Australian Capital Territory

Territory Records (Records Disposal Schedule – Parliamentary Counsel's Records) Approval 2006 (No 1)

Notifiable instrument NI2006—255

made under the

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

1. Name of Instrument

This instrument is the Territory Records (Records Disposal Schedule – Parliamentary Counsel's Records) Approval 2006 (No 1)

2. Approval

I approve the Records Disposal Schedule – Parliamentary Counsel's Records.

3. Commencement

This instrument commences on the day after notification.

David Wardle Director of Territory Records 12 July 2006



Records Disposal Schedule Parliamentary Counsel's Records

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INTRODUCTION

The *Records Disposal Schedule – Parliamentary Counsel's Records* is the official authority for the disposal of records relating to Parliamentary Counsel's Office.

It is one of a series of 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 the *Territory Administrative Records Disposal Schedule* (*TARDiS*).

PURPOSE

The purpose of this Records Disposal Schedule is to provide for the authorised disposal of Parliamentary Counsel's Office.

SCOPE

This Records Disposal Schedule applies to all ACT Government agencies as defined in the *Territory Records Act* 2002.

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 VERSION OF KEYWORD AAA

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 not dispose of any records where it is aware of possible legal action for which the records may be required as evidence.

Records Disposal Schedule – Parliamentary Counsel's Records July 2006

The *Records Disposal Schedule – Parliamentary Counsel's 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 Territory Version of Keyword AAA. The Records Disposal Schedule is designed to be applicable to all Parliamentary Counsel's Office 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.

Territory Version of Keyword AAA

The Territory Version of Keyword AAA is the general administrative thesaurus produced by the Territory Records Office. The structure and terms used in this Records Disposal Schedule are closely related to those used in the Territory Version of Keyword AAA, which is based on functional analysis of business activity. This methodology (i.e., the analysis of business activity) produces a hierarchical model of an organisation's business activity. The hierarchical model also represents a classification scheme for the records that document functions, activities and transactions.

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 – Parliamentary Counsel's Records:

- covers all Parliamentary Counsel's records divided into the following functions:
 - o legislative drafting;
 - o public access to legislation; and
- is intended to be used in conjunction with TARDiS;
- 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:
- microfiche:
- 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 and codes of practice are related to the records classes covered by this Records Disposal Schedule:

Australian Capital Territory (Self-Government) Act 1988 Electronic Transactions Act 2001 Freedom of Information Act 1989 Legislation Act 2001 Legislation Regulation 2003 Privacy Act 1988 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 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.

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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

The function of providing legislative drafting for:

- ACT government (including Cabinet, Ministers, and government departments and agencies)
- Members of the ACT Legislative Assembly
- ACT courts.

Committees

The activities associated with the management of committees and task forces. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas etc. Use STRATEGIC MANAGEMENT – Committees for audit committees.

Legislative Advice

The activities associated with providing advice to government departments, the courts, the Legislative Assembly and the public.

Legislative Drafting

The activities associated with the drafting of particular bills, subordinate laws and other instruments, including the processes involved in preparing documents for presentation to the Legislative Assembly or other law maker.

Planning

The process of formulating ways in which objectives can be achieved. Includes determination of services, needs and solutions to those needs.

Procedures

Standard methods of operating laid down by an agency according to formulated policy.

The function of ensuring that ACT legislation, legislative material and legislative information are readily accessible to the public, particularly through the ACT legislation register.

Committees

The activities associated with the management of committees and task forces. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas etc. Use STRATEGIC MANAGEMENT – Committees for audit committees.

Legislative Advice

The activities associated with providing advice to government departments, the courts, the Legislative Assembly and the public.

Legislative Backcapture

The activities associated with publishing historical legislation for the ACT.

Legislative Notifications

The activities associated with notifying legislation on the ACT legislation register, including the activities associated with the passage of proposed laws through the Legislative Assembly.

Legislative Republications

The activities associated with republishing point-in-time versions of ACT Legislation.

Legislative Tables

The activities associated with producing and publishing legislative information.

Planning

The process of formulating ways in which objectives can be achieved. Includes determination of services, needs and solutions to those needs.

Procedures

Standard methods of operating laid down by an agency according to formulated policy.

RECORDS DISPOSAL SCHEDULE

The function of providing legislative drafting for:

- ACT government (including Cabinet, Ministers, and government departments and agencies)
- Members of the ACT Legislative Assembly
- ACT courts.

