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# State Records

# State Records Act 1997

# Operational Records Disposal Schedule

Attorney-General's Department - Office of the Solicitor-General

**RDS 2017/13 Version 1** 

Effective Date: 13 February 2018 to 28 February 2028

Approved Date: 13 February 2018



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#### **Preamble**

#### **Purpose of the Schedule**

This Operational Records Disposal Schedule (RDS) authorises arrangements for the retention or destruction of records in accordance with Section 23(2) of the *State Records Act 1997*.

#### **Application of the Schedule**

Attorney-General's Department - Office of the Solicitor-General

**Approved Date: 13 February 2018** 

Effective Date: 13 February 2018 to 28 February 2028

# **Authorisation by State Records**

This authorisation applies only to the disposal of the records described in the Schedule.

#### **State Records' Contact Information**

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Email: staterecords@sa.gov.au

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Ph: 7322 7081

Chair, State Records Council

**Director, State Records** 



# **Disposal of Official Records**

#### Legislation

Section 23(1) of the *State Records Act 1997* states that an agency must not dispose of official records except in accordance with a determination made by the Manager [Director] of State Records with the approval of the State Records Council.

Section 23(2) states:

'If an agency requests the Manager to make a determination as to the disposal of official records, the Manager must, as soon as practicable:

- (a) with the approval of the [State Records] Council, make a determination requiring or authorising disposal of the records in a specified manner; or
- (b) make a determination requiring delivery of the records into the custody of State Records or retention of the records and later delivery into the custody of State Records.'

The contents of an RDS, once the approval process is complete, constitute a determination within the meaning of the *State Records Act 1997*.

#### **Functions of the Schedule**

An RDS plans the life of these records from the time of their creation to their disposal. It describes the records created and/or controlled by Office of the Solictor-General, the disposal sentence specifying whether they are to be retained as archives or destroyed, and when this should occur.

This Operational Records Disposal Schedule has been prepared in conjunction with staff from Office of the Solictor-General to determine the records which need to be kept because of their long term value and to enable the disposal of records once they are no longer needed for administrative purposes. The assessment of the records takes into account their administrative, legal, evidential, financial, informational and historical values. The appraisal of the records is in accordance with the State Records' policy as documented in *Appraisal of Official Records – Policy and Objectives* - available from State Records' website (www.archives.sa.gov.au).

The Schedule complements the General Disposal Schedules (GDS) that are issued by State Records to cover housekeeping and other administrative records common to most State Government agencies.

# **Using the Schedule**

The Schedule applies only to the records described within it.

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#### Layout

The Schedule is laid out as follows:

**Item Number:** Numbering in the Schedule is multi level:

• Functions have single numbers (e.g. 1.)

• Activities and/or processes have two-level numbers (e.g. 1.1)

• Disposal classes have three-level numbers (e.g. 1.1.1)

Function: The general functions are shown in 12 point bold Arial upper case at

the start of each section. (e.g. OFFICE OF THE SOLICITOR-

**GENERAL**)

**Activity/Process:** The activities and processes relating to each function are shown in 12

point bold Arial sentence case (e.g. Cases (Investigations)).





#### **Description:**

Descriptions are in three levels ranging from broad functions to specific disposal classes:

- definitions of functions are shown at the start of each section in bold (e.g. The function of the Office of the Solicitor-General is through the provision of services by the Solicitor-General (under the Solicitor-General Act 1972) such as acting as Her Majesty's Counsel and performing other duties of Counsel at the request of the Attorney-General, including providing legal advice, conducting investigations and reporting to the Attorney-General through the Crown Solicitor's Office. The Solicitor-General is only consulted on significant legal matters.)
- definitions of activities are located adjacent to the activity title in italics e.g. Cases of investigations conducted by the Solicitor- General on behalf of the Attorney-General in relation to legal cases including Petitions for Mercy. The Solicitor-General provides an independent and exhaustive investigation resulting in the development of a report including recommendation for the Attorney-General.
- descriptions of each disposal class are arranged in sequence under the activity definitions e.g. Investigations are managed as case files and include documents of importance in conducting investigations, including working papers, reference materials, copies of documents from the Attorney- General's office and the Solicitor-General's report on the investigation to the Attorney-General. Investigations can continue for a number of years (for example, the Henry Keogh Petition for Mercy case).

#### **Disposal Action:**

Disposal actions relate to the disposal classes arranged under the activity descriptions. The status of the class is either PERMANENT or TEMPORARY with a disposal trigger and retention period given for all temporary records.

