



**Australian Government**  

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**National Archives of Australia**

**Records Authority**

**IP Australia**

June 2007

**NAA job no 2007/00122077**

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## INTRODUCTION

IP Australia and the National Archives of Australia have developed this Records Authority to set out the requirements for the retention or destruction of records for the function of Attorney Registration. It represents a significant commitment on behalf of IP Australia to understand, create and manage the records of its activities.

This Authority uses a classification scheme based on an analysis of the business of the agency. It takes into account IP Australia's legal and organisational recordkeeping requirements, and the interests of stakeholders of both IP Australia and the National Archives. It provides a framework that may be used as a guide when creating and managing records that document this function.

Section 24 of the Archives Act 1983 refers to

- the destruction or other disposal of a Commonwealth record
- the transfer of the custody or ownership of a Commonwealth record
- damage to or alteration of a Commonwealth record.

According to the Act, these things should not occur unless the action of disposal is positively required by law, or takes place with the permission of the National Archives or in accordance with a normal administrative practice.

This Authority gives IP Australia the permission, required under the Archives Act, for the disposal of the records described. The Authority sets out those records that need to be retained as national archives and the minimum length of time that other classes of records need to be kept. Retention periods are based on an assessment of business needs, broader organisational accountability requirements and community expectations.

As changes in circumstances may affect future recordkeeping requirements, the periodic review of this Authority is recommended. All amendments must be approved by the National Archives.

Advice on using this Authority and other recordkeeping matters is available from the National Archives' website at [www.naa.gov.au](http://www.naa.gov.au) or by contacting the Agency Service Centre at [recordkeeping@naa.gov.au](mailto:recordkeeping@naa.gov.au) or (02) 6212 3610.

**AUTHORISATION  
RECORDS AUTHORITY**

**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:**

All records for the function of Attorney Registration

This authorisation applies to only the disposal of the records described on the Authority in accordance with the disposal action specified on the Authority. The Authority will apply only if disposal takes place with the consent of the agency that is responsible at the time of disposal for the functions documented in the records concerned.

**Authorising Officer**

**Date of issue:**



19/6/2007.

Ross Gibbs  
Director-General  
National Archives of Australia

## APPLICATION OF THIS AUTHORITY

1. This Authority should be used in conjunction with the Administrative Functions Disposal Authority (AFDA) issued by the National Archives to cover administrative records common to most Commonwealth agencies.
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 the appropriate disposal action for the records. Advice on sentencing is available from the National Archives.
3. 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 used to sentence the records created, providing the records document the same function and activity. The information must be accessible for the period of time prescribed in this Authority. IP Australia will need to ensure that any software, hardware or documentation required to enable continuing access to the data is available for the periods prescribed.
4. 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. 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.
5. From time to time the National Archives places ‘freezes’ on the disposal of some groups of records, which places a moratorium on the destruction of these records. If you require further information about disposal freezes and whether they affect the application of this Authority, please contact the National Archives.
6. Records in the care of IP Australia should be appropriately stored and preserved. IP Australia needs 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 to the public after thirty years.
7. 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.
8. Advice on how to use this Authority is available from IP Australia’s 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](mailto:recordkeeping@naa.gov.au)  
Website: [www.naa.gov.au](http://www.naa.gov.au)



## ATTORNEY REGISTRATION

The function of registering patent and trade marks attorneys. Includes accrediting courses and units of study, approving qualifications and conducting examinations and maintaining a register of patent and trademarks attorneys. Also includes the establishment of standards for the professional conduct of attorneys, handling complaints, conducting disciplinary hearings and imposing penalties.

### **Addresses (presentations)**

The activity of giving addresses for training, professional, community relations or sales purposes. Includes speeches and multi-media presentations.

*For addresses relating to the development of strategies and programs to promote and raise awareness of intellectual property rights and issues, use INTELLECTUAL PROPERTY AWARENESS – Addresses (presentations).*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15224	Final versions of addresses delivered in support of the attorney registration function made by the Minister, parliamentary secretary or senior agency employees. Includes presentation materials.	Retain as national archives
15227	Final versions of other addresses delivered in support of the attorney registration function.	Destroy 2 years after last action
15229	Working papers documenting the development of addresses in support of the attorney registration function, including drafts.	Destroy when reference ceases

### **Advice**

The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes the process of advising.

