



Australian Government

National Archives of Australia

Records Authority

IP Australia

Job no 2008/00658152

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INTRODUCTION

IP Australia 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 area of Attorney Registration. It represents a significant commitment on behalf of IP Australia to understand, create and manage the records of its activities.

This Authority is based on the identification and analysis of the business of IP Australia. It takes into account the agency's legal and organisational recordkeeping requirements, and the interests of stakeholders of both IP Australia and the National Archives.

This Authority gives IP Australia the permission, required under the Archives Act, for the disposal of the records described. The Authority sets out those records that need to be retained as national archives and the minimum length of time that temporary records need to be kept. Retention periods for these temporary records are based on: an assessment of business needs; broader organisational accountability requirements; and community expectations, and are approved by the National Archives of Australia on the basis of information provided by the agency.

IP Australia may use the following tools to dispose of their records:

- this Records Authority covering the its agency specific records;
- general disposal authorities, such as the Administrative Functions Disposal Authority (AFDA), covering business processes and records common to Australian Government agencies; and
- normal administrative practice (NAP) which allows for the destruction of records where the records are duplicated, unimportant or for short-term use only.

As changes in circumstances may affect future recordkeeping requirements, the periodic review of this Authority is recommended. All amendments must be approved by the National Archives.

Advice on using this Authority and other recordkeeping matters is available from the National Archives' website at www.naa.gov.au or by contacting the Agency Service Centre.

APPLICATION OF THIS AUTHORITY

1. This Authority replaces classes 15237 and 15263 in the previously issued Authority for Attorney Registration (June 2007). These two classes are terminated and can no longer be used to sentence records.
2. This Authority should be used in conjunction with the Administrative Functions Disposal Authority (AFDA) issued by the National Archives to cover housekeeping and other administrative records common to most Commonwealth agencies.
3. This Authority is to be used to sentence records. Sentencing involves the examination of records in order to identify the individual disposal class to which they belong. This process enables sentencers to determine the appropriate disposal action for records. Advice on sentencing is available from the National Archives.
4. Where the method of recording information changes (for example from a manual system to an electronic system, or when information is migrated from one system to a new system) this Authority can still be used to sentence the records created, providing the records document the same function and activity. The information must be accessible for the period of time prescribed in this Authority. IP Australia will need to ensure that any software, hardware or documentation required to enable continuing access to the data is available for the periods prescribed.
5. In general, retention requirements indicate a minimum period for retention. IP Australia may extend minimum periods if it considers that there is an administrative need to do so. Where IP Australia 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.
6. From time to time the National Archives places 'freezes' on the disposal of some groups of records, which places a moratorium on the destruction of these records. If you require further information about disposal freezes and whether they affect the application of this Authority, please contact the National Archives.
7. Records in the care of IP Australia must be appropriately stored and preserved. IP Australia must 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 to the public after thirty years.
8. 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.
9. Advice on how to use this Authority is available from IP Australia's records 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 recordkeeping matters, please contact National Archives' Agency Service Centre.

Queen Victoria Terrace
Parkes ACT 2600
PO Box 7425
Canberra Mail Centre ACT 2610

Tel: (02) 6212 3610
Fax: (02) 6212 3989

Agency Service Centre: <http://www.naa.gov.au/records-management/help/index.aspx>

Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY

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

Director-General
IP Australia
PO Box 200
WODEN ACT 2606

Purpose:

AUTHORISES ARRANGEMENTS FOR THE DISPOSAL OF
RECORDS IN ACCORDANCE WITH SECTION 24(2)(b) OF THE
ARCHIVES ACT 1983

Application:

ATTORNEY REGISTRATION - Application Assessment, Disciplinary
Hearings

This authorisation applies to only the disposal of the records described on the authority in accordance with the disposal action specified on the authority. The authority will apply only if disposal takes place with the consent of the agency that is responsible at the time of disposal for the functions documented in the records concerned.

Authorising Officer



Margaret Chalker
Assistant Director-General
National Archives of Australia

Date of issue:

22 December 2008

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ATTORNEY REGISTRATION

The function of registering patent and trade marks attorneys. Includes accrediting courses and units of study, approving qualifications and conducting examinations and maintaining a register of patent and trademarks attorneys. Also includes the establishment of standards for the professional conduct of attorneys, handling complaints, conducting disciplinary hearings and imposing penalties.

Application Assessment

The activities involved in the processing of applications by individuals who wish to be registered as an attorney. Includes applications for approval of academic qualifications, applications for exemptions for prior qualifications, applications for annual renewals, applications/correspondence requesting voluntary removals from register and applications for restoration of attorney's name to register. Also includes notifications of outcome of applications and issuing of registration certificates.

For the activities involved in updating the register, use ATTORNEY REGISTRATION - Register Maintenance.

For accreditation of units of study or courses, use ATTORNEY REGISTRATION - Course Accreditation.

For appeals in relation to outcome of assessment of application, use ATTORNEY REGISTRATION - Appeals (decisions).

For the processing of fees, use FINANCIAL MANAGEMENT - Accounting.

Entry	Description of records	Disposal action
19919	Records documenting applications for registration as an attorney, where the outcome is successful. Includes: <ul style="list-style-type: none"> • statutory declarations • qualifications • written statements • outcomes of decisions • notifications to applicants. 	Destroy 80 years after attorney registration date

Disciplinary Hearings

The activities involved in arranging and conducting formal hearings of complaints before the disciplinary tribunal against the conduct of attorneys. Includes the formal processes of administering of oaths, taking of evidence, recording of proceedings and decisions and penalties to be imposed. Also includes notification of outcome.

For public notification of outcomes of disciplinary hearings, use PUBLICATION - Production.

For updates to the register, use ATTORNEY REGISTRATION - Register Maintenance.

Entry	Description of records	Disposal action
19920	Records documenting the conduct and outcome of disciplinary hearings. Includes: <ul style="list-style-type: none"> • proceedings • internal records relating to hearings • rulings and decisions • penalties and notifications • authorisations • reports. 	Destroy 80 years after attorney registration date