This covers both government and private members bills.

Committees

The activities associated with the management of committees and task forces. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas etc. Use STRATEGIC MANAGEMENT – Committees for audit committees.

Entry No.	Description of Records	Disposal Action
1.1.1 *1. 1. 1*	External committees formed to manage or advise. Includes finals of documents: • Establishing the committee; • Terms of reference; • Appointment of members; • Minutes; • Reports; • Recommendations; and • Supporting documents such as briefing papers and discussion papers.	Retain as Territory Archives
1.1.2 *1. 1. 2*	Internal committees formed to manage or advise. Includes final of documents: Establishing the committee; Terms of reference; Appointment of members; Minutes; Reports; Recommendations; and Supporting documents such as briefing papers and discussion papers. 	Destroy 7 years after last action
1.1.3 *1. 1. 3*	Working papers and administration of committees. Includes: • Agenda; • Notices of meetings; • Draft minutes; and • Room bookings.	Destroy 6 months after last action

The function of providing legislative drafting for:

- ACT government (including Cabinet, Ministers, and government departments and agencies)
- Members of the ACT Legislative Assembly
- ACT courts.

This covers both government and private members bills.

Legislative Advice

The activities associated with providing advice to government departments, the courts, the Legislative Assembly and the public.

Entry No. Description of Records 1.2.1 Records documenting advice provided in relation to the legislative drafting function. Destroy 7 years after last action

Legislative Drafting

The activities associated with the drafting of bills, subordinate laws and other instruments, including the processes involved in preparing documents for presentation to the Legislative Assembly or other law maker.

Entry No.	Description of Records	Disposal Action
1.3.1 *1. 3. 1*	Records documenting the process of drafting bills, subordinate laws and other instruments. Includes: • Drafting instructions; • Correspondence; • Previous versions of draft; and • Quality assurance checks.	Retain as Territory Archives
1.3.2 *1. 3. 2	Working documents relating to the process of drafting bills, subordinate laws and other instruments. Includes checklists.	Destroy 6 months after last action

The function of providing legislative drafting for:

- ACT government (including Cabinet, Ministers, and government departments and agencies)
- Members of the ACT Legislative Assembly
- ACT courts.

This covers both government and private members bills.

Planning

The process of formulating ways in which objectives can be achieved. Includes determination of services, needs and solutions to those needs.

Entry No.	Description of Records	Disposal Action
1.4.1 *1. 4. 1*	Records documenting the management of the legislative drafting function.	Destroy 7 years after last action
1.4.2 *1. 4. 2*	Working documents containing information for workflow and planning of the legislative drafting function.	Destroy 6 months after last action

Procedures

Standard methods of operating laid down by an agency according to formulated policy.

Entry No.	Description of Records	Disposal Action
1.5.1 *1. 5. 1*	Master set of agency manuals, handbooks, and directives etc detailing procedures supporting the legislative drafting function.	Destroy when procedures are superseded
1.5.2 *1. 5. 2*	Records documenting the development of agency procedures supporting the legislative drafting function.	Destroy 2 years after last action

The function of ensuring that ACT legislation, legislative material and legislative information are readily accessible to the public, particularly through the ACT legislation register.

Committees

The activities associated with the management of committees and task forces. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas etc. Use STRATEGIC MANAGEMENT – Committees for audit committees.

Entry No.	Description of Records	Disposal Action
2.1.1 *2. 1. 1*	External committees formed to manage or advise. Includes finals of documents: • Establishing the committee; • Terms of reference; • Appointment of members; • Minutes; • Reports; • Recommendations; and • Supporting documents such as briefing papers and discussion papers.	Retain as Territory Archives
2.1.2 *2. 1. 2*	 Internal committees formed to manage or advise. Includes final of documents: Establishing the committee; Terms of reference; Appointment of members; Minutes; Reports; Recommendations; and Supporting documents such as briefing papers and discussion papers. 	Destroy 7 years after last action
2.1.3 *2. 1. 3*	Working papers and administration of committees. Includes: • Agenda; • Notices of meetings; • Draft minutes; and • Room bookings.	Destroy 6 months after last action

The function of ensuring that ACT legislation, legislative material and legislative information are readily accessible to the public, particularly through the ACT legislation register.

Legislative Advice

The activities associated with providing advice to government departments, the courts, the Legislative Assembly and the public.

