



State Records Act 1997

Operational Records Disposal Schedule

Equal Opportunity Commission (EOC)

RDS 2017/19 Version 1

Effective Date: 19 December 2017 to 31 December 2027

Approved Date: 19 December 2017

Approved by SRC



Equal Opportunity Commission (EOC)

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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

The Equal Opportunity Commission (EOC)

Approved Date: 19 December 2017

Effective Date: 19 December 2017 to 31 December 2027

Authorisation by State Records

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

State Records' Contact Information

State Records of South Australia

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Chair, State Records Council

Director, State Records



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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 the EOC, 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 the EOC 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. **COMPLAINT & ENQUIRIES MANAGEMENT**)
- Activity/Process:** The activities and processes relating to each function are shown in 12 point bold Arial sentence case (e.g. **Complaint Handling**).
- 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 receiving enquiries and complaints from members of the public relating to various discrimination and harassment issues**).
 - definitions of activities are located adjacent to the activity title in italics (e.g. *The activity of handling complaints from the public, in accordance with the Equal Opportunity Act, 1984, which relate to various discrimination and harassment issues*).
 - descriptions of each disposal class are arranged in sequence under the activity definitions.
- 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 the EOC. 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.



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Retention periods set down in the Schedule are minimum ones and the EOC may extend the retention period of the record if it considers there is an administrative need to do so. Where the EOC 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 EOC 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. The EOC 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



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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.

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 EOC 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 EOC 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 EOC 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

EOC History and Background

Founded in 1836, South Australia has a history of freedom and tolerance. The state led the nation with its anti-discrimination laws. In the mid 1960's race was the first kind of discrimination to become illegal (*1966 Prohibition of Discrimination Act*). This happened at around the same time as human rights conventions were adopted by the United Nations. These new laws promoted equality of opportunity in South Australia, prevented discrimination, discouraged prejudice, and allowed people to participate in our economic and social life.

The Office of the Equal Opportunity Commissioner was created on 12 August 1976 and the first Commissioner, Mary Beasley, was appointed on 23 August of the same year. The Office officially commenced on this date. South Australia was the first Australian jurisdiction to introduce sex discrimination legislation and the South Australian *Sex Discrimination Act* of 1975 took full effect from August 1976.

From 1976 to 2000 the EOC and the Federal Human Rights & Equal Opportunity Commission (HREOC) worked under cooperative arrangements. This ceased on 31 March 2000. Federal complaints lodged under the Sex Discrimination Act and the Race Discrimination Act were administered / actioned through the EOC. Accepted complaints dealt with prior to 31 March 2000 that were not resolved were referred to the Federal Equal Opportunity Tribunal.

The objectives of the Office are to promote equality of opportunity; provide effective remedies against unfair discrimination; foster positive, unprejudiced attitudes in the community; and encourage the implementation of equal opportunity principles and practices.

The bulk of the Office's work, involved complaints of discrimination. When a complaint was received, it was investigated and where the Commissioner was satisfied that unlawful discrimination had occurred, an attempt was made to settle the matter by conciliation. This was usually successful, but where it failed, the Commissioner, one of the Conciliation Officers or the Legal Officer, represented the complainant before the appropriate Tribunal. The *Sex Discrimination Act, 1975* provided for a Sex Discrimination Board and the *Handicapped Persons Equal Opportunity Act* provided for a Handicapped Persons Discrimination Tribunal. Each comprised a Chairman with legal qualifications and two other persons.

The *Equal Opportunity Act 1984 (SA)* (the '*EO Act 1984*') came into force on 1 March 1986 and expanded and consolidated the *Sex Discrimination Act*, the *Racial Discrimination Act* and the *Handicapped Persons Equal Opportunity Act*. The *EO Act 1984* provided a mechanism for resolving complaints of discrimination due to sex, race, physical impairment, sexuality, marital status or pregnancy, in employment, education, goods and services,



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accommodation, clubs and associations, granting qualifications, advertising and selling land. It also made victimisation a ground for complaint and protected people against sexual harassment. It established the South Australian Equal Opportunity Tribunal which could award compensation, order the discrimination to stop, and make other loss or damages orders.

The Tribunal comprised twelve persons, plus a Presiding Officer and two Deputy Presiding Officers, from whom panels were drawn to deal with cases brought by the Commissioner where complaints had not been conciliated. The Presiding Officer was required to be a judge or magistrate. The Deputy Presiding Officers may also be judges or magistrates, or they must be lawyers with a minimum of 7 years' experience. The tribunal is a separate entity from the EOC and Commissioner.

The *1989 Equal Opportunity Amendment Act - Intellectual Disability* provided protection against intellectual impairment discrimination and against sexuality discrimination in trade unions and employer groups. Further protections were provided by the *1990 Equal Opportunity Amendment Act - Age*. This covered age discrimination. The *1997 Equal Opportunity Amendment Act - Sexual Harassment* protected people against sexual harassment by judicial officers, members of Parliament, Councillors and Council employees.

