

LEGAL SERVICES

The function of providing legal services to the organisation. Includes the interpretation and provision of advice to the organisation regarding legal matters, the drawing up of legal agreements and the handling of legal actions and disputes. Also includes legal advice received from in-house consultants and external sources.

Advice

The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes the process of advising.

Class No	Description of records	Disposal action
21021 ██████████	Records documenting the receipt or provision of advice by an internal or external legal service provider relating to: <ul style="list-style-type: none"> • Cabinet matters; • international law; • national security; • agency-wide industrial issues; • interpretation of an agency's own legislation; and • proposal for new or amended agency legislation. <p>Includes instructions to the provider, records of ongoing discussions, revisions of instructions, drafts and final advice.</p> <p><i>[For advice given on claims, infringements, inquiries, intellectual property and litigation, use these activities attached to LEGAL SERVICES.]</i></p>	Retain as national archives
21022 ██████████	Records documenting the receipt or provision of all other advice by an internal or external legal service provider.	Destroy 5 years after action completed
1569 ██████████	Copies of legal advice. <i>[For payments made to legal providers, use FINANCIAL MANAGEMENT - Accounting.]</i>	Destroy when reference ceases

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Agreements

The processes associated with the establishment, maintenance, review and negotiation of agreements.

For all asbestos-related claims relating to the Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005, transfer records to the central agency with legislative responsibility for the management of asbestos liability in the Commonwealth (currently Comcare).

Class No	Description of records	Disposal action
1570 ■■■■■■■■	Final versions of agreements made covering the legal services function and supporting documents	Destroy 7 years after expiry or other termination of agreement
1571 ■■■■■■■■	Signed deeds of release and deeds of indemnity and other similar agreements and supporting documents.	Destroy after indemnity ceases
20957 ■■■■■■■■	Signed agreements and contracts under seal prior to 15 November 2005 and supporting records: Western Australia.	Destroy 21 years after completion or other termination of contract
1573 ■■■■■■■■	Signed agreement and contracts under seal and supporting records: Victoria and South Australia.	Destroy 15 years after completion or other termination of contract
20958 ■■■■■■■■	Signed agreements and contracts under seal and supporting records: New South Wales, Western Australia (from 15 November 2005), Queensland, Australian Capital Territory and the Northern Territory.	Destroy 12 years after completion or other termination of contract
20959 ■■■■■■■■	Signed simple contracts and agreements and supporting records.	Destroy 7 years after completion or other termination of agreement or contract

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Claims

The process of administering and managing payments demanded in accordance with an insurance policy as compensation for injury, death, or denial of rights of a person, or damage to or destruction of property. Includes disputes over rights and ownership, and recompense sought for stolen or lost property.

Class No	Description of records	Disposal action
1576 ■■■■■■■■■■	Records documenting the provision of legal representation relating to claims that do not proceed to litigation or settlement by an agreement. Includes withdrawn claims.	Destroy 7 years after settlement or withdrawal of claim

[For a claim proceeding to a lawsuit or other legal proceedings, use LEGAL SERVICES - Litigation.

For negotiations and drafting of final copies of deeds of release and deeds of indemnity for the settlement of claims, use LEGAL SERVICES - Agreements.

For settlement of COMPENSATION and OH&S claims without legal intervention, use those functions.

For all asbestos-related claims relating to the Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005, transfer records to the central agency with legislative responsibility for the management of asbestos liability in the Commonwealth (currently Comcare).]

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Committees

The activities associated with the managing of committees and task forces. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agenda etc.

Class No	Description of records	Disposal action
1577 ■■■■■■■■	Records of internal and external committees formed to consider matters relating to the legal services function. Includes: <ul style="list-style-type: none"> • documents establishing the committee; • final version of minutes; • copies of legal advice; • reports; • recommendations; and • supporting documents such as briefing papers and discussion papers. 	Destroy 5 years after action completed
1578 ■■■■■■■■	Working papers documenting the conduct and administration of committees which consider the legal services function. Includes: <ul style="list-style-type: none"> • agenda; • notices of meetings; and • draft minutes. 	Destroy when reference ceases

Compliance

The activities associated with complying with mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements to which the organisation is subject. Includes compliance with legislation and with national and international standards, such as the ISO 9000 series.

Other activities within this function may also be relevant to the Compliance activity.

Class No	Description of records	Disposal action
1579 ■■■■■■■■	Records documenting agency compliance with mandatory or optional standards or with statutory requirements relating to the legal services function. Includes those set out in: <ul style="list-style-type: none"> • Legal Services Directions issued by the Attorney-General under Section 55ZF of the Judiciary Act 1903; and • Quality System Guidelines AS/NZS 3905:6:1995 for the Legal Profession. 	Destroy 7 years after action completed

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Contracting-out

The activities involved in managing the performance of work or the provision of goods and services by an external contractor, vendor or consultant, or by using external bureau services. Includes outsourcing.

