

Anti-Discrimination Commission Queensland Retention and Disposal Schedule

Responsible public authority: Anti-Discrimination Commission Queensland

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| Queensland Disposal Authority Number (QDAN) | 568 | Version | 2 |
| Date of approval | 14 January 2015 | | |
| Approved by State Archivist | Adrian Cunningham | | |
| QSA File Reference | QSA15/126 | | |

Scope of retention and disposal schedule

This schedule applies to core business records of the Anti-Discrimination Commission Queensland, relating to the activities of complaints resolution, granting of exemptions from certain provisions and interpretations of the *Anti-Discrimination Act 1991*.

This schedule is to be used in conjunction with the [General Retention and Disposal Schedule for Administrative Records](#) (GRDS).

References to repealed legislation within this schedule may be taken to be a reference to current legislation if the context permits.

The Anti-Discrimination Commission Queensland (ADCQ) is the responsible agency for the Anti-Discrimination Commission Queensland Retention and Disposal Schedule at the time of approval of the schedule. However, in the event of an administrative change, or the transfer of a function from one public authority to another, this retention and disposal schedule will continue to apply to the records covered by the schedule. For further advice on the currency of approved retention and disposal schedules following administrative change, please contact Agency Services at Queensland State Archives on (07) 3131 7730.

Record formats

This schedule applies to records created in all formats, unless otherwise specified in the class description. This includes, but is not limited to, records in business systems, maps, plans, photographs, motion picture and records created using web 2.0 media.

Queensland State Archives

Department of Science, Information Technology, Innovation and the Arts



Authority

Authorisation for the disposal of public records is given under s.26 of the *Public Records Act 2002* (the Act).

No further authorisation is required from the State Archivist for records disposed of under this schedule. However, the disposal of all public records must be endorsed by the public authority's Chief Executive Officer, or authorised delegate, in accordance with *Information Standard 31: Retention and Disposal of Public Records*, and recorded in the public authority's disposal log.

Public records that are not covered by an approved retention and disposal schedule cannot be disposed of by a public authority.

Disposal of public records not covered by an approved retention and disposal schedule is a contravention of s.13 of the Act.

Revocation of previously issued disposal authorities

Any previously issued disposal authority which covers disposal classes described in this retention and disposal schedule is revoked. The Anti-Discrimination Commission Queensland should take measures to withdraw revoked disposal authorities from circulation. This includes, but is not limited to:

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Public records sentenced under revoked retention and disposal schedules should be re-sentenced prior to disposal.

For further advice on the currency of approved retention and disposal schedules, please contact Agency Services at Queensland State Archives on (07) 3131730.

Retention of records

All of the retention periods in this schedule are the minimum period for which the sentenced records must be maintained. Public records cannot be disposed of prior to the expiration of the appropriate retention period. However, there is no requirement for public records to be destroyed at the expiration of a minimum retention period.

Public records must be retained for longer if:

- i. the public record is or may be needed in evidence in a judicial proceeding, including any reasonably possible judicial proceeding
- ii. the public records may be obtained by a party to litigation under the relevant Rules of Court, whether or not the State is a party to that litigation
- iii. the public record must be retained pursuant to the *Evidence Act 1977*
- iv. there is a current disposal freeze in relation to the public record, or
- v. there is any other law or policy requiring that the public record be retained.

This list is not exhaustive.

Public records which deal with the financial, legal or proprietary rights of the State of Queensland or a State related Body or Agency regarding another legal entity and any public record which relates to the financial, legal or proprietary rights of a party other than the State are potentially within the category of public records to which particular care should be given prior to disposal.

Records which are subject to a Right to Information application are to be retained for the period specified in section 8 – INFORMATION MANAGEMENT of the [General Retention and Disposal Schedule for Administrative Records](#) in addition to their required retention period according to an approved retention and disposal schedule. The two periods run concurrently, and may result in a longer required retention period overall. This is in order to cover all appeal and review processes. Even though the records subject to an application may be ready for disposal according to an approved retention and disposal schedule at the time of the Right to Information application, the additional Right to Information retention requirements must still be applied. See section 8 – INFORMATION MANAGEMENT of the [General Retention and Disposal Schedule for Administrative Records](#) for records of Right to Information applications.

The disposal of public records should be documented in accordance with the requirements of *Information Standard 31: Retention and Disposal of Public Records*.

For further advice on the retention and disposal of public records under an approved retention and disposal schedule, please refer to the Queensland State Archives' website or contact Agency Services at Queensland State Archives on (07) 3131 7730.

Records created before 1950

Records described in QDAN 568 v2 that were created before 1950 should be referred to Queensland State Archives for further appraisal before any disposal action is taken by the public authority. For further advice please refer to the Public Records Brief: [Pre-1950s public records](#) which is available from the Queensland State Archives' website.