#### Retention Period of the Record

The Schedule is used to sentence records. Sentencing involves applying the record retention periods within the RDS to the records of Office of the Solictor-General. Decisions are made using the Schedule about whether records are to be retained and, if so, for how long, or when they are to be destroyed.

Retention periods set down in the Schedule are <u>minimum</u> ones and Office of the Solictor-General may extend the retention period of the record if it considers there is an administrative

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need to do so. Where Office of the Solictor-General wishes to retain records for substantially longer periods it should request that the Schedule be amended to reflect this requirement.

#### **Custody and Transfer of the Record**

#### **Permanent Records**

Section 19 of the *State Records Act 1997* includes provisions for the transfer of custody of an official record:

- a) when the agency ceases to require access to the record for current administrative purposes or
- b) during the year occurring 15 years after the record came into existence whichever first occurs

Official records that have been sentenced as permanent, in accordance with an approved disposal schedule, are required to be transferred to State Records.

Agencies with valid reasons to retain permanent records for longer than 15 years should apply in writing to Director [Manager], State Records requesting either a postponement or an exemption from section 19.

It should be noted that postponement or exemption are only granted in exceptional circumstances.

#### **Temporary Records**

The custody of official records that have been sentenced as temporary is the responsibility of agencies. A policy and standards framework for the management and storage of temporary value official records has been established by State Records as documented in *Records of Temporary Value: Management and Storage: Standard and Guidelines (May 2002)*. The Office of the Solictor-General needs to comply with these policy documents - available from State Records' website (www.archives.sa.gov.au).

The custody of official records on networks or hard drives is also the responsibility of agencies. Office of the Solictor-General needs to ensure that records in electronic format remain accessible to authorised users for the duration of the designated retention period. State Records is, however, currently examining options for the transfer of permanent value electronic records in digital form to its custody.

# **Destruction of Temporary Records**

Temporary records can only be destroyed with the approval of the Chief Executive or delegate in accordance with the Destruction of Official Records guideline issued by State Records of South Australia. Failure to comply with this direction falls under Section 17 of the State Records Act 1997 and may be considered by ICAC as misconduct or maladministration.

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Prior to destruction, the following General Disposal Schedules (GDS) need to be consulted:

- GDS 16 Impact of Native Title Claims on Disposal of Records to ensure records which are relevant to native title claims in South Australia are identified and preserved.
- GDS 27 for Records Required for Legal Proceedings or Ex Gratia Applications Relating to Alleged Abuse of Former Children Whilst in State Care to ensure the preservation of official records that may relate to the rights and entitlements of the individuals who present a court claim or apply for an ex gratia payment and of the State Government in defending or processing those claims and applications.
- GDS 32 for Records of Relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse to ensure that records of relevance to the Royal Commission are protected and available for the purposes of the Royal Commission and any subsequent actions involving the South Australian Government as well as for future reference and accountability purposes and to protect the rights and entitlements of stakeholders.

The Office of the Solictor-General must ensure that all destruction is secure and confidential and that a certificate confirming destruction is provided by private contractors.

Standard methods for destruction of paper are shredding, pulping or other means that are environmentally friendly.

Records in electronic format must only be destroyed by reformatting or rewriting to ensure that the data and any "pointers" in the system are destroyed. "Delete" instructions do not offer adequate security as data may be restored or recovered.

The Office of the Solictor-General should keep their own record of all records destroyed, noting the relevant disposal authority. Proof of destruction may be required for legal purposes, or in response to FOI applications. When records are destroyed systems that control them should also be updated by inputting destruction dates and relevant disposal authorities.

#### Review

State Records' disposal schedules apply for a period of ten years. Either the Office of the Solictor-General or State Records may propose a review of the Schedule at an earlier time, in the event of changes to functions or procedures that affect the value of the records covered by the disposal authority. Reviews are especially necessary if there is vast administrative change that affects the currency and use of the records and/or the records are dispersed to other agencies.

The State Records Council needs to approve all amendments to the Schedule. Officers using the Schedule should advise State Records of any necessary changes.

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#### **Context Statement**

#### Context of the Agency Covered by the Schedule

#### Office of the Solictor-General History and Background

The Crown Solicitor had been an official of the Attorney-General's Department under the immediate control of the Attorney-General prior to 1916. In 1916, the Attorney-General's Department added 'Crown Solicitor' to its title to reflect the increasing importance of the Crown Solicitor.