For information on records issues relating to outsourcing and contracting-out see General Disposal Authority 25.

Class No	Description of Records	Disposal Action
N/A	<i>[For records documenting contract management relating to the legal services function, use PROCUREMENT – Contracting-out.</i>	N/A

Infringements

The activities associated with handling breaches of rules. Includes driving or traffic infringements and infringements of the organisation's intellectual property.

Class No	Description of records	Disposal action
1581 ■■■■■■■■	Records documenting infringements or breaches of mandatory standards, rules or statutory requirements that do not proceed to litigation. Includes notifications of breaches and investigations and negotiations.	Destroy 7 years after action completed

[For cases that proceed to litigation, use LEGAL SERVICES - Litigation.

For driving or traffic infringements, use FLEET MANAGEMENT - Infringements.

For industrial relations infringements incurred by the agency, use INDUSTRIAL RELATIONS – Infringements.

For infringements by staff, use PERSONNEL - Infringements.]

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Inquiries

The activities associated with liaising with bodies carrying out inquiries, and participating in them. Inquiries are investigations carried out by persons or bodies who have been empowered to inquire and report on a subject, such as Royal Commissions, Parliamentary and Ombudsman's inquiries. Includes the organisation's participation in the inquiry by providing evidence in the form of records, submissions or staff.

Class No	Description of records	Disposal action
1582 ■■■■■■■■	Records documenting legal support given to an agency either conducting an inquiry or participating in an inquiry.	Destroy 3 years after final report of inquiry is released

[For a consolidated record of an agency's involvement in an inquiry, including agency submissions, use GOVERNMENT RELATIONS - Inquiries.]

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Intellectual Property

The activities involved in managing the agency's intellectual property, both published and unpublished, and the use of material held by the agency in which another party owns the intellectual property. Includes the management of copyright, design, patents and trademarks, royalties and matters of confidentiality such as trade secrets which are not available to the public under Freedom of Information (FOI) legislation.

For handling infringements of an agency's intellectual property, use LEGAL SERVICES - Infringements.

For the management of an agency's copying services, including management of copyright declaration forms, use INFORMATION MANAGEMENT – Intellectual Property.

For the payment and receipt of royalties, use FINANCIAL MANAGEMENT - Accounting and/or FINANCIAL MANAGEMENT - Payments.

Class No	Description of records	Disposal action
1583 ■■■■■■■■	Records documenting the establishment and general management of an agency's intellectual property. Includes: <ul style="list-style-type: none"> • Patents; • Trademarks; • Designs; • plant breeder's rights; • circuit layouts; • trade secrets; and • all forms of copyright. <p><i>[For the management of copyright arrangements for publications, use PUBLICATION - Intellectual Property.]</i></p>	Destroy 3 years after intellectual property rights lapse
1584 ■■■■■■■■	Records documenting unsuccessful or abandoned attempts to establish intellectual property rights.	Destroy 7 years after action completed

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Litigation

The activities involved in managing lawsuits or legal proceedings between the agency and other parties in a court or other tribunal. Includes briefs for counsel; copies of documents required by or lodged with a court; consultation with the Attorney-General's Department and other agencies; and records documenting compliance with court instructions, eg subpoenas and discovery orders.

For all litigation records pertaining to asbestos-related claims relating to the Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005, transfer records to the central agency with legislative responsibility for the management of asbestos liability in the Commonwealth (currently Comcare).

Class No	Description of records	Disposal action
1585 ■■■■■■■■	Records documenting litigation matters where legal precedents are set.	Retain as national archives
1586 ■■■■■■■■	Records documenting litigation matters that do not set legal precedents.	Destroy 7 years after action ceases

[For appeals to decisions of a court or tribunal relating to INFORMATION MANAGEMENT and COMPENSATION, use the activity Appeals against these functions.

For subpoenas and discovery orders, use INFORMATION MANAGEMENT - Enquiries.]

Meetings

The activities associated with ad hoc gatherings held to formulate, discuss, update or resolve issues and matters pertaining to the management of the section, department, or organisation as a whole. Includes arrangements, agenda, taking of minutes etc. Excludes committee meetings.

