, the Industrial Relations Commission and the Industrial Court.		
2.1.0	Employment termination	The activity of determining claims of unfair dismissal through conciliated settlement or arbitration, and of administering any notification and reporting requirements that may apply to certain cases of employment termination.		
2.1.1		Records relating to the hearing and determination of claims of unfair dismissal and applications for orders to reinstate injured employees which set precedent, involve or affect multiple employers, relate to secondary boycotts, concern the advancement of technology or are subject to significant media reporting. Records include applications and associated documents, transcripts and exhibits, records documenting appeals, determinations and orders, and medical reports regarding fitness for employment.	Required as State archives	Retain minimum of 6 years after finalisation, then transfer
2.1.2		Records relating to the hearing and determination of claims of unfair dismissal and applications for orders to reinstate injured employees which do not set precedent, involve or affect multiple employers, relate to secondary boycotts or concern the advancement of technology, and are not subject to significant media reporting. Records include applications and associated documents, transcripts and exhibits, records documenting appeals, determinations and orders, and medical reports regarding fitness for employment.	Retain minimum of 6 years after finalisation, then destroy	
2.1.3		Records relating to the administration of notification and reporting requirements that apply in some cases of employment termination (e.g. where termination is not due	Retain minimum of 6 years after last action, then destroy	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>CONCILIATION AND ARBITRATION - Industrial disputes</i>				
		to misconduct and is not casual employment). Records include notices of intention to terminate, notices of reasons for termination and reports of the Industrial Registrar.		
2.2.0	Industrial disputes	The activity of preventing and resolving disputes about industrial matters through conciliation and arbitration. Includes threatened or likely industrial disputes, demarcation disputes, and situations that are likely to give rise to an industrial dispute if preventative action is not taken.		
2.2.1		Records relating to the notification, conciliation and arbitration of disputes about industrial matters which set precedent, involve or affect multiple employers, relate to secondary boycotts, concern the advancement of technology or are subject to significant media reporting. Records include notifications and applications, records of compulsory conferences, transcripts and exhibits, records documenting appeals, and determinations, authorisations and orders.	Required as State archives	Retain minimum of 7 years after last action, then transfer
2.2.2		Records relating to the notification, conciliation and arbitration of disputes about industrial matters which do not set precedent, involve or affect multiple employers, relate to secondary boycotts or concern the advancement of technology, and are not subject to significant media reporting. Records include notifications and applications, records of compulsory conferences, transcripts and exhibits, records documenting appeals, and determinations, authorisations and orders.	Retain minimum of 7 years after last action, then destroy	
2.3.0	Unfair contracts determination	The activity of determining applications for orders in relation to unfair contracts through conciliated settlement or		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>CONCILIATION AND ARBITRATION - Unfair contracts determination</i>				
		arbitration. Includes the determination of remuneration of contractors where a contract is deemed unfair.		
2.3.1		Records relating to the hearing and determination of applications for orders relating to unfair contracts which set precedent, involve or affect multiple employers, relate to secondary boycotts, concern the advancement of technology or are subject to significant media reporting. Records include applications and supporting documents, records of conferences, transcripts and exhibits, records documenting appeals, records of adjudication, declarations of contracts void or varied, and orders.	Required as State archives	Retain minimum of 7 years after last action, then transfer
2.3.2		Records relating to the hearing and determination of applications for orders relating to unfair contracts which do not set precedent, involve or affect multiple employers, relate to secondary boycotts or concern the advancement of technology, and are not subject to significant media reporting. Records include applications and supporting documents, records of conferences, transcripts and exhibits, records documenting appeals, records of adjudication, declarations of contracts void or varied, and orders.	Retain minimum of 7 years after last action, then destroy	
3.0.0	REPRESENTATIVE ORGANISATIONS	<p>The function of registering and regulating representative organisations of employers and employees, and administering the principles of association in relation to the membership of those organisations.</p> <p>Representative organisations include State Peak Councils, unions, contract associations and other industrial organisations of employees and employers.</p>		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>REPRESENTATIVE ORGANISATIONS - Appeals and referrals</i>				
		<p>See COMMISSION MANAGEMENT - Registration for registers of matters before the Industrial Registrar, the Industrial Relations Commission and the Industrial Court.</p> <p>See CONCILIATION AND ARBITRATION for records relating to settling claims, applications and disputes by conciliation and arbitration.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Government relations - Reporting for records relating to reporting to the Minister or Parliament on the regulation of representative organisations.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Strategic management - Legislation for records relating to the organisation's input into or comment on laws and regulations applying to representative organisations.</p>		
3.1.0	Appeals and referrals	The activity of managing, hearing and determining appeals and referrals relating to the registration, recognition or regulation of representative organisations. Includes matters referred to the Industrial Relations Commission by the Industrial Registrar for determination and appeals to the Commission against decisions made by the Registrar.		
3.1.1		Records relating to matters or appeals concerning the registration, recognition or regulation of representative organisations referred to the Industrial Relations Commission for hearing and determination. Includes appeals to the Commission against a decision of the Industrial Registrar on an application for registration by an applicant or objector. Records include applications and supporting	Required as State archives	Retain minimum of 3 years after last action, then transfer

