

# *Public Records Act* **2023**

## **Information Session #3**

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Ready for 5 December 2024



Queensland Government



# ACKNOWLEDGEMENT OF COUNTRY



# Objectives

- QSA regulatory documents applying from commencement on 5 December 2024
- brief reminder of important changes
- actions you should be taking in preparation for commencement
- how to be involved in developing the mandatory standards and guidelines.



# Implementing the Public Records Act 2023 - Three-year program

## 2024

### YEAR 1

#### Developing & consulting

QSA will raise awareness of the new PR Act 2023 and work with public authorities

**QSA will:**

- Develop a Recordkeeping Policy Framework
- Start to develop a draft first mandatory standard – the Make and keep standard and Guideline
- Issue a revised Appraisal Statement
- Issue new advice for Restricted Access Periods
- Commence establishment of the First Nations Advisory Group
- Develop a protection notice process

**You will:**

- Learn more about the PR Act 2023 throughout the year
- Be able to provide feedback on first mandatory standard and supporting guidelines through:
  - briefings
  - consultation sessions

5 December 2024  
PR Act 2023 commences

## 2025

### YEAR 2

#### Developing, consulting & implementing

QSA will finalise and begin to implement the Recordkeeping Policy Framework

**QSA will:**

- Continue developing and consulting on additional mandatory standards and supporting guidelines
- Develop regulation on restricted records (s40)
- Issue mandatory standards and supporting guidelines
- Support public authorities to transition to the new mandatory standards
- Issue advice on at-risk records
- Provide education and training

**You will:**

- Have the opportunity to provide feedback on all mandatory standards and supporting guidelines through a formal consultation process
- Have access to education and training
- Be guided and supported by advice from QSA
- Adopt new mandatory standards

## 2026

### YEAR 3

#### Supporting & monitoring

QSA will support and review implementation of the PR Act 2023 across public authorities

**QSA will:**

- Continue to support public authorities to implement the new PR Act 2023
- Formalise monitoring and assessment of recordkeeping practices across public authorities
- Support public authorities to transition to the new mandatory standards, including delivering training and education

**You will:**

- Understand your recordkeeping responsibilities
- Integrate the Recordkeeping Policy Framework into your public authority's recordkeeping practices
- Adopt new mandatory standards
- Continue to have access to training provided by QSA
- Be supported by QSA in implementing the Act