Entry No.	Description of Records	Disposal Action
2.2.1 *2. 2. 1*	Records documenting advice provided in relation to the access to legislation function.	Destroy 7 years after last action

Legislative Backcapture

The activities associated with publishing legislation made for the ACT before the establishment of the ACT legislation register.

Entry No.	Description of Records	Disposal Action
2.3.1 *2. 3. 1*	Records containing the text of historical legislation originally notified in the ACT Gazette. Includes: • Acts; and • Legislative instruments.	Retain as Territory Archives
2.3.2 *2. 3. 2*	Working documents relating to historical legislation. Includes checklists.	Destroy 6 months after last action

The function of ensuring that ACT legislation, legislative material and legislative information are readily accessible to the public, particularly through the ACT legislation register.

Legislative Notifications

The activities associated with notifying legislation on the ACT legislation register, including the activities associated with the passage of proposed laws through the Legislative Assembly.

Entry No.	Description of Records	Disposal Action
2.4.1 *2. 4. 1*	Records documenting the request for notification of a law.	Retain as Territory Archives
2.4.2 *2. 4. 2*	Records containing the text of a notified law. Includes:	Retain as Territory Archives
2.4.3 *2. 4. 3*	Records containing the text of proposed laws. Includes: Bills; andExposure drafts.	Retain as Territory Archives
2.4.4 *2. 4. 4*	Records showing corrections under the <i>Legislation Act</i> 2001, section 60.	Retain as Territory Archives
2.4.5 *2. 4. 5*	Any supplementary documents or information relating to a notified or proposed law. Includes: • Explanatory statements; • Compliance statements; • Regulatory impact statements; • Hansard; • Minutes of proceedings; • Approval statements; and • Any other relevant material	Retain as Territory Archives
2.4.6 *2. 4. 6*	Correspondence relating to the notification of laws.	Destroy 2 years after last action
2.4.7 *2. 4. 7*	Working documents relating to notifications or supplementary documents. Includes checklists.	Destroy 6 months after last action

The function of ensuring that ACT legislation, legislative material and legislative information are readily accessible to the public, particularly through the ACT legislation register.

Legislative Republications

The activities associated with republishing point-in-time versions of ACT Legislation.

Entry No.	Description of Records	Disposal Action
2.5.1 *2. 5. 1*	Records containing the text of a republished law. Includes: • Acts; • Ordinances; and • Legislative instruments.	Retain as Territory Archives
2.5.2 *2. 5. 2*	Records showing editorial changes authorised under the <i>Legislation Act 2001</i> , part 11.3.	Retain as Territory Archives
2.5.3 *2. 5. 3*	Correspondence relating to the republication of laws.	Destroy 2 years after last action
2.5.4 *2. 5. 4*	Working documents relating to republications. Includes checklists.	Destroy 6 months after last action

Legislative Tables

The activities associated with producing and publishing legislative information.

Entry No.	Description of Records	Disposal Action
2.6.1 *2. 6. 1*	Final versions of documents containing legislative tables or legislative information. Includes: • Legislation update; • Annual tables; • Chronological tables of legislation; and • Repealed tables.	Retain as Territory Archives
2.6.2 *2. 6. 2*	Working documents containing weekly, monthly or annual legislative tables or legislative information.	Destroy 6 months after last action

The function of ensuring that ACT legislation, legislative material and legislative information are readily accessible to the public, particularly through the ACT legislation register.

Planning

The process of formulating ways in which objectives can be achieved. Includes determination of services, needs and solutions to those needs.

Entry No.	Description of Records	Disposal Action
2.7.1 *2. 7. 1*	Records documenting the management of the public access to legislation function.	Destroy 7 years after last action
2.7.2 *2. 7. 2*	Documents containing information for users of the ACT legislation register.	Destroy when superseded
2.7.3 *2. 7. 3*	Working documents containing information for workflow and planning.	Destroy 6 months after last action

Procedures

Standard methods of operating laid down by an agency according to formulated policy.

Entry No.	Description of Records	Disposal Action
2.8.1 *2. 8. 1*	Master set of agency manuals, handbooks, and directives etc detailing procedures the public access to ACT legislation function.	Destroy when procedures are superseded
2.8.2 *2. 8. 2*	Records documenting the development of agency procedures supporting the public access to legislation function.	Destroy 2 years after production of procedures

Records Disposal Schedule – Parliamentary Counsel's Records July 2006
CLASSES FOR RETENTION AS TERRITORY ARCHIVES

Classes for Retention as Territory Archives

LEGISLATIVE DRAFTING SERVICES

The function of providing legislative drafting for:

- ACT government (including Cabinet, Ministers, and government departments and agencies)
- Members of the ACT Legislative Assembly
- ACT courts.

