

# Local Government Regulation Retention and Disposal Schedule

Responsible public authority: Department of Local Government, Community Recovery and Resilience

Queensland Disposal Authority Number (QDAN)	694	Version	1
Date of approval	17 December 2013		
Approved by State Archivist	Ms Janet Prowse		
QSA File Reference	QSA13/179		

## Scope of Retention and Disposal Schedule

This Schedule applies to local government regulation records created by the Department of Local Government, Community Recovery and Resilience (the Department) and includes records relating to approvals and decisions, complaints and investigations, compliance monitoring, elections, funding administration and legislation compliance and remuneration in relation to local government oversight functions. This schedule also covers records created by the Local Government Remuneration and Discipline Tribunal and the Queensland Boundaries Commissioner.

**Note:** This schedule only covers records specifically created for local government functions and does not cover records created as part of the Community Recovery and Resilience functions.

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References to repealed legislation within this Schedule may be taken to be a reference to current legislation if the context permits.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 Department of Local Government, Community Recovery and Resilience is the responsible public authority for the *Local Government Regulation 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

## Queensland State Archives

Department of Science, Information Technology, Innovation and the Arts



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).

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 Department of Local Government, Community Recovery and Resilience should take measures to withdraw revoked disposal authorities from circulation. This includes, but is not limited to:

- QDAN 645 v1: Department of Local Government, Sport & Recreation Retention & Disposal Schedule.

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 9 – 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 9 – 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 694 (v1) 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 Department of Local Government, Community Recovery and Resilience' 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.

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# 1. APPROVALS AND DECISIONS

*The function of managing applications, approvals, decisions and agreements made by the Minister or the Department in relation to local government regulation.*

Reference	Description of records	Status	Disposal action
1.1	<p><b>AGREEMENTS</b></p> <p><i>The activity of establishing, maintaining, reviewing and negotiating agreements relating to the regulation of local government.</i></p>		
1.1.1	<p><b><i>Partners in Government agreement</i></b></p> <p>Records relating to the management of the formal agreement signed by the Queensland Government and the Local Government Association of Queensland. The purpose of these agreements is to set out the key principles for the relationship between the State and local government and establishing an on-going process of negotiation and engagement.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• agreement</li> <li>• consultation</li> <li>• development documentation</li> <li>• amendments.</li> </ul>	Permanent	Retain permanently.
1.2	<p><b>APPROVALS</b></p> <p><i>The activity of deciding on applications for approval made by individual local government to the Department.</i></p>		
1.2.1	<p><b><i>Local government change applications</i></b></p> <p>Records relating to applications received from a local government requesting a change</p>	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
	<p>to their existing electoral arrangements in accordance with the <i>Local Government Act 2009</i>, the <i>City of Brisbane Act 2010</i> and <i>Local Government (Operations) Regulation 2010</i>. Includes changes to the:</p> <ul style="list-style-type: none"><li>• boundaries or divisions of a local government area</li><li>• the number of councillors, or</li><li>• name or classification of the local government area.</li></ul> <p>Also includes proposals for deamalgamation which were not referred to the Queensland Boundaries Commissioner.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"><li>• applications made to the Department</li><li>• Local Government Change Commission assessments</li><li>• decisions</li><li>• Ministerial recommendations, directions or referral to the change commission</li><li>• notices</li><li>• reports.</li><li>• submissions.</li></ul> <p><i>See reference 5.1.1 for records relating to reviews by the Queensland Boundaries Commissioner.</i></p>		

## 2. COMPLAINTS AND INVESTIGATIONS

*The function of the Department investigating complaints about the programs and services of a local government or the actions and activities of its staff. Includes investigations into councillor misconduct or inappropriate conduct as well as allegations of local government mismanagement or incompetence.*

