



Responsible Public Authority: Office of the Queensland Parliamentary Counsel

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Scope of Retention and Disposal Schedule

Core business records of the Office of the Queensland Parliamentary Counsel relating to the functions of legislative drafting and publishing.

This Schedule is to be used in conjunction with the *General Retention and Disposal Schedule for Administrative Records*.

Authority

Authorisation for the disposal of public records is given under, and subject to, the provisions of s.13 of the *Public Records Act 2002* (the Act). Public records must not be disposed of if disposal would amount to a contravention of s.13.

Revocation of previously issued disposal authorities

Any previously issued disposal authority which applied to disposal classes described in this Schedule are revoked. The agency responsible should take measures to withdraw revoked disposal authorities from circulation. This includes, but is not limited to:

- QDAN 98/0029 Issued to Office of the Queensland Parliamentary Counsel – 31 March 1998
- QDAN 566 Version 1 Issued to Office of the Queensland Parliamentary Counsel – 24 April 2002

Disposal

All of the retention periods in this approved Schedule are the minimum periods for which the records must be retained. Also, any record class may be required to be retained longer if subject to the following requirements:

- (i) for any civil or criminal court action which involves or may involve the State of Queensland or an agency of the State; or
- (ii) because 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; or
- (iii) pursuant to the *Evidence Act 1977*; or
- (iv) for any other purpose required by law.

This list is not exhaustive.

Documents which deal with the financial, legal or proprietary rights of the State of Queensland or a State related Body or Agency viz-a-viz another legal entity and any document 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 freedom of information application are to be retained for a period greater than the time specified to ensure that all avenues for appeals for review under the legislation are exhausted, even though the records may be due for destruction according to this Schedule at the time of the application. See *General Retention and Disposal Schedule for Administrative Records*.

If in doubt about the legality or probity of the disposal of any document which may fall within these categories you should obtain legal advice.

Permanent Records

Records of permanent status are not to be transferred automatically to Queensland State Archives. Agencies are required to submit a transfer proposal containing details of the records under consideration for transfer and a comprehensive list. Queensland State Archives will assess the transfer proposal before formal approval to transfer is issued. 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. LEGISLATIVE DRAFTING

Scope Note: *The function of providing a legislative drafting service for Queensland legislation, including drafting support services. Includes providing advice to Ministers, members of the Legislative Assembly, government entities, and other clients on fundamental legislative principles, legislative drafting, and alternative ways of achieving government policy objectives.*

Includes the activities associated with preparing drafts of legislation and instructions from and negotiations with clients, etc.

Reference	Description of Records	Status	Disposal Action
1.1	<p>Bills</p> <p><i>Records relating to the drafting of Bills and the drafting of amendments to Bills include:</i></p> <ul style="list-style-type: none"> • <i>Drafting instructions and related correspondence with instructing officer;</i> • <i>Comments from drafter checking the Bill (D2 comments) and quality assurance check(s) performed;</i> • <i>All versions of the Bill drafted before the Bill was introduced into Parliament;</i> • <i>All versions of amendments drafted for the Bill;</i> • <i>Checklist for the supply of the third reading draft of the Bill if amendments were moved during consideration in detail; and</i> • <i>Approval from the Clerk of Parliament for any slip amendments incorporated into the third reading draft of the Bill.</i> 		
1.1.1	<p><i>Bills – Enacted</i></p> <p>Records relating to the drafting of government and private members' Bills that are enacted. Includes the drafting of amendments to Bills.</p>	Temporary	Retain for 4 years after date of assent.
1.1.2	<p><i>Bills – Not Enacted/Introduced</i></p> <p>Records relating to the drafting of government and private members' Bills that are not enacted or not introduced in Parliament. Includes the drafting of amendments to Bills.</p>	Temporary	Retain for 4 years after last action.



Reference	Description of Records	Status	Disposal Action
1.2	<p>Subordinate Legislation</p> <p><i>Records relating to the drafting of subordinate legislation include:</i></p> <ul style="list-style-type: none"><i>Drafting instructions and related correspondence with instructing officer;</i><i>Comments from drafter checking the subordinate legislation (D2 comments) and quality assurance check(s) performed;</i><i>Copy of the first page of the final version of the subordinate legislation (blues) with the D2's signature;</i><i>Copy of the first page of any regulatory impact statement or explanatory notes with formatting stamp;</i><i>All versions of the subordinate legislation drafted.</i>		
1.2.1	<p>Subordinate Legislation – Made</p> <p>Records relating to the drafting of subordinate legislation that is made.</p>	Temporary	Retain for 4 years after date of gazettal notification.
1.2.2	<p>Subordinate Legislation – Not Made</p> <p>Records relating to the drafting of subordinate legislation that is not made.</p>	Temporary	Retain for 4 years after last action.
1.3	<p>Parliamentary Counsel's Committee Legislation</p> <p><i>Records relating to the drafting of national scheme legislation through the Parliamentary Counsel's Committee include:</i></p> <ul style="list-style-type: none"><i>Drafting instructions and related correspondence with instructing officer;</i><i>Comments from drafter, drafter checking the legislation (D2 comments), Parliamentary Counsel from other jurisdictions and quality assurance check(s) performed;</i><i>All versions of the legislation drafted.</i> <p><i>Includes Bills and subordinate legislation drafted by both the Office of the Queensland Parliamentary Counsel and by Parliamentary Counsel in other jurisdictions.</i></p> <p><i>See 1.1 and 1.2 for records relating to the drafting of Queensland Bills / subordinate legislation based on the national scheme legislation.</i></p>		



