



Australian Government



**NATIONAL
ARCHIVES
OF AUSTRALIA**

Records Authority

2016/00662581

Department of Health

Industrial Chemicals Notification and Assessment

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2017



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INTRODUCTION

The Department of Health 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 Industrial Chemicals Notification and Assessment. It represents a significant commitment on behalf of the Department of Health 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 Health. It takes into account the agency's legal and organisational information 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 Health 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 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 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 Departmental 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' are to be transferred to the National Archives 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; and
 - General Records Authority (31) - Destruction of source or original records after digitisation, conversion or migration (2015).
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 NAP 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 agency 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 Health 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 Health 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. Records created digitally after 1 January 2016 can be transferred in digital formats only.
11. Advice on how to use this authority is available from the agency'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.

Queen Victoria Terrace
Parkes ACT 2600
PO Box 4924
Kingston ACT 2604

Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2016/00662581

Person to whom notice of authorisation is given:

Mr Martin Bowles PSM
Secretary
Department of Health
GPO Box 9848
Canberra ACT 2601

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 Industrial Chemicals Notification and Assessment.

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.

Authorising Officer

Anne Lyons
Assistant Director-General
National Archives of Australia

Date of issue:

6 March 2017

INDUSTRIAL CHEMICALS NOTIFICATION AND ASSESSMENT

The core business of managing a notification and assessment system to protect the health of the public, workers and the environment from the harmful effects of industrial chemicals through: risk assessment and recommendations (including advice to the Minister regarding declaration of priority existing chemicals, and listing chemicals with conditions of use); issuing permits for the importation, use or manufacture of industrial chemicals; regulatory actions and monitoring (including secondary notification assessment where an importer or manufacturer has become aware of circumstances warranting reassessment); and establishing and enforcing national standards for the importation and manufacture of cosmetics.

Industrial chemicals do not include veterinary chemical products and substances or mixtures of substances of a kind that are declared by regulations.

The **core activities** include:

- developing, implementing and evaluating operational policies, strategies and programs; participating in international agreements and conventions;
- coordinating and participating in committees, task forces, conferences and meetings;
- developing and providing advice and other forms of information about industrial chemicals to relevant stakeholders;
- managing visitors to or from foreign countries or related organisations;
- negotiating, establishing, reviewing and managing agreements for the provision of programs or services;
- maintaining a list of chemical approved for use in Australia (currently the Australian Inventory of Chemical Substances);
- managing the declaration and introduction of industrial chemicals as priority existing chemicals;
- processing applications for permits to introduce new industrial chemicals, or for the renewal of existing permits, and issuing permits;
- conducting assessments of industrial chemicals, creating assessment certificates, and providing other reporting;
- processing applications for inclusion on a list of chemical manufacturers and importers approved to manufacture and or import industrial chemicals (currently the Register of Industrial Chemical Introducers), and issuing registration certificates;
- receiving annual reports from registered introducers of industrial chemicals;
- managing the secondary notification of industrial chemicals;
- developing national standards for imported or manufactured cosmetics;
- conducting investigative, compliance and enforcement actions;
- liaising, consulting and exchanging information with stakeholders and organisations;
- collecting information from individuals with access to information relevant to an application or assessment;
- managing the publication of listed chemicals, approved manufacturers and importers (currently the Chemical Gazette); and
- auditing against obligations under relevant legislation, such as auditing new chemical permits to ensure subject chemical is being introduced in accordance with the permit conditions.

The performance of the core business is supported by general activities such as:

- marketing programs and services;
- developing, implementing and reviewing processes, systems and procedures designed to support the core business;
- managing appeals and reviews of decisions;
- developing internal and external reporting;

INDUSTRIAL CHEMICALS NOTIFICATION AND ASSESSMENT

- conducting research;
- identifying, assessing and managing risks; and
- managing delegations.