Class No	Description of records	Disposal action
1587 ■■■■■■■■	Final version of minutes and related documents tabled at meetings held to support the legal services function. Includes meetings with external agencies.	Destroy 3 years after action completed
1588 ■■■■■■■■	Working papers documenting the conduct and administration of meetings held to support the legal services function. Includes agenda, notices of meetings and draft minutes.	Destroy when reference ceases

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Planning

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

Class No	Description of records	Disposal action
1589 ■■■■■■■■	Final version of agency-wide legal services plans.	Destroy 5 years after plan is superseded
1590 ■■■■■■■■	Final version of a section or business unit's legal services plans, including state, regional or overseas office.	Destroy 3 years after plan is superseded
1591 ■■■■■■■■	Working papers used in developing all legal services plans. Includes draft plans, reports analysing issues, and comments received from and input made by other areas of the agency.	Destroy 1 year after adoption of the final plan
1592 ■■■■■■■■	Copies of legal services plans.	Destroy when reference ceases

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Policy

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined.

Class No	Description of records	Disposal action
1593 ■■■■■■■■	Records documenting the development and establishment of the agency's legal services policies. Includes: <ul style="list-style-type: none"> • policy proposals; • research papers; • results of consultations; • supporting reports; • major drafts; and • final policy documents. 	Destroy 5 years after policy is superseded
1594 ■■■■■■■■	Records documenting comments made on the development of government-wide legal services policies.	Destroy 2 years after promulgation of new policy
1595 ■■■■■■■■	Working papers documenting the development of all legal services policies.	Destroy 2 years after promulgation of new policy
1596 ■■■■■■■■	Copies of policy documents and supporting papers.	Destroy when reference ceases

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Procedures

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

Class No	Description of records	Disposal action
1597 ■■■■■■■■	Master set of agency manuals, handbooks, directives etc detailing procedures supporting the legal services function.	Destroy when procedures are superseded
1598 ■■■■■■■■	Records documenting the development of agency procedures supporting the legal services function.	Destroy 1 year after production of procedures
1599 ■■■■■■■■	Copies of manuals, handbooks, directives etc.	Destroy when reference ceases

Reporting

The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate policies), and to provide formal statements or findings of the results of the examination or investigation. Includes agenda, briefing, business, discussion papers, proposals, reports, reviews and returns.

Class No	Description of records	Disposal action
1600 ■■■■■■■■	Final version of formal internal reports and reports made to external agencies relating to the legal services function.	Destroy 5 years after action completed
1601 ■■■■■■■■	Final version of periodic internal reports on general administrative matters used to monitor and document recurring activities to support the legal services function.	Destroy 3 years after action completed
1602 ■■■■■■■■	Working papers documenting the development of all reports. Includes drafts and comments received.	Destroy 1 year after action completed
1603 ■■■■■■■■	Copies of legal services reports.	Destroy when reference ceases

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Research

The activities involved in investigating or enquiring into a subject or area of interest in order to discover facts, principles etc used to support development of projects, standards, guidelines etc and the business activities of the organisation in general. Includes following up enquiries relating to organisational programs, projects, working papers, literature searches etc.

Class No	Description of records	Disposal action
1604 ■■■■■■■■	Records documenting detailed research carried out to support the legal services function.	Destroy 5 years after action completed
1605 ■■■■■■■■	Records documenting routine research carried out to support the legal services function.	Destroy when reference ceases

Reviewing

The activities involved in re-evaluating or re-examining products, processes, procedures, standards and systems. Includes recommendations and advice resulting from these activities.

Class No	Description of records	Disposal action
1606 ■■■■■■■■	Records documenting a review of agency programs and operations supporting the legal services function. Includes documents establishing the review, final report and action plan	Destroy 5 years after action completed
1607 ■■■■■■■■	Working papers documenting a review of agency programs and operations supporting the legal services function.	Destroy 2 years after action completed

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Risk Management

The process involving identification of risks, likelihood and consequences of those risks and implementation of appropriate practice and procedures to treat the risks.

Class No	Description of records	Disposal action
20960 ■■■■■■■■■■	Records documenting risk management relating to the legal services function. Includes documentation covering each stage of the process, treatment schedules and action plans.	Destroy 7 years after next risk assessment
20961 ■■■■■■■■■■	Legal services risk register.	Destroy 7 years after next risk assessment

Submissions

The preparation and submission of a formal statement (eg report, statistics, etc.) supporting a case or opinion held by the organisation which is submitted to another organisation, or within the organisation, for the purpose of either gain or support.

Class No	Description of Records	Disposal Action
N/A	<i>[For agency submissions to government, use GOVERNMENT RELATIONS - Submissions. For agency submissions to community bodies, use COMMUNITY RELATIONS - Submissions.]</i>	N/A

Tendering

The activities involved in receiving and assessing tenders, of making offers and finalising contract arrangements for the supply, sale or purchase of goods and services.

Class No	Description of Records	Disposal Action
N/A	<i>[For the acquisition of goods and services required to support the legal services function via a tender process, use PROCUREMENT - Tendering.]</i>	N/A