

Queensland Law Reform Commission Retention and Disposal Schedule

Responsible public authority: Queensland Law Reform Commission

Queensland Disposal Authority Number (QDAN)	702	Version	1
Date of approval	16 June 2014		
Approved by State Archivist	Ms Janet Prowse		
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Scope of retention and disposal schedule

This schedule applies to the core business records of the Commission including the review of Queensland's laws with a view to their systematic development and reform.

This schedule is to be used in conjunction with the [General Retention and Disposal Schedule for Administrative Records \(GRDS\)](#).

References to repealed legislation within this schedule may be taken to be a reference to current legislation if the context permits.

The Queensland Law Reform Commission is the responsible agency for the Queensland Law Reform Commission's Retention and Disposal Schedule at the time of approval of the schedule. However, in the event of an administrative change, or the transfer of a function from one public authority to another, this retention and disposal schedule will continue to apply to the records covered by the schedule. For further advice on the currency of approved retention and disposal schedules following administrative change, please contact Agency Services at Queensland State Archives on (07) 3131 7777.

Record Formats

This schedule applies to records created in all formats, unless otherwise specified in the class description. This includes, but is not limited to, records in business systems, maps, plans, photographs, motion picture and records created using web 2.0 media.

Authority

Authorisation for the disposal of public records is given under s.26 of the *Public Records Act 2002* (the Act).

Queensland State Archives

Department of Science, Information Technology, Innovation and the Arts



No further authorisation is required from the State Archivist for records disposed of under this schedule. However, the disposal of all public records must be endorsed by the public authority's Chief Executive Officer, or authorised delegate, in accordance with *Information Standard 31: Retention and Disposal of Public Records*, and recorded in the public authority's disposal log.

Public records that are not covered by an approved retention and disposal schedule cannot be disposed of by a public authority.

Disposal of public records not covered by an approved retention and disposal schedule is a contravention of s.13 of the Act.

Revocation of previously issued disposal authorities

Any previously issued disposal authority which covers disposal classes described in this retention and disposal schedule is revoked. The Queensland Law Reform Commission should take measures to withdraw revoked disposal authorities from circulation. This includes, but is not limited to:

- nil

Public records sentenced under revoked retention and disposal schedules should be re-sentenced prior to disposal.

For further advice on the currency of approved retention and disposal schedules, please contact Agency Services at Queensland State Archives on (07) 3131777.

Retention of records

All of the retention periods in this schedule are the minimum period for which the sentenced records must be maintained. Public records cannot be disposed of prior to the expiration of the appropriate retention period. However, there is no requirement for public records to be destroyed at the expiration of a minimum retention period.

Public records must be retained for longer if:

- i. the public record is or may be needed in evidence in a judicial proceeding, including any reasonably possible judicial proceeding
- ii. the public records may be obtained by a party to litigation under the relevant Rules of Court, whether or not the State is a party to that litigation
- iii. the public record must be retained pursuant to the *Evidence Act 1977*
- iv. there is a current disposal freeze in relation to the public record, or
- v. there is any other law or policy requiring that the public record be retained.

This list is not exhaustive.

Public records which deal with the financial, legal or proprietary rights of the State of Queensland or a State related Body or Agency regarding another legal entity and any public record which relates to the financial, legal or proprietary rights of a party other than the State are potentially within the category of public records to which particular care should be given prior to disposal.

Records which are subject to a Right to Information application are to be retained for the period specified in section 8 – INFORMATION MANAGEMENT of the *General Retention and Disposal Schedule for Administrative Records* in addition to their required retention period according to an approved retention and disposal schedule. The two periods run concurrently, and may result in a longer required retention period overall. This is in order to cover all appeal and review processes. Even though the records subject to an application may be ready for disposal according to an approved retention and disposal schedule at the time of the Right to Information application, the additional Right to Information retention requirements must still be applied. See section 8 –

INFORMATION MANAGEMENT of the [General Retention and Disposal Schedule for Administrative Records](#) for records of Right to Information applications.

