



**Australian Government**  

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**National Archives of Australia**

**Records Authority**  
**Office of Parliamentary Counsel**

Job no 2009/00046614

April 2009

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## INTRODUCTION

The Office of Parliamentary Counsel (OPC) and the National Archives of Australia have developed this Records Authority to set out the requirements for the retention or destruction of records for the core businesses of Legislative Drafting, Legislative Drafting Capability, Program and Project Management and Standardisation and Legislation Quality Control. It represents a significant commitment on behalf of OPC to understand, create and manage the records of its core business.

This Authority is based on the identification and analysis of the business of the agency. It takes into account legal and organisational recordkeeping requirements, and the interests of stakeholders of both OPC and the National Archives. It provides a framework that may be used as a guide when creating and managing records that document the agency's core business.

This Authority gives OPC the permission, required under the Archives Act, for the disposal of the records described. The Authority sets out those records that need to be retained as national archives and the minimum length of time that other classes of records need to be kept. Retention periods are based on an assessment of business needs, broader organisational accountability requirements and community expectations, and are approved by the National Archives of Australia on the basis of information provided by the agency.

The OPC can use the following tools to dispose of their records:

- this Records Authority covering its agency specific records;
- general records authorities, such as the Administrative Functions Disposal Authority (AFDA), that covers functions and records common to every Commonwealth agency; and
- normal administrative practice (NAP) which allows for the destruction of records where the records are duplicated, unimportant or for short-term use only.

As changes in circumstances may affect future recordkeeping requirements, the periodic review of this Authority is recommended. All amendments must be approved by the National Archives.

Advice on using this Authority and other recordkeeping matters is available from the National Archives' website at [www.naa.gov.au](http://www.naa.gov.au) or by contacting the Agency Service Centre:  
<http://www.naa.gov.au/records-management/help/index.aspx>

## APPLICATION OF THIS AUTHORITY

1. This Authority replaces Records Disposal Authority (RDA) 896. RDA 896 is hereby terminated and cannot be used for records created on or after the date of issue of this Authority.
2. This Authority should be used in conjunction with the Administrative Functions Disposal Authority (AFDA) issued by the National Archives to cover administrative records common to most Commonwealth agencies
3. This Authority should be used in conjunction with general records authorities issued by the National Archives that cover other types of records that may be created by the Office of Parliamentary Counsel (OPC) such as encrypted records and source records that have been copied.
4. This Authority is to be used to sentence records. Sentencing involves the examination of records in order to identify the individual disposal class to which they belong. This process enables sentencers to determine the appropriate disposal action for the records. Advice on sentencing is available from the National Archives.
5. Where the method of recording information changes (for example from a manual system to an electronic system, or when information is migrated from one system to a new system) this Authority can still be used to sentence the records created, providing the records document the same core business. The information must be accessible for the period of time prescribed in this Authority. OPC will need to ensure that any software, hardware or documentation required to enable continuing access to the data is available for the periods prescribed.
6. In general, retention requirements indicate a minimum period for retention. OPC may extend minimum retention periods if it considers that there is an administrative need to do so. Where OPC believes that its accountability will be substantially compromised because a retention period or periods are not adequate, it should arrange for a review of the retention period.
7. OPC may destroy certain records without formal authorisation as a normal administrative practice. This usually occurs where the records are duplicated, unimportant or for short-term use only. It does not replace the records disposal arrangements agreed to in authorities. Advice and guidance on destroying records as a normal administrative practice is available from the National Archives' website at [www.naa.gov.au](http://www.naa.gov.au).
8. From time to time the National Archives places freezes on the disposal of some groups of records, which places a moratorium on the destruction of these records. If you require further information about disposal freezes and whether they affect the application of this Authority, please contact the National Archives.
9. Records in the care of OPC should be appropriately stored and preserved. OPC needs 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 to the public after thirty years.
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.
11. Advice on how to use this Authority is available from the OPC records 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 recordkeeping matters, please contact National Archives' Agency Service Centre.

