

Australian Capital Territory

# Territory Records (Records Disposal Schedule – Legislative Drafting Services Records) Approval 2016 (No 1)

Notifiable instrument NI2016—569

made under the

Territory Records Act 2002, s 19 (Approval of schedules for the disposal of records)

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## 1. Name of Instrument

This instrument is the *Territory Records (Records Disposal Schedule – Legislative Drafting Services Records) Approval 2016 (No 1)*.

## 2. Commencement

This instrument commences on the day after its notification day.

## 3. Approval

I approve the Records Disposal Schedule – Legislative Drafting Services Records.

## 4. Revocation

This instrument revokes *Territory Records (Records Disposal Schedule - Parliamentary Counsel's Records) Approval 2006 (No 1) NI2006-255*.

Danielle Wickman  
Director of Territory Records  
10 October 2016



# **Records Disposal Schedule**

## **Legislative Drafting Services Records**

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## **INTRODUCTION**

The *Records Disposal Schedule - Legislative Drafting Services Records* is the official authority for the disposal of these ACT Government records.

It is one of a series of Whole of Government Records Disposal Schedules authorised by the Director of Territory Records in accordance with the provisions of the *Territory Records Act 2002*. It is used in conjunction with other Territory Records Disposal Schedules.

## **PURPOSE**

The purpose of this Records Disposal Schedule is to provide for the authorised disposal of Legislative Drafting Services records created or maintained by ACT Government Agencies.

## **SCOPE**

This Records Disposal Schedule applies to records created or maintained by ACT Government Agencies. It applies to records in any format, including electronic records.

## **AUTHORITY**

The Director of Territory Records, in consultation with stakeholders and the Territory Records Advisory Council, has approved this Records Disposal Schedule for use. The schedule does not take effect until it has been incorporated into an agency's Records Management Program that has been signed off by the Principal Officer of the agency.

Even so, officers using this Records Disposal Schedule should apply it with caution. They should be aware that the authorisations for disposal are given in terms of the *Territory Records Act 2002* only. Officers must not dispose of records in contravention of this Records Disposal Schedule or other requirements.

This Records Disposal Schedule will remain in force until a new schedule supersedes it or the Director of Territory Records withdraws it from use.

## **STRUCTURE AND RELATIONSHIP TO THE TERRITORY WHOLE OF GOVERNMENT THESAURUS**

A Records Disposal Schedule generally specifies retention periods. That is, how long records are to be retained by the agency before being destroyed or retained as Territory Archives.

Retention periods set down in this schedule are minimum periods only and an agency may keep records for a longer period if considered necessary for business requirements. Reasons for longer retention could include legal requirements, administrative need or agency directives. **An agency must take all reasonable steps to ensure that no legal action is contemplated in relation to its records and must not dispose of any records where it is aware of possible legal action for which the records may be required as evidence or if there is a current records disposal freeze in effect.**

The *Records Disposal Schedule - Legislative Drafting Services Records* has a hierarchical structure that reflects its arrangements according to functions and activities, rather than by subject, and this also reflects a close relationship to the Whole of Government Thesaurus. The Records Disposal Schedule is designed to be applicable to all Legislation Publishing & Access Services records regardless of titling conventions used, so that records, which have not been titled using the terminology represented by this Records Disposal Schedule, may still be sentenced with relative ease.

### ***Whole of Government Thesaurus***

The Whole of Government Thesaurus is a controlled vocabulary of terms designed for use in the classifying, titling and indexing of records on creation.

The Whole of Government Thesaurus has been developed on the basis of the Territory Version of Keyword AAA (TVKAAA) (2010), a thesaurus incorporating 16 common Functions. All other Functions within the Whole of Government Thesaurus are considered Functions performed by the ACT Government and have been included following consultation with agencies and after consideration by the Territory Records Office (TRO) via a formal approval process.

The Whole of Government Thesaurus is mandated by the Director of Territory Records for use by all ACT Government agencies as part of their classifying and titling of paper and electronic records. See also *Records Advice No.28 Functional directories on shared drives*.

The disposal actions listed in this Records Disposal Schedule were determined through the process of appraisal in accordance with *Territory Records Office Standard for Records Management No.2 - Appraisal*. Appraisal is based upon the same type of analysis of business activity employed in the classification scheme used in the Territory Version of Keyword AAA. Essentially, appraisal involves attaching record retention periods and disposal decisions (and even records creation requirements and rules) to the same classification scheme.