The disposal of public records should be documented in accordance with the requirements of *Information Standard 31: Retention and Disposal of Public Records*.

For further advice on the retention and disposal of public records under an approved retention and disposal schedule, please refer to the Queensland State Archives website or contact Agency Services at Queensland State Archives on 07 3131 7777.

Records created before 1950

Records described in QDAN 702 v 1 that were created before 1950 should be referred to Queensland State Archives for further appraisal before any disposal action is taken by the public authority. For further advice please refer to the Public Records Brief: [Pre-1950s public records](#) which is available from the Queensland State Archives' website.

Transfer of public records to Queensland State Archives

Records covered by a class with the disposal action of 'Retain permanently' should be transferred to Queensland State Archives with the approval of the State Archivist. Records covered by a class with the disposal action of 'Retain permanently by the Queensland Law Reform Commission' are not eligible for transfer to Queensland State Archives unless re-appraised and assigned a disposal action of 'Retain permanently'.

Agencies are required to submit a transfer proposal containing details of the records under consideration for transfer. Queensland State Archives will assess the transfer proposal before formal approval to transfer is issued. Please refer to the Guideline on [Transferring Public Records to Queensland State Archives](#) available from the Queensland State Archives' website. The State Archivist reserves the right to revise any previous decisions made with regard to the appraisal and transfer of records. Contact Agency Services at Queensland State Archives on (07) 3131 7777 for further details.

Revision history

QDAN	Date of approval	Extent of revision
702 v 1		

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1. LAW REFORM

Law Reform is the function of reviewing Queensland's laws with a view to their systematic development and reform, in response to references given to the agency by the Minister. This includes research, consultation and the formulation of recommendations for law reform.

Refer to the Law Reform Commission Act 1968 for further details and definitions.

Reference	Description of records	Status	Disposal action
1.1	<p>REFERENCE DEVELOPMENT</p> <p><i>The activity of developing proposals for new matters referred to the agency by the Minister. Includes developing material for consideration by the Minister and drafting the terms of reference.</i></p>		
1.1.1	<p><i>Reference development</i></p> <p>Records relating to the process that leads to the conferral of a reference or a program of references. Records may include but are not limited to:</p> <ul style="list-style-type: none"> • records associated with the development of proposals for new references which become formalised • the receipt of referrals from the Minister • responses by the agency to the Minister's proposals • communication with external parties regarding reference development • the terms of reference signed by the Minister and • any correspondence in relation to amendments of the terms of reference. 	Permanent	<u>Retain permanently.</u>
1.1.2	<p><i>Development of potential references</i></p> <p>Records relating to the development of proposals for new references which do not result in the conferral of a reference or have no further action.</p> <p>Records may include but are not limited to:</p> <ul style="list-style-type: none"> • communication regarding the proposal • feasibility analysis and • draft terms of reference. 	Temporary	<u>Retain for 10 years after action completed.</u>
1.1.3	<p><i>Governor in Council approved programs or recommendations</i></p>	Permanent	<u>Retain permanently.</u>

Reference	Description of records	Status	Disposal action
	Records relating to any Governor in Council approvals of programs of, or recommendations formulated by, the Commission.		
1.1.4	<p>Suggestions for law reform</p> <p>Records relating to suggestions or proposals for law reform received from members of the judiciary and provided to the Minister.</p>	Temporary	<u>Retain for 10 years after action completed.</u>
1.2	<p>INVESTIGATION AND RESEARCH</p> <p><i>The activity of researching to inform the development of recommendations for law reform in relation to references referred to the Commission by the Minister.</i></p>		
1.2.1	<p>Empirical research</p> <p>Records relating to the documenting of empirical research undertaken as part of a reference. Includes research performed by external consultants engaged for their specialised knowledge of an aspect of a reference. Records may include but are not limited to:</p> <ul style="list-style-type: none"> • the conduct of surveys and • analysis of results. <p><i>See reference number 1.4 for records relating to submissions, consultation meetings and communication with stakeholders.</i></p> <p><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to:</i></p> <ul style="list-style-type: none"> • <i>engagement of consultants and</i> • <i>tendering.</i> 	Permanent	<u>Retain permanently.</u>
1.2.2	<p>General research</p> <p>Records relating to the activities involved in acquiring factual information for the preparation of publications.</p> <p><i>See reference number 1.5 for records relating to draft chapters of publications circulated</i></p>	Temporary	<p><u>Retain for 10 years after:</u></p> <p>(a) <u>the tabling of the final report in Parliament;</u> or</p> <p>(b) <u>the withdrawal of the terms of reference by the Minister.</u></p>