Reference	Description of records	Status	Disposal action
2.1	<p><b>COUNCILLORS</b></p> <p><i>The activities of conducting investigations in relation to councillor conduct in accordance with the Local Government Act 2009 and the City of Brisbane Act 2010.</i></p>		
2.1.1	<p><b>Local Government Remuneration and Discipline Tribunal – misconduct hearings</b></p> <p>Records relating to investigations and hearings into councillor misconduct held by the Local Government Remuneration and Discipline Tribunal.</p>	Permanent	Retain permanently.
2.1.2	<p><b>Complaints against councillors</b></p> <p>Records relating to complaints into alleged misconduct, not referred to the Local Government Remuneration and Discipline Tribunal, or inappropriate conduct of a councillor referred to the Department for investigation. Includes investigations of complaints undertaken by, or referred to, the following bodies:</p> <ul style="list-style-type: none"> <li>• Regional Conduct Review Panel</li> <li>• Brisbane City Council Councillor Conduct Review Panel</li> <li>• Crime and Misconduct Commission.</li> </ul> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• complaints</li> <li>• internal and/or external reviews</li> </ul>	Temporary	Retain for 15 years after complaint process has been finalised.



Reference	Description of records	Status	Disposal action
	<ul style="list-style-type: none"> <li>• interview records or investigation notes or assessments</li> <li>• consultation, mediation and monitoring</li> <li>• personal statements</li> <li>• recommendations, decisions, determinations or outcomes</li> <li>• reports including reports from investigators or tribunals</li> <li>• notifications.</li> </ul> <p>Excludes investigations and hearings conducted by the Local Government Remuneration and Discipline Tribunal.</p> <p><i>See the General Retention and Disposal Schedule for Administrative Records for complaints not councillor related.</i></p>		
2.2	<p><b>LOCAL GOVERNMENT INVESTIGATIONS</b>  <i>The activity of managing complaints and investigations associated with local governments.</i></p>		
2.2.1	<p><b><i>Dissolution</i></b>  Records relating to investigations into local government mismanagement or incompetence where Ministerial intervention powers are invoked, resulting in dissolution of the local government in accordance with the <i>Local Government Act 2009</i>.</p>	Permanent	Retain permanently.
2.2.2	<p><b><i>Mismanagement</i></b>  Records relating to investigations into local government mismanagement or incompetence where Ministerial intervention powers are not invoked.</p>	Temporary	Retain for 10 years after last action.

### 3. COMPLIANCE MONITORING

*The function of managing and monitoring local government compliance and performance with mandatory or operational accountability, fiscal, legal, regulatory or quality standards or requirements developed and/or administered by the Department. Includes monitoring financial systems, solvency and insolvency of local governments, compliance with codes of conduct, corporate plans, audit follow-ups and interventions where necessary.*

Reference	Description of records	Status	Disposal action
3.1	<p><b>PERFORMANCE MONITORING</b>  <i>The activity of monitoring the level of compliance for local governments.</i></p>		
3.1.1	<p><b>Local government performance</b></p> <p>Records relating to the monitoring and evaluation of the performance of local government responsibilities and compliance, in accordance with the <i>Local Government Act 2009</i> and the <i>City of Brisbane Act 2010</i>.</p> <p>Includes the monitoring of local government activities or programs, systems and practices.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• appointment of advisor or financial controller</li> <li>• decisions</li> <li>• notices</li> <li>• notifications</li> <li>• recommendations.</li> </ul>	Permanent	Retain permanently.
3.1.2	<p><b>Aboriginal and Torres Strait Island councils</b></p> <p>Records relating to monitoring the compliance of Aboriginal Shire Councils and Torres Strait Island Councils with statutory and financial requirements based on the <i>Local Government Operations Regulations 2010</i> (previously the <i>Local Government</i></p>	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
	<p><i>(Community Government Areas) Act 2004 (repealed in 2009)).</i></p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• annual reports</li> <li>• audit reports</li> <li>• financial statements</li> <li>• supporting documentation.</li> </ul>		
3.2	<p><b>REPORTING</b></p> <p><i>The activity of the Department preparing formal reports into the operation of local governments and the provision of local government services as part of its role in regulating local governments.</i></p> <p><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to raw statistical data.</i></p>		
3.2.1	<p><b>Local government – consolidated reports</b></p> <p>Records relating to reports prepared by the Department documenting key local government services. Reports may include, but are not limited to, the Queensland local government comparative information report and local government profile report.</p>	Permanent	Retain permanently.

