

Commissions of Inquiry Retention and Disposal Schedule

Responsible public authority: Commissions of Inquiry

Queensland Disposal Authority Number (QDAN)	676	Version	2
Date of approval	19 August 2013		
Approved by State Archivist	Janet Prowse		
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Scope of Retention and Disposal Schedule

This Schedule covers the records of formal Inquiries established under the *Commissions of Inquiry Act 1950* including Royal Commissions and Commissions of Inquiry and other independent reviews established by a Minister.

It does not cover Inquiries undertaken by public authorities that form part of their core business e.g. the Crime and Misconduct Commission or the Queensland Audit Office.

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References to repealed legislation within this Schedule may be taken to be a reference to current legislation if the context permits.

In this Schedule the term 'Commission of Inquiry' refers to Royal Commissions and Commissions of Inquiry as well as independent reviews established by a Minister. For advice on the applicability of this Schedule to the public records of a Commission of Inquiry, please contact Queensland State Archives.

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 on the currency of approved retention and disposal schedules following administrative change, please contact Agency Services at Queensland State Archives on (07) 3131 7777.

Queensland State Archives

Department of Science, Information Technology, Innovation and the Arts



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. Public authorities should take measures to withdraw revoked disposal authorities from circulation. This includes, but is not limited to:

- Commissions of Inquiry Retention and Disposal Schedule QDAN 676 v.1 - issued 15 December 2011.

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.

Schedule layout

The Commissions of Inquiry Retention and Disposal Schedule uses a functional classification scheme developed by Queensland State Archives during the development of this Schedule. It is designed to be applicable to all Commissions of Inquiry regardless of which classification scheme is used. Record classes contained in this Schedule can be mapped to the Business Classification Scheme used by the Commission of Inquiry.

Transfer of public records to Queensland State Archives

The public records of Commissions of Inquiry should be transferred to the custody of Queensland State Archives at the completion of the Inquiry. A responsible public authority will be assigned responsibility for the transferred records in accordance with the *Public Records Act 2002*.

Revision history

QDAN	Date of approval	Extent of revision
676 v.1	15 December 2011	Comprehensive schedule
676 v.2	19 August 2013	Minor amendment

1. COMMISSIONS AND INQUIRIES

The function of performing independent investigations to inquire into and report on a specific subject of public importance or public interest including Royal Commissions, Commissions of Inquiry and independent reviews established by a Minister. Excludes investigations undertaken by public authorities that form part of their core business e.g. the Crime and Misconduct Commission and the Queensland Audit Office.

Administrative records of a Commission of Inquiry such as finance and personnel records should be sentenced in accordance with the General Retention and Disposal Schedule for Administrative Records.

Reference	Description of records	Status	Disposal action
1.1	<p>OPERATIONS <i>The activities of establishing, operating, administering and completing a Commission of Inquiry.</i></p>		
1.1.1	<p><i>Commission administration</i> Records relating to the establishment, operation, administration and completion of a Commission of Inquiry. Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • Orders in Council • appointment of Commissioners, Deputy Commissioners and other significant Inquiry officials • terms of reference • rulings, orders or practice directions issued by the Commissioner • Ministerial directives • legal advice requested or provided to the Commission of Inquiry • records relating to the submission of the final report • running sheets documenting daily activities of Commissioners and officers assigned to the Commission • appointment of and advice provided by expert reference groups or consultants • decisions of the Commissioner regarding applications for leave to appear before a hearing • Supreme Court orders. <p><i>See reference number 1.3.1 for interim, preliminary and final reports.</i></p>	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
1.1.2	<p>Breaches Records relating to breaches of the <i>Commissions of Inquiry Act 1950</i>.</p>	Permanent	Retain permanently.
1.1.3	<p>Correspondence Correspondence relating to the operation and proceedings of a Commission of Inquiry (e.g. calling of witnesses, requests for the submission of information, invitations for comment on draft reports).</p>	Permanent	Retain permanently.
1.1.4	<p>Correspondence – administrative Correspondence on routine or administrative matters of a Commission of Inquiry. (e.g. requests for information on procedure for making submissions or hearing dates.)</p>	Temporary	Transfer to Queensland State Archives and retain for 10 years after completion of the Inquiry.
1.1.5	<p>Diaries and notebooks – Chair Official diaries and notebooks of the Commissioner, Deputy Commissioners, Chairperson or other significant Inquiry officials, including bench notes.</p>	Permanent	Retain permanently.
1.1.6	<p>Diaries and notebooks – Commission officers Official notebooks and diaries of officers assigned to or assisting a Commission of Inquiry.</p>	Temporary	Transfer to Queensland State Archives and retain for 10 years after completion of the Inquiry.
1.1.7	<p>Counsel assisting Records created by the Counsel Assisting a Commission of Inquiry including working papers, briefs, instructions and significant drafts. <i>See reference number 1.4.1 for duplicate records and the General Retention and Disposal Schedule for Administrative Records for ephemeral records.</i></p>	Permanent	Retain permanently.
1.1.8	<p>Media releases Media releases issued by a Commission of Inquiry. <i>See reference number 1.4.1 for copies of media releases.</i></p>	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
1.1.9	<p>Delegations Delegations of authority by the Commissioner to Commission of Inquiry officers.</p>	Temporary	Transfer to Queensland State Archives and retain for 10 years after completion of the Inquiry.
1.1.10	<p>Reference material Background research and reference material compiled by a Commission of Inquiry including copies of legislation and other information.</p>	Temporary	Retain until reference ceases.
1.1.11	<p>Logs Media logs.</p>	Temporary	Transfer to Queensland State Archives and retain for 10 years after completion of the Inquiry.
1.2	<p>INQUIRY INVESTIGATIONS <i>The activity of conducting investigations and hearings into the Inquiry subject matter and receiving submissions, exhibits and information relevant to the Inquiry.</i></p>		
1.2.1	<p>Information provided – relate to terms of reference Master set of documents and other material received by a Commission of Inquiry that relate to the terms of reference. Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • submissions • formal statements • material submitted in response to a summons or request from the Commissioner. 	Permanent	Retain permanently.
1.2.2	<p>Information provided – not relevant Documents and other material received or gathered by a Commission of Inquiry that relate to the terms of reference but are deemed not relevant to the purposes of the Inquiry.</p>	Temporary	Transfer to Queensland State Archives and retain for 10 years after completion of the Inquiry.

