

## **State Records Authority of New South Wales**

### **Functional Retention and Disposal Authority: FA351**

This authority covers records documenting the function of price regulation

Issued to Independent Pricing and Regulatory Tribunal

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** FA351

**SR file no** 14/0074

**Scope** This functional retention and disposal authority covers records documenting the function of price regulation from 1992 onwards.

**Public office** Independent Pricing and Regulatory Tribunal

**Approval date**

Geoff Hinchcliffe  
Director  
State Records Authority of New South Wales

22/05/2014  
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.

### **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

State Records  
PO Box 516  
Kingswood NSW 2747  
Telephone: (02) 9673 1788  
E-mail: [govrec@records.nsw.gov.au](mailto:govrec@records.nsw.gov.au)

**Functional Retention and Disposal Authority  
Price regulation (Independent Pricing and Regulatory Tribunal)**

**Authority number: FA351**

**Dates of coverage: 1992+**

**List of Functions and Activities covered**

<b>Function</b>	<b>Activity</b>	<b>Reference</b>	<b>Page</b>
ACCESS REGULATION		1.0.0	8
	Access agreements	1.1.0	8
ENERGY SCHEMES ADMINISTRATION		2.0.0	9
	Scheme Participants	2.1.0	9
	Registry	2.2.0	10
INVESTIGATIONS		3.0.0	11
	Investigations, inquiries and reviews	3.1.0	11
LICENSING		4.0.0	12
	Annual licence fees	4.1.0	13
	Authorisation	4.2.0	13
	Comparative energy pricing	4.3.0	13
	Compliance	4.4.0	14
LOCAL GOVERNMENT		5.0.0	14
	Community relations and education	5.1.0	15
	Reviews and determinations	5.2.0	15

## Price regulation

Authority number: FA351

Dates of coverage: 1992+

### List of Functions and Activities covered

Function	Activity	Reference	Page
TRIBUNAL		6.0.0	16
	Arrangements	6.1.0	16
	Audit and technical services panel	6.2.0	17
	Determinations, Reports and Findings	6.3.0	17
	Meetings	6.4.0	18
	Members	6.5.0	18

**Functional Retention and Disposal Authority  
Price regulation (Independent Pricing and Regulatory Tribunal)**

Authority number: FA351

Dates of coverage: 1992+

No	Function/Activity	Description	Disposal Action
1.0.0	<b>ACCESS REGULATION</b>	The function of regulating access to and use of public or monopoly infrastructure by third parties.  See <b>LICENSING</b> for records relating to licensing energy and water industry participants.	
1.1.0	<b>Access agreements</b>	The activities associated with managing the assessment, review, notification and registration of access agreements or undertakings. Includes arbitration of disputes.	
1.1.1		Final approved agreements or undertakings for access to public or monopoly infrastructure.	Required as State archives
1.1.2		Records relating to the assessment or review of public or monopoly infrastructure access applications, undertakings or agreements. Includes records relating to the monitoring of compliance with undertakings. Records include notifications, registration details, applications, submissions (public and other) and associated copies of agreements, undertakings, supporting and compliance documentation, correspondence and liaison with parties, etc.	Retain minimum of 20 years after action completed or declaration, undertaking or agreement is superseded, whichever is appropriate, then destroy
1.1.3		Records relating to complaints and concerns raised by parties who wish to access monopoly infrastructure or queries from stakeholders on the access provisions or regime.	Retain minimum of 10 years after action completed, then destroy
1.1.4		Records relating to arbitrating disputes concerning the provision of access to or use of public or monopoly infrastructure. Includes:	Required as State archives

## Price regulation

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No	Function/Activity	Description	Disposal Action
<i>ENERGY SCHEMES ADMINISTRATION</i>			
		<ul style="list-style-type: none"> <li>• notifications of disputes</li> <li>• appointment of the arbitration of disputes</li> <li>• subpoenas and requests for evidence and documents</li> <li>• submissions and affidavits submitted by parties</li> <li>• transcripts of proceedings.</li> </ul>	
2.0.0	<b>ENERGY SCHEMES ADMINISTRATION</b>	<p>The function of administering and overseeing financial incentive schemes for energy efficiency and greenhouse gas reduction.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>CONTRACTING-OUT</b> for records relating to contracts with external service providers.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>TECHNOLOGY &amp; TELECOMMUNICATIONS</b> for records relating to the design, audit and management of scheme registries.</p>	
2.1.0	<b>Scheme Participants</b>	<p>Activities associated with the management and administration of scheme participants.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>FINANCIAL MANAGEMENT - Accounting</b> for records relating to financial transactions relating to accreditation processes.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>GOVERNMENT RELATIONS - Reporting</b> for reports to government on the schemes.</p>	