By June 1917, there was a Crown Solicitor Department separate from that of the Attorney-General, with the Crown Solicitor appointed as Permanent Head of the Department (SA Government Gazette, 14 June 1917, pg 992). The new department continued to handle all legal proceedings of the Crown, leaving the Attorney-General's Department to deal with the administration of State Law. The Crown Solicitor's role was largely advisory, with the Crown Prosecutor – an officer within the Crown Solicitor's Department – responsible for prosecutions ('Crown Solicitor and Crown Prosecutor', "Observer", 12 February 1916, pg 29).

In February 1969, the Crown Solicitor's Department was renamed the Crown Law Department, and the new Solicitor-General (formerly the Crown Solicitor) was appointed Permanent Head of the Department (SA Government Gazette, 27 February 1969, pg 577).

From 1969 forward the Solicitor-General appeared regularly as counsel with the intention of ensuring independent and impartial legal advice and representation for the State government, with the combination of a non-political Solicitor-General and a political Attorney-General. In this regard, the Solicitor-General assumed primary responsibility for appearing on behalf of the State government in the High Court of Australia and in sensitive or complex matters in the Supreme Court of South Australia.

Prior to the establishment of the Office of the Solicitor-General, the Crown Solicitor had often appeared as counsel in important High Court litigation.

The appointment of a new Solicitor-General in 1970 saw the Solicitor-General take on a role separate from that of the Crown Solicitor's Office. However, the Solicitor-General remained part of the public service until 1972 when a separate statutory Office of the Solicitor-General was introduced by enactment of the Solicitor-General Act 1972 (SA).1

The Solicitor-General Bill was introduced for this Act to provide for the appointment of a Solicitor-General; to provide for the terms and conditions of service of a person appointed to that office and for matters incidental thereto. The purpose of the Solicitor-General Act 1972

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<sup>&</sup>lt;sup>1</sup> Reference Source: Gabrielle Appleby (2016) The Role of the Solicitor-General: Hart Publishing



(SA) was to remove the office of the Solicitor-General from the public service; to define the duties of the Solicitor-General; and to establish the terms and conditions of employment as an officer of the Crown. The government felt it was desirable that the Solicitor-General should be free of any responsibility for the everyday affairs of a department, so that he/she may devote their whole time to the more important legal matters, including court cases, in which the Government was concerned, and be free for any special duties in which their services might be required. Accordingly, in July 1970, the Solicitor-General was transferred to the Attorney-General's Department, and the Crown Law Department again came under the control of a Crown Solicitor. This, however, had the result of making the Solicitor-General a subordinate in another Government department, and in fact was not intended by the Government to be more than a first step in taking the office of Solicitor-General outside the provisions of the Public Service Act altogether. The purpose of this Bill was to complete that arrangement.2

As of 2017, the administrative responsibility of the 'Solicitor-General's Act, 1972' rests with the Attorney-General, and the Solicitor-General's Office is part of the Attorney-General's Department. The Attorney-General is a ministerial (political) position, whereas the Solicitor-General is a statutory (non-political) position.

#### **Timeline of Solicitors-General**

Solicitor-General	Appointed
William Andrew Noye Wells QC	27 February 1969
Brian Rothwell Cox QC	30 July 1970
Malcolm Forgan Gray	19 December 1978
John Jeremy Doyle QC	15 September 1986
Bradley Maxwell Selway QC	31 August 1995
Christopher John Kourakis QC	3 February 2003
Martin Gerard Hinton QC	21 August 2008
Christopher David Bleby SC	29 November 2016

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<sup>&</sup>lt;sup>2</sup> House of Assembly, Second Reading Speech, 1 March 1972



#### Office of the Solictor-General Role and Function

The Solicitor-General is a statutory officer appointed by the Governor of South Australia, and holds office on such terms and conditions as the Governor determines. The Solicitor-General is the second law officer of the Crown, after the Attorney-General.

The Solicitor-General acts on the instruction of the Attorney-General. The duties and obligations of the Solicitor-General are prescribed by section 6 of the Solicitor-General Act 1972.

The core function of the Solicitor-General is to act as counsel on behalf of the State at the request of the Attorney-General in civil and appellate proceedings as required. When capacity allows, the Solicitor-General performs criminal appeals work on the instructions of the Director of Public Prosecutions.

