Australian Government

National Archives of Australia

Records Authority

2018/00153019

Australian Pesticides and Veterinary Medicines Authority

Agricultural Chemicals and Veterinary Medicines regulation

This is an accurate reproduction of the authorised records authority content, created for accessibility purposes

2018

Copyright

Attribution

Accessibility

This is an accurate reproduction of the authorised records authority content, created for accessibility purposes.

Contact Us

Enquiries relating to copyright or accessibility should be made through the Agency Service Centre.

CONTENTS

INTRODUCTION

The Australian Pesticides and Veterinary Medicines Authority (APVMA) 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 Agricultural Chemicals and Veterinary Medicines Regulation. It represents a significant commitment on behalf of APVMA to understand, create and manage the records of its activities.

This authority is based on the identification and analysis of the business of APVMA. It takes into account the agency's legal and organisational information management requirements, and the interests of stakeholders, the agency and the National Archives.

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 APVMA 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 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 National Archives.

APPLICATION OF THIS AUTHORITY

1. This authority supersedes records authority (RA) 2002/05152314. The superseded records authority cannot be used by APVMA to sentence records after the date of issue of this authority.
2. 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 APVMA 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.
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; and
    - General Records Authority (31) - Destruction of source or original records after digitisation, conversion or migration (2015).
4. 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 a NAP policy is available from the National Archives' website at www.naa.gov.au.
5. 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.

6. 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.
7. Where the method of recording information changes (for example from an analogue system to a digital 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 APVMA 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.
8. In general, retention requirements indicate a minimum period for retention. The APVMA 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 APVMA 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.
9. 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*.
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. Records created digitally after 1 January 2016 can be transferred in digital formats only.
12. Advice on how to use this authority is available from the APVMA 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.

AUTHORISATION

RECORDS AUTHORITY 2018/00153019

Person to whom notice of authorisation is given:	Dr Chris Parker Australian Pesticides and Veterinary Medicines Authority 18 Wormald Street Symonston ACT 2609
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 Agricultural Chemicals and Veterinary Medicines Regulation.

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	**Date of issue:**
Anne McLean A/g Assistant Director-General National Archives of Australia	15 August 2018

AGRICULTURAL CHEMICALS AND VETERINARY MEDICINES REGULATION

The core business of regulating and controlling agricultural chemicals and veterinary medicines (agvet chemicals) up to and including the point of retail sale or supply, to ensure the health and safety of people, the environment, crops and animals, and to ensure that trade and the efficacy of agvet chemicals is not jeopardised through the use of unregistered chemicals. Excludes regulating agvet chemicals control of use after they are sold.

The **core activities** include:

- receiving, assessing and approving applications for registration of agvet chemical products. Includes applications for hormonal growth promotants, active constituents, permits, licences and pre-application assistance;
- receiving data submissions to assess applications;
- providing and receiving advice and other information;
- negotiating, establishing and implementing agreements, contracts and joint ventures;
- managing appeals and reviewing agency decisions, including appeals to higher authorities;
- undertaking chemical reviews (reconsideration) of approved active constituents or registered agvet chemicals;
- monitoring the Australian retail market to assess compliance with related legislation. Includes reviewing reports of suspected adverse experience incidents;
- issuing and implementing enforceable directions for non-compliance and investigating alleged breaches of legislation administered by the agency;
- planning, conducting and facilitating audits, including mandatory prescribed audits and site visits;
- authorisation, including appointment of inspectors;
- developing and implementing marketing and promotional campaigns for industry and the broader community, including advertising at trade shows and industry forums and promoting education and information awareness events;
- consulting, assessing and reviewing reports and submissions from stakeholders;
- developing, implementing and reviewing frameworks, policy, programs, legislative codes, standards, guidelines, procedures and assessment criteria;
- liaising with stakeholders, including other government agencies, industry, professionals and the community;
- undertaking analysis and research;
- determining fees and charges; and
- developing and implementing training services to industry, including developing and maintaining on-line educational content.