## Price regulation

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No	Function/Activity	Description	Disposal Action
<i>ENERGY SCHEMES ADMINISTRATION - Scheme Participants</i>			
2.1.1		<p>Records relating to the accreditation of organisations and their projects for energy saving and greenhouse gas reduction savings schemes. Includes:</p> <ul style="list-style-type: none"> <li>• applications, submitted statements, supporting documentation and requests for additional information</li> <li>• independent audits and assessments reports of the project</li> <li>• correspondence.</li> </ul>	Retain minimum of 10 years after action completed, then destroy
2.1.2		<p>Records relating to the management and compliance monitoring of scheme participants, such as electricity retailers. Records includes:</p> <ul style="list-style-type: none"> <li>• annual statements submitted by a liable entity</li> <li>• correspondence between the liable entity and the regulator</li> <li>• exemptions granted to the liable entity by the minister for full or partial exemption</li> <li>• correspondence between the regulator and the Minister regarding the gazettal of exempted sites.</li> </ul>	Retain minimum of 10 years after action completed, then destroy
2.2.0	<b>Registry</b>	The activities associated with managing the registration, transfer and surrender of energy savings certificates.	
2.2.1		Records relating to transactions recorded in the registry relating to creation, transfer and surrender of energy saving certificates.	Retain minimum of 7 years after action completed, then destroy
2.2.2		Correspondence, enquiries and requests for information from users of the Registry,	Retain minimum of

## Price regulation

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No	Function/Activity	Description	Disposal Action
<i>INVESTIGATIONS</i>			
		including statements and reconciliations that summarise financial transactions that have occurred in the Registry.	5 years after action completed, then destroy
3.0.0	<b>INVESTIGATIONS</b>	<p>The function of conducting investigations and inquiries into price levels charged by government and private sector service providers and other reviews requested by the government, such as pricing for other services or aspects of industry productivity, competition, performance and planning. Includes research undertaken to support reviews.</p> <p>See <b>LOCAL GOVERNMENT</b> for records relating to reviews of local government rates.</p>	
3.1.0	<b>Investigations, inquiries and reviews</b>	<p>Activities relating to the conduct of investigations and reviews, and research to assist in reviews.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>COMMUNITY RELATIONS - Media relations</b> for media releases relating to an investigation.</p>	
3.1.1		<p>Records relating to the management of investigations, inquiries, hearings or reviews by the Tribunal. Includes:</p> <ul style="list-style-type: none"> <li>• notes of meetings with Government and Cabinet on the terms of reference</li> <li>• terms of reference</li> <li>• issues paper</li> <li>• call for submissions</li> <li>• Tribunal briefings</li> </ul>	Required as State archives

## Price regulation

**Authority number: FA351**

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No	Function/Activity	Description	Disposal Action
<i>INVESTIGATIONS - Investigations, inquiries and reviews</i>			
		<ul style="list-style-type: none"> <li>• formal submissions</li> <li>• invitations, agenda and transcripts of public hearings/workshops</li> <li>• draft/interim reports</li> <li>• Tribunal approval</li> <li>• final report and determination.</li> </ul>	
3.1.2		Routine operational records relating to investigations and reviews, and monitoring of compliance with determinations. Includes: <ul style="list-style-type: none"> <li>• general correspondence other than a formal submission</li> <li>• data from agencies and stakeholders that is summarised in reports</li> <li>• file notes and minutes of meetings.</li> </ul>	Retain minimum of 10 years after action completed, then destroy
3.1.3		Records relating to the management of household energy and water use surveys. Includes: <ul style="list-style-type: none"> <li>• negotiations to obtain, access and distribute data</li> <li>• correspondence with market research organisations on the survey methodology</li> <li>• data submitted by interviewers.</li> </ul>	Retain minimum of 5 years after action completed, then destroy
4.0.0	<b>LICENSING</b>	The function of licensing the supply and distribution of electricity, gas and water and monitoring compliance with licence conditions. Includes the licensing of private water utilities (network operators and retail suppliers).	