The Solicitor-General provides written legal advice and opinion to the Attorney-General on significant questions of law. The Solicitor-General also conducts investigations and prepares reports for the Attorney-General in the context of Petitions for Mercy in South Australia.

#### Office of the Solictor-General Structure Description

In addition to the Solicitor-General, the Office of the Solicitor-General is staffed by an Executive Assistant and a solicitor who is seconded from the Crown Solicitor's Office to the position of Counsel Assisting the Solicitor-General.

#### **Predecessor Agencies**

There are no predecessor agencies.

#### **Successor Agencies**

There are no successor agencies.

#### Legislation

Solicitor-General Act 1972

#### Legislation Impacting

- State Records Act 1997
- Electronic Communications Act 2000

#### Context of the Records Covered by the Schedule

#### Coverage of RDS 2017/13

This RDS applies to all operational records created within the Office of the Solicitor-General.



#### Related Series Affected by RDS 2017/13

There are no related series affected by this RDS.

#### Complementary Schedules to RDS 2017/13

There are no complementary Disposal Schedules to use with this RDS.

#### **Existing Disposal Schedules Superseded by RDS 2017/13**

There are no existing Disposal Schedules superseded by this RDS.

#### Records Structure within Office of the Solictor-General

The records structure within the agency is centralised. Official records are created manually with the express or implied authorisation of the Solicitor-General. Records are later bound by year including an index.

#### **Broad Description and Purpose of the Records**

The records relate to the provision of legal advice or legal representation.

#### Functions and Activities Documented by the Records

The records document the function of 'the Office of the Solicitor-General'.

Activities supporting this function include:

- Cases (Investigations)
- Cases (Legal Representation)
- Control
- Legal Advice

#### Arrangement of the Records

At the time of preparing this Schedule, the capture, storage and disposal of records (all in hard copy) was managed manually, with all records of advice and legal representation captured in bound volumes; either Opinions (legal advice) or Submissions (Legal Representation), with the Submissions being bound from 1986 onwards. Hard copy files (Solicitor-General's working documents which contain copies of each State/Commonwealth submission and reference notes made by the Solicitor-General in relation to constitutional matters) are managed centrally as subject files. There may be up to 10 files created per year.

Investigations are managed as case files as they are considered of high importance to the Office of the Solicitor-General and may be referred to for many years to follow.

The case file in respect of a given case is maintained and kept by the Solicitor-General's instructing solicitor, usually the Crown Solicitor's Office. The Solicitor-General's records in



respect of cases mainly constitute copies of submissions, any opinion given in respect of the case and potentially some correspondence.

Records during the period of 2003-2008 were created in hard copy and managed centrally within the Attorney-General's Department recordkeeping system RecFind.

#### **Agency Creating the Records**

The Office of the Solictor-General that administers the records covered by this RDS also created them.

#### **Agency Owning or Controlling the Records**

The Office of the Solictor-General that administers the records covered by this RDS also controls or owns them.

#### **Date Range of the Records**

Records Date Range: 1969 to Ongoing

#### Volume of the Records

Existing hard copy records equate to approximately 25 metres currently held on site. The accumulation rate is approximately 1 metre per year.

There are currently approximately 11.6GB of electronic records saved within network drives and databases including drafts and possible duplications.

#### **Special Custody Requirements**

There may be a need for special custody arrangements to preserve the confidentiality of the records of the Office of the Solicitor-General. This is not common but it could be a requirement in the future.

#### Special Storage Requirements

The records are confidential and must be managed as such.

#### **Issues Not Mentioned Previously**

There are no issues that have not already been mentioned.

# **Comments Regarding Disposal Recommendations**

#### **Permanent Records Rationale**

The records of the Solicitor-General are properly regarded as having permanent historical value. They may contain a unique and valuable perspective upon the legal and political



events of the day. The Solicitor-General's advice records would often document and analyse the source of power, jurisdiction, obligations, responsibilities and powers of government, including the Executive Government, the Parliament, and courts, tribunals and other public-sector bodies. The litigation and advice records of the Solicitor-General relate in an analogous way to each of the other four objectives stated in appraising records of permanent value.

Records of the Solicitor-General document substantive process and outcomes of the business function and activities undertaken by the Office of the Solicitor-General. These records meet the criteria for ongoing value as set out in the *Appraisal of Official Records: Policy and Objectives Guideline*.

