



**Australian Government**

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**National Archives of Australia**

**Records Authority**

2018/00487892

**National Transport Commission**

*Transport Policy and Legislation Reform*

2019

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## **CONTENTS**

|  |          |
|--|----------|
| <b>INTRODUCTION</b>                            | <b>4</b> |
| <b>APPLICATION OF THIS AUTHORITY</b>           | <b>4</b> |
| <b>CONTACT INFORMATION</b>                     | <b>5</b> |
| <b>AUTHORISATION</b>                           | <b>6</b> |
| <b>TRANSPORT POLICY AND LEGISLATION REFORM</b> | <b>7</b> |

## INTRODUCTION

The National Transport Commission (NTC) 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 transport policy and legislation reform. It represents a significant commitment on behalf of NTC to understand, create and manage the records of its activities.

This authority is based on the identification and analysis of the business of NTC. 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 NTC 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 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 NTC 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.
  - 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 a NAP policy is available from the National Archives' website at [www.naa.gov.au](http://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](http://www.naa.gov.au).
6. 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 NTC 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 NTC 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 NTC 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 NTC 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 2018/00487892

**Person to whom notice of authorisation is given:**

Carolyn Walsh  
Chair and Commissioner  
National Transport Commission  
Level 3, 600 Bourke Street  
Melbourne VIC 3000

**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 Transport Policy and Legislation Reform

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**

Linda Macfarlane  
Acting Assistant Director- General  
National Archives of Australia

**Date of issue:**

7 January 2019

## TRANSPORT POLICY AND LEGISLATION REFORM

The core business of recommending, developing, monitoring and maintaining uniform or nationally consistent regulatory and operational reform for road, rail and intermodal transport, to improve land transport productivity, efficiency, safety, environmental performance and regulatory efficiency. Includes program partnerships with other Commonwealth entities, State and Territory governments, industry, the private and non-government sectors, and reporting to multi-jurisdictional bodies such as the Transport and Infrastructure Council.

The **core activities** include:

- developing, implementing, monitoring and reviewing policies, strategies, frameworks, and procedures;
- developing, implementing, maintaining, reviewing and revising transport sector related legislation, model laws, codes, instruments, standards, guidelines and regulations;
- developing, implementing and reviewing transport reform programs and projects;
- providing and receiving advice, briefings and other information;
- negotiating, establishing and implementing agreements and contracts, including Memoranda of understanding;
- managing and participating in committees, meetings and working groups;
- monitoring national and international developments in the transport sector;
- collecting, collating, managing and analysing statistical data, including forecasting and modelling;
- undertaking research and analysis;
- developing and submitting proposals and submissions to external organisations, including international bodies, in relation to national transport matters;
- receiving and managing public submissions;
- liaising with stakeholders;
- arranging and attending conferences, forums, seminars and workshops; and
- educating and promoting awareness of road safety initiatives and reform programs, including developing, implementing and reviewing information products and guidance material.

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

- project management;
- identifying, assessing and managing risks;
- planning and reporting;
- evaluating and reviewing;
- delegating powers and authorising actions;
- planning, conducting and facilitating audits;
- preparing and delivering speeches and presentations; and
- receiving and responding to routine enquiries and correspondence with stakeholders.

*Cross references to AFDA Express Records Authority*

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

## TRANSPORT POLICY AND LEGISLATION REFORM

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

*For the preparation of budgets, invoices, monthly expenditure reports, use FINANCIAL MANAGEMENT.*

*For preparing the agency's own legislation through Parliament, annual reporting requirements and participation in formal inquiries into its activities, use GOVERNMENT RELATIONS.*

*For the design of forms/templates used in projects, use INFORMATION MANAGEMENT.*

*For managing legal services, including legal advice, use LEGAL SERVICES.*

*For the acquisition of goods and services, including tendering and contracting arrangements and the management of external service providers (eg consultants or researchers), use PROCUREMENT.*

*For developing and executing contracts under seal or deeds, including signed joint venture contracts under seal, use CONTRACTS UNDER SEAL/DEEDS.*

### Cross references to other records authorities

*For statutory and non-statutory advisory bodies supporting transport policy and legislation reform, such as the Industry Advisory Group (IAG) and Remote Areas Consultative Group (RACG), use General Records Authority 26 – ADVISORY BODIES.*