Queen Victoria Terrace  
Parkes ACT 2600  
PO Box 7425  
Canberra Mail Centre ACT 2610

Tel: (02) 6212 3610

Fax: (02) 6212 3989

Agency Service Centre: <http://www.naa.gov.au/records-management/help/index.aspx>

Website: [www.naa.gov.au](http://www.naa.gov.au)

# AUTHORISATION

## RECORDS AUTHORITY

**Person to whom notice of authorisation is given:**

First Parliamentary Counsel  
Office of Parliamentary Counsel  
Motor Traders Association House  
39 Brisbane Avenue, Barton ACT 2600

**Purpose:**

AUTHORISES ARRANGEMENTS FOR THE DISPOSAL OF RECORDS IN ACCORDANCE WITH SECTION 24(2)(b) OF THE ARCHIVES ACT 1983

**Application:**

Legislative Drafting  
Legislative Drafting Capability  
Program and Project Management  
Standardisation and Legislation Quality Control

This authorisation gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. The authority will apply only if these actions take place with the consent of the agency responsible for the core business documented in the records.

**Authorising Officer**

**Date of issue:**



22.04.09.

Ross Gibbs  
Director-General  
National Archives of Australia



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## LEGISLATIVE DRAFTING

The drafting of Bills and amendments to Bills for introduction into either House of the Commonwealth Parliament, arranging the introduction of Bills and amendments to Bills and the Royal Assent of legislation. Includes receiving instructions from agencies to draft legislation, clarifying policy issues with instructing agencies, drafting legislation and sending draft legislation to instructing agencies and other interested agencies for comment, receiving further instructions from instructing agencies and revising drafts according to those instructions, ensuring that legislation is within policy authority; providing advice and liaising with agencies to resolve legal issues that may arise, including advising the need to seek Australian Government Solicitor (AGS) advice, submitting drafts and authority memoranda for legislation approval process clearance, and arranging Royal Assent for legislation that has passed both Houses of Parliament.

For allocation of drafting projects to drafters and management of programs and projects, use PROGRAM AND PROJECT MANAGEMENT

For training of drafters and instructors, use LEGISLATIVE DRAFTING CAPABILITY

For internal quality control processes such as editorial checking, use STANDARDISATION AND LEGISLATION QUALITY CONTROL

For printing of Bills and parliamentary amendments, use STANDARDISATION AND LEGISLATION QUALITY CONTROL

Entry	Description of records	Disposal action
20039	<p>Records supporting the development of draft legislation including:</p> <ul style="list-style-type: none"> <li>• drafting instructions received from instructing agency</li> <li>• correspondence between drafters and instructions including emails</li> <li>• research material relating to development of legislation</li> <li>• records of meetings between drafters and instructors on the development of draft legislation</li> <li>• draft copies of legislation</li> <li>• records of versions of draft legislation being sent to agencies</li> <li>• policy authority letters</li> <li>• legal advice from AGS received by instructing agency</li> </ul>	Retain as national archives
20040	<p>Records relating to arranging the introduction of Bills and amendments to Bills and Royal Assent of legislation including:</p> <ul style="list-style-type: none"> <li>• legislation approval process copies of draft legislation;</li> <li>• legislation approval process memoranda;</li> <li>• printed copies of Bills</li> <li>• copies of appropriation messages and notices for introduction;</li> <li>• Royal Assent copies of legislation; and</li> <li>• Royal Assent certificates including letters to the Attorney-General and Governor-General.</li> </ul>	Retain as national archives

## LEGISLATIVE DRAFTING CAPABILITY

The training of drafters in legislative drafting to ensure the long-term viability of drafting resources and to maintain and improve drafting skills and knowledge. The conduct of legislation process courses for instructors to ensure potential instructors are trained in policy development and preparation of instructions. Includes team arrangements for drafters, the role of the Director of Drafter Training, the development of drafting skills through supervision and training, and organising and running legislation process courses.