## Price regulation

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No	Function/Activity	Description	Disposal Action
<i>LICENSING - Annual licence fees</i>			
		See General Retention and Disposal Authority <i>Administrative records</i> <b>GOVERNMENT RELATIONS - Reporting</b> for reports to the Minister on compliance monitoring	
4.1.0	<b>Annual licence fees</b>	Activities relating to determining licence fees applicable to utilities.	
4.1.1		Records relating to the calculation of fees levied across all licence holders.	Retain minimum of 10 years after action completed, then destroy
4.2.0	<b>Authorisation</b>	The activities associated with issuing licences to supply or distribute electricity, energy or water. Includes the licensing of private corporations to construct, maintain or operate any water industry infrastructure, and to supply water and/or sewerage services.	
4.2.1		Records relating to authorising an entity to supply or distribute energy or water, including licensing of private corporations or entities to construct, maintain or operate any water industry infrastructure, and to supply water and/or sewerage services.	Required as State archives
4.3.0	<b>Comparative energy pricing</b>	Activities associated with collecting and publishing comparative energy pricing information from licensed providers e.g. information published via the Energy Online Comparative Tool.  See General Retention and Disposal Authority <i>Administrative records</i> <b>CONTRACTING-OUT</b> for records relating to contracts and agreements with service providers  See General Retention and Disposal Authority <i>Administrative records</i> <b>TECHNOLOGY &amp; TELECOMMUNICATIONS</b> for records relating to the design,	

## Price regulation

Authority number: FA351

Dates of coverage: 1992+

No	Function/Activity	Description	Disposal Action
<i>LICENSING - Comparative energy pricing</i>			
		audit and management of the website that hosts the comparison tool.	
4.3.1		Records relating to the receipt and publishing of pricing information submitted by retailers. Includes datasets submitted by retailers, correspondence, requests for extra information and information on compliance requirements.	Retain minimum of 5 years after action completed, then destroy
4.4.0	<b>Compliance</b>	Activities associated with compliance monitoring of licence holders.	
4.4.1		Records relating to the monitoring of compliance with conditions of licence by suppliers, distributors and retailers. Includes: <ul style="list-style-type: none"> <li>• notifications of breaches from licence holders</li> <li>• compliance reports</li> <li>• required documentation e.g. insurance certificates, interim operating procedures (IOP), Water Quality Plans (WQP), Strategic Management Plans (SMP) and Retail Supply Management Plan (RSMP)</li> <li>• audit plans</li> <li>• annual operating statistics.</li> </ul>	Retain minimum of 20 years after action completed, then destroy
5.0.0	<b>LOCAL GOVERNMENT</b>	The function of setting the income limit for local government. Includes setting rates, determining rate increases and reviewing developer contribution plans.  See General Retention and Disposal Authority <i>Administrative records</i> <b>COMMUNITY RELATIONS - Conferences</b> for records relating to presentations by the organisation at conferences.  See General Retention and Disposal Authority <i>Administrative records</i>	

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No	Function/Activity	Description	Disposal Action
<i>LOCAL GOVERNMENT - Community relations and education</i>			
		<p><b>CONTRACTING-OUT</b> For records relating to contracts with service providers.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>LEGAL SERVICES</b> for records relating to legal advice received about the program's activities</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>STRATEGIC MANAGEMENT - Implementation</b> for records relating to the establishment of the local government program area within IPART</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>STRATEGIC MANAGEMENT - Legislation</b> for records relating to participating in making laws and regulations relating to the program.</p>	
5.1.0	<b>Community relations and education</b>	<p>The activities associated with the handling of general enquiries and educating the community and stakeholders about the role of the organisation.</p> <p>See <b>LOCAL GOVERNMENT - Reviews and determinations</b> for submissions relating to a particular review or hearing.</p>	
5.1.1		Records relating to requests for and the handling of general enquiries from the public about the role of the organisation with respect to regulation of local government.	Retain minimum of 5 years after action completed, then destroy
5.1.2		Records relating to the development and presentation of workshops on the role of the IPART for setting the income limit for local government. Includes presentations and materials presented at workshops.	Retain minimum of 10 years after action completed, then destroy
5.2.0	<b>Reviews and determinations</b>	The activities involved in determining council rates, developer contributions and special variations to rates.	

## Price regulation

Authority number: FA351

Dates of coverage: 1992+

No	Function/Activity	Description	Disposal Action
<i>LOCAL GOVERNMENT - Reviews and determinations</i>			
		See <b>TRIBUNAL - Determinations, Reports and Findings</b> for reports of Council surveys and records relating to final determinations made by the Tribunal relating to local government	
5.2.1		Records relating to the determination of local council rates and developer contributions. Includes requests for special variations and the determination of the local government cost index. Includes: <ul style="list-style-type: none"> <li>• applications and supporting documentation</li> <li>• correspondence</li> <li>• surveys with Councils and stakeholders (e.g. public, council staff)</li> <li>• reports from consultants and service providers.</li> </ul>	Retain minimum of 10 years after action completed, then destroy
5.2.2		Records relating to the development and establishment of internal guidelines and processes for the conduct of developer contribution plan reviews and special variation assessments.	Retain minimum of 10 years after action completed, then destroy
6.0.0	<b>TRIBUNAL</b>	The function of managing the determinations and decisions of the Tribunal. it also includes organising meetings and members of the Tribunal, as well as recording their deliberations and decisions in those meetings.	
6.1.0	<b>Arrangements</b>	The activities involved in arranging for meetings, investigations, reviews and hearings.	
6.1.1		Records relating to administrative arrangements for meetings, investigations, reviews and hearings. Includes: <ul style="list-style-type: none"> <li>• meeting notifications</li> </ul>	Retain minimum of 2 years after action completed, then