Reference	Description of records	Status	Disposal action
	<p><i>at Commission meetings or Commission sub-committee meetings.</i></p> <p><i>See reference number 1.3 for records relating to the development of draft legislation for a publication.</i></p> <p><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to:</i></p> <ul style="list-style-type: none"> • <i>external publications (final published versions of discussion papers and reports) and</i> • <i>formulation of policy about the Commission's core functional activities.</i> 		
1.3	<p>DRAFT LEGISLATION</p> <p><i>The activity of preparing draft legislation based on the Queensland Law Reform Commission's recommendations.</i></p>		
1.3.1	<p><i>Development of draft legislation</i></p> <p>Records relating to the development of draft legislation, which refers to the drafting instructions reflecting the Commission's recommendations for a review given to the Office of the Queensland Parliamentary Counsel (which provides a legislation drafting service for government departments and agencies) and all versions of the draft legislation.</p> <p>Records may include but are not limited to:</p> <ul style="list-style-type: none"> • all versions of the draft legislation • correspondence with the drafter and • associated documentation. <p><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to final versions of draft legislation which are published as part of a discussion paper or report.</i></p>	Temporary	<p><u>Retain for 10 years after:</u></p> <p>(a) <u>the tabling of the final report in Parliament;</u> or</p> <p>(b) <u>the withdrawal of the terms of reference by the Minister.</u></p>
1.4	<p>CONSULTATION</p> <p><i>The activity of the formal process of internal and/or external stakeholder consultation and participation, in which opinions and feedback on a reference are sought, and implications and possible solutions canvassed. This could take the form of reference submissions from stakeholders, reference groups or consultations such as community forums, focus groups, workshops etc.</i></p>		
1.4.1	<p><i>Reference submissions</i></p> <p>Records relating to submissions that constitute the formal input of a stakeholder, such</p>	Permanent	<p><u>Retain permanently.</u></p>

Reference	Description of records	Status	Disposal action
	<p>as a government department, agency, organisation or individual in relation to a reference.</p> <p><i>See reference number 1.4.2 for records relating to feedback or suggestions provided at reference group meetings.</i></p> <p><i>See reference number 1.4.3 for records relating to feedback or suggestions provided at community forums, focus groups, workshops or consultation meetings.</i></p> <p><i>See reference number 1.4.4 for records relating to general communication with stakeholders regarding a reference.</i></p> <p><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to:</i></p> <ul style="list-style-type: none"> • <i>calls for submissions and</i> • <i>media releases.</i> 		
1.4.2	<p>Reference groups</p> <p>Records relating to the formation, and meetings, of a reference group for a reference. Reference groups are constituted by selected stakeholders (for example, from government departments, agencies and other relevant organisations) and provide specialist knowledge and background information to the Commission about an area of law under review. Records may include but are not limited to:</p> <ul style="list-style-type: none"> • meeting agendas • minutes • consultation material and • correspondence. <p><i>See reference number 1.4.3 for records relating to feedback or suggestions provided at community forums, focus groups, workshops or consultation meetings.</i></p> <p><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to inter-governmental working groups.</i></p>	Permanent	<u>Retain permanently.</u>