# RECORDKEEPING POLICY FRAMEWORK *for the PUBLIC RECORDS ACT 2023*

# Recordkeeping Policy Framework

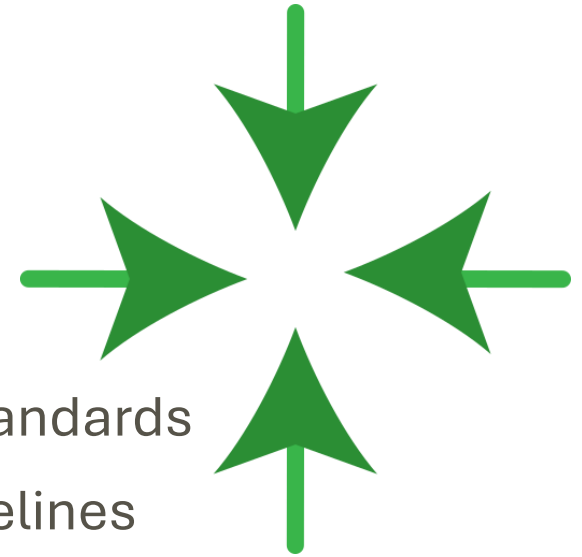
<b>REGULATION MAKING POWERS</b>	Issued under s90 PR Act 2023	Public Records Regulation  <i>Governor-in-Council approves the standards by regulation</i>			
<b>STANDARDS</b>  (MUST)	Issued under s46(1)(a) PR Act 2023	Standards are the minimum requirements public authorities will be measured against  <table border="1" data-bbox="861 386 2150 572"> <tr> <td data-bbox="861 386 1225 572">                     Standard 1: Make and Keep                      1. Make                      2. Keep                 </td> <td data-bbox="1296 386 1696 572">                     *Standard 2: Safe keeping and preservation                      1. Safekeeping                      2. Preservation                       (* working title)                 </td> <td data-bbox="1768 386 2150 572">                     *Standard 3: Dispose                      1. Appraisal                      2. Sentencing                      3. Dispose                       (* working title)                 </td> </tr> </table> The standards will replace the Records Governance Policy	Standard 1: Make and Keep 1. Make 2. Keep	*Standard 2: Safe keeping and preservation 1. Safekeeping 2. Preservation  (* working title)	*Standard 3: Dispose 1. Appraisal 2. Sentencing 3. Dispose  (* working title)
Standard 1: Make and Keep 1. Make 2. Keep	*Standard 2: Safe keeping and preservation 1. Safekeeping 2. Preservation  (* working title)	*Standard 3: Dispose 1. Appraisal 2. Sentencing 3. Dispose  (* working title)			
<b>POLICIES</b>  (MUST HAVE REGARD TO)	Issued under s46(1)(b) PR Act 2023	Issued to provide advice which public authorities must have regard to			
<b>GUIDELINES</b>  (MAY)	Issued under s46(1)(c) PR Act 2023	Issued to support a standard and provide further information which may assist public authorities to implement the standards and encourage good practices			
<b>ADVICE</b>	Issued under s44(f) PR Act 2023	General recordkeeping advice on making and managing public records For example: providing information to public authorities on emerging recordkeeping issues such as AI, vulnerable persons, Building Information Modelling, source records			





# Key Messages

- All provisions in the *Public Records Act 2023* commence on 5 December 2024
- State Archivist will not immediately issue specific mandatory standards
- QSA is consulting on mandatory standards and supporting guidelines
- Records governance policy to be re-issued and apply until mandatory standards are issued by the State Archivist (not before mid-2025)
- Ministerial records policy to be re-issued and apply
- Must “have regard to” policies
- New definition of a public record and dispose



# If you have records in QSA custody



- An existing request for access to a restricted record continues under the *Public Records Act 2002* (s99 of new Act)
- Ensure delegate details for making decisions to access restricted records are up to date and appropriate
- Ensure delegates understand new requirements, including decisions within 35 business days (s38)
- New resolution mechanism (s38)



# What do you need to do?



- Ensure all officers aware of obligations to comply with from 5 December 2024
- Continue to “have regard to” Records governance policy
- Review your internal delegations (e.g. disposal) and QSA delegations (access to restricted records and RAPs)
- Consider if you have any documents to be updated e.g. policies and procedures, training material, other documents that reference the *Public Records Act* or public records?
- Consider what the new principles mean for you
- Notify State Archivist of permanent value records at risk of loss or damage
- Damaged records – contact us immediately
- Get involved in consultation on mandatory standards and supporting guidelines





# What happens to existing standards, policies and guidelines on 5 December 2024?

Title	Under <i>Public Records Act 2002</i>	Under <i>Public Records Act 2023</i>
Queensland recordkeeping metadata standard and guideline	Standard and guideline	N/A – will be revoked and instead refer to <a href="#">NAA AGRkMS</a> and <a href="#">ONDC Metadata Standard</a> until included as outcome-based principle in mandatory standard(s)
<b>Records governance policy</b>	<b>Policy</b>	<b>Will be re-issued as a Policy with administrative changes (Public authorities must have regard to this Policy)</b>
<b>Ministerial records policy</b>	<b>Policy</b>	<b>Will be re-issued as a Policy with administrative changes (Public authorities must have regard to this Policy)</b>
Records governance policy implementation guideline	Guideline	Converted to advice
Dispose of source records guideline	Guideline Disposal authorisation: 2074	Converted to advice Disposal authorisation: 2074
Council records: a guideline for mayors, councillors, CEOs and government employees	Advice	Advice
Building information modelling guideline	Guideline Disposal authorisations: 2421, 2422 and 1270	Converted to advice Disposal authorisations: 2421, 2422 and 1270
Proactive protection of vulnerable persons guideline	Guideline Disposal authorisations: 1558, 1559 and 1560	Converted to advice Disposal authorisations: 1558, 1559 and 1560

