

QUEENSLAND LAW SOCIETY RETENTION AND DISPOSAL SCHEDULE

Authorised 20/10/2021

An authorisation under s.26 of the *Public Records Act 2002* for the disposal of public records created by the Queensland Law Society.

Where printed, this reproduction is only accurate at the time of printing.
Please refer to the [Queensland Government \(For Government\) website](#)
for the current, authorised version.

Using this schedule

The Queensland Law Society retention and disposal schedule (the Schedule) authorises the disposal of public records, which can include data and information, created or received by the Queensland Law Society. The Schedule applies to public records created in any format, unless otherwise specified in the disposal authorisation description.

The Schedule can be used in conjunction with the [General retention and disposal schedule \(GRDS\)](#) and the [General retention and disposal schedule – Lite \(GRDS Lite\)](#). Disposal authorisations in the Common Activities section of the GRDS and the GRDS Lite may be applied to any function undertaken by a public authority, provided the minimum retention period meets all of the public authority's specific regulatory requirements.

Any references to repealed legislation may be taken as a reference to current legislation if the context permits.

The Queensland Law Society is responsible for the schedule. In the event of an administrative change, or the transfer of a function from one public authority to another, this schedule will continue to apply to the public records described by the schedule. For further advice on authorised retention and disposal schedules following administrative change, please contact Queensland State Archives on (07) 3037 6777 or via the [Queensland Government \(For Government\) website](#).

Repealed retention and disposal schedules must not be used to dispose of public records. Repealed schedule/s include:

- Queensland Law Society retention and disposal schedule (QDAN674 v.1).

Records relating to vulnerable persons

While using this schedule, the Queensland Law Society needs to carefully consider public records relevant to the proactive protection of vulnerable persons. Public records relevant to the proactive protection of the rights and entitlements of vulnerable persons are covered by disposal authorisations under COMMON ACTIVITIES – PROACTIVE PROTECTION OF VULNERABLE PERSONS-RELEVANT RECORDS in the [GRDS](#). The [Guideline on creating and keeping records for the proactive protection of vulnerable persons](#) provides assistance on identifying and managing public records related to vulnerable persons.

If there is an inconsistency in disposal authorisation between the public records related to vulnerable persons detailed in the GRDS and this schedule, the disposal authorisation with the longest minimum retention period is applied.

When this schedule should not be used

It is an offence under the *Criminal Code Act 1899* (s.129) if 'a person, who knowing something is or may be needed in evidence in a judicial proceeding, damages it with intent to stop it being used in evidence'. A duty of care exists for public authorities to ensure public records are not disposed of which may be needed in evidence for a judicial proceeding, including any legal action or a Commission of Inquiry. Internal processes should be implemented to meet this obligation, which may include consultation with your legal or Right to Information area.

Schedule layout

Each disposal authorisation has been allocated a unique number to aid with the disposal of public records. Further implementation information is available on the [Queensland Government \(For Government\) website](#).

Disposal

This schedule provides authorisation by the State Archivist for the disposal of public records as required under the *Public Records Act 2002*. No further notification of the disposal of public records by your public authority to Queensland State Archives is required. Approval from the Executive Officer or authorised delegate of your public authority is required prior to the disposal of public records. Disposal must also be appropriately documented in accordance with the [Records Governance Policy](#).

Any disposal of public records without authorisation from the State Archivist may be a breach of the *Public Records Act 2002 (s.13)*.

Further information

More information on implementing schedules is available on the [Queensland Government \(For Government\) website](#). Any enquiries about this schedule or recordkeeping should be directed in the first instance to your Records Manager. If further information is required, please contact Queensland State Archives on (07) 3037 6777 or via the [Queensland Government \(For Government\) website](#).

Approved by State Archivist: Louise Howard

Date:20/10/2021

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QUEENSLAND LAW SOCIETY: PERMANENT VALUE RECORDS

The following Queensland Law Society records have enduring value to the people of Queensland and must be retained permanently.

See [Transfer records to QSA](#) for more information on the Queensland State Archives transfer process.

This retention and disposal schedule should be used in conjunction with *Proactive Protection of Vulnerable Persons – Relevant Records in the GRDS*. For any records relating to vulnerable persons, the GRDS disposal authorisations should apply unless existing minimum retention periods in this schedule are greater than, or equal to, those specified in the GRDS.