*For the establishment and management of the agency's governing body (ie the Commission), including the appointment of Commissioners and records of Commission meetings, use General Records Authority 27 - GOVERNING BODIES.*

| <b>Class no</b> | <b>Description of records</b>  | <b>Disposal action</b>      |
|-----------------|--|-----------------------------|
| 62539           | <p>Records documenting:</p> <ul style="list-style-type: none"> <li>developing, implementing, evaluating and reviewing high-level policies, strategies, frameworks, plans and programs, such as the <i>National Transport Commission Work Program</i>. Includes final versions, major drafts, terms of reference, background papers, issues papers, associated approvals, stakeholder consultation and supporting research;</li> <li>developing, evaluating, reviewing and revising transport sector related legislation, model laws, instruments, guidelines, standards, codes and regulations. Includes final versions, major drafts, terms of reference, results of stakeholder consultation and supporting research;</li> <li>high-level internal and external, including inter-governmental or inter-agency, committees, forums, working groups, and other bodies, where the agency provides the secretariat, is the Australian Government's main representative or plays a prominent or central role (eg Transport and Infrastructure Senior Officials' Committee). Includes establishment documentation, agenda, final versions of minutes, briefings, reports and tabled papers;</li> <li>final versions of significant agreements and contracts and supporting documents, that: relate to substantial funding agreements or the establishment of major partnerships or cooperative arrangements with other governments, agencies and organisations; are controversial, of public interest or ground-breaking in nature; or, that result in major changes to agency policies or programs. Includes memoranda of understanding, bilateral and joint venture agreements;</li> <li>national and high-level reviews, including sector wide strategic and major</li> </ul> | Retain as national archives |



## TRANSPORT POLICY AND LEGISLATION REFORM

| Class no | Description of records   | Disposal action |
|----------|--|-----------------|
|          | <p>internal reviews. Includes final review reports, major drafts, recommendations, stakeholder consultations, submissions and supporting research;</p> <ul style="list-style-type: none"> <li>• undertaking projects to support transport policy and legislation reform (ie project case records) . Includes joint projects that involve collaboration with other bodies, including Commonwealth, State and Territory agencies, or industry partners. Project case records include: <ul style="list-style-type: none"> <li>○ stakeholder correspondence, consultation and contact records;</li> <li>○ project risk reviews / evaluations, project recommendations and reports;</li> <li>○ evidence of critical decision making and reasoning; and</li> <li>○ project outcomes and lessons learnt.</li> </ul> </li> <li>• outcomes of major research and analysis undertaken or commissioned by the agency. Includes final research reports and findings, stakeholder submissions, consultation results, and statistical and trend analysis, data models, and supporting research datasets and associated information;</li> <li>• master versions of statistical datasets and models compiled or commissioned by the agency that contribute to knowledge, modelling and forecasting in the transport sector (eg data informing calculation of charges for carbon emission intensity for Australian vehicles and other registration and road use charges);</li> <li>• developing national and high-level reports (eg <i>National Transport Reform Implementation Report</i> and annual vehicle charge reports). Includes final versions, major drafts, stakeholder consultation and supporting research;</li> <li>• providing and receiving high-level advice. Includes final versions of advice, position papers, briefings, opinions and stakeholder submissions;</li> <li>• high-level proposals and submissions developed and submitted to external organisations, including international bodies, in relation to national transport matters. Includes final versions, major drafts, background papers, terms of reference and stakeholder consultations;</li> <li>• developing and delivering major educational campaigns that support the core business, such as road safety initiatives. Includes final versions of marketing and educational material;</li> <li>• final versions of speeches presented by the portfolio Minister, Commissioners, the agency head or senior agency staff;</li> <li>• final versions of unpublished proceedings, reports, presentations and papers from conferences, forums, seminars and workshops hosted by the agency;</li> <li>• summary records supporting the core business, such as registers, indexes or databases of national transport reform projects. Includes datasets and associated information; and</li> <li>• master versions of agency publications. Includes information sheets, industry guides, newsletters and published reports.</li> </ul> |                 |

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## TRANSPORT POLICY AND LEGISLATION REFORM

| Class no | Description of records   | Disposal action                        |
|----------|--|--|
|          |  |  |
| 62540    | Records documenting: <ul style="list-style-type: none"><li>• routine operational administrative tasks supporting the core business; and</li><li>• other transport program and policy reform activities, other than those covered in class 62539.</li></ul> | Destroy 7 years after action completed |