## 4. ELECTIONS

*The function of administering and providing consultation in regards to the election process for local government elections in accordance with the Local Government Act 2009 and the City of Brisbane Act 2010. Includes council status of divided and undivided, councillor representation, complaints about election processes, complaints against candidates and general request for information on the current or future elections.*

Reference	Description of records	Status	Disposal action
4.1	<b>BOUNDARIES</b> <i>The activity of managing the review and/or changes to electoral boundaries for local government elections.</i>		
4.1.1	<b>Queensland Boundaries Commissioner reviews</b> Records relating to reviews conducted by the Queensland Boundaries Commissioner into the viability of former shires wishing to de-amalgamate from larger regional councils.	Permanent	Retain permanently.
4.1.2	<b>Review of divisional boundaries</b> Records relating to internal local government reviews of divisional boundaries in accordance with the <i>Local Government Act 2009</i> and the <i>City of Brisbane Act 2010</i> . Records may include, but are not limited to: <ul style="list-style-type: none"> <li>• assessments</li> <li>• recommendations</li> <li>• notices.</li> </ul>	Temporary	Retain for 5 years after last action.
4.1.3	<b>Boundary changes – transition support</b> Records relating to support provided by the Department to local governments undergoing major boundary changes. Includes transitions caused by amalgamation and de-amalgamation.	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
4.2	<b>ELECTION MANAGEMENT</b> <i>The activity of managing local government elections.</i>		
4.2.1	<b><i>Postal ballot approvals</i></b> Records relating to the determination of postal ballot areas in accordance with the <i>Local Government Electoral Act 2011</i> . Records may include, but are not limited to: <ul style="list-style-type: none"><li>• applications</li><li>• approvals</li><li>• notices</li><li>• refusals.</li></ul>	Temporary	Retain until issue of writ for next election.
4.2.2	<b><i>Date for quadrennial election</i></b> Records relating to applications, approvals and decisions to change the date for the local government quadrennial election in accordance with the <i>Local Government Electoral Act 2011</i> .	Temporary	Retain until issue of writ for next election.

## 5. FUNDING ADMINISTRATION

*The function of administering funding to local governments for projects that align with Government priorities and for which the Government does not receive any entitlements (unlike sponsorships). Includes provisions and administration of State or Commonwealth financial aid to Indigenous Council.*

*Also includes the applications for and receipt of funds, fund offers, agreements or contracts, release notifications, progress reports and fund acquittals.*

Reference	Description of records	Status	Disposal action
5.1	<p><b>GRANTS</b> <i>The activity of administering grants for local governments.</i></p>		
5.1.1	<p><b><i>Indigenous council</i></b> Records relating to the provision of recurrent grants to Aboriginal Shire Councils and Island Coordinating Councils under the State Government Financial Aid Program, for provision of municipal services including:</p> <ul style="list-style-type: none"> <li>• the Environmental Health Worker (EHW)</li> <li>• Community Governance Improvement Strategy (CGIS)</li> <li>• Indigenous Councils' Capacity Building Program (ICCBP)</li> <li>• Indigenous Environmental Health Infrastructure Program (IEHIP).</li> </ul>	Temporary	Retain for 7 years after last action.

