



Australian Government

National Archives of Australia

Records Authority

2019/00452725

IP Australia

Plant Breeder's Rights Management

2019



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PLANT BREEDER'S RIGHTS MANAGEMENT

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INTRODUCTION

IP Australia and the National Archives of Australia have developed this records authority to set out the requirements for keeping records for the core business area of Plant Breeder's Rights Management.

This authority is based on the identification and analysis of the business of IP Australia. 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 records that need to be retained as national archives under the *Archives Act 1983*.

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 replaces records authority class 14261 in the previously issued records authority for Plant Breeder's Rights Management, RA 2006/00587410 (April 2008). This class has been superseded and cannot be used to sentence records after the date of issue of this authority.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.
 - 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. IP Australia 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. 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 IP Australia 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 2019/00452725

Person to whom notice of authorisation is given:

Michael Schwager
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*.

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:

Core business records relating to Plant Breeder's Rights Management

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
Assistant Director- General (a/g)
National Archives of Australia

Date of issue:

18 October 2019

PLANT BREEDER'S RIGHTS MANAGEMENT

This class must be read in conjunction with the scope notes and classes in the IP Australia records authority 2006/00587410

Class no	Description of records	Disposal action
62701	Records documenting: Filed applications for a plant breeder's right, successful or unsuccessful, and related correspondence. Includes: <ul style="list-style-type: none">• applications;• covering letters;• supporting documentation;• claims;• illustrations;• photographs; and• requests for withdrawal or variation.	Retain as national archives