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Industrial relations

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No	Function/Activity	Description	Disposal Action	Custody*
<i>REPRESENTATIVE ORGANISATIONS - Elections</i>				
		documents, transcripts and exhibits, and determinations and orders.		
3.2.0	Elections	<p>The activity of registering and regulating elections of officers of representative organisations. Includes approving special arrangements in relation to the conduct of elections.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Information management - Control for control records, e.g. registers of applications for inquiries into elections.</p>		
3.2.1		Registers of representative organisations' elections matters.	Required as State archives	Retain minimum of 5 years after last action, then transfer
3.2.2		Records relating to applications for the conduct of elections of officers of representative organisations, special arrangements to be approved in relation to the conduct of elections, and leave to hold office or disqualifications from office. Records include matter files, applications and associated documents, determinations, records documenting disqualifications from office, and records documenting leave to hold office.	Retain minimum of 10 years after matter finalised, then destroy	
3.2.3		Records relating to inquiries concerning irregularities in elections. Records include matter files, applications and associated documents, transcripts and exhibits, determinations and orders, and certificates to hold office.	Required as State archives	Retain minimum of 3 years after last action, then transfer
3.3.0	Entry and inspection	The activity of regulating the ability of officers and		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>REPRESENTATIVE ORGANISATIONS - Entry and inspection</i>				
		employees of representative organisations to enter or inspect workplaces for the purpose of investigating suspected breaches or holding discussions with employees.		
3.3.1		Records relating to applications for the issue or revocation of instruments of authority for officers and employees of representative organisations to enter or inspect workplaces. Records include applications and associated documents, determinations, and instruments of authority.	Required as State archives	Retain minimum of 3 years after authority is cancelled, then transfer
3.3.2		Registers of entry and inspection permits for officers and employees of representative organisations.	Retain minimum of 10 years after last entry, then destroy	
3.4.0	Membership	The activity of managing and making orders in relation to applications regarding membership of representative organisations.		
3.4.1		Records relating to applications for orders in relation to contraventions of the principles of freedom of association and freedom from certain types of victimisation related to membership, or non-membership, of a representative organisation or to involvement, or non-involvement, in an industrial activity or process.	Required as State archives	Retain minimum of 7 years after last action, then transfer
3.4.2		Records relating to applications by individuals for exemption from or conscientious objection to membership of representative organisations. Records include applications and associated documents, records detailing fees paid, certificates of exemption or conscientious objection, and registers of certificates.	Required as State archives	Retain minimum of 6 years after last action, then transfer

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No	Function/Activity	Description	Disposal Action	Custody*
<i>REPRESENTATIVE ORGANISATIONS - Registration and regulation</i>				
3.5.0	Registration and regulation	<p>The activity of managing the registration and accountability of representative organisations. Includes processing applications for the registration, amalgamation, cancellation, change of name or alterations to the rules of an organisation, and ensuring that organisations comply with statutory corporate governance requirements.</p> <p>See REPRESENTATIVE ORGANISATIONS - Appeals and referrals for records relating to appeals to the Industrial Relations Commission against a decision of the Industrial Registrar on an application for registration by an applicant or an objector.</p> <p>See REPRESENTATIVE ORGANISATIONS - Elections for records relating to registering and regulating elections of officers of representative organisations.</p>		
3.5.1		<p>Records relating to processing applications for the registration of a representative organisation, alteration of the rules of an organisation, amalgamation of organisations, changes of name of organisations and cancellation of the registration of an organisation, and proceedings for the enforcement of rules, challenges to the validity of rules and the acts of officials. Records include applications and associated documents, correspondence, notices to interested parties, transcripts of hearings before the Industrial Registrar and decisions, notifications of changes of name of organisations and associations, notifications of cancellation of registrations, and certificates of registration and of incorporation.</p>	Required as State archives	Retain minimum of 6 years after cancellation of registration, then transfer