## 6. LEGISLATION

*The function of developing, amending and managing the process associated with making of local government local laws.*

*See the General Retention and Disposal Schedule for Administrative Records for records relating to:*

- *new legislation*
- *amendments to legislation*
- *copies of legislation.*

Reference	Description of records	Status	Disposal action
6.1	<p><b>LOCAL LAWS</b></p> <p><i>The activity of administering local laws for Queensland local governments in accordance with the Local Government Act 2009 and the City of Brisbane Act 2010.</i></p>		
6.1.1	<p><b>Local law proposals</b></p> <p>Records relating to applications from local governments to the Minister to develop interim local laws and local laws. Includes local laws adopted through model local law or a subordinate local law in accordance with the <i>Local Government Act 2009</i> and the <i>City of Brisbane Act 2010</i>.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• drafting certificate</li> <li>• explanatory notes</li> <li>• state interest checks</li> <li>• notification of revocation</li> <li>• submissions</li> <li>• summary of records of consultations and discussions</li> </ul>	Temporary	Retain for 10 years after last action.

Reference	Description of records	Status	Disposal action
	<ul style="list-style-type: none"><li>• supporting documentation.</li></ul>		
6.1.2	<b>Local laws master set</b> Current and repealed local laws master set and subordinate local laws master set (i.e. certified copies) for all Queensland local governments.	Permanent	Retain permanently.
6.1.3	<b>Model local laws</b> Records relating to the development and amendment of a model local law suitable for adoption by all local governments.	Permanent	Retain permanently.
6.1.4	<b>Local laws database</b> Reference and duplicate sets of local laws and subordinate local laws held in the local laws database.	Temporary	Retain until administrative use ceases.



## 7. LEGISLATION COMPLIANCE

*The function of managing and advising of compliance breaches for local government standards, regulations and local laws; inappropriate practices or an intention to take action.*

Reference	Description of records	Status	Disposal action
7.1	<b>NOTIFICATIONS</b> <i>The activity of managing notifications provided to the Department by local governments. This also includes statutory notifications and the management of notices.</i>		
7.1.1	<b>Public benefit assessment</b> Records relating to public benefit assessment notifications provided to the Department by local governments in accordance with the <i>Local Government Act 2009</i> and the <i>City of Brisbane Act 2010</i> .	Temporary	Retain for 7 years after last action.

## 8. REMUNERATION

*The function of establishing categories of local governments to enable the Local Government Remuneration and Discipline Tribunal to decide the maximum amounts of remuneration that are payable to mayors and other councillors in accordance with the Local Government Act 2009 and the Local Government Regulation 2012.*

Reference	Description of records	Status	Disposal action
8.1	<p><b>DETERMINATIONS</b>  <i>The activity of making remuneration determinations for local government mayors and other councillors.</i></p>		
8.1.1	<p><b>Local government remuneration</b>            Records relating to the establishment and review of local government categories and determination of remuneration for local government mayors, deputy mayors and councillors by the Local Government Remuneration and Discipline Tribunal.            Records may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• agendas</li> <li>• minutes</li> <li>• consultation</li> <li>• determinations</li> <li>• reports</li> <li>• submissions.</li> </ul>	Permanent	Retain permanently.

## 9. LEGACY RECORDS

*This section covers legacy records of the Department which relate to the local government regulation function.*

Reference	Description of records	Status	Disposal action
9.1	<p><b>BENEFICIAL ENTERPRISES</b></p> <p><i>The activity of overseeing investments made by local governments into beneficial enterprises.</i></p>		
9.1.1	<p><b><i>Beneficial enterprise applications</i></b></p> <p>Records relating to applications made to the Department for approval to invest in a beneficial enterprise with the private sector in accordance with the <i>Local Government Act 2009</i>, the <i>City of Brisbane Act 2010</i> and the <i>Local Government (Beneficial Enterprises and Business Activities) Regulation 2010</i>.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• applications</li> <li>• decisions</li> <li>• notice</li> <li>• resolution.</li> </ul>	Temporary	Retain for 7 years after last action.
9.1.2	<p><b><i>Beneficial enterprise notifications</i></b></p> <p>Records relating to beneficial enterprise notifications provided to the Department by local governments in accordance with the <i>Local Government Act 2009</i> and the <i>City of Brisbane Act 2010</i>.</p> <p>Includes notifications of the establishment of the Register of beneficial enterprises and the making of a new entry in the Register.</p>	Temporary	Retain for 5 years for last action.