



Australian Government

National Archives of Australia

Records Authority
2020/00348779

National Competition Council (NCC)

*Monopoly Infrastructure Access
Recommendations*

2021



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Introduction

The National Competition Council (NCC) 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 areas of MONOPOLY INFRASTRUCTURE ACCESS RECOMMENDATIONS. It represents a significant commitment on behalf of NCC to understand, create and manage the records of its activities.

This authority is based on the identification and analysis of the business of NCC. 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 NCC 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 NCC 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) Express Version 2 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 Express Version 2. 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.
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 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 NCC 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 NCC 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 NCC 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' class 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 NCC 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 2020/00348779

Notice of authorisation

Person to whom notice of authorisation is given:

Ms Julie-Anne Schafer
President, National Competition Council
Level 17, Casselden, 2 Lonsdale 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 MONOPOLY INFRASTRUCTURE ACCESS RECOMMENDATIONS.

Authority

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



Jason McGuire
Assistant Director-General, Government Data & Policy A/g
National Archives of Australia

Date of issue

25 March 2021

MONOPOLY INFRASTRUCTURE ACCESS RECOMMENDATIONS

The core business of promoting effective competition and productivity in markets that are dependent on access to nationally significant monopoly infrastructure by making recommendations and decisions supporting the efficient operation and use of, and investment in infrastructure in Australia.

The **core activities** include:

- assessing applications and making recommendations and decisions in relation to applications for declaration of services (i.e. third party access to infrastructure services) under the national access regime established under legislation (currently Part IIIA of the *Competition and Consumer Act 2010*);
- assessing applications and making recommendations in relation to applications for the certification of state and territory access regimes as effective, under relevant legislation (currently Part IIIA of the *Competition and Consumer Act 2010*);
- making recommendations, under the National Gas Law in all participating jurisdictions, on the coverage (regulation) of natural gas pipeline systems and on various exemptions for greenfield gas pipeline proposals, and decisions on the form of regulation and classification of pipelines;
- liaising and consulting with departments, other bodies or entities of the Commonwealth, states or territories, and other interested parties on making recommendations (including revocations);
- providing advice to the Minister and government on matters relating to the core business. Includes researching into matters referred to the Council by the responsible Minister; and
- developing and updating information guides on the Council's areas of responsibility, such as declaration and certification processes.

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

- delegating powers and authorising actions;
- establishing, managing, and participating in committees, working groups and other bodies;
- developing and reviewing policies, procedures and guidance, supporting the core business;
- managing projects and programs;
- internal and external planning and reporting;
- undertaking research and analysis; and
- identifying, assessing, and managing risks.

Cross references to AFDA Express Version 2

For master set of media releases, and addresses and speeches made by the President of the Council, use EXTERNAL RELATIONS.

For developing high-level reports (e.g. annual reports, formal reports) on the core business submitted to the Minister or government, use EXTERNAL RELATIONS.

For managing the agency's financial resources in the performance of its functions, including undertaking financial audits use FINANCIAL MANAGEMENT.

For engaging the services of contractors and/or external consultants, and purchasing specialist services, use PROCUREMENT.

For managing copyright arrangements for published reports, and for design and production of publications, use PUBLICATIONS.

For undertaking internal or external audits relating to the overall management planning of the Council, and for planning, developing, and reviewing agency strategic and corporate plans, use STRATEGIC MANAGEMENT.

Cross references to other records authorities

For membership (i.e. appointments and separations of members) and remuneration of President and the councillors, use General Records Authority 26 – ADVISORY BODIES.

For the provision of secretariat services to the Council, including advice and support in relation to the Council's recommendations and decisions, use Australian Competition and Consumer Commission (ACCC) Records Authority.

For arbitration on determinations of access disputes/regulatory intervention, where access provider and access seeker negotiate conditions of access, use Australian Competition and Consumer Commission (ACCC) Records Authority.

Classes

Class no	Description of records	Disposal action
62836	<p>Records documenting:</p> <ul style="list-style-type: none"> • declaration of services for obtaining access to monopoly infrastructure under the national access regime. Includes: <ul style="list-style-type: none"> ○ applications seeking the declaration of a service; ○ assessment of applications, including supporting research; ○ liaison with stakeholders on making recommendations; ○ draft recommendations outlining the Council's assessment of the application; ○ public consultation process, including submissions on draft recommendations from the service provider and interested parties; and ○ final recommendations to the responsible Minister (including revocations of a declared service). • certification of state and territories access regimes. Includes supporting documentation and research, stakeholder liaison and recommendations (draft and final) to responsible Minister as to whether the state or territory access regime is effective; • recommendations under relevant legislation (National Gas Law) to the responsible Minister on the coverage (regulation) of natural gas pipeline systems and on various exemptions for 'greenfield' gas pipeline proposals, and decisions on the form of regulation (light or full regulation) and classification of pipelines (transmission or distribution pipelines). Includes supporting documentation and research, stakeholder liaison, and draft and final recommendations; • submissions and proposals to government inquiries and reviews, including conducted by other agencies, in relation to regulation of access to infrastructure services; 	Retain as national archives

Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> • final versions of high-level policies, plans, procedures and guides relating to access to monopoly infrastructure by third parties; • providing high-level advice or briefings to the Minister or government on the national access regime for infrastructure services and other matters relating to the core business. Includes research into matters referred to the Council by the Minister; • negotiation, establishment, maintenance and review of memoranda of understanding (MoUs), high-level agreements, and strategic partnerships; • Developing high-level reports relating to the core business. Includes final versions, stakeholder consultation, and other supporting documentation; • high-level, internal or external, committees (including committees established by the Agency Head), working groups, and other bodies relating to the core function, where the agency provides the secretariat, is the Australian Government's main representative or plays a prominent or central role. Includes records of establishment, agenda, final version of minutes, associated reports, and supporting documentation such as briefing notes and discussion papers; and • high-level meetings (e.g. Council meetings) and conferences on the core business. Includes agenda, minutes, draft reports, final reports, and supporting documentation. 	
62837	<p>Records documenting:</p> <ul style="list-style-type: none"> • routine operational administrative tasks supporting the core business; • core business activities, other than those covered in class 62836, such as: <ul style="list-style-type: none"> ○ development and maintenance of operational policies, plans, procedures, guidelines, etc. Includes final versions and supporting documentation; ○ delegations of power and authorisations to staff in relation to the core business; ○ meetings or liaison with internal or external stakeholders for the routine exchange of information; ○ committees, working groups, etc. set up to discuss or manage routine or general operational matters; and ○ risk management, including risk assessments, treatment schedules and action plans, and risk register. 	Destroy 7 years after last action