



Australian Government

National Archives of Australia

Records Authority

2024/00607520

**National Security Policies and
Programs**

Attorney-General's Department

2024



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INTRODUCTION

The Attorney-General's Department (the Department) 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 of National Security Policies and Programs. 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 replaces the National Security function in the previously issued records authority RA 2002/04572652. These functions have been superseded and cannot be used to sentence records after the date of issue of this authority.
2. This authority, in conjunction with RA 2024/00032523, replaces the following classes in the Information Collection, Legal Counsel, and Legal Liaison functions in RA 2002/0457652. Classes 3388, 3492, 3493, 3509, 3526, 3541 and 3556 have been superseded and cannot be used to sentence records after the date of issue of this authority.
3. 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 the Department's 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.
4. This authority should be used in conjunction with general records authorities such as:
 - *Administrative Functions Disposal Authority (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).
5. 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. Records identified as 'retain as national archives' class in this authority have been determined to be part of the archival resources of the Commonwealth under section 3C of the *Archives Act 1983*. The determination of Commonwealth records as archival resources of the Commonwealth obliges agencies to transfer the records to the National Archives when they cease to be current and, in any event, within 15 years of the records coming into existence, under section 27 of the *Archives Act 1983*.
11. 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.
12. 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.
13. Advice on how to use this authority is available from the Department's 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 2024/00607520

Notice of authorisation

Person to whom notice of authorisation is given:

Katherine Jones PSM
Secretary
Attorney-General's Department
Robert Garran Offices
3-5 National Circuit
BARTON 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 records relating to National Security Policies and Programs.

Authority

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.

This document has been authorised through a digital workflow (R774852024).

Authorising Officer	Date of issue
Josephine Secis Assistant Director-General, Collection Management National Archives of Australia	28 June 2024

NATIONAL SECURITY POLICIES AND PROGRAMS

The function of developing, delivering, monitoring, reviewing, evaluating and reporting on legal frameworks, policies, programs, schemes and other initiatives to regulate, maintain, improve, reform and coordinate Australia's national security.

The **core activities** include:

- Developing and implementing policy and strategy in relation to national security issues, such as responsibility for security law, anti-terrorism laws, review of intelligence legislation, law enforcement and intelligence powers and support to the Inspector-General of Intelligence and Security and the Independent National Security Legislation Monitor;
- international and cross-jurisdiction security cooperation, including the negotiation, ratification and monitoring of treaties and agreements, oversight of General Security Agreements and acting as National Security Authority for the Australian Government;
- counter-terrorism, including listing of terrorist organisations, terrorism offences, the High Risk Terrorist Offenders Scheme, control orders and applications for and reviews of detention, supervision and post sentence orders;
- participating in security, intelligence and counter-terrorism forums, committees and working groups;
- undertaking case work in relation to high-risk individuals and handling of national security information, provision of legal policy advice to support the Attorney-General's role under the National Security Information (Criminal and Civil Proceedings) Act 2004 or similar legislation to protect national security information where the Act is invoked; and
- protection, approved disclosure and non-disclosure of national security information in court and tribunal proceedings, such as support on the issue of public interest certificates.

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

- developing and implementing policies, frameworks, strategies, principles, procedures, instructions and guidelines;
- administering legislation, regulations, court orders, directives and other legal instruments and ensuring or verifying compliance with these;
- reviewing, evaluating and reporting on legislation, policy or program coverage, effectiveness, efficiency and operations;
- authorising and reviewing decisions and actions;
- identifying emerging and ongoing issues;
- developing, researching and drafting manuals, guides and information products such as newsletters, guidelines and websites;
- consulting and liaising with stakeholders;
- undertaking research and analysis;
- planning and reporting;
- evaluating and reviewing;
- managing risks;
- planning, conducting, and facilitating audits;
- developing and delivering seminars and training courses; and
- managing business systems that support the function.

Cross References to other records authorities

For the provision of legal services to Government such as legal advice and opinions, representation, and litigation, use LEGAL SERVICES TO GOVERNMENT.

For handling legal casework in relation to international treaties and obligations; legal interventions and representation; extradition; international mutual assistance; international transfer of prisoners; child

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abduction custody, access and maintenance; and federal offender cases, use LEGAL SERVICES TO GOVERNMENT.

For providing and administering grant funding to achieve aims and objectives that are consistent with government policy and legislation and where recipients are required to act in accordance with specified terms or conditions for the funding received, use GRANTS MANAGEMENT.

For records relating to the distribution and use of intelligence products or intelligence liaison, use General Disposal Authority No. 21 RECORDS RELATING TO THE INTELLIGENCE FUNCTION IN ANY COMMONWEALTH AGENCY.