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No	Function/Activity	Description	Disposal Action	Custody*
<i>REPRESENTATIVE ORGANISATIONS - Registration and regulation</i>				
3.5.2		Summary records documenting the registration history and status of representative organisations. Records include indexes, registers and lists.	Required as State archives	Retain minimum of 10 years after last action, then transfer
3.5.3		Registers of certificates issued to secretaries of industrial unions.	Retain until obsolete, then destroy	
3.5.4		Records relating to breaches (other than election irregularities) of regulations and agreements by representative organisations and contraventions by officers of representative organisations of their duties and liabilities. Records include matter files, applications and associated documents, and determinations and orders.	Retain minimum of 7 years after last action, then destroy	
3.5.5		Annual returns of State industrial organisations. Records include audited financial statements, details of grants, donations and loans over \$1000, particulars of office holders, rules of the organisation, and statutory declarations certifying that the register of members has been kept and maintained as required under legislation.	Required as State archives	Retain minimum of 7 years after last action, then transfer
3.5.6		Annual returns of non-State industrial organisations. Records include audited financial statements, details of grants, donations and loans over \$1000, particulars of office holders, and rules of the organisation.	Retain minimum of 6 years after lodgement, then destroy	
4.0.0	WORKING CONDITIONS	The function of regulating working conditions. Includes making or approving industrial instruments (including awards and enterprise and other agreements which set out provisions relating to hours of work, rates of pay, leave		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Appeals and referrals</i>				
		<p>entitlements etc), setting conditions of work, and hearing and determining claims, applications and civil and criminal proceedings relating to industrial and occupational health and safety matters.</p> <p>See COMMISSION MANAGEMENT - Registration for registers of matters before the Industrial Registrar, the Industrial Relations Commission and the Industrial Court.</p> <p>See CONCILIATION AND ARBITRATION for records relating to settling claims, applications and disputes by conciliation and arbitration.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Government relations - Reporting for records relating to reporting to the Minister or Parliament on the regulation of working conditions.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Strategic management - Legislation for records relating to the organisation's input into or comment on laws and regulations governing working conditions.</p>		
4.1.0	Appeals and referrals	<p>The activity of managing, hearing and determining appeals and referrals relating to the regulation of working conditions. Includes:</p> <ul style="list-style-type: none"> • appeals against acquittals in proceedings conducted before the Industrial Relations Commission or the Local Court for offences against occupational health and safety legislation 		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Appeals and referrals</i>				
		<ul style="list-style-type: none"> • appeals against orders, convictions or penalties made or imposed under industrial relations legislation by the Local Court, or decisions made by the Local Court in relation to offences against the <i>Workplace Surveillance Act 2005</i> • appeals against determinations by superannuation trustees corporations relating to disputes under the <i>Superannuation Administration Act 1996</i> • appeals against decisions of single members of the Industrial Relations Commission, including decisions of Industrial Committees • matters or questions arising in matters referred by a member of the Commission for decision by a Full Bench of the Commission • appeals against decisions of the Industrial Registrar, e.g. against the granting of or the refusal to grant a special wage permit • applications to issue, vary or cancel covert surveillance authorities made by employers or employees who are aggrieved by a decision of a Magistrate • appeals against compliance notices issued to an employer of a child under the <i>Industrial Relations (Child Employment) Act 2006</i> • applications for orders in relation to child protection 		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Appeals and referrals</i>				
		legislation.		
4.1.1		Records relating to matters or appeals concerning working conditions referred to the Industrial Court or the Industrial Relations Commission for hearing and determination which set precedent, involve or affect multiple employers, relate to secondary boycotts, concern the advancement of technology, or are subject to significant media reporting. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.	Required as State archives	Retain minimum of 7 years after final determination, then transfer
4.1.2		Records relating to matters or appeals concerning working conditions referred to the Industrial Court or the Industrial Relations Commission for hearing and determination which do not set precedent, involve or affect multiple employers, relate to secondary boycotts or concern the advancement of technology, and are not subject to significant media reporting. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.	Retain minimum of 7 years after final determination, then destroy	
4.1.3		Records relating to applications for orders in relation to child protection legislation where the organisation makes an order. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.	Required as State archives	Retain minimum of 3 years after final determination, then transfer
4.1.4		Records relating to applications for orders in relation to child protection legislation where the application is withdrawn. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.	Retain minimum of 5 years after last action, then destroy	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Awards and agreements</i>				
4.2.0	Awards and agreements	<p>The activity of making or approving, reviewing, varying and rescinding awards and enterprise or contract agreements which set conditions of work or employment. Also includes investigating breaches of the conditions of awards or agreements.</p> <p>See COMMISSION MANAGEMENT - Policies and procedures for records relating to the setting of principles to be followed in determining whether to approve enterprise agreements.</p> <p>See WORKING CONDITIONS - Appeals and referrals for records relating to appeals against decisions by the Industrial Relations Commission in relation to awards and agreements.</p> <p>See General Retention and Disposal Authority <i>Administrative records Information management - Control</i> for registers of codes allocated to each award at the time of drafting.</p>		
4.2.1		Records relating to the consideration of National decisions affecting or likely to affect the employment conditions of workers in NSW.	Required as State archives	Retain minimum of 3 years after last action, then transfer
4.2.2		Records relating to applications for and the consideration of State decisions affecting or likely to affect the employment conditions of workers in NSW.	Required as State archives	Retain minimum of 3 years after last action, then transfer
4.2.3		Records relating to the hearing and determination of applications for awards (including no net detriment	Required as State	Retain minimum of 3 years after last