This covers both government and private members bills.

Committees

The activities associated with the management of committees and task forces. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas etc. Use STRATEGIC MANAGEMENT – Committees for audit committees.

Entry No. Description of Records

Disposal Action

1.1.1 *1. 1. 1* External committees formed to manage or advise. Includes finals of documents:

Retain as Territory Archives

- Establishing the committee;
- Terms of reference;
- Appointment of members;
- Minutes;
- Reports;
- Recommendations; and
- Supporting documents such as briefing papers and discussion papers.

Legislative Drafting

The activities associated with the drafting of bills, subordinate laws and other instruments, including the processes involved in preparing documents for presentation to the Legislative Assembly or other law maker.

Entry No. Description of Records

Disposal Action

1.3.1 *1. 3. 1* Records documenting the process of drafting bills, subordinate laws and other instruments. Includes:

Retain as Territory Archives

- Drafting instructions;
- Correspondence;
- Previous versions of draft; and
- Quality assurance checks.

Classes for Retention as Territory Archives

PUBLIC ACCESS TO LEGISLATION

The function of ensuring that ACT legislation, legislative material and legislative information are readily accessible to the public, particularly through the ACT legislation register.

Committees

The activities associated with the management of committees and task forces. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas etc. Use STRATEGIC MANAGEMENT – Committees for audit committees.

Entry No.	Description of Records	Disposal Action
2.1.1 *2. 1. 1*	External committees formed to manage or advise. Includes finals of documents: Establishing the committee; Terms of reference; Appointment of members; Minutes; Reports; Recommendations; and 	Retain as Territory Archives

• Supporting documents such as briefing papers and

Legislative Backcapture

The activities associated with publishing legislation made for the ACT before the establishment of the ACT legislation register.

discussion papers.

Entry No.	Description of Records	Disposal Action
2.3.1 *2. 3. 1*	Records containing the text of historical legislation originally notified in the ACT Gazette. Includes: • Acts; and • Legislative instruments.	Retain as Territory Archives

Classes for Retention as Territory Archives

PUBLIC ACCESS TO LEGISLATION

The function of ensuring that ACT legislation, legislative material and legislative information are readily accessible to the public, particularly through the ACT legislation register.

Legislative Notifications

The activities associated with notifying legislation on the ACT legislation register, including the activities associated with the passage of proposed laws through the Legislative Assembly.

Entry No.	Description of Records	Disposal Action
2.4.1 *2. 4. 1*	Records documenting the request for notification of a law.	Retain as Territory Archives
2.4.2 *2. 4. 2*	Records containing the text of a notified law. Includes: • Acts; and • Legislative instruments.	Retain as Territory Archives
2.4.3 *2. 4. 3*	Records containing the text of proposed laws. Includes: Bills; andExposure drafts.	Retain as Territory Archives
2.4.4 *2. 4. 4*	Records showing corrections under the <i>Legislation Act</i> 2001, section 60.	Retain as Territory Archives
2.4.5 *2. 4. 5*	Any supplementary documents or information relating to a notified or proposed law. Includes: • Explanatory statements; • Compliance statements; • Regulatory impact statements; • Hansard; • Minutes of proceedings; • Approval statements; and • Any other relevant material	Retain as Territory Archives

Classes for Retention as Territory Archives PUBLIC ACCESS TO LEGISLATION

The function of ensuring that ACT legislation, legislative material and legislative information are readily accessible to the public, particularly through the ACT legislation register.

Legislative Republications

The activities associated with republishing point-in-time versions of ACT Legislation.

Entry No.	Description of Records	Disposal Action
2.5.1 *2. 5. 1*	Records containing the text of a republished law. Includes: • Acts; • Ordinances; and • Legislative instruments.	Retain as Territory Archives
2.5.2 *2. 5. 2*	Records showing editorial changes authorised under the <i>Legislation Act 2001</i> , part 11.3.	Retain as Territory Archives

Legislative Tables

The activities associated with producing and publishing legislative information-

Entry No.	Description of Records	Disposal Action
2.6.1 *2. 6. 1*	Final versions of documents containing legislative tables or legislative information. Includes: • Legislation update; • Annual tables; • Chronological tables of legislation; and • Repealed tables.	Retain as Territory Archives