Cross references to AFDA Express Records Authority

For advice, briefs and submissions to the portfolio Minister, Cabinet submissions and the agency's participation in formal inquiries, use GOVERNMENT RELATIONS.

For development of new legislation and amendments to existing legislation, use GOVERNMENT RELATIONS and/or STRATEGIC MANAGEMENT.

For the preparation of budget estimates, budget proposals, cost modelling, managing fees, charges and reimbursements, and the Industrial Chemical Account, use FINANCIAL MANAGEMENT.

For media releases, use COMMUNITY RELATIONS and/or GOVERNMENT RELATIONS.

For the procurement of goods and services, including contractors and consultants, use PROCUREMENT.

For the drafting, publication and distribution of agency publications, including the Chemical Gazette, newsletters, brochures etc, use PUBLICATION.

For the development of the agency service charter, use COMMUNITY RELATIONS.

For the annual survey conducted to assess services against standards set out in the service charter, use COMMUNITY RELATIONS.

For complaints or congratulations regarding the agency's services, use COMMUNITY RELATIONS.

Cross references to other records authorities

For the establishment and management of advisory groups, use ADVISORY BODIES (GRA 26).

For the management of grants, use GRANT MANAGEMENT (GRA 28).

For developing and executing formal contracts under seal or deeds, use CONTRACTS UNDER SEAL/DEEDS (GRA 36).

Class no	Description of records	Disposal action
62248	<p>The following significant records documenting:</p> <ul style="list-style-type: none"> • high-level reviews of the core activities, including national and sector-wide reviews and major internal reviews. Includes final review reports, recommendations, major drafts, submissions and supporting research. • the Australian Inventory of Chemical Substances ('Inventory'), including its development and maintenance. • the declaration of a priority existing chemical by the Minister, including: <ul style="list-style-type: none"> • recommendations made by the agency head; • publication notices in the Chemical Gazette; • agency responses to the identification of the introduction of priority existing chemicals without approval, or without an application for a chemical assessment; and • decisions made to prohibit any activity involving a priority existing chemical by an importer or manufacturer of industrial chemicals. • the details of each industrial chemical making up a trade name product. Includes correspondence with any persons or applicants 	Retain as national archives

INDUSTRIAL CHEMICALS NOTIFICATION AND ASSESSMENT

Class no	Description of records	Disposal action
	<p>responsible for the manufacture of the product.</p> <ul style="list-style-type: none"> • the receipt and processing of applications, including joint applications, for the importation or manufacture of new industrial chemicals and the renewal of existing approvals. • the assessment of the risks to occupational health and safety, to public health or to the environment from the use, storage, handling or disposal that could be associated with the importation, manufacture or use of industrial chemicals, including: <ul style="list-style-type: none"> • advice from other agencies concerning an assessment or application for the introduction of industrial chemicals; • confirmation that a foreign scheme or a notification law in force in a State or Territory meets the requirements for a chemical assessment; and • assessment methodologies used. • details of industrial chemicals notified under the former Interim Notification Scheme. • managing permits and assessment certificates, including: <ul style="list-style-type: none"> • the transfer of an assessment certificate, for the introduction of an industrial chemical, to a new holder; • the revoking of permits for the introduction of industrial chemicals; • summary records supporting the core activities, such as those consolidating results of data collection activities, including registers or datasets and associated information such as lists of <ul style="list-style-type: none"> • industrial chemicals in respect of which an assessment certificate is in place; • chemicals in respect of which controlled use permits are in force, including the conditions of use to which those permits are subject; and • low volume chemicals that are introduced or manufactured. • annual reports received from the introducers of a new industrial chemical, describing the chemical name, and the volume introduced, including: <ul style="list-style-type: none"> • applications for the exemption from publication of some or all of the information stated in the report; and • information collated from annual reports in the form of a summary list, including the names and volumes of the chemicals included in each report. • managing the secondary notification of an industrial chemical that has already been assessed, including: <ul style="list-style-type: none"> • correspondence or written notices to a person who fails to give secondary notification of a chemical suspending any assessment certificate or introduction permit held by that person, or prohibiting the importation and manufacture of the chemical by that person; • the collection of information, following the publication of a notice in the Chemical Gazette, from persons who are not required to give secondary notification of the chemical but 	