In 2009 new grounds were added by way of the *2009 Equal Opportunity (Miscellaneous) Amendment Act*. This extended protections to people caring for a dependent child or disabled family member, customers accompanied by children, people with a mental illness or an infection without symptoms, domestic partners, people treated unfairly because of who their spouse or partner is, contract workers, people who wear dress or adornments symbolic of their religion and people who have been sexually harassed. The time limit for lodging a complaint increased from six months to twelve months.

The *Equal Opportunity (Sporting Competitions) Amendment Act 2013* amended Section 48 of the EO Act. This introduced exemptions to allow for single sex sporting competitions where the exclusion on the ground of sex is genuinely intended to facilitate or increase the participation of persons of a particular sex in the sporting activity.

The *Statutes Amendment (Gender Identity and Equity) Act 2016* proclaimed in September 2016 reformed South Australian legislation to prevent discrimination against individuals and families on the grounds of sexual orientation, gender identity and intersex status. Changes to the EO Act included interpretive and language amendments to ensure non-binary concepts of sex and gender are now recognised, and protections against discrimination are extended to persons who do not identify as male or female. Attributes of "sexuality" and "chosen gender" in Part 3 of the EO Act which were described by many as inappropriate or outdated, have been replaced with the more inclusive protections based on the attributes of "sexual orientation" and "gender identity" as defined in the federal Sex Discrimination Act 1984 (Cth). These changes ensure that South Australian law now complies with relevant Commonwealth anti-discrimination provisions.

Complaints of sexual harassment against judicial officers were not covered under the EO Act in circumstances where the alleged conduct had occurred in the officer's court or chamber while carrying out their judicial duties or powers. Changes to the EO Act now mean that



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conduct occurring in these circumstances may be the subject of a complaint under the *Judicial Conduct Commissioner Act 2015* (5 December 2016) and referred to the Judicial Conduct Commissioner under Section 93AA of the EO Act.

On 8 December 2016, the Governor gave assent to the Statutes Amendment (South Australian Employment Tribunal) Act, 2016 (the amending Act). Subsequently on 16 May 2017, the Governor proclaimed that the relevant parts of the amending Act commence on 1 July 2017. This meant that the Equal Opportunity Tribunal (that was administered by the Courts Administration Authority) transferred to the South Australian Employment Tribunal (SAET). The SAET will now hear and determine unresolved discrimination, sexual harassment and victimisation complaints that have been referred by the Commissioner; applications for exemptions to the EO Act; and review of the Commissioner’s decision to refuse to extend time within which to lodge a complaint.

The *Dog and Cat Management (Miscellaneous) Amendment Act 2016* amends section 5(1) of the EO Act. The definition of ‘assistance animal’ changed from guide dog, an accredited hearing dog or an accredited disability dog to an ‘assistance dog’.

The *South Australian Employment Tribunal (Miscellaneous) Amendment Act 2017* repealed section 105 of the EO Act (the power of the Presiding Officer of the Tribunal to make rules regulating the practice and procedure of the Tribunal).

With changes under the *Relationships Register Act 2016* the definition of domestic partner under section 5(1) of the EO Act was expanded to include a person who is in a registered relationship. It also introduced intersex status as a protected ground for discrimination under section 29 of the EO Act. The Equal Opportunity Commissioner now has the power to issue Practice Guidelines under Part 6A of the EO Act with respect to the protections or exceptions contained in the EO Act. This means the Commissioner now has greater capacity to provide detailed and authoritative educative information about legal obligations and to promote compliance with the EO Act.

Timeline of Equal Opportunity Commissioners

Equal Opportunity Commissioner	Appointed
Mary Beasley	August 1976 – February 1978
Joan Colley	June 1978 – February 1980
Josephine Tiddy	June 1980 – February 1996
Linda Matthews	April 1996 – June 2010
Anne Burgess (Acting)	June 2010 – August 2012
Anne Gale	September 2012 – December 2015
Anne Burgess (Acting)	December 2015 – May 2016
Dr Niki Vincent	May 2016 - Current



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¹EOC Role and Function

The South Australian EOC is an independent statutory body with responsibility under the *Equal Opportunity Act 1984* (SA) (the Act) for promoting equality of opportunity and fostering informed and unprejudiced community attitudes, with a view to eliminating discrimination on the grounds to which the Act applies.

The Act enables the EOC to undertake a range of functions including:

- Educating and informing people about their rights and responsibilities under the Act through the provision of education, training and information;
- Undertake voluntary reviews of programs and practices to help people and organisations comply with the law;
- Undertaking research and project work to find solutions to systemic causes of discrimination;
- Assisting people to resolve complaints of discrimination, sexual harassment or victimisation. In the event that a complaint cannot be resolved it may be referred to the South Australian Employment Tribunal for determination; and
- Advising government on legislative and policy reform on relevant matters.