Reference	Description of Records	Status	Disposal Action
1.3.1	<i>Parliamentary Counsel's Committee Legislation – Enacted / Made</i> Records relating to the drafting of national scheme legislation through the Parliamentary Counsel's Committee where the legislation is enacted or made in Queensland.	Temporary	Retain for 4 years after date of assent / notification.
1.3.2	<i>Parliamentary Counsel's Committee Legislation – Not Enacted / Introduced / Made</i> Records relating to the drafting of national scheme legislation through the Parliamentary Counsel's Committee where the legislation is not enacted, introduced in Parliament or made in Queensland.	Temporary	Retain for 4 years after last action.

2. LEGISLATIVE PUBLISHING & ACCESS

Scope Note: *The function of providing publishing services for and access to Queensland legislation and legislative information publications. Includes producing reprints and legislative information publications.*

Reference	Description of Records	Status	Disposal Action
2.1	Bills Master electronic versions of the Bill (as supplied to the Table Office for introduction in Parliament) and any amendments moved during the consideration in detail stage of the passage of the Bill in a readable, accessible, and inalterable form.	Permanent	Retain permanently at Office of the Qld Parliamentary Counsel.
2.2	Acts Master electronic version of Acts in a readable, accessible, and inalterable form.	Permanent	Retain permanently at Office of the Qld Parliamentary Counsel.
2.3	Subordinate Legislation		
2.3.1	Master electronic version of made subordinate legislation that incorporates the subordinate legislation number in a readable, accessible and inalterable form.	Permanent	Retain permanently at Office of the Qld Parliamentary Counsel.
2.3.2	Regulatory Impact Statements Master electronic version of regulatory impact statements in a readable, accessible, and inalterable form.	Permanent	Retain permanently at Office of the Qld Parliamentary Counsel.
2.3.3	Gazette Notification Tables Master electronic version of Gazette notification tables in a readable, accessible, and inalterable form.	Temporary	Retain for 1 year after gazettal notification.



Reference	Description of Records	Status	Disposal Action
2.3.4	Weekly Subordinate Legislation Table Master electronic version of the weekly table issued as part of the subordinate legislation subscription series and documenting the subordinate legislation published or notified during that week in a readable, accessible, and inalterable form.	Temporary	Retain for 1 year after last action.
2.3.5	Monthly Subordinate Legislation Tables Master electronic version of the monthly cumulative tables issued as part of the subordinate legislation subscription series and documenting the subordinate legislation published or notified during the year-to-date in a readable, accessible, and inalterable form.	Temporary	Retain for 1 year after last action.
2.4	Explanatory Notes and Errata Master electronic version of explanatory notes, and any errata to explanatory notes, for Bills, subordinate legislation and amendments moved during consideration in detail in a readable, accessible, and inalterable form.	Permanent	Retain permanently at Office of the Qld Parliamentary Counsel.
2.5	Annual Volumes Master electronic version of annual volumes of Queensland Acts (including explanatory notes) and the annual volumes of subordinate legislation (including explanatory notes and regulatory impact statements) in a readable, accessible, and inalterable form.	Permanent	Retain permanently at Office of the Qld Parliamentary Counsel.
2.6	Reprints		
2.6.1	Master electronic version of all reprints and revision notice/s in a readable, accessible and inalterable form.	Permanent	Retain permanently at Office of the Qld Parliamentary Counsel.