## **GUIDELINES FOR USE**

### **Coverage of authority**

The *Records Disposal Schedule - Legislative Drafting Services Records*:

- covers all records related to the function;
- is intended to be used in conjunction with other Territory Records Disposal Schedules;
- specifies the minimum period records should be kept (retention periods)
- specifies whether, upon the expiry of the retention periods, the records may be destroyed or are required as Territory Archives; and
- is applicable to records created and maintained in any format, including electronic or formats such as microfiche.

## **Layout of the schedule**

This Records Disposal Schedule begins with an introduction incorporating definitions and the business classification scheme. Then each of the functions and activity disposal sets or 'disposal classes' relating to the functions are described. These are followed by a composite list of classes designated 'Retain as Territory Archives'. The functions and activity disposal sets show the following details:

### **Function.**

This is the broad level business function and is displayed in bold capital letters at the top of each page. It is the highest level in the business classification scheme. It is followed by the scope note, which provides definitions of the function and a collective view of the business activities that make that function unique.

### **Activity.**

Activities are the processes or operations that make up the business function. They are set in bold and italics below the function statement. This is the second level of the business classification scheme. The scope of the activity encompasses all of the transactions that take place in relation to the activity. Activities can relate to many functions with the scope notes covering all of these relationships (e.g., the activity 'Policy' is linked to all of the functions). However, each function and activity set represents a unique unit.

### **Entry No.**

This is the disposal class number allocated based on the function and activity set and the class number of the record. The barcode is the same as the Entry No. and may be used in an automated recordkeeping system.

### **Description of Records.**

This is the description of the records documenting the business function, activity and transactions. The descriptions can relate to one record such as a register or a group of records documenting a particular set of transactions.

### **Disposal Action.**

This is the minimum period a record must be kept for and is the trigger event from which the disposal date can be calculated.

## **FORMAT OF RECORD**

This Records Disposal Schedule is applicable to any record that performs the function prescribed, irrespective of format. Records may include:

- cards;
- registers;
- files;
- microfilm;
- COM (computer output microfiche);
- electronic records, including various electronic media, and
- any other formats.

### **Electronic records**

Refers to records created, communicated and maintained by means of electronic equipment. Information could be maintained/stored in a number of ways - on the database (the main database, or a special archives database); on magnetic media; on optical disks; or on separate hardcopy (paper, COM).

Electronic records must be readily accessible for the length of the specified retention period. Routine treatment (such as wiping, updating, alterations or re-recording) does not constitute disposal.

## **DESTRUCTION OF RECORDS**

When the approved disposal date for the destruction of records has been reached, appropriate arrangements for their destruction should be made. It is the responsibility of each agency to ensure that its records are destroyed in a secure and appropriate manner as indicated in the agency Records Management Program.

## **UPDATING THE RECORDS DISPOSAL SCHEDULE**

Records Disposal Schedules are reviewed and updated from time to time. For suggested amendments or alterations to this schedule please contact the Director of Territory Records.

## **ASSISTANCE IN USING THE RECORDS DISPOSAL SCHEDULE**

Agencies requiring any assistance in the interpretation or implementation of any Records Disposal Schedule are encouraged to contact the Director of Territory Records.



## **RELATED LEGISLATION**

The following legislation is related to the records classes covered by this Records Disposal Schedule:

*Evidence Act 2011*

*Freedom of Information Act 1989*

*Legislation Act 2001*

*Public Sector Management Act 1994*

*Territory Records Act 2002*

## DEFINITIONS

### Agency

The Executive, an ACT Court, the Legislative Assembly Secretariat, an administrative unit, a Board of Inquiry, a Judicial or Royal Commission, any other prescribed authority, or an entity declared under the regulations of the *Territory Records Act 2002* to be an agency.

### Appraisal

The process of evaluating business activities to:

- determine which records need to be created and captured;
- determine how long the records need to be kept to meet business needs; and
- meet the requirements of organisational accountability and community expectations.

### Business Classification Scheme

A hierarchical scheme for identifying and defining the functions, activities and transactions an agency performs in the conduct of its business, and the relationships between them.

### Principal Officer

The Chief Executive of an administrative unit, or its equivalent in other types of agencies.

### Records

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transition of business. This recorded information must be maintained or managed by the agency to provide evidence of their business activities. Records can be in written, electronic or any other form.

### Records of an Agency

Records, in writing, electronic or any other form, under the control of an agency or to which it is entitled to control, kept as a record of its activities, whether it was created or received by the agency.

### Records Disposal Schedule

A document approved by the Director of Territory Records, which sets out the types of records an agency must make and how long they must be kept.

### Records Management Program

A document that complies with Section 16 of the *Territory Records Act 2002* by setting out the means by which an agency will manage its records, and is approved by the agency's Principal Officer.