Reference	Description of records	Status	Disposal action
1.2.3	<p>Information provided – outside scope of terms of reference - returnable</p> <p>Documents and other material received or gathered by a Commission of Inquiry that are outside of the scope of the terms of reference that can be returned including material provided in error.</p>	Temporary	Retain until decision reached on relevance of material and return material prior to completion of the Inquiry.
1.2.4	<p>Information provided – outside scope of terms of reference - cannot be returned</p> <p>Documents and other material received or gathered by a Commission of Inquiry that are outside of the scope of the terms of reference that cannot be returned including material provided in error.</p>	Temporary	Retain until decision reached on relevance of material and destroy prior to completion of the Inquiry.
1.2.5	<p>Registers</p> <p>Register or other means of recording submissions and exhibits received by a Commission of Inquiry.</p>	Permanent	Retain permanently.
1.2.6	<p>Material – return of</p> <p>Records documenting the return, or attempted return, of documents and other material to its owner, including exhibits.</p>	Temporary	Transfer to Queensland State Archives and retain for 10 years after completion of the Inquiry.
1.2.7	<p>Transcripts</p> <p>Transcripts of public and private hearings of a Commission of Inquiry including interviews of persons and/or meetings conducted as part of the Inquiry.</p>	Permanent	Retain permanently.
1.2.8	<p>Recordings – not transcribed</p> <p>Video and audio recordings of public and private hearings of a Commission of Inquiry, including interviews of persons and/or meetings conducted as part of the Inquiry, which have not been transcribed.</p> <p><i>Once a recording has been transcribed, it is covered by reference number 1.2.7.</i></p>	Permanent	Retain permanently.
1.2.9	<p>Recordings – transcribed</p> <p>Video and audio recordings of public and private hearings of a Commission of Inquiry, including interviews of persons and/or meetings conducted as part of the Inquiry, which have been transcribed.</p>	Temporary	Retain until transcription checked and approved.

Reference	Description of records	Status	Disposal action
1.2.10	<p>Arrangements</p> <p>Records relating to the administrative arrangements for hearings, interviews, submissions and meetings of a Commission of Inquiry including community meetings in regional areas.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • schedules and notices • media advertisements, events and services publicity. 	Temporary	Transfer to Queensland State Archives and retain for 10 years after completion of the Inquiry.
1.2.11	<p>Summons</p> <p>Records relating to summons, written requirements, warrants or orders issued by the Commissioner relating to:</p> <ul style="list-style-type: none"> • attendance to give evidence • producing evidence • provision of information • provision of written material. 	Permanent	Retain permanently.
1.3	<p>REPORTING</p> <p><i>The activity of providing a formal response on the outcome or recommendations of a Commission of Inquiry.</i></p>		
1.3.1	<p>Reports</p> <p>Reports issued by a Commission of Inquiry including final, preliminary and interim reports and significant drafts.</p>	Permanent	Retain permanently.
1.3.2	<p>Discussion papers</p> <p>Discussion or issues papers released by a Commission of Inquiry, including significant drafts.</p>	Permanent	Retain permanently.
1.3.3	<p>Briefing papers</p> <p>Research or briefing papers produced by staff of a Commission of Inquiry, including significant drafts.</p>	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
1.4	DUPLICATE RECORDS		
1.4.1	Duplicate copies of records created, received or published by a Commission of Inquiry including submissions and copies of records held or managed by the public authority providing administrative support to the Inquiry. Includes both hard copy and electronic records.	Temporary	Retain until reference ceases.
1.5	ELECTRONIC RECORDS AND WEBSITE		
1.5.1	Electronic back-up of records.	Temporary	Assigned responsible public authority to retain for 10 years after last action.
1.5.2	Commission of Inquiry website.	Temporary	Assigned responsible public authority to maintain website documents for 10 years.