Note: Current disposal authorisations continue to apply

# What stays the same?

- An existing public record is a public record (s95)
- An existing restricted access period continues (s95)
- A Disposal authority in effect on 4 December 2024 continues (s102)
- A reference in a document to the repealed Act may, if the context permits, be taken as a reference to this Act (s104)
- Relevant and responsible public authorities continue (Public Records Regulation 2014) (s93)



# What are other important changes?

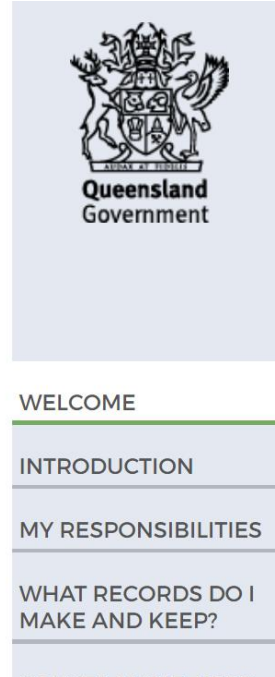


- Notifying SA about a public record a public authority knows, or reasonably ought to know is:
  - of permanent value, regardless of its age and
  - is at risk of loss or damage (s21(b))
- Non-compliance included in QSA Annual Report (s89)
- New principles (s4, schedule 1)
- Strengthened powers for monitoring, auditing, investigation and reporting (including notice to report) (s77 to 80)
- Attempted unlawful disposal (s23 and 83)



# What other actions is QSA taking?

- Updating webpages and documents including restricted access periods and delegation forms
- Wrote to all CEOs about commencement of new Act
- QSA's online training – Recordkeeping and you (LMS links)



# Consultation on mandatory standards

- Online:
  - 20 Nov – 10.30am to 1.30pm
  - 21 Nov – 1.30pm to 3.30pm
  - 28 Nov – 1.30pm to 3.30pm
- Face-to-face (Brisbane CBD):
  - 27 Nov – 1.30pm to 3.30pm
- Consultation continues February 2025 online and face-to-face in regional and remote areas and in Brisbane





# Answers to your questions

*Q1 – Do public authorities need to be fully compliant on 5 December 2024?*

A - Yes, all public authorities need to comply with all the provisions of the Act and work towards greater maturity.

The State Archivist will not issue mandatory standards until after mid-2025. In the meantime, you must have regard to the re-issued Records Governance Policy.

*Q2 – If we get an application on 30 November 2024 for access to a restricted record, which process applies? What happens if they apply again on 6 December 2024?*

A - Applications made on 30 November 2024 continue under the repealed PRA 2002. If an applicant makes the same application on 6 December 2024, the new Act applies including 35 days timeframe.

*Q3 – What happens if we can't comply with the Act because of a natural disaster (cyclone or floods) over summer with records being lost or damaged?*

A - Notify QSA as soon as possible to help protect public records where possible.

Remember – new mandatory requirement to notify the State Archivist if records at risk of loss or damage (s21).

*Q4 – When will audits start?*

A - QSA developing its Assurance Framework which includes formalising monitoring and assessments (e.g. audits), with initial educative focus to lift capability and formalise program 2026.



# Answers to your questions

*Q5 – What happens to existing restricted access periods (RAPs)?*

A - Current restricted access periods remain in effect until updated.

Longer term, QSA will work with public authorities to review existing restricted access periods.

*Q6 – How will the new Act interact with other legislation that restricts access or legislates privacy?*

A - Section 6 provides guidance about interaction with other Acts including about access and disposal.