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Awards and agreements</i>				
		<p>principles for child employment). Includes applications for awards to be made, reviewed, varied or rescinded and exemptions from awards. Records include:</p> <ul style="list-style-type: none"> • applications and supporting documents • transcripts and exhibits • determinations • settled versions of awards • final versions of awards signed by a member of the Industrial Relations Commission • registers of awards recording details of the parties, the date the orders were made, the orders (e.g. including any variations, rescissions etc) and the date the order was published in the <i>Industrial Gazette</i>. 	archives	action, then transfer
4.2.4		List of awards currently in force.	Retain until superseded, then destroy	
4.2.5		Records relating to the determination of persons with sufficient industrial interest to justify being served with process relating to a particular award, including parties to awards, State Peak Councils and other persons who satisfy the Industrial Registrar that they have sufficient industrial interest. Records include applications for inclusion and notifications of determinations.	Retain until superseded, then destroy	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Awards and agreements</i>				
4.2.6		<p>Records relating to the approval, making, variation or rescission of contract and enterprise agreements relating to the terms and conditions of employment or the conduct of work. Records include:</p> <ul style="list-style-type: none"> • notifications of commencement of negotiations and of proposed contract agreements • records of conferences • applications and supporting documents • comparison reports and compliance statements • notices of terminations • registered agreements • determinations and orders • records of exemptions • registers of approved contract and enterprise agreements, recording details of approval and termination of agreements. 	Required as State archives	Retain minimum of 3 years after last action, then transfer
4.2.7		Copies of contract, enterprise or part time work agreements maintained for public inspection.	Retain in agency	
4.2.8		Records relating to determinations of alleged breaches of awards or agreements which set precedent, involve or affect multiple employers, relate to secondary boycotts, concern	Required as State archives	Retain minimum of 7 years after last action, then

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Awards and agreements</i>				
		the advancement of technology or are subject to significant media reporting. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.		transfer
4.2.9		Records relating to determinations of alleged breaches of awards or agreements which do not set precedent, involve or affect multiple employers, relate to secondary boycotts or concern the advancement of technology, and are not subject to significant media reporting. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.	Retain minimum of 7 years after last action, then destroy	
4.3.0	Employment arrangements	The activity of determining applications in relation to annual and long service leave, and for special arrangements for supplying information about remuneration and hours worked to employees. See WORKING CONDITIONS - Appeals and referrals for records relating to appeals to the Industrial Relations Commission against decisions by the Industrial Registrar.		
4.3.1		Records relating to applications for the postponement of annual leave. Records include applications and associated documents, and written instruments of approval.	Retain minimum of 6 years after last action, then destroy	
4.3.2		Records relating to breaches of annual holidays legislation. Records include matter files, and determinations and orders.	Required as State archives	Retain minimum of 3 years after last action, then transfer
4.3.3		Records relating to exemptions from the operation of	Required as State	Retain minimum of

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Employment arrangements</i>				
		provisions of long service leave legislation granted to employers by the organisation. Records include applications and supporting documents, determinations, and registers of exemptions granted.	archives	3 years after last action, then transfer
4.3.4		Records relating to approving special arrangements for supplying information about remuneration and hours worked to employees, e.g. special arrangements for the keeping of time and wage records or the provision of pay slips by employers, and applications to pay wages by cheque. Records include applications and associated correspondence, determinations, and written instruments of consent.	Retain until superseded or obsolete, then destroy	
4.4.0	Occupational health and safety	<p>The activity of hearing and determining proceedings under occupational health and safety legislation. Includes the making of guideline judgments which are to be taken into account by courts when sentencing persons convicted of offences under occupational health and safety legislation.</p> <p>See CONCILIATION AND ARBITRATION - Employment termination for records relating to the determination of unfair dismissal claims related to occupational health and safety legislation.</p> <p>See WORKING CONDITIONS - Appeals and referrals for records relating to appeals against acquittals in proceedings conducted before the Industrial Relations Commission or a Local Court for offences against occupational health and safety legislation.</p>		
4.4.1		Records relating to the determination of proceedings under occupational health and safety legislation where the matter	Required as State archives	Retain minimum of 7 years after last