INDUSTRIAL CHEMICALS NOTIFICATION AND ASSESSMENT

Class no	Description of records	Disposal action
	<p>who may be able to provide information about the chemical specified in the notice; and</p> <ul style="list-style-type: none"> • a list of chemicals requiring, or previously required, secondary notification. • the development of standards for cosmetics imported into, or manufactured in, Australia and the enforcement of those standards. Includes records of stakeholder engagement, drafts, consultation and review. • the disclosure of exempt information in response to an inquiry, whether through consultation or otherwise. Includes correspondence with relevant stakeholders and written notices of a decision to disclose. • international agreements, memorandums of understanding (MoU), conventions, instruments and the like relating to the international regulation of chemicals. • international committees, councils, and consultative groups, where the agency provides the Secretariat, is the Commonwealth's main representative, plays a leading role, or where the Minister or agency head has voting rights. Includes documents establishing the committee, agenda, final versions of minutes, reports and supporting documentation such as briefing and discussion papers. • the proceedings and official reports of high level international conferences, either hosted by the Department or where the Minister or agency head is the Australian representative. • the receipt or provision of advice and other forms of information about industrial chemicals to Commonwealth, State and Territory bodies responsible for the regulation of industrial chemicals. • the development, implementation and evaluation of all other programs, strategies, and plans in support of or in relation to the core business. • final versions of speeches presented by senior staff; and • appeals and reviews that set a precedent or lead to changes in legislation or practices. 	
62249	<p>Records documenting:</p> <ul style="list-style-type: none"> • the receipt and processing of applications, including renewal applications, for inclusion in the Register of Industrial Chemical Introducers. Includes an assessment of the registration charge, requests for reviews of the assessment, waiver or remissions of charges; • the allotment of registration numbers, the creation and issuing of registration certificates, and correspondence with and notices to applicants; • the development and maintenance of the Register of Industrial Chemical Introducers. Includes endorsements; • statements provided by introducers detailing the value of relevant industrial chemicals introduced in a given period; • the transfer of registrations; 	Destroy 25 years after last action

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Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> • the conduct of investigations into compliance (including regulatory breaches) with legislative requirements relating to the notification and assessment of industrial chemicals. Includes related information gained through searches and seizures, including as a result of the issuing of a warrant, but does not include things that may be seized; • routine liaison and collaboration with stakeholders on matters relating to the core business; • the exchange of information about industrial chemicals to the Secretariat of a convention to which Australia is a signatory, or with countries that are parties to that convention; • the collection of information from persons who may have access to certain information to facilitate or allow Australia to comply with its obligations under international conventions; • the collection of statistics, and the development of statistics reporting, concerning the use of industrial chemicals. Includes data and compiled data sets; • instruments of delegation to agency staff to authorise administrative actions; • the development, implementation and review of systems, services, processes and procedures supporting the delivery of programs and services; • risk management planning, including the final version and major drafts of the risk management plans supporting the core business; • the collection of information about the possible introduction of an industrial chemical by a person who was not registered. Includes notices and other correspondence with the person; • appeals made under legislative provisions against a decision made by the agency, to a central arbitration or determining body (eg the Administrative Appeals Tribunal) in relation to decisions concerning the introduction of industrial chemicals, including decisions not to exempt certain information from publication. Includes reports for legal counsel; and • reviews of reviewable decisions made under legislative provisions regarding matters relating to the importation or manufacture of industrial chemicals. 	
62253	<p>Records documenting:</p> <ul style="list-style-type: none"> • routine operational administrative tasks supporting the core business; and • Industrial Chemicals Notification and Assessment activities, other than those covered in classes 62248 and 62249. 	Destroy 10 years after last action