The records include Cases Investigations (item 1.1.1); Cases (Legal Representation) (items 1.2.1, 1.2.2); Control (items 1.3.1, 1.3.2, 1.3.3); Legal Advice (items 1.4.1, 1.4.2, 1.4.3, 1.4.4).

#### **Temporary Records Rationale**

The Solicitor-General does not create temporary records that are official records.

#### **Other Disposal Considerations**

There are no other considerations for or against the retention or destruction of records affected by this RDS.

#### Disposal Recommendation Effect on Related Records

There are no related records affected by the disposal recommendations in this RDS.

#### **Alternative Record Formats**

There are no alternative formats of the records of the Office of the Solicitor-General.

#### **Impact on Native Title Claims**

There is no discernible relevance to Native Title Claims.

All records relating to native title are either legal advice or legal representation. They have no substantive impact upon native title claims.

#### Indigenous Considerations

The determinations within RDS 2017/13 are consistent with Recommendation 21 of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families.

The principles outlined in *GDS 16*, relating to Native Title claims, have also been considered in the development of this Schedule.



RDS 2017/13 meets all cultural, historical, legal and administrative requirements.

All documents considered relevant to native title in South Australia must be checked for actual relevance with the Native Title Section of the Crown Solicitor's Office before being disposed of.



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# **Scope Note**

#### **Records Covered by this Schedule**

This RDS 2017/13 applies to the operational records of the Office of the Solictor-General.

#### How to Apply this Schedule

#### Use in conjunction with GDS

This Schedule should be used in conjunction with *GDS 30*, as amended, or its successor. Cross-references to the *GDS 30* are included in this Schedule where appropriate.

To identify records that may be potentially relevant to native title claims, please refer to guideline *Identifying documents which may be relevant to Native Title* attached to *GDS 16*. Where records sentenced for temporary retention are identified as having potential relevance to a native title claim, they need to be retained until 31 December 2024.

To identify records that may be potentially relevant to Legal Proceedings or Ex Gratia Applications Relating to Alleged Abuse of Former Children Whilst in State Care, please refer to GDS 27. Where records sentenced for temporary retention are identified as having potential relevance, they need to be retained until 31 December 2020.

To identify records that may be potentially relevant to the *Royal Commission into Institutional Responses to Child Sexual Abuse*, please refer to *GDS 32*. Where records sentenced for temporary retention are identified as having potential relevance, they need to be retained until 31 December 2023.

#### Use in conjunction with, or complementary to, other RDS

This RDS does not complement any existing schedules.

#### Other RDS superseded by RDS 2017/13

This RDS does not supersede any existing schedules.

# Re-sentencing of records where schedules are superseded or particular entries within a schedule are superseded

In this instance, the re-sentencing of records is not required.

#### Records excluded from RDS 2017/13

There are no records excluded from cover by this RDS.



#### Application to records in all formats

RDS 2017/13 applies to records in all formats, including databases and other electronic records. The Office of the Solictor-General is required to ensure that records remain accessible for the duration of designated retention periods.

#### Interpretation of the Schedule

#### Minimum retention periods

Retention periods for temporary records shown in *RDS 2017/13* are <u>minimum</u> retention periods for which records need to be retained. It is at the discretion of Office of the Solictor-General as to whether records are kept for longer than the minimum period.

#### **Acronyms**

There are no acronyms in the schedule.

#### Definitions of terms specific to RDS 2017/13

#### **Legal Deposit**

Legal deposit refers to statutory provisions that oblige publishers to deposit copies of their publications in libraries in the country in which they are published. Under the Commonwealth *Copyright Act 1968* and various Australian state Acts, a copy of any work published in Australia must be deposited with (a) the National Library of Australia and (b) the appropriate State Library. Legal deposit extends not only to commercial publishers but also to private individuals, clubs, churches, societies and organisations.

In South Australia, one copy of publications produced for external use should be deposited with the State Library and the Parliamentary Library (section 35, *Libraries Act 1982*). Publications include books, newspapers, magazines, journals, pamphlets, maps, plans, charts, printed music, records, cassettes, films, video or audio tapes, computer software CD-ROMS, compact discs and other items made available to the public.

# **Records and Litigation**

Where Office of the Solictor-General is aware that records may be required for use in litigation, for use in a government enquiry or the consideration of the Ombudsman, the records must not be destroyed. In such circumstances, the records must be retained until two years after all cases and enquiries are complete (including appeals) and then have the original retention period applied to the records.

#### Pre-1901 Records

All pre-1901 records are required to be **retained permanently** in accordance with a motion approved by the State Records Council on 19 February 2008.



