



Appraisal log

Anti-Discrimination Commission Queensland Retention and Disposal Schedule
QDAN568 v2

Anti-Discrimination Commission Queensland

Date: January 2015

Function No	Title	Scope Note
1	ANTI-DISCRIMINATION COMMISSION QUEENSLAND MANAGEMENT	<i>The function of the resolution of complaints, granting of exemptions from certain provisions and interpretations of the Anti-Discrimination Act 1991.</i>
Activities		
1.1 Complaint management 1.2 Exemption granting 1.3 Statutory interpretation		
Ref. No	Description of record and retention period	Justification for retention period
1.1.1	<p>Matters - lodged Records relating to all matters lodged with the ADCQ as complaints under the <i>Anti-Discrimination Act 1991</i>.</p> <p>Disposal action - Temporary, retain for 7 years after last action.</p>	<p>Background/business process: This record class is an amalgamation of all the record classes previously listed in QDAN568 v.1 under Complaint Resolution-Commission. Function 2: Complaint Resolution-Tribunal has been removed from version 2 as the Queensland Anti-Discrimination Tribunal ceased to exist in December 2009. The records of the former Queensland Anti-Discrimination Tribunal and the responsibility for their records have been transferred to the Queensland Civil and Administrative Tribunal (QCAT). ADCQ only deals with the initial stages of a matter and do not consider complaint records as significant. Only those cases where there have been Judicial Review applications or where ADCQ has intervened or been involved in an application for exemption or opinion and there have been very few of these. The ADCQ EA/Records Manager told us that there has only been one case, that of Attril. That complaint file has been kept with the litigation files which are dealt with under the GRDS.</p> <p>Regulatory Requirements: <i>Anti-Discrimination Act 1991</i></p> <p>Business requirements: The Commission no longer distinguishes between what is a lodgement and what is a complaint and/or various types of complaints. All complaints received are dealt with in the same manner and all complaints are archived for 7 years then destroyed. There is no requirement for a permanent retention to be applied to these records as they have little ongoing value once the matter has been completed. In QDAN568 v1 reference number 1.2.2 - conciliated complaints had a retention period of 7 years that</p>

		<p>provided sufficient time to satisfy any business needs to refer to these records.</p> <p>If all parties agree to resolve the complaint, the agreement is written down, signed by all parties and filed at QCAT. The complaint is then closed. Currently all files at QCAT are being held indefinitely.</p> <p>Comparison with other schedules' retention period:</p> <p><i>Territory Records (Records Disposal Schedule-Human Rights and Discrimination Records) Approval 20014 (No. 1) NI2004-335</i> Reference 1.1.2 Discrimination Complaint Management-Cases – Destroy 10 years after action completed</p> <p><i>Office of the Information Commissioner Retention and Disposal Schedule QDAN 376 v.3</i></p> <ul style="list-style-type: none"> • Reference 1.1.2 Right to Information External review applications-other – Retain for 10 years after last action • Reference 2.1.2 Information Privacy Applications-other – Retain for 10 years after last action <p><i>Office of the Ombudsman Retention and Disposal Schedule QDAN 553 v.2</i> Reference 1.1.1 Investigated complaints – Permanent</p> <p><i>Queensland State Archives General Retention and Disposal Schedule for Administrative Records QDAN 249 v.7</i> Reference 1.5.1 Enquiries-legal significance – Retain for 7 years after last action</p> <p>Previous schedules (where applicable):</p> <p>QDAN568 v.1 reference 1.1 Lodgement determinations - retain for 5 years after last action; reference 1.2.1 Contentious complaints - retain for 10 years after last action and then review prior to sentencing to ensure all reference has ceased; reference 1.2.2 Conciliated complaints - retain for 7 years after last action; reference 1.2.3 Unresolved complaints-referred to Tribunal - retain for 5 years after last action; reference 1.2.4 Unresolved complaints-not referred to Tribunal - retain for 5 years after last action.</p>
1.2.1	<p>Exemption application</p> <p>Commission records relating to applications for exemptions from specific provisions of the <i>Anti-Discrimination Act 1991</i>. Includes both successful and unsuccessful applications and renewals.</p> <p>Disposal action -</p> <p>Temporary, retain for 7 years</p>	<p>Background/business process:</p> <p>This record class has been re-worded as the Queensland Anti-Discrimination Tribunal ceased to exist in December 2009. The records of the Queensland Anti-Discrimination Tribunal and the responsibility for their records have been transferred to QCAT.</p> <p>Applications include details of the provisions of the Act for which the exemption is being sought, the period for the exemption, the person, people or class of people for whom the exemption is sought and a statement of the grounds on which the application is made, including particulars of evidence in support of the application.</p> <p>Regulatory Requirements:</p> <p><i>Anti-Discrimination Act 1991</i></p> <p>Business requirements:</p> <p>An exemption may be granted for a specified period of not more than 5 years or renewed for further periods of</p>

	<p>after the expiry of the exemption or last action, whichever is later.</p>	<p>not more than 5 years.</p> <p>Comparison with other schedules' retention period:</p> <p><i>Office of the Information Commissioner Retention and Disposal Schedule QDAN 376 v.3</i> reference 4.1.1 Exemption of information – Permanent</p> <p><i>Queensland State Archives General Retention and Disposal Schedule for Administrative Records QDAN 249 v.7</i> reference 15.5.2 Employment screening assessments – Retain for 7 years after separation.</p> <p>Previous schedules (where applicable):</p> <p>QDAN 568 v.1 reference 3.1 Exemption applications - retain for 7 years after the expiry of the exemption or last action, whichever is later.</p>
1.3.1	<p>QCAT opinions to Commissioner</p> <p>Commission records relating to opinions provided by the QCAT 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>Disposal action -</p> <p>Temporary, retain for 7 years after last action.</p>	<p>Background/business process:</p> <p>This record class is an amalgamation of 4.1 Tribunal opinions to Commissioner-Tribunal records; 4.2 Tribunal opinions to Commissioner-Commission records; and 4.3 Supreme Court opinions in the previous schedule. The Anti-Discrimination Commissioner may seek the opinion of QCAT in regards to 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>Regulatory Requirements:</p> <p><i>Anti-Discrimination Act 1991</i></p> <p>Business requirements:</p> <p>There have been no Opinions provided by QCAT since its inception in 2009. It is highly unlikely ADCQ would ever receive one of these as this item relates back to the previous Anti-Discrimination Tribunal. The 7 years is a guideline for a minimum retention period which could be extended if necessary.</p> <p>Comparison with other schedules' retention period:</p> <p><i>Queensland State Archives General Retention and Disposal Schedule for Administrative Records QDAN 249 v.7</i> Reference 6.1.1 Advice – Retain for 7 years after last action</p> <p>Previous schedules (where applicable):</p> <p>QDAN 568 v.1 reference 4.1 Tribunal opinions to Commissioner-Tribunal records - retain permanently; 4.2 Tribunal opinions to Commissioner-Commission records - retain until superseded; and 4.3 Supreme Court opinions - retain until superseded.</p>