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15232	Records documenting the receipt and provision of advice relating to the attorney registration function, including advice from external bodies.	Destroy 5 years after action completed

### **Appeals (decisions)**

The activities involved in the process of appeals against decisions by application to a higher authority.

*For reviews of decisions made within the agency or by external agencies, use ATTORNEY REGISTRATION – Reviews (decisions).*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15234	Records documenting appeals to higher authorities, such as tribunals or courts, relating to the attorney registration function.	Destroy 10 years after last action

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### **Application Assessment**

The activities involved in the processing of applications by individuals who wish to be registered as an attorney. Includes applications for approval of academic qualifications, applications for exemptions for prior qualifications, applications for annual renewals, applications/correspondence requesting voluntary removals from register and applications for restoration of attorney's name to register. Also includes notifications of outcome of applications and issuing of registration certificates.

*For the activities involved in updating the register, use ATTORNEY REGISTRATION - Register Maintenance.*

*For accreditation of units of study or courses, use ATTORNEY REGISTRATION - Course Accreditation.*

*For appeals in relation to outcome of assessment of application, use ATTORNEY REGISTRATION - Appeals (decisions).*

*For the processing of fees, use FINANCIAL MANAGEMENT - Accounting.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15237	Records documenting applications for registration as an attorney, where the outcome is successful. Includes: <ul style="list-style-type: none"> <li>• statutory declarations</li> <li>• qualifications</li> <li>• written statements</li> <li>• outcome of decision</li> <li>• notification to applicant.</li> </ul>	Destroy 100 years after the date of birth of the applicant
15238	Records documenting applications for registration as an attorney, where the outcome is not successful. Includes: <ul style="list-style-type: none"> <li>• statutory declarations</li> <li>• qualifications</li> <li>• written statements</li> <li>• outcome of decision</li> <li>• notification to applicant.</li> </ul>	Destroy 15 years after last action
15240	Records documenting applications for approval of academic qualifications and exemption to academic requirements. Includes: <ul style="list-style-type: none"> <li>• outcome of decision</li> <li>• advice to applicant.</li> </ul>	Destroy 15 years after action completed
15242	Records documenting correspondence and applications relating to updates to attorney status. Includes: <ul style="list-style-type: none"> <li>• annual renewals</li> <li>• restoration</li> <li>• voluntary removals.</li> </ul>	Destroy 10 years after action completed

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### **Attorney Examinations**

The activities involved in preparing, arranging and conducting examinations to meet the assessment of academic requirements for attorneys. Includes preparation of examination papers, advice of dates, place of examination and other requirements. Also includes marking of examination papers and notification of results.

*For the development of course syllabuses, use ATTORNEY REGISTRATION – Educational Requirements.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15245	Records documenting the arrangements and conduct of attorney examinations. Includes: <ul style="list-style-type: none"> <li>• instructions to examiners</li> <li>• examination papers and approvals</li> <li>• applications and advice to applicants.</li> </ul>	Destroy 1 year after last action
15248	Records documenting results of attorney examinations. Includes advice of results to examinees and reports.	Destroy 1 year after last action

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### **Board Meetings**

The activities associated with meetings of the board and its subcommittees. Includes establishment of the board and its committees, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas, etc.

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15252	Records documenting meetings of the board and its subcommittees. Includes: <ul style="list-style-type: none"> <li>• documents establishing the board and its subcommittees</li> <li>• final versions of minutes</li> <li>• recommendations</li> <li>• supporting documents such as briefing papers and discussion papers</li> </ul>	Retain as national archives
15253	Working papers documenting the conduct and administration of the board and its subcommittees. Includes: <ul style="list-style-type: none"> <li>• agenda</li> <li>• notices of meetings</li> <li>• draft minutes</li> </ul>	Destroy when reference ceases

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### **Complaints Handling**

The activities involved in the receipt and handling of complaints of unprofessional or unsatisfactory conduct against attorneys. Includes authorising the complainant to bring proceedings before the disciplinary tribunal.