In this instance, this RDS does **NOT** apply to pre-1901 records.



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# **List of Functions and Activities**

SOLICITOR- GENERAL	22
Cases (Investigations)	22
Cases (Legal Representation)	22
Control	23
Legal Advice	23



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Records Date Range: 1969 to Ongoing

# Attorney-General's Department - Office of the Solicitor-General

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action	
1 SOLI	ICITOR-GEN	ERAL		
1	SOLICITOR- GENERAL	The function of the Office of the Solicitor-General is through the provision of services by Solicitor-General (under the Solicitor-General Act 1972) such as acting as Her Majesty's Counsel and performing other duties of Counsel at the request of the Attorney-General, including providing legal advice, conducting investigations and reporting to the Attorney-General through the Crown Solicitor's Office. The Solicitor-General is only consulted on significant legal matters.		
1.1	Cases (Investigations)	Cases of investigations conducted by the Solicitor-General on behalf of the Attorney-General in relation to legal cases, including Petitions for Mercy. The Solicitor-General provides an independent and exhaustive investigation resulting in the development of a report including recommendations for the Attorney-General.		
1.1.1	Cases (Investigations)	Investigations are managed as case files and include documents of importance in conducting investigations, including working papers, reference materials, copies of documents from the Attorney-General's office and the Solicitor-General's reports on the investigation to the Attorney-General. Investigations can continue for a number of years (for example, the Henry Keogh Petition for Mercy case).	PERMANENT	
1.2	Cases (Legal Representation)	Submissions by the Solicitor-General to Co the Attorney-General.	ourt upon request of	

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Operational Records Disposal Schedule RDS 2017/13 Version 1 Effective Date: 2018-02-13 to 2028-02-28

Records Date Range: 1969 to Ongoing

# Attorney-General's Department - Office of the Solicitor-General

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action	
1 SOL	ICITOR-GEN	ERAL		
1.2.1	Cases (Legal Representation)	Solicitor-General's working files pertaining to cases where the Solicitor-General is providing legal representation on behalf of the Crown; and documentation from the high court in relation to constitutional matters for which the Attorney-General has right of intervention. (Includes a copy of each State and Commonwealth submission). Note: The Solicitor-General may produce up to 10 working files per year and refers to them frequently.	PERMANENT	
1.3	Control	The activities associated with creating, maintaining and evaluating control mechanism. Includes classification, indexing registration, forms design etc. to ensure maximum control over records and recordkeeping systems. Also includes control mechanisms for other information resources and systems. (Keyword AAA)		
1.3.1	Control	Index of Opinions Hard copy index of legal advice provided by the Solicitor-General to the Attorney-General. Each opinion made by the Solicitor-General is an entry in the index with a numeric identifier, date and description.	PERMANENT	
1.3.2	Control	Index of Submissions Hard copy index of submissions to the court made by the Solicitor-General. Each submission made by the Solicitor-General is an entry in the index with a numeric identifier, date, parties involved and description.	PERMANENT	
1.4	Legal Advice	The activities associated with the Solicito legal opinion or advice through the Crown relation to an action or judgement, or to the the Director of Public Prosecutions.	Solicitor's Office in	

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Records Date Range: 1969 to Ongoing

# Attorney-General's Department - Office of the Solicitor-General

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 SOL	ICITOR-GEN	ERAL	
1.4.1	Legal Advice	Records relating to the provision of legal advice.  Includes:  Advice to the Crown Solicitor's Office. The Solicitor-General's records of legal advice, document and analyse the source of power, jurisdiction, obligations, responsibilities and powers of government, including the Executive Government, Parliament, and courts, tribunals and other public sector bodies.  Advice to the Attorney-General in relation to constitutional matters. For example, advice to the Attorney-General in relation to Section 92 of the Constitution (which relates to free trade and commerce) and residual constitutional links.  Advice to the Attorney-General and/or Crown Solicitor's Office in relation to legislative amendments. For example, proposed amendment to the Criminal Law (Sentencing) Act, 1988 where the Solicitor-General is providing comments to the Attorney-General on changes / amendments to the Act.  Advice in relation to formal inquiries and Royal Commissions (e.g. State Bank royal Commissions (e.g. State Bank royal Commission and the Body Parts Inquiry).  Note: All legal advice provided by the Solicitor-General is placed in a bound book titled 'Opinions'.	PERMANENT

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