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Occupational health and safety</i>				
		relates to reckless conduct causing death, sets a legal precedent, relates to an incident of significant size or which caused numerous deaths, or is otherwise determined to be of significance by the Presiding Member. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.		action, then transfer
4.4.2		Records relating to the determination of proceedings under occupational health and safety legislation where the matter does not relate to reckless conduct causing death, set a legal precedent or relate to an incident of significant size or which caused numerous deaths, and is not otherwise determined to be of significance by the Presiding Member. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.	Retain minimum of 7 years after last action, then destroy	
4.4.3		Records relating to the making of guideline judgments. Records include records documenting leave to appear and make submissions, submissions, transcripts and exhibits, and final versions of judgments.	Required as State archives	Retain minimum of 3 years after last action, then transfer
4.5.0	Outworkers	The activity of registering employers of workers who perform work in the clothing trades or the manufacture of clothing products outside a factory or workshop.		
4.5.1		Records relating to the registration of employers of outworkers. Records include registration applications, renewals and associated correspondence, card indexes to applications for outworker permits, determinations, and permits.	Required as State archives	Retain minimum of 6 years after expiry, then transfer
4.6.0	Special rates of pay	The activity of administering rates of pay for people with		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Special rates of pay</i>				
		<p>disabilities which prevent them from earning the minimum rate that would otherwise apply under a State industrial instrument.</p> <p>See WORKING CONDITIONS - Appeals and referrals for records relating to appeals to the Industrial Relations Commission against decisions by the Industrial Registrar in relation to granting or refusing to grant a special wage permit.</p>		
4.6.1		<p>Records relating to the determination of applications for or the filing of agreements allowing for special rates of pay for employees unable to earn the relevant award rate because of the effects of impairment. Includes applications for Slow Workers Permits/Special Wage Permits, and the filing of Supported Wage System (SWS) Wage Assessment Agreements. Records include:</p> <ul style="list-style-type: none"> • applications and supporting documents • agreements and supporting documents • determinations and orders • notifications to relevant industrial organisations of the grant of a Permit and its conditions • registers. 	Required as State archives	Retain minimum of 6 years after last action, then transfer
4.6.2		<p>Records relating to employers and employment agencies that have a large number of workers/jobs seekers who require special wage arrangements to be made. Includes</p>	Required as State archives	Retain minimum of 6 years after last action, then

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Stand-down orders</i>				
		records relating to issues affecting multiple employees, such as details of the wage assessment methodology used by the organisation. Also includes Special Wage Organisation files.		transfer
4.7.0	Stand-down orders	<p>The activity of determining applications for employees to be stood down without remuneration in certain circumstances where there is no useful work for them. Includes as a result of industrial action, breakdown of machinery and other acts for which the employer is not responsible.</p> <p>See WORKING CONDITIONS - Appeals and referrals for records relating to appeals against decisions by the Industrial Relations Commission.</p>		
4.7.1		Records relating to the determination of applications for stand-down orders. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.	Required as State archives	Retain minimum of 3 years after last action, then transfer
4.8.0	Superannuation dispute resolution	<p>The activity of determining applications for the recovery of unpaid superannuation.</p> <p>See WORKING CONDITIONS - Appeals and referrals for records relating to appeals against decisions made by superannuation trustee corporations.</p>		
4.8.1		Records relating to the hearing and determination of applications for the recovery of unpaid superannuation which set precedent, involve or affect multiple employees or employers, or are subject to significant media reporting. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.	Required as State archives	Retain minimum of 7 years after last action, then transfer

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No	Function/Activity	Description	Disposal Action	Custody*
<i>WORKING CONDITIONS - Superannuation dispute resolution</i>				
4.8.2		Records relating to the hearing and determination of applications for the recovery of unpaid superannuation which do not set precedent or involve or affect multiple employees or employers, or are not subject to significant media reporting. Records include applications and supporting documents, transcripts and exhibits, and determinations and orders.	Retain minimum of 7 years after last action, then destroy	

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