



Australian Government

National Archives of Australia

Records Authority

2011/00312164

IP Australia

Published Patent Specifications

September 2011

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INTRODUCTION

The National Archives of Australia in conjunction with IP Australia have developed this Records Authority to permit the destruction of source records after they have been digitised, subject to specified exclusions and conditions.

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 records management requirements, and the interests of stakeholders, the agency and the National Archives of Australia.

This Authority gives IP Australia permission under the *Archives Act 1983*, for the destruction, retention or transfer to the National Archives of Australia of the records described.

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 applies to records already created by IP Australia as described in the classes of this Authority.
2. 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.
3. 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.
4. IP Australia Records Authorities 2004/68493 and 2002/04941330 are not to be used to sentence records covered by this Authority.
5. This Authority does not apply to published patent specifications produced in paper and held by the National Archives of Australia – accessions AP503/1, AP503/2, BP320/1, BP320/2, B3368/1, B3368/2, PP312/1, PP312/2, SP955/1 and SP955/2.
6. Where the method of recording information changes (for example 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. IP Australia 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. IP Australia 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 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.
8. 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

9. 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.
10. 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.
11. 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.
12. Advice on how to use this Authority is available from the IP Australia 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 2011/00312164

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:

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This authorisation gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. The authority will apply only with the consent of the agency currently responsible for the core business documented in the records.

Authorising Officer



Margaret Chalker
Assistant Director-General
Government Information Management
National Archives of Australia

Date of issue:

26 September 2011

PUBLISHED PATENT SPECIFICATIONS

Formal, published contents of patents - rights granted for any device, substance, method or process which is new, inventive and useful –produced during the patent grant process under Australian patent law.

For the Official Journal of Patents, use *AFDA/AFDA Express* - PUBLICATION

Class No	Description of records	Disposal action
33037	The master set of published patent specifications in digital form (1904-).	Retain as national archives
33055	Unbound loose leaf paper and microform source records (relating to class 33037) of published patent specifications (1904 - 1998), that have been digitised and transferred to the National Archives of Australia.	Destruction authorised subject to the Exclusions and Conditions in this Records Authority.

EXCLUSIONS

This Authority does not cover the destruction of records that have been reproduced where:

- there is a legal requirement to keep or retain the records in a specific format;
- they are required, or likely to be required, for a current or pending court action, government inquiry or investigation, or are the subject of a current application for access under *Freedom of Information*, the *Archives Act* or other legislation;
- there is a government policy or directive not to destroy them;
- the National Archives has issued a notice that specifically prohibits their destruction or calls for retention in that format;
- they are subject to a disposal freeze which states that this Authority can not be applied to the records; or
- they are on loan to agencies from the care of the National Archives.

Other records authorities are not to be used to sentence records covered by this Authority. Also, this Authority does not apply to specific records held by the National Archives of Australia. Refer to Application of this Authority, notes 4 and 5.

CONDITIONS

Functional equivalence

The agency must ensure that all reproductions are at least functionally equivalent to the source records for business and legal purposes and are managed as records.

Reproduction standards

The agency must ensure that reproductions:

- intended to replace source records have the degree of authenticity, integrity, reliability, and useability necessary to meet the identified purposes of the source records;
- are complete and accurate in terms of content;
- can be taken to be true copies, or, the devices or processes used to produce them routinely produced accurate, reliable records, with good documentation of the copy, conversion or migration process.

Disposal and management of source records

The agency must ensure that:

- the source records are not disposed of by means other than destruction (for example, transfer outside the Commonwealth) unless such disposal is required by law, authorised by the Archives, or a normal administrative practice of which the Archives does not disapprove;
- they keep documentation that adequately identifies the types and ranges of records they destroy after copying, conversion or migration; and
- they contact the Archives if they consider that source records eligible for destruction under this authority are worth keeping because they possess a high level of social or historical significance or utility.

Maintenance of reproductions as records

The agency must ensure that the reproductions are maintained in place of the source records for as long as required by any current Records Authority applying to the source records. Further copying, conversion or migration is permissible to achieve this. However, where there is no current Records Authority, agencies must obtain authorisation from the Archives before the latest reproductions are destroyed.