Transfer of public records to Queensland State Archives

Records covered by a class with the disposal action of 'Retain permanently' should be transferred to Queensland State Archives with the approval of the State Archivist. Records covered by a class with the disposal action of 'Retain permanently' by the Anti-Discrimination Commission Queensland are not eligible for transfer to Queensland State Archives unless re-appraised and assigned a disposal action of 'Retain permanently'.

Agencies are required to submit a transfer proposal containing details of the records under consideration for transfer. Queensland State Archives will assess the transfer proposal before formal approval to transfer is issued. Please refer to the Guideline on [Transferring Public Records to Queensland State Archives](#) available from the Queensland State Archives' website. The State Archivist reserves the right to revise any previous decisions made with regard to the appraisal and transfer of records. Contact Agency Services at Queensland State Archives on (07) 3131 7777 for further details.

Revision history

| QDAN | Date of approval | Extent of revision |
|---------|------------------|---------------------------------|
| 568 v.1 | 16/02/2006 | Comprehensive schedule released |
| 568 v.2 | | Comprehensive review |

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1. ANTI-DISCRIMINATION COMMISSION QUEENSLAND MANAGEMENT

The function of the resolution of complaints, granting of exemptions from certain provisions and interpretations of the Anti-Discrimination Act 1991.

| Reference | Description of records | Status | Disposal action |
|-----------|---|-----------|--|
| 1.1 | <p>COMPLAINT MANAGEMENT</p> <p><i>The activity of complaint resolution under the Anti-Discrimination Act 1991 by the Anti-Discrimination Commission Queensland.</i></p> | | |
| 1.1.1 | <p><i>Matters - lodged</i></p> <p>Records relating to all matters lodged with the ADCQ as complaints under the <i>Anti-Discrimination Act 1991</i>.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • complaint forms • correspondence to and from complainants and respondents • file notes • conciliation agreements • referrals to the Queensland Civil and Administrative Tribunal (QCAT). | Temporary | Retain for 7 years after last action. |
| 1.2 | <p>EXEMPTION GRANTING</p> <p><i>The activity of granting exemptions under s.113 of the Anti-Discrimination Act 1991. Applications may be made to the Queensland Civil and Administrative Tribunal for exemptions from the operation of specific provisions of the Anti-Discrimination Act 1991 for a specified period.</i></p> | | |
| 1.2.1 | <p><i>Exemption applications</i></p> <p>Commission records relating to applications for exemptions from specific provisions of the <i>Anti-Discrimination Act 1991</i>.</p> <p>Includes both successful and unsuccessful applications and renewals.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • exemption applications • enquiries and research concerning applications • correspondence to and from QCAT | Temporary | Retain for 7 years after the expiry of the exemption or last action, whichever is later. |

| Reference | Description of records | Status | Disposal action |
|-----------|---|-----------|---------------------------------------|
| | <ul style="list-style-type: none"> • file notes • recommendations to QCAT • decisions from QCAT on whether exemptions are granted or not. | | |
| 1.3 | <p>STATUTORY INTERPRETATION</p> <p><i>The activity relating to opinions of the Queensland Civil and Administrative Tribunal on the application of the Anti-Discrimination Act 1991 in specific situations.</i></p> <p><i>See Legal Services–Advice in the General Retention and Disposal Schedule for Administrative Records for Crown Law and other legal advice concerning the interpretation of the Anti-Discrimination Act 1991.</i></p> | | |
| 1.3.1 | <p>QCAT opinions to Commissioner</p> <p>Commission records relating to opinions provided by the Queensland Civil and Administrative Tribunal to the Anti-Discrimination Commissioner concerning the application of the <i>Anti-Discrimination Act 1991</i> in specific situations in accordance with s.228 of the <i>Anti-Discrimination Act 1991</i>.</p> <p>Includes requests for opinions where QCAT declines to offer an opinion.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • requests for opinion from the public to ADCQ • enquiries and research concerning the request • file notes • requests for opinion from ADCQ to QCAT • correspondence between ADCQ and the person making the request and/or QCAT • decisions from QCAT. | Temporary | Retain for 7 years after last action. |

2. LEGACY RECORDS

This section covers legacy records of the Queensland Anti-Discrimination Tribunal (1992-2009).

| Reference | Description of records | Date range | Status | Disposal action |
|-----------|--|------------|-----------|--|
| 2.1 | QUEENSLAND ANTI-DISCRIMINATION TRIBUNAL <i>These records relate to the opinions of the Anti-Discrimination Tribunal on the application of the Anti-Discrimination Act 1991 in specific situations.</i> | | | |
| 2.1.1 | Queensland Anti-Discrimination Tribunal Records relating to the previous Queensland Anti-Discrimination Tribunal. | 1992-2009 | Temporary | Retain for 7 years after last action or in the case of Exemption Applications, 7 years after the expiry of the exemption or last action, whichever is later. |