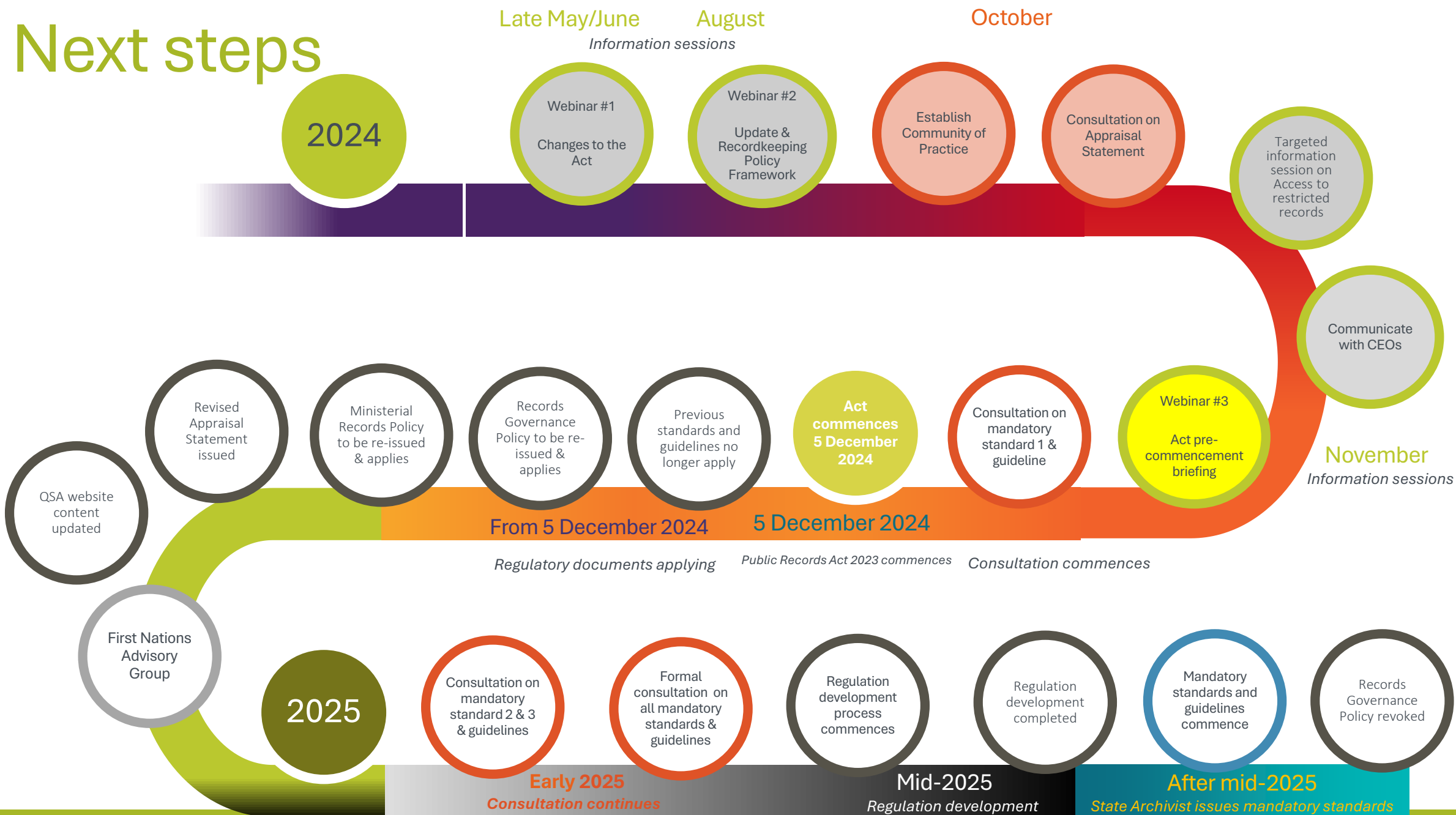
For example, PRA 2023 would generally be subject to another Act providing for disposal of, or access to a record, or access restrictions for records. However, this would be different if there was a specific provision about the interaction between the PRA 2023 and the other Act.