For matters relating to telecommunications interceptions and surveillance devices, including the management of domestic and international requests for telecommunications interceptions, use CRIMINAL JUSTICE POLICIES AND PROGRAMS.

For records relating to cybersecurity, transnational crime, immigration and criminal detention and international co-operation activities across these fields, use CRIMINAL JUSTICE POLICIES AND PROGRAMS.

Cross References to AFDA Express Version 2

For providing and receiving advice, including advice provided to Cabinet, the portfolio Minister and other government agencies, including providing advice on the appointment, reappointment or termination of individuals to boards, committees and statutory positions administered by the Department, use EXTERNAL RELATIONS.

For managing the preparation and passage of the Department's legislation through Parliament, including preliminary drafting instructions, proposed bills, consultation with relevant government agencies and stakeholders, preparation of the Explanatory Memorandum, regulatory impact statements and Second Reading Speech, use EXTERNAL RELATIONS.

For making formal proposals and submissions, including to national and international bodies and forums, governments, Cabinet, the portfolio Minister, agencies and other organisations, use EXTERNAL RELATIONS.

For preparing and providing advice and briefs to a Minister, government or incoming government, use EXTERNAL RELATIONS.

For final versions of speeches presented by portfolio Ministers, members of the Government, agency heads, members of governing or advisory bodies, and senior agency staff, use EXTERNAL RELATIONS.

For high level external, including inter-government (both domestic and overseas) or inter-agency, committees, working groups and other bodies, where the agency provides the secretariat, is the Australian Government's main representative, or plays a prominent or central role, including establishment documentation, agenda, final versions of minutes, briefs, reports, recommendations, and tabled papers, use EXTERNAL RELATIONS.

For development of high-level reports, including formal reports to government relating to this function and performance (e.g. annual reports), including final approved versions, major drafts, stakeholder consultation and supporting research, use EXTERNAL RELATIONS.

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For developing proposals for new legislation and amendments to existing legislation administered by the agency, including submissions prepared for the agency's executive or corporate management committee, use STRATEGIC MANAGEMENT.

For management of statutory appointees (other than members of the agency advisory board), including personnel history records, use PERSONNEL MANAGEMENT.

Class no	Description of records	Disposal action
63154	<p>Records documenting:</p> <ul style="list-style-type: none"> • treaties, conventions, alliances and agreements to which Australia is a party or signatory, which relate to national security. Includes negotiations, establishment, maintenance and review of agreements and actions undertaken as the National Security Authority; • high-level plans, policies, strategies, procedures and guidelines supporting this function. Includes research, consultation, white papers, discussion papers, policy papers and major drafts; • high-level reviews of law enforcement and intelligence powers. Includes research, consultation and major drafts; • reports made by the Independent National Security Legislation Monitor, including research and submissions; • master sets of manuals, directives, instructions, guidelines and training courses to support this function; • major threat and risk and vulnerability assessments; • final versions of evaluations, reviews, reports and information exchanges relating to terrorist attacks or incidents, major security threats or incidents, and protection of information security; • matters that are subject to public controversy, establish precedents or result in major changes to legislation and policy in relation to the security and protection of Australians and Australian interests, including: <ul style="list-style-type: none"> • matters relating to publicly prominent individuals, e.g. whistleblowers and holders of high office; • cases involving disclosure or non-disclosure of information with national security implications in judicial or tribunal proceedings e.g. allegations of war crimes; and • Attorney-General's consent to prosecute; • case management of high-risk terrorist offenders, including application for and review of detention and supervision orders and implementing court orders; • Ministerial authorisations, arrangements, guidelines, determinations and directions issued to the agency in relation to national security; and 	Retain as national archives

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Class no	Description of records	Disposal action
	<ul style="list-style-type: none">• master statistical collections and datasets showing long term trends.	
63156	Records documenting: <ul style="list-style-type: none">• operational or routine advice provided to Commonwealth, State and Territory agencies on national security policies and procedures;• participation in operational international, cross-agency and cross-jurisdictional engagement and programs promoting cooperation and good practice, such as working groups and forums;• policy or program reviews, evaluations other than those covered in class 63154;• policy and program audits;• non-routine reports evaluating exercises, simulations, training activities, projects; and• threat, risk and vulnerability assessments that do not meet the significance criteria for class 63154.	Destroy 15 years after action completed
63157	Records documenting: <ul style="list-style-type: none">• routine operational administrative tasks supporting the core business; and• National Security Policies and Programs activities, other than those covered in classes 63154 and 61356.	Destroy 7 years after action completed