Reference	Description of records	Status	Disposal action
1.4.3	<p>Consultations</p> <p>Records relating to the seeking or documenting of stakeholder feedback or suggestions (excluding reference submissions and reference group records), provided to the Commission in relation to a reference, including through community forums, focus groups, workshops or meetings.</p> <p>Records may include but are not limited to:</p> <ul style="list-style-type: none"> • meeting agendas • presentations • meeting summaries • consultation documents and • correspondence. 	Temporary	<p><u>Retain for 5 years after:</u></p> <p>(a) <u>the tabling of the final report in Parliament;</u> or</p> <p>(b) <u>the withdrawal of the terms of reference by the Minister.</u></p>
1.4.4	<p>Communication with stakeholders and other persons</p> <p>Records relating to the documenting of general communications in relation to a reference, past or present, which occur at any stage throughout the life of a law reform project or following the formal release of a discussion paper, interim report or final report.</p> <p>Records may include but are not limited to:</p> <ul style="list-style-type: none"> • queries from members of the public • liaison with specialist law reform bodies in Australia and internationally • registers of interest in a review • lists of stakeholder contacts • expressions of thanks • newsletters • updates to stakeholders associated with a reference • invitations to attend consultations or reference group meetings • acceptances to invitations • arrangement of consultations or reference group meetings and • meeting and venue details. 	Temporary	<p><u>Retain for 5 years after action completed.</u></p>

Reference	Description of records	Status	Disposal action
	<p>See the <i>General Retention and Disposal Schedule for Administrative Records</i> for records relating to:</p> <ul style="list-style-type: none"> • <i>briefs or reports made to the Minister</i> • <i>reports to the Department of Justice and the Minister or relating to Parliamentary questions</i> • <i>client enquiries not associated with a Commission reference</i> • <i>client suggestions not associated with a Commission reference</i> • <i>payment of booking fees, airfares, etc and</i> • <i>speeches, proceedings and arrangements of conferences hosted by the Queensland Law Reform Commission or other law reform bodies.</i> 		
1.5	<p>COMMISSION MEETINGS</p> <p><i>The activities associated with Commission meetings attended by Commission members and Commission staff held to formulate, discuss, update or resolve matters pertaining to the Commission's core functions.</i></p>		
1.5.1	<p><i>Management of Commission meetings</i></p> <p>Records relating to Commission meetings. Records may include but are not limited to:</p> <ul style="list-style-type: none"> • meeting agendas • minutes • correspondence • draft chapters and other documents distributed for, or tabled at, meetings and • documents pertaining to matters discussed at meetings circulated to Commission members in between meetings. <p><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to correspondence regarding the appointment of Commission members.</i></p>	Permanent	<u>Retain permanently.</u>
1.5.2	<p><i>Management of Commission sub-committee meetings</i></p> <p>Records relating to Commission sub-committee meetings, which are informal meetings with Commission staff and at least one Commission member. Decisions made at the meetings are not decisions of the Commission. Records may include but are not limited</p>	Temporary	<p><u>Retain for 5 years after:</u></p> <p>(a) <u>the tabling of the final report in Parliament;</u> or</p> <p>(b) <u>the withdrawal of the</u></p>

Reference	Description of records	Status	Disposal action
	to: <ul style="list-style-type: none"> • meeting agendas • minutes • correspondence • draft chapters and other documents distributed for, or tabled at, the meeting. 		<u>terms of reference by the Minister.</u>
1.6	IMPLEMENTATION <i>The activities that occur after the Minister has tabled a Commission publication, which are associated with carrying out the Commission's law reform recommendations, primarily correspondence between the Commission and the Department of Justice & Attorney-General.</i>		
1.6.1	<i>Recommendation implementation</i> Records relating to the implementation of the Commission's law reform recommendations. Records may include but are not limited to: <ul style="list-style-type: none"> • queries or requests for clarification from departmental staff. <i>See the General Retention and Disposal Schedule for Administrative Records for records relating to:</i> <ul style="list-style-type: none"> • <i>implementation of policies</i> • <i>publicity activities and</i> • <i>media management.</i> 	Temporary	<u>Retain for 5 years after action completed.</u>