For drafting of legislation, use LEGISLATIVE DRAFTING

<b>Entry</b>	<b>Description of records</b>	<b>Disposal action</b>
20043	<p>Records relating to OPC's legislative drafting capability through the development of skills of drafters and instructors including:</p> <ul style="list-style-type: none"><li>• documents containing information on training needs</li><li>• documents outlining the drafter's training program and any course notes developed</li><li>• documents containing the information on the team arrangements for drafters</li><li>• information recorded on the staff development database on attendances at training courses</li><li>• documents containing information on the organisation of legislation process courses</li><li>• course notes for the legislation process course</li></ul>	Destroy 5 years after last action

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## PROGRAM AND PROJECT MANAGEMENT

Allocating drafting work and managing legislative projects to ensure optimum use of drafting resources in accordance with the priorities set by the Parliamentary Business Committee (PBC). Includes First Parliamentary Counsel attending PBC, allocation of drafting resources to drafting projects, monitoring the progress of legislative projects, and meetings with drafters.

Attendance at meetings of Parliamentary Counsel Committee (PCC), Board of Taxation, other bodies, reviews or enquiries in which FPC or other staff have involvement.

For drafting of legislation, use LEGISLATIVE DRAFTING

Entry	Description of records	Disposal action
20041	<p>Records supporting program and project management including:</p> <ul style="list-style-type: none"> <li>• notes/memoranda from PBC determining priorities (Cabinet documents)</li> <li>• information contained in OPC's Bills information system database which includes the allocation of projects to drafters and the progress of projects</li> <li>• reports extracted from OPC's Bills information system provided at drafters meetings.</li> </ul>	<p>Cabinet documents are destroyed in accordance with the Cabinet Handbook.</p> <p>Otherwise, destroy 5 years after last action</p>
20042	<p>Records relating to the attendance of meetings of PCC, Board of Taxation, other bodies, reviews or enquiries including:</p> <ul style="list-style-type: none"> <li>• agendas, minutes</li> <li>• briefing and discussion papers</li> <li>• reports and recommendations</li> <li>• information on the role and establishment of committee/body</li> </ul>	<p>Destroy 5 years after last action</p>

## STANDARDISATION AND LEGISLATION QUALITY CONTROL

The documentation and promulgation of OPC rules, standards and conventions for drafting.

The editorial checking of draft Bills and amendments to Bills, and the arranging of the publication of draft Bills before introduction into either House of the Parliament. Includes drafting directions, OPC rules, standards and conventions for drafting, completing internal quality control processes such as editorial checking, arranging for the printing of Bills and amendments, obtaining clearance to forward Bills and amendments to Parliament, updating and maintaining the internal database of the text of principal legislation, and monthly meetings of all drafters to discuss drafting issues that are of a general interest.

For legislative drafting and arrangements, use LEGISLATIVE DRAFTING

For program and project management, use PROGRAM AND PROJECT MANAGEMENT

Entry	Description of records	Disposal action
20044	Records relating to the documentation and promulgation of OPC rules, standards and conventions including: <ul style="list-style-type: none"> <li>• master copies of drafting directions, and other documents that contain OPC rules, standards and conventions</li> <li>• master copies of Word Notes</li> <li>• master copies of the Drafting Manual, plus all relevant working papers</li> </ul>	Retain as national archives
20045	Records relating to the documentation and promulgation of information resources including: <ul style="list-style-type: none"> <li>• master copies of IT Circulars</li> <li>• master copies of Editorial Manual</li> </ul>	Destroy when superseded
20046	Records documenting the passage of draft Bills and amendments through OPC's editorial process and activities associated with printing final versions of Bills and amendments including: <ul style="list-style-type: none"> <li>• editorial cover sheets and the editorial workflow information on OPC's Bills information system</li> <li>• editorially checked versions of Bills and amendments showing editor's corrections</li> <li>• editorially cleared versions of Bills and amendments for printing</li> <li>• emails documenting the readiness of Bills and amendments for printing and clearance after printing</li> </ul>	Destroy after 5 years after last action