*For hearings of complaints by the disciplinary tribunal, use ATTORNEY REGISTRATION - Disciplinary Hearings.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15257	Records documenting complaints against, and investigation into, attorney conduct. Includes: <ul style="list-style-type: none"> <li>• reports of findings</li> <li>• advice to and replies from attorneys</li> <li>• notifications</li> <li>• mediation</li> <li>• referral arrangements.</li> </ul>	Destroy 10 years after last action

### **Course Accreditation**

The activities involved in the accreditation of courses or units of study, provided by external institutions that meet regulatory educational requirements for attorneys. Includes assessment of courses against regulatory requirements and notifications and advertising of accreditation.

*For applications by individuals for approval of academic qualifications, use ATTORNEY REGISTRATION – Application Assessment.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15259	Records documenting accreditation of courses of study at higher education institutions to meet regulatory academic requirements of attorneys. Includes applications from institutions and certification of accreditation.	Destroy 15 years after expiry or other termination or accreditation
15260	Records documenting investigations of courses of study at higher education institutions. Includes supporting documentation, outcome of investigation and advice to institutions.	Destroy 15 years after last action

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### **Disciplinary Hearings**

The activities involved in arranging and conducting formal hearings of complaints before the disciplinary tribunal against the conduct of attorneys. Includes the formal processes of administering of oaths, taking of evidence, recording of proceedings and decisions and penalties to be imposed. Also includes notification of outcome.

*For public notification of outcomes of disciplinary hearings, use PUBLICATION - Production.*

*For updates to the register, use ATTORNEY REGISTRATION - Register Maintenance.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15263	Records documenting the conduct and outcome of disciplinary hearings. Includes: <ul style="list-style-type: none"> <li>• proceedings</li> <li>• internal records relating to the hearing</li> <li>• rulings and decisions</li> <li>• penalties and notifications</li> <li>• authorisations</li> <li>• reports</li> </ul>	Destroy 100 years after date of birth of the attorney
15266	Records documenting arrangements for disciplinary hearings. Includes: <ul style="list-style-type: none"> <li>• hearing notifications</li> <li>• summoning of witnesses and evidence</li> <li>• itinerary</li> </ul>	Destroy when reference ceases

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### **Educational Requirements**

The activities involved in developing and establishing the syllabus to meet the regulated educational requirements for patent and trade marks attorneys.

*For changes to regulatory requirements, use INTELLECTUAL PROPERTY DEVELOPMENT - Legislation and/or INTELLECTUAL PROPERTY DEVELOPMENT - Reviewing.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15268	Records documenting the development and establishment of syllabuses to meet regulated educational requirements. Includes approvals and final versions of syllabuses.	Destroy 1 year after last use of syllabus

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### **Evaluation**

The process of determining the suitability of potential or existing programs, items of equipment, systems or services in relation to meeting the needs of the given situation. Includes systems analysis and ongoing monitoring.

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15269	Records documenting the evaluation of existing attorney registration processes and procedures. Includes evaluation methodology, reports, recommendations and plans.	Destroy 5 years after completion of evaluation

### **Planning**

The process of formulating ways in which objectives can be achieved. Includes determination of services, needs and solutions to those needs.

*For evaluating existing attorney registration plans, use ATTORNEY REGISTRATION –Evaluation.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15270	Final version of agency-wide plans relating to the attorney registration function.	Destroy 5 years after plan is superseded
15271	Final version of section or business unit plans relating to the attorney registration function.	Destroy 3 years after plan is superseded
15274	Working papers documenting the development of plans relating to the attorney registration function. Includes: <ul style="list-style-type: none"> <li>• drafts</li> <li>• reports</li> <li>• analysis</li> <li>• comments.</li> </ul>	Destroy 1 year after adoption of the final plan
15276	Copies of attorney registration plans.	Destroy when reference ceases

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### **Policy**

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined.

