



Australian Government

National Archives of Australia

Records Authority
2013/00124964

**Department of Industry, Innovation,
Climate Change, Science, Research
and Tertiary Education**

Trade Measurement Compliance and Enforcement

2013

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INTRODUCTION

The Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education 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 Trade Measurement Compliance and Enforcement. It represents a significant commitment on behalf of the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education 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 of Industry, Innovation, Climate Change, Science, Research and Tertiary Education. It takes into account the agency's legal and organisational records management requirements, and the interests of stakeholders, the agency and the National Archives of Australia.

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 of Industry, Innovation, Climate Change, Science, Research and Tertiary Education 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 of Australia on the basis of information provided by the agency.

As changes in circumstances may affect future records 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 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 agency 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; and
 - Records that are identified as Retain as National Archives (RNA) are to be transferred to the National Archives of Australia for preservation.
2. This Authority should be used in conjunction with general records authorities such as:
 - the Administrative Functions Disposal Authority (AFDA) and/or AFDA Express issued by the National Archives to cover business processes and records common to Australian Government agencies;
 - General Records Authority (31) For source (including original) records that have been copied, converted or migrated.
3. 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 and AFDA Express. The National Archives recommends that agencies develop and implement a Normal Administrative Practice policy. Advice and guidance on destroying records as a normal administrative practice and on how to develop an agency NAP policy is available from the National Archives' website at www.naa.gov.au.
4. 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.
5. 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.
6. 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 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 of Industry, Innovation, Climate Change,

Science, Research and Tertiary Education 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.

7. In general, retention requirements indicate a minimum period for retention. The Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education 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 of Industry, Innovation, Climate Change, Science, Research and Tertiary Education 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.
8. Records coming within 'Retain as national archives' classes in this Authority have been determined to be part of the archival resources of the Commonwealth under section 3C of the *Archives Act 1983*. The determination of Commonwealth records as archival resources of the Commonwealth obliges agencies to transfer the records to the National Archives when they cease to be current and, in any event, within 15 years of the records coming into existence, under section 27 of the *Archives Act 1983*.
9. 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.
10. 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.
11. Advice on how to use this Authority is available from the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education 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 records management 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
Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2013/00124964

Person to whom notice of authorisation is given:

Dr Don Russell
The Secretary
Department of Industry, Innovation, Climate Change,
Science, Research and Tertiary Education
GPO Box 9839 Canberra ACT 2602

Purpose:

Authorises arrangements for the disposal of records in accordance with Section 24(2)(b) of the *Archives Act 1983*.

Determines records classed as 'Retain as national archives' in this Records Authority to be part of the archival resources of the Commonwealth under section 3C of the *Archives Act 1983*.

Application:

All core business records relating to Trade Measurement Compliance and Enforcement.

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.

Authorised by

David Fricker

Director-General
National Archives of Australia

Date of issue:

18 June 2013

TRADE MEASUREMENT COMPLIANCE AND ENFORCEMENT

The core business of administering national trade measurement compliance and enforcement with trade measurement legislation.

Processes and activities under this core business include:

- planning and reporting in relation to compliance activities, including site visits;
- developing internal trade measurement compliance policies, procedures, guidelines and technical directions;
- developing and disseminating industry and consumer guidance;
- liaising and consulting with stakeholders, including initiatives that raise awareness;
- monitoring of trade practice, including verification of measuring instruments used for trade;
- licensing and monitoring the verification activities of business (known as servicing) and public weighbridge licensees;
- investigating complaints and resolving problems relating to trade measurement activities
- checking pre-packages for correct packer identification, measurement markings and accurate measure; and
- enforcement actions including issuing infringement notices and prosecution action.

The performance of the core business is supported by administrative tasks such as:

- receiving and responding to general enquiries; and
- identifying, assessing and managing risk.

For the provision of accredited training, use ACCREDITED TRAINING.

For laboratory accreditation in accordance with industry standards, use LABORATORY QUALITY MANAGEMENT.

For any aspect of the development and maintenance of the national trade measurement system, including industry policy and planning, use METROLOGICAL COORDINATION.

For the provision of trade measurement services by the agency, use METROLOGICAL SERVICES.

For the management of specialised buildings used for trade measurement compliance and enforcement purposes, use PROPERTY MANAGEMENT (SPECIAL BUILDINGS).

For the design and development of scientific equipment; and measurement standards use, SCIENTIFIC RESEARCH.

For compensation paid to businesses for any damages incurred during compliance inspections, use COMPENSATION.

For the publication of guidelines, brochures decisions and notifications use PUBLICATION.

TRADE MEASUREMENT COMPLIANCE AND ENFORCEMENT

Class no	Description of records	Disposal action
61311	<p>Records documenting:</p> <ul style="list-style-type: none"> • appeals made against decisions which are controversial, or where precedents are set, or lead to policy or legislative review, or major procedural change, or are of significant public interest demonstrated by publication or broadcast in news media. Includes appeals to higher authorities such as the Administrative Appeals Tribunal and the Federal Court; • briefs of evidence for prosecution of criminal offences where there is no court order or clause in the settlement agreement to destroy the brief or return it to the source as a part of the settlement agreement; • the investigation and enforcement of penalties in serious, provocative, or controversial cases of industry non-compliance with trade measurement regulatory requirements such as those that lead to legislative review or parliamentary debate, or significant public interest by publication or broadcast in news media, set an operational or procedural precedent, or result in policy change or major procedural change, withdrawal of products or where a faulty product has led to death or serious injury; • legal proceedings related to the agency's delegated responsibilities of enforcing trade measurement legislation which relate to investigative/enforcement matters that have far-reaching corporate, social, economic, environmental, national or international implications, or where precedent is set, or are controversial, or of significant public interest demonstrated by publication or broadcast in news media, or result in review or major changes to policy, procedures or legislation; • monitoring and inspection activities that lead to legislative review, or significant public interest by publication or broadcast in news media, or set an operational or procedural precedent, or result in policy change or major procedural change; and • master set of technical directions issued to inspectors. 	Retain as national archives
61312	Registers and summary databases documenting: trade measurement compliance licensing, complaint, exhibits, test results, restricted persons and investigations.	Destroy 20 years after last action
61313	<p>Records documenting the licensing and monitoring of verification activities of business (known as servicing) and public weighbridge licensees. Includes:</p> <ul style="list-style-type: none"> • applications; • assessments; • certificates; • licensing agreements; • reports; • notices and orders; and • associated correspondence. 	Destroy 7 years after expiry or other termination of the licence

TRADE MEASUREMENT COMPLIANCE AND ENFORCEMENT

Class no	Description of records	Disposal action
61314	Records documenting low-level administrative or operational tasks: <ul style="list-style-type: none">• receipt and handling of general enquiries which require a standard/routine response; and• liaison with other agencies, industry or the public where it does not relate to a specific licence, complaint investigation or enforcement action.	Destroy 1 year after action completed
61315	Records documenting all other trade measurement compliance tasks and activities, other than those covered by classes 61311-61314.	Destroy 7 years after action completed