*Q7 – Do public authorities need to update their delegates for making decisions about access to restricted records and setting restricted access periods?*

A – Yes, we recommend you review your delegations. You can update your delegates for restricted access decisions and setting restricted access periods using [this form](#).

# Next steps



# How to stay involved?

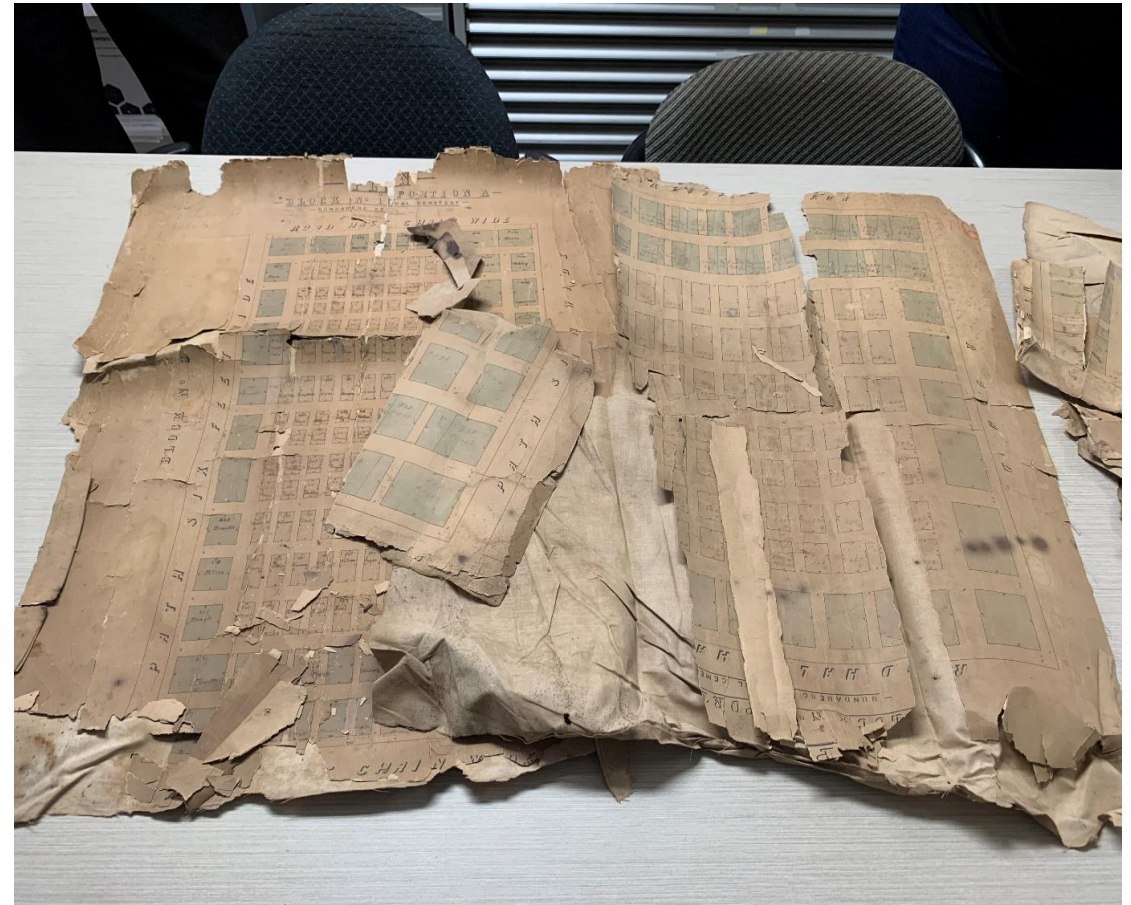
1. PRIME Network Community of Practice
2. Consultation on standards
3. QSA's Public Records Act webpage
4. QSA's Agency newsletter
5. Direct emails from QSA



Questions?

Email:  
[rkqueries@archives.qld.gov.au](mailto:rkqueries@archives.qld.gov.au)

Thank you for attending!



Salvageable Cemetery Map