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

- arranging and participating in conferences, seminars, discussion forums, and workshops;
- preparing and presenting speeches;
- delegating powers and authorising actions;
- establishing, managing and participating in committees and meetings;
- making administrative arrangements to support education and information awareness events, including venue hire and travel arrangements;
- planning and monitoring customer service;
- managing enquiries and complaints;

- planning, reporting, reviewing, and risk management;
- developing operational policies, procedures, standards and submissions;
- managing projects and maintaining registers; and
- arranging and managing visits.

Cross references to AFDA Express records authority

For collection and processing payments of licence fees, permits, certification, renewals and registration levies, use FINANCIAL MANAGEMENT.

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

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

For internal and external legal advice relating to interpretation of legislation, and legal proceedings administered by the agency, use LEGAL SERVICES.

For litigation or legal proceedings including civil, criminal, administrative or regulatory proceedings related to delegated responsibilities of enforcing powers under agvet legislation use LEGAL SERVICES.

For managing the acquisition of goods and services, such as contractors or consultants, use PROCUREMENT.

For developing new proposals for amendments to legislation administered by the agency or the preparation and passage of legislation through Parliament, use STRATEGIC MANAGEMENT.

Cross references to other records authorities

For advisory bodies that support the agricultural chemicals and veterinary medicines regulation regime, use GRA 26 - ADVISORY BODIES.

For developing and executing contracts under seal or deed, use GRA 36 - CONTRACTS UNDER SEAL/DEEDS.

AGRICULTURAL CHEMICALS AND VETERINARY MEDICINES REGULATION

Class no	Description of records	Disposal action
62441	Records documenting: • providing and receiving high-level advice. Includes final version of advice, position papers, briefings, reports, opinions and submissions; • high-level agency liaison and consultation with major stakeholders such as international regulatory organisations on projects and national schemes administered by the agency. Includes stakeholder submissions; • final version of significant agreements and contracts, including supporting documents, that: relate to substantial funding agreements or the establishment of partnerships or cooperative arrangements with other governments, agencies and organisations; are controversial, of public interest or ground-breaking in nature; or result in major changes to agency policies or programs. Includes memorandums of understanding, mutual recognition agreements and joint venture agreements; • appeals made against agency decisions which are controversial, where precedents are set, or which are significant or create high levels of media interest. Includes appeals to higher authorities such as the Administrative Appeals Tribunal or the Federal Court; • the receipt and assessment of applications for registrations and approvals, variations, trials, minor use and emergency permits. Includes: o applications; o significant drafts and final assessment reports and recommendations for registration, approval or rejection; o labels and relevant label particulars; o certificates of approval, notices of registration, working papers; o working papers documenting the conduct and administration of the application assessment; and o results of consultations; *[For licences for manufacturers, use 62443.]* • statutory and non-statutory registers such as the National Chemicals Registration Information System, Manufacturer Licence Register, Permits Register, Consent to Import Register etc. Includes registration details and summary records of: o registered agvet chemical products, approved active constituents, relevant label particulars, permits and licences; o suspension or revocation; and o information about register data fields such as data dictionaries, indexes, tables, event and audit logs; • nominating and conducting chemical reviews (reconsiderations) of registered pesticide and veterinary medicine products, and approved active constituents and labels. Includes: o review criteria, invitation notices, successful nomination proposals, consolidated priority candidate review lists, final technical reports from	Retain as national archives