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No	Function/Activity	Description	Disposal Action
<i>TRIBUNAL - Audit and technical services panel</i>			
		<ul style="list-style-type: none"> <li>• catering arrangements</li> <li>• venue and accommodation bookings</li> <li>• related correspondence.</li> </ul>	destroy
6.2.0	<b>Audit and technical services panel</b>	Activities relating to managing the technical panels that provide audit or specialist industry advice services to the organisation.	
6.2.1		Records relating to the accreditation of panel members to provide advice and undertake audits for the Tribunal. Includes applications, assessments, approvals, limitations to audit responsibility or revised conditions of appointment.	Retain minimum of 7 years after expiry of accreditation, then destroy
6.2.2		Records relating to reviews of the audit panel's performance. Includes assessments against established criteria, notices to panel members of results of review, retraining required etc.	Retain minimum of 5 years after action completed, then destroy
6.2.3		Records relating to the development of training materials and guidelines for audit panel members.	Retain minimum of 5 years after superseded, then destroy
6.3.0	<b>Determinations, Reports and Findings</b>	<p>The activities associated with issuing determinations, reports and other materials of the Tribunal.</p> <p>See <b>INVESTIGATIONS - Investigations, inquiries and reviews</b> for issues papers and final reports of investigations conducted by the Tribunal.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>PUBLICATION - Production</b> for records relating to the preparation and</p>	

## Price regulation

Authority number: FA351

Dates of coverage: 1992+

No	Function/Activity	Description	Disposal Action
<i>TRIBUNAL - Determinations, Reports and Findings</i>			
		production of publications.	
6.3.1		Determinations, instructions, guidelines, rules, reports, discussion or issue papers and other material made or issued by the Tribunal.	Required as State archives
6.4.0	<b>Meetings</b>	<p>The activities associated with gatherings held by the Tribunal, delegated Tribunal and Executive Committee to formulate, discuss, update or resolve issues and matters.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>GOVERNING BODIES - Training and development</b> for records relating to conferences, seminars, meetings etc organised to discuss work programs.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> <b>STRATEGIC MANAGEMENT - Planning</b> for records relating to planning of work programs.</p>	
6.4.1		<p>Records relating to the meetings of the Tribunal and sub-committees. Records include:</p> <ul style="list-style-type: none"> <li>• agenda and minutes</li> <li>• advice and briefing papers</li> <li>• submissions and reports</li> <li>• recommendations and resolutions</li> <li>• correspondence arising from business discussed or resolutions passed at meetings.</li> </ul>	Required as State archives
6.5.0	<b>Members</b>	The activities associated with managing members of the Tribunal and committees.	

## Price regulation

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Dates of coverage: 1992+

No	Function/Activity	Description	Disposal Action
<i>TRIBUNAL - Members</i>			
6.5.1		<p>Records relating to the nomination, appointment, reappointment, resignation or termination of members of the Tribunal. Records include:</p> <ul style="list-style-type: none"> <li>• records of the selection process</li> <li>• approvals</li> <li>• letters of appointment, resignation or termination</li> <li>• letters informing the organisation of the appointment</li> <li>• gazettal notices</li> <li>• terms and conditions of appointment</li> <li>• instruments of appointment</li> <li>• signed copies of codes of conduct</li> <li>• related correspondence.</li> </ul>	Required as State archives
6.5.2		<p>Records relating to the determination and approval of payment of members of the Tribunal. Records include:</p> <ul style="list-style-type: none"> <li>• taxation declaration records</li> <li>• pecuniary interest notifications</li> <li>• group certificates</li> <li>• records relating to the recovery of over-payments</li> </ul>	Retain minimum of 10 years after member's term expires, then destroy

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No	Function/Activity	Description	Disposal Action
<i>TRIBUNAL - Members</i>			
		<ul style="list-style-type: none"><li>• list of scheduled members fees and approvals</li><li>• records relating to the payment of allowances</li><li>• pay history and superannuation deduction records</li><li>• records of redundancy payments</li><li>• records of special remuneration packaging arrangements including Fringe Benefits Tax (FBT) arrangements</li><li>• records regarding the negotiation of remuneration.</li></ul>	