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15297	Records documenting the development and establishment of the agency's attorney registration policies. Includes: <ul style="list-style-type: none"> <li>• policy proposals</li> <li>• research papers</li> <li>• results of consultations</li> <li>• supporting reports</li> <li>• major drafts</li> <li>• final policy documents.</li> </ul>	Retain as national archives
15298	Working papers documenting the development of attorney registration policies.	Destroy 2 years after promulgation of new policy
15299	Copies of policy documents and supporting papers.	Destroy when reference ceases

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### **Procedures**

Standard methods of operating laid down by an organisation according to formulated policy.

*For evaluating existing attorney registration procedures, use ATTORNEY REGISTRATION – Evaluation.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15300	Master set of agency manuals, handbooks, directives etc. detailing procedures supporting the attorney registration function.	Destroy when procedures are superseded
15301	Records documenting the development of agency procedures supporting the attorney registration function.	Destroy 1 year after production of procedures
15302	Copies of manuals, handbooks, directives, etc.	Destroy when reference ceases

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### **Professional Standards**

The activities involved in developing and promulgating professional standards for the conduct of patent and trademark attorneys. Includes endorsement and promotion of codes of conduct.

*For publication of professional standards, use PUBLICATION - Production.*

*For complaints regarding conduct of patent and trademark attorneys, use ATTORNEY REGISTRATION – Complaints Handling.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15303	Final versions of professional standards for the conduct of patent and trade marks attorneys.	Destroy 15 years after standard has been superseded
15304	Records documenting the development of professional standards for the conduct of patent and trade marks attorneys.	Destroy 1 year after production of standard
15305	Records documenting the implementation of professional standards for the conduct of patent and trade marks attorneys.	Destroy 7 years after action completed
15306	Copies of professional standards developed for the conduct of patent and trade marks attorneys.	Destroy when reference ceases

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### **Register Maintenance**

The activities involved in maintaining a register. Includes entering details of new entries, and maintaining accurate details of all entries throughout their active life vis: processing ad hoc amendments, making corrections and recording assignments and claimed interests. Also includes recording when an entry ceases to have effect and providing extracts from a register.

*For processing of applications for registration as an attorney, use ATTORNEY REGISTRATION – Application Assessment.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15307	Master copy of the register of patent and trade marks attorneys.	Retain as national archives
15308	Records documenting notifications of additions or changes to the register of patent and trade marks attorneys.	Destroy 7 years after action completed

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### Reporting

The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate policies), and to provide formal statements of findings or the results of examination or investigation. Includes agenda, briefing, business, discussion papers, proposals, reports, reviews and returns.

*For reporting on attorney examinations, use ATTORNEY REGISTRATION – Attorney Examinations.*

*For reports on the findings of complaints, use ATTORNEY REGISTRATION – Complaints Handling.*

*For reports on the findings of disciplinary hearings, use ATTORNEY REGISTRATION – Disciplinary Hearings.*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15309	Final versions of formal internal reports and reports made to external agencies relating to the attorney registration function.	Destroy 10 years after action completed
15310	Final versions of periodic internal reports on general administration relating to the attorney registration function.	Destroy 5 years after action completed
15311	Working papers documenting the development of all reports, including drafts and feedback.	Destroy when reference ceases
15312	Copies of attorney registration reports.	Destroy when reference ceases

### Reviewing

The activities involved in re-evaluating or re-examining products, processes, procedures, standards and systems. Includes recommendations and advice resulting from these activities.

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15313	Records documenting a review of agency programs and operations supporting the attorney registration function. Includes: <ul style="list-style-type: none"> <li>• documents establishing the review</li> <li>• final report</li> <li>• action plan.</li> </ul>	Destroy 10 years after action completed
15314	Working papers documenting a review of agency programs and operations supporting the attorney registration function.	Destroy when reference ceases

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### **Reviews (decisions)**

The activities involved in the process of reviewing actions both by an agency, or an external body. Includes reviews of promotion decisions.

*For appeals to a higher authority, use ATTORNEY REGISTRATION – Appeals (decisions).*

<b>Entry</b>	<b>Description of Records</b>	<b>Disposal Action</b>
15315	Records documenting reviews of a decision made by an external agency relating to the attorney registration function.	Destroy 10 years after action completed
15316	Records documenting reviews of a decision made within the agency relating to the attorney registration function.	Destroy 1 year after action completed

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