Disposal authorisation 2739	Retention period & trigger: Permanent. Transfer to QSA after business action completed.	Date authorised: 20 October 2021
<p><i>Appointment of external intervener</i> Files created by the Queensland Law Society relating to the appointment of an external intervener for supervision of a law practitioner or receivership of a law practice.</p>		
<p><i>Approved forms</i> Final versions of approved forms developed by the Queensland Law Society.</p>		
<p><i>Fidelity Guarantee Fund</i> The activities associated with the management of the Fidelity Guarantee Fund pursuant to part 3.6 of Chapter 3 of the <i>Legal Profession Act 2007</i>.</p>		
<p><i>Law practices</i> Records kept by the Queensland Law Society dealing with the creation, operation, and cessation of law practices in Queensland. Includes the history of the membership or employment of practitioners in a law practice, but excludes records concerning practitioners' applications for grant and renewal of practising certificates. <i>See disposal authorisation 2745 for the management of records relating to the grant and renewal of practising certificates.</i></p>		
<p><i>Preparation and approval of Professional Standards (Limitation of Liability) scheme</i> Records relating to the preparation and approval of the Professional Standards (Limitation of Liability) scheme. Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • quarterly returns and annual reports of the scheme • amendments to the scheme. 		

Disposal authorisation 2739	Retention period & trigger: Permanent. Transfer to QSA after business action completed.	Date authorised: 20 October 2021
<p><i>Professional Indemnity Insurance</i> Records relating to the management of professional indemnity insurance for Australian legal practitioners. Includes Certificates of Insurance and Master Policies.</p>		
<p><i>Register of Australian legal practitioners and Australian-registered foreign lawyers</i> Register of Australian legal practitioners and locally registered foreign lawyers kept in accordance with sections 81 and 210 of the <i>Legal Profession Act 2007</i> and sections 10 and 22 of the <i>Legal Profession Regulation 2017</i>. Includes audit log of data maintained in a business system.</p>		
<p><i>Roll of members</i> Roll of members, managed in a business system, that is kept in accordance with rule 14 of the <i>Legal Profession (Society) Rules 2007</i>. Includes audit log of data maintained in a business system. <i>See disposal authorisation 2746 for records used to enter or update member details in the Roll of members.</i></p>		
<p><i>Submissions – policy and law reform</i> Records relating to submissions made by the Queensland Law Society regarding law reform and policy matters of significance to the legal profession and the State of Queensland. Includes major drafts and final submissions.</p>		

Disposal authorisation 2740	Retention period & trigger: Permanent in agency.	Date authorised: 20 October 2021
<p><i>Safe custody register – external intervention matters</i> Records relating to the registration of securities (safe custody packets and other items) taken into possession and control by the Queensland Law Society following the winding up of a law practice. Includes where the Society has been appointed as an external intervener or has entered into another custodial arrangement in accordance with the legislation.</p>		

QUEENSLAND LAW SOCIETY: TEMPORARY VALUE RECORDS

The following Queensland Law Society records have no enduring value to the people of Queensland and their disposal is subject to meeting specific minimum retention requirements.

See [Find out how long to keep records \(sentence records\)](#) for more advice on the disposal of temporary value records.

This retention and disposal schedule should be used in conjunction with *Proactive Protection of Vulnerable Persons – Relevant Records in the GRDS*. For any records relating to vulnerable persons, the GRDS disposal authorisations should apply unless existing minimum retention periods in this schedule are greater than, or equal to, those specified in the GRDS.

Disposal authorisation 2741	Retention period & trigger: 10 years after course materials and resources are superseded.	Date authorised: 20 October 2021
<p><i>Course materials and resources</i></p> <p>Records relating to the development and presentation of legal courses by the Queensland Law Society.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • curriculum and presenter management • feedback and evaluation materials. 		
Disposal authorisation 2742	Retention period & trigger: 10 years after business action completed.	Date authorised: 20 October 2021
<p><i>Registers of participation in professional development activities</i></p> <p>Registers detailing the participation by delegates, presenters, and stakeholders in professional development activities of the Queensland Law Society. Includes audit log of data maintained in a business system.</p>		
Disposal authorisation 2743	Retention period & trigger: 7 years after the final matter is registered by the Queensland Law Society.	Date authorised: 20 October 2021
<p><i>Client file register – external intervention matters</i></p> <p>Records relating to the registration of client files taken into the Queensland Law Society's custody following the winding up of a law practice.</p>		

Disposal authorisation 2744	Retention period & trigger: 7 years after termination of appointment of an external intervener.	Date authorised: 20 October 2021
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External intervention records

Records relating to the daily management of a receivership kept in accordance with the *Legal Profession Act 2007*.