## **Recordkeeping Systems**

Information systems that capture, maintain and provide access to records over time. While the term is often associated with computer software, Recordkeeping Systems also encompass policies, procedures, practices and resources that are applied within an agency to ensure that full and accurate records of business activity are made and kept.

## **Scope Note**

An explanation of terms used in describing the records and the context in which they were made and used.

## **Sentencing**

The process of applying appraisal decisions to individual records by determining the part of a Records Disposal Schedule that applies to the record and assigning a retention period consistent with that part.

## **Territory Archives**

Records preserved for the benefit of present and future generations.

# **BUSINESS CLASSIFICATION SCHEME**

## ***LEGISLATIVE DRAFTING SERVICES***

The function of drafting legislation (e.g. bills, subordinate laws and rules of court) for the ACT Government, individual members of the ACT Legislative Assembly and ACT courts. Also includes analysing legislative proposals and providing advice to clients on policy, legal and constitutional implications and on alternative ways of achieving policy objectives.

### ***Advice***

The activities associated with offering formal opinions and advice as to an action, judgement or topic. Includes legal advice, legislative drafting advice, legislative publishing advice and formal advices required by legislation.

### ***Drafting***

The activities associated with preparing preliminary drafts or outlines of addresses, reports, articles, plans, sketches and the activities associated with drafting bills, subordinate laws and other instruments, including the preparation of documents for presentation to the Legislative Assembly or other law makers, prior to production and publication.

### ***Planning***

The activities associated with carrying out systematic planning in order to meet strategic, business or operational goals and objectives.

### ***Policies & Procedures***

The activities associated with drafting, developing and implementing policies, procedures, and guidelines establishing decisions, directions, precedents and standard methods of operating which act as a reference for future decision making, and maintaining their currency over time. Includes guidelines devised by both internal and external sources of authority, rules and instructions.

### ***Training & Development***

The activities associated with all aspects of managing and providing training and development to an organisation's staff or to other organisations or industry.

# **RECORDS DISPOSAL SCHEDULE**



### **Drafting**

The activities associated with preparing preliminary drafts or outlines of addresses, reports, articles, plans, sketches and the activities associated with drafting bills, subordinate laws and other instruments, including the preparation of documents for presentation to the Legislative Assembly or other law makers, prior to production and publication.

<b>Entry No.</b>	<b>Description of Records</b>	<b>Disposal Action</b>
128.038.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting the process of drafting and introduction of bills, subordinate laws and other instruments.  Includes: <ul style="list-style-type: none"> <li>● drafting instructions;</li> <li>● correspondence;</li> <li>● previous versions of drafts;</li> <li>● exposure drafts;</li> <li>● final versions of proposed laws;</li> <li>● memos;</li> <li>● explanatory statements; and</li> <li>● compatibility statements.</li> </ul>	Retain as Territory and Archives

### **Planning**

The activities associated with carrying out systematic planning in order to meet strategic, business or operational goals and objectives.

*[For the development of business and corporate plans which set the strategic agenda and direction for the organisation, use STRATEGY & GOVERNANCE - Planning.]*

**Note:** Use the relevant activity where strategies and plans are developed to support a more specific process, (e.g. use Maintenance for maintenance plans, or Risk Management for risk management plans and strategies).

<b>Entry No.</b>	<b>Description of Records</b>	<b>Disposal Action</b>
128.079.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting the planning processes for drafting legislation, including records relating to: <ul style="list-style-type: none"> <li>● internal and external committees formed to develop plans;</li> <li>● resource allocation; and</li> <li>● training project management plans.</li> </ul>	Destroy 7 years after last action





**RETAIN AS TERRITORY ARCHIVES**



***SCHEDULE OF AMENDMENTS – this information is provided for the assistance of users but does not form part of the Notifiable Instrument.***

**Amendments to the Legislative Drafting Services Records Disposal Schedule Dated July 2006**

**Function (Amendments)**

The LEGISLATIVE DRAFTING SERVICES function scope note amended.

**New Features (Insertions)**

Activity	Entry no.	Description
Advice		New activity
Advice	128.005.001	New class
Policies & Procedures		New activity
Policies & Procedures	128.273.001	New class
Training & Development		New activity
Training & Development	128.277.001	New class

**Enhancements (Changes)**

Activity	Entry no.	Description
Committees	All classes	Removed
Legislative Advice		Removed and merged with new activity Advice
Legislative Advice	1.2.1	Removed and merged with new classes
Legislative Drafting	All classes	Removed
Planning	1.4.1	Class description changed and renumbered to 128.079.001
Planning	1.4.2	Removed and combined with renumbered class 128.079.001
Procedures		Removed and merged with new activity Policies & Procedures
Procedures	All classes	Removed and merged with new classes