



Australian Government

National Archives of Australia

Records Authority

2010/00494770

**Office of the Australian Building and
Construction Commissioner**

November 2010

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INTRODUCTION

The Office of the Australian Building and Construction Commissioner (ABCC) 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 Building Industry Compliance, Enforcement and Education. It represents a significant commitment on behalf of the ABCC to understand, create and manage the records of its activities.

This Authority is based on the identification and analysis of the business of the ABCC. 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 ABCC 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 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 how long records need to be kept. Advice on sentencing is available from the National Archives.
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;
 - encrypted records; and
 - source records that have been copied.
3. The Normal Administrative Practice (NAP) provision of the Archives Act 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. 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 ABCC 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.

5. In general, retention requirements indicate a minimum period for retention. The ABCC 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 ABCC 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 will place a freeze on some groups of records relating to a particular topic or event which has gained prominence or provokes controversy. While the freeze is in place no records relating to the topic or event may be destroyed. 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
7. Records which relate to any current or pending legal action, or are subject to a request for access under the *Archives Act 1983* or any other relevant Act must not be destroyed until the action has been completed.
8. 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.
9. 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.
10. Advice on how to use this Authority is available from the ABCC 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
Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2010/00494770

Person to whom notice of authorisation is given:

Mr Leigh Johns
Australian Building and Construction Commissioner
Office of the Australian Building and Construction Commissioner
553 St Kilda Road
Melbourne VIC 3004

Purpose:

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

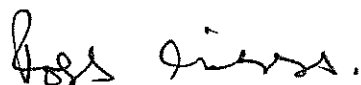
Application:

All core business records relating to Building Industry Compliance, Enforcement & Education.

This authority will apply only with the consent of the agency currently responsible for the business documented in the records described.

Authorising Officer

Date of issue:



23 November 2010.

Ross Gibbs
Director-General
National Archives of Australia

BUILDING INDUSTRY COMPLIANCE, ENFORCEMENT & EDUCATION

The core business of ensuring appropriate standards of conduct for building and construction industry activities, including building and structural works on land, railways and docks. Includes educating and advising construction industry stakeholders; undertaking investigations into complaints and industry performance in relation to legislative requirements; monitoring compliance with legislation and codes such as the National Code of Practice and independent contractors legislation for the construction industry; taking legal action, where required; and referring matters to other government bodies.

Specific activities undertaken by the agency include:

- preparing and delivering addresses;
- giving and receiving advice;
- managing the process of appeals (decisions);
- preparing briefs;
- managing committees;
- developing, delivering and/or attending education, conferences and training;
- conducting investigations;
- compliance monitoring and enforcement;
- liaising, consulting and handling representations with stakeholders;
- bringing or intervening in litigation/legal proceedings;
- managing media relations;
- developing and implementing operational policies and procedures;
- analysing and reporting on performance;
- preparing and managing submissions;
- conducting audits;
- conducting site visits;
- conducting compliance examinations (hearings);
- negotiating and establishing agreements;
- authorising delegations of power;
- handling enquiries and complaints;
- referring matters to external parties; and
- making routine arrangements for activities such as training, conferences and visits.

For the production and distribution of educational publications, use AFDA - PUBLICATION.

Class No	Description of records	Disposal action
21775	<p>The following significant records:</p> <ul style="list-style-type: none">• final versions of addresses (presentations) made by senior agency officers at major functions to promote building industry compliance, enforcement & education;• advice relating to significant matters that have far-reaching implications, or which are controversial, subject to government-level scrutiny, innovative and/or high profile with either a significant social, environmental, or economic benefit to building industry compliance, enforcement & education. Includes advice provided to the Portfolio Minister and government agencies and advice used in corporate or government policy decisions;• high-level agreements with stakeholders (eg other government agencies). Includes memoranda of understanding;• appeals made against decisions which are controversial, where precedents are set, or which are significant or create intense media interest. Includes appeals to higher authorities such as the Federal Court;	Retain as national archives

BUILDING INDUSTRY COMPLIANCE, ENFORCEMENT & EDUCATION

Class No	Description of records	Disposal action
(cont)	<ul style="list-style-type: none">• high-level intergovernmental or inter-agency committees and working groups, and/or high-level internal committees supporting building industry compliance, enforcement and education where the agency is the lead agency;• compliance auditing, monitoring and enforcement involving penalties (sanctions and exclusions) in serious, provocative, or controversial cases of industry non-compliance, such as those that attract parliamentary or significant public interest or media attention, lead to changes to agency policy, or that have required detailed and complex research or auditing;• summary information relating to complaints and code monitoring;• liaison, consultation or representation received or made from or to regional and international peak industry bodies, international governments or non-governmental bodies, leading community interest groups, recognised influential stakeholders or individuals concerning building industry compliance, enforcement and education issues of a contentious nature, which are of major significance to the agency and/or the community at large;• investigation cases that result in: legal proceedings (ie where a decision has been made to take prosecution action as a result of legislative breaches), controversy or intense media interest, or major changes to policy;• agency public interest interventions in construction industry related civil proceedings involving external parties;• referrals to external bodies in relation to criminal cases;• master set of media releases;• final versions of national/high-level policies;• final reports to the Minister, agency heads and building and construction industry stakeholders, such as performance reports;• submissions made to the Minister, an independent assessor or inquiry, and others on matters relating to building industry compliance, enforcement and education where the issue is controversial, or has significant legal, social, economic and/or international implications. Includes working papers.	Retain as national archives
21776	<p>Records documenting low level administrative tasks that are routine in nature or that are not of major significance to the agency and/or to the community at large:</p> <ul style="list-style-type: none">• development of operational policies and procedures covering internal processes that are not of national or high-level significance;• general administrative arrangements (eg meeting room bookings, catering arrangements, training arrangements etc);• routine addresses (presentations), advice, enquiries, referrals and records of educational/advisory site visits.	Destroy 3 years after last action
21777	<p>Records documenting:</p> <ul style="list-style-type: none">• routine operational administrative tasks supporting the core business; and• building industry compliance, enforcement and education related tasks and activities, other than those covered in classes 21775 and 21776.	Destroy 7 years after last action