AGRICULTURAL CHEMICALS AND VETERINARY MEDICINES REGULATION

Class no	Description of records	Disposal action
	external scientific reviewers: and o recommended actions, determinations and other notices of internal decision making; • data submissions for chemical reviews and applications for approvals, registration, variations and permits of agvet chemicals and products, includes: o scientific evidence supporting the original applications for approvals, registration, variations and permits; o data received as a result of a review of a chemical or chemical product; and o related data submissions, such as those under s161 of the agvet code; • high-level internal and external committees, working groups, panels and other bodies where the agency provides the secretariat, is the Australian Government's main representative, or plays a prominent or central role (eg Registration Liaison Committee). Includes establishment documentation, agenda, final version of minutes, recommendations, reports and tabled papers; • compliance monitoring activities and investigations that result in recall actions of a non-compliant, defective product or active constituent (including unregistered products). Includes: o recall notices, stop supply or not to supply notices; and o actions regarding product retrieval and disposal and notifications to consumers; • investigation case records that are precedent setting, provocative, controversial or of considerable public interest, or, result in changes to Government and agency policies, programs and procedures. Includes: o risk assessment and audit documentation, reports on determinations; and o other investigations such as enforcement actions, records supplied or seized as evidence and supporting research; • developing, implementing and reviewing legislative codes, standards, rules, guidelines, determinations, principles and conditions. Includes: o maximum residue limits (MRLs), stockfeed standards and registration guidelines, preparation of regulatory impact statements, preliminary drafting instructions; and o drafts, amendments, authorisation of Chief Executive Officer or executive board, final version gazettal, notifications and parliamentary tabling; • developing, implementing and reviewing high-level policies, frameworks, plans, strategies, programs, projects and schemes such as the agency's Manufacturer's Licensing Scheme, National Registration Scheme etc.	

AGRICULTURAL CHEMICALS AND VETERINARY MEDICINES REGULATION

Class no	Description of records	Disposal action
	Includes policy proposals, results of stakeholder consultations, supporting reports, major drafts, and final version; • master set of agency manuals, handbooks, directives etc detailing procedures supporting the core business. Includes manuals for external scientific and efficacy and safety reviewers; • final version of reports. Includes: o results from agency post-authorisation assessment of adverse experience incidents reported by external state and territory authorities, members of the public or holders of an approval, registration, permit or manufacturing licence. Includes working papers and recommended mitigation actions. • developing, implementing and reviewing assessment and registration criteria relating to schemes administered by the agency. Includes: o final version, major drafts, results of stakeholder consultations, submissions and supporting research; • master set of industry training or education program materials, including final version of content for online training modules, videos and guides; • final version of proceedings, reports, presentations and papers from conferences, seminars and forums hosted by the agency (eg APVMA Advisory Board Futures Forum); • final version of speeches presented by the portfolio Minister, the agency head or senior agency staff; and • master version of agency publications. Includes information sheets, brochures and newsletters (eg Trade Advice Notices; APVMA Gazette). *[For information published in the Commonwealth Gazette, use 62446]*	
62442	Records documenting: • investigation and compliance monitoring activities related to criminal offences where there is no prosecution or the prosecution is stopped, where there is no court order or clause in the settlement agreement requiring destruction or return of records. Includes referrals; • collection, receipt, use and analysis of intelligence data to meet the agency's compliance and enforcement objectives; and • compensation claims for personal injury or death arising from agvet chemical regulation activities by APVMA employees.	Destroy 80 years after date of birth or 10 years after action completed, whichever is later
62443	Records documenting: • receipt and assessment of applications for manufacturer licences. Includes: o notices of approval, suspension or cancellation and any other amendments. *[For registers of manufacturing licences, use Class 62441]*	Destroy 50 years after licence lapses

AGRICULTURAL CHEMICALS AND VETERINARY MEDICINES REGULATION

Class no	Description of records	Disposal action
62444	Records documenting: • investigation and compliance monitoring activities related to prosecution of criminal offences and non-criminal contraventions where there is a court order or clause in the settlement agreement requiring destruction or return of records including referrals.	Dispose of in accordance with the court order or settlement agreement
62445	Records documenting: • receipt or provision of routine advice; • routine arrangements for conferences; • requests for and processing of authorised export certificates; • planning, monitoring and evaluation of customer service provided by the agency; • management of requests for information about the agency and its services. Includes routine stakeholder enquiries; • final version of minutes and supporting documents tabled at routine internal meetings. Includes agenda, notices of meetings and working papers; and *[For high level internal committees and meetings, use 62441]* • working papers documenting the development of agency plans, policies, procedures, programs, and reviewing activities.	Destroy 3 years after action completed
62446	Records documenting: • routine operational administrative tasks supporting the core business; and • agvet chemical regulation activities, other than those covered in classes 62441 to 62445.	Destroy 10 years after action completed