Reference	Description of Records	Status	Disposal Action
2.6.2	<p>Reprint Preparation – Authorised (Hard Copy) Reprints</p> <p>Records relating to the preparation of the following authorised (hard copy) reprints:</p> <ul style="list-style-type: none">• Category A and category B reprints prepared prior to March 1998, including revision notices for these reprints; and• Category C reprints, including revision notices for these reprints. <p>Includes:</p> <ul style="list-style-type: none">• completed checklists;• pages containing comments/corrections by the Legislation Officer preparing the reprint (LO1); Legislation Officer checking the reprint (LO2); Legislation Program Officer; Manager, Reprints; and First Assistant Parliamentary Counsel;• individual pages of the reprint that contain authorisations by a First Assistant Parliamentary Counsel to make changes under the <i>Reprints Act 1992</i>;• marked-up versions of a reprint being renumbered;• a copy of the approved revision notice with the Deputy Parliamentary Counsel's signature;• any research conducted in preparing the revision notice.	Temporary	Retain for 10 years after the reprinted legislation is repealed.



Reference	Description of Records	Status	Disposal Action
2.6.3	<p>Reprint Preparation – Authorised (Hard Copy) Reprints</p> <p>Records relating to the preparation of authorised (hard copy) reprints and revision notices for these reprints, excluding those covered by Reference Number 2.6.2.</p> <p>Includes:</p> <ul style="list-style-type: none">• completed checklists;• pages containing comments/corrections by the Legislation Officer preparing the reprint (LO1); Legislation Officer checking the reprint (LO2); Legislation Program Officer; Manager, Reprints; and First Assistant Parliamentary Counsel;• individual pages of the reprint that contain authorisations by a First Assistant Parliamentary Counsel to make changes under the <i>Reprints Act 1992</i>;• marked-up versions of a reprint being renumbered;• a copy of the approved revision notice with the Deputy Parliamentary Counsel's signature;• any research conducted in preparing the revision notice.	Temporary	Retain for 10 years after last action.
2.6.4	<p>Reprint Preparation – Unauthorised (Electronic Only) Reprints</p> <p>Records relating to the preparation of unauthorised (electronic) reprints and revised editions of unauthorised reprints that are only published on the Office of the Queensland Parliamentary Counsel's web site.</p> <p>Includes:</p> <ul style="list-style-type: none">• completed checklists;• pages containing comments/corrections by the Legislation Officer preparing the reprint (LO1); Legislation Officer checking the reprint (LO2); Legislation Program Officer; Manager, Reprints; and First Assistant Parliamentary Counsel.	Temporary	Retain for 10 years after last action.

Reference	Description of Records	Status	Disposal Action
2.6.5	Cumulative Weekly Update Master electronic version of the cumulative weekly update of Queensland Legislation Reprints.	Temporary	Retain until superseded.
2.7	Annotations		
2.7.1	Master electronic version in a readable, accessible, and inalterable form of: <ul style="list-style-type: none"> • each issue of the Queensland Legislation Annotations for current legislation; • each issue of the Queensland Legislation Annotations for repealed legislation. 	Permanent	Retain permanently at Office of the Qld Parliamentary Counsel.
2.7.2	Master electronic version in a readable, accessible, and inalterable form of the cumulative weekly update to the Queensland Legislation Annotations published on the Office of the Queensland Parliamentary Counsel's web site.	Temporary	Retain until superseded.
2.7.3	Master electronic version of the weekly update to Queensland legislation (published to subscribers in hard copy form only) in a readable, accessible, and inalterable form.	Temporary	Retain for 1 year after last action.
2.8	Tables of changed names and citations in legislation		
2.8.1	Master electronic version of the table of changed names and titles in legislation in a readable, accessible, and inalterable form.	Temporary	Retain until superseded.
2.8.2	Master electronic version of the Changed Citations and Remade Laws table in a readable, accessible, and inalterable form.	Temporary	Retain until superseded.
2.9	Bills (Youth Parliament) Master electronic version of Bills as supplied to the Table Office for Youth Parliaments in a readable, accessible, and inalterable form.	Temporary	Retain for 1 year from supply to Table Office.



GLOSSARY

For definitions of recordkeeping terms, see Queensland State Archives' Glossary of Archival and Recordkeeping Terms available via QSA's website (<http://www.archives.qld.gov.au>).

Category A reprint: A hard copy reprint of principal legislation (Act or subordinate legislation) made or approved after 1 January 1992 and being reprinted for the first time. Category A reprints may or may not include amendments.

Category B reprint: A subsequent hard copy reprint of principal legislation (Act or subordinate legislation). Category B reprints always include amendments. Category B reprints are produced to ensure there is an authorised copy of the current law.

Category C reprint: A hard copy reprint of older (pre-1992) principal legislation (Act or subordinate legislation). Category C reprints may require extensive use of *Reprints Act 1992* powers. Category C reprints are now prepared only for subordinate legislation as all principal Acts currently in force have been reprinted.

D2: The drafter checking the legislation.

Formatting stamp: Evidence that the explanatory note or regulatory impact statement has been formatted by the Office of the Queensland Parliamentary Counsel