Disposal authorisation 2745	Retention period & trigger: 7 years after the data is entered into the register of Australian legal practitioners and Australian-registered foreign lawyers.	Date authorised: 20 October 2021
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Practising Certificate records

Records relating to the grant or renewal of practising certificates with the Queensland Law Society.

Disposal authorisation 2746	Retention period & trigger: 7 years after business action completed.	Date authorised: 20 October 2021
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Applications and registrations – courses and certificates

Records relating to the registration, completion and maintenance of professional development, specialist accreditation certification, and practice management courses in Queensland.

Records may include, but are not limited to:

- enrolment, registration, and application records for relevant training
- deferrals, waivers, leave of absence or withdrawals for relevant training
- evidence of successful completion, certification, and training.

Approved forms – drafting

Records related to the drafting of Approved Forms by the Queensland Law Society. Includes drafts, design briefs and correspondence relating to the form's development.

See disposal authorisation 2739 for managing the final versions of approved forms.

Assessment records

Records relating to assessment items which form part of an event, training course, accreditation program, qualification or other professional development activity managed by the Queensland Law Society.

Includes completed assessment materials which demonstrate an individual's competency.

Council induction materials – final

Final version of Council induction materials provided to Council members on appointment.

See the [*General retention and disposal schedule \(GRDS\)*](#) for records on governing body appointments and separations, including induction checklists for the appointment of Council members.

Dispute management records

Records relating to the scheduling, management and administration of matters and records allocating a matter to a provider nominated by the Queensland Law Society.

Fidelity Guarantee Fund claim files

Records created for the management of claims against the Fidelity Guarantee Fund.

Records may include, but are not limited to:

- claim applications
- investigation files
- advice
- correspondence
- information notices.

Member services

Records relating to the provision of services to members of the Queensland Law Society.

Includes, but is not limited to, member services such as:

- ethics advice
- referrals
- member benefits
- social events

- networking activities
- practice support
- professional development.

Membership records

Records used to enter or update member details in the Roll of members created by the Queensland Law Society.

National accredited mediators

Records relating to the national mediator accreditation of Queensland Law Society members.

Nominated provider records

Records relating to the selection and nomination of qualified mediation providers by the Queensland Law Society.

Professional Indemnity Insurance – insurer, law practices and practitioners

Records relating to the administration of the professional indemnity insurance scheme for Australian legal practitioners. Includes correspondence with the insurer, with law practices and legal practitioners, and with other jurisdictions.

Professional Indemnity Insurance – levies

Records relating to the Law Claims Levy Fund and the payment of Professional Indemnity Insurance levies by Australian legal practitioners. Includes correspondence and decisions on member applications for relief concerning the payment of premiums.

Trust accounts – examiner reports and law practice declarations

Records relating to routine audit investigations carried out on trust accounts of law practices by independent external examiners.

Records may include, but are not limited to:

- External Examiners Reports (EER)
- law practice declarations
- trust money statements.

Trust accounts – investigation records

Records relating to investigations of trust accounts of law practices approved by the Council of the Queensland Law Society. Includes routine investigations and investigations carried out as the result of a complaint.

LEGACY RECORDS

This section covers legacy records no longer created by the Queensland Law Society. The following legacy Queensland Law Society records were created between 1927 and 2004.

Disposal authorisation 2747	Retention period & trigger: Permanent. Transfer to QSA after business action completed.	Date authorised: 20 October 2021
<p><i>Disciplinary records</i> Records relating to disciplinary proceedings. Includes records of the Solicitors Complaints Tribunal, the Solicitors Disciplinary Tribunal, and the Statutory Committee.</p>		
<p><i>Membership cards</i> Membership summary records in card form containing all the membership data now managed by the Register of Australian legal practitioners and Australian-registered foreign lawyers.</p>		
<p><i>Membership files</i> Membership records, previously transferred to QSA, which contain records of legal practitioners who were registered prior to 1991. Includes membership documentation from the period 1983 to 1991 when computer records were lost.</p>		
Disposal authorisation 2748	Retention period & trigger: 12 years after business action completed.	Date authorised: 20 October 2021
<p><i>Complaint records</i> Records relating to complaints about legal practitioners made prior to the establishment of the Legal Services Commission in 2004.</p>		