EOC Structure Description

The EOC is a division of the Attorney-General's Department (AGD) and sits within the Policy and Community Portfolio. The Commissioner for Equal Opportunity reports to Parliament through the Attorney-General. The staff of the Office, who are public servants, assist with the work of administering the Act. See current organisational chart Appendix 1.

Predecessor Agencies

There are no predecessor agencies.

Successor Agencies

There are no successor agencies.

¹ Information in this section taken from Equal Opportunity Commission of South Australia Annual Reports <http://www.eoc.sa.gov.au/eo-resources/publications/annual-reports>.



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Legislation

Legislation administered by the Attorney-General's Department related to EOC:

- *Equal Opportunity Act, 1984 (SA)*

Legislation where complaints of alleged victimisation are able to be taken up under s86 of the *Equal Opportunity Act 1984 (SA)*:

- *Whistle-blowers Protection Act, 1993 – Sect 9*
- *Child Safety (Prohibited Persons) Act, 2016 – Sect 51*
- *Children and Young People (Oversight and Advocacy Bodies) Act, 2016 – Sect 67*
- *Independent Commissioner against Corruption Act, 2012 – Sect 57*
- *Health Care Act, 2008 – Sect 75*
- *Architectural Practice Act, 2009 – Sect 61*
- *Animal Welfare Act, 1985 – Sect 43B*
- *Survey Act, 1992 – Sect 55A*
- *Veterinary Practice Act, 2003 – Sect 70*
- *Advance Care Directives Act, 2013 – Sect 60*
- *Education and Early Childhood Services (Registration and Standards) Act, 2011 – Sect 79*
- *Disability Services Act, 1993 – Sect 5A*

Legislation not administered by the agency but which impacts:

- *Relationships Register Act, 2016*
- *Statutes Amendment (Gender Identity and Equity) Act, 2016*
- *Acts Interpretation Act, 1915*
- *State Records Act, 1997*
- *Freedom of Information Act 1991*
- *Public Sector Act 2009*



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- *Public Sector (Honesty and Accountability) Act, 1995*
- *Electronic Communications Act, 2000 (formerly Electronic Transactions Act 2000)*
- *Fair Work Act, 1994*
- *Fair Work Act, 2009 (Commonwealth)*
- *Judicial Conduct Commissioner Act, 2015*
- *South Australian Employment Tribunal Act, 2014*
- *Workplace Gender Equality, Act*
- *Australian Privacy, Act*
- *Dog and Cat Management (Miscellaneous) Amendment Act, 2016*

Context of the Records Covered by the Schedule

Coverage of RDS 2017/19

This schedule covers the closed and ongoing functional records of the EOC. The records relate to:

- Enquiries regarding allegations of discrimination and harassment
- Written allegations of discrimination and harassment which do not meet the requirements of the legislation
- Accepted complaints that have been resolved, dismissed, withdrawn or referred to the Equal Opportunity Tribunal for determination
- Completed training programs
- Minor and major projects undertaken

Records covered by this schedule also include the following record series held in State Records custody:

- GRS715 Complaint Files, annual single number order with 'CEO' prefix, 1976-1982
- GRS799 Complaint Files, 1982 – 1998
- GRS11598 Publications, 1986 – current
- GRS12012 Complaint Files, single number series with '80' prefix, 1988 – 2010



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- GRS12373 Administration and training files, single number series with '81' prefix, 2003 - 2010
- GRS16299 'Resolve' Complaint Files, annual single number series, 2010 – current

Related Series Affected by RDS 2017/19

There are no related series affected by this RDS.

Complementary Schedules to RDS 2017/19

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

Existing Disposal Schedules Superseded by RDS 2017/19

- RDS2006/14 V2 approved 12 November 2013

Records Structure within EOC

The EOC maintains a centralised records structure. Records of complaints are created in the Resolve database and are also managed in hard copy. In addition, training and client data is managed in separate databases.

Electronic records are held on a server maintained by AGD.

Broad Description and Purpose of the Records

The records of the EOC document activities aimed at meeting its statutory responsibilities in promotion of equal opportunity, complaint handling, education and training.

Functions and Activities Documented by the Records

The EOC has a statutory responsibility to receive and try to resolve complaints. Each complaint is fully documented electronically and in a hard copy record. Such records are covered under the function of 'Complaint & Enquiries Management'.

Statistics, reports, projects and policies relating to equal opportunity issues are covered by the function of 'Policy & Projects'.

The EOC also offers education in regards to discrimination as well as training that is tailored to the needs of the particular organisation or industry. Education and training services are recorded in hard copy and electronically by service, organisation or industry type. These records are covered under the function of 'Education & Training'.

Arrangement of the Records

The EOC has hard copy and electronic operational records.

Hard Copy Files



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- Approved Complaints - complaints that are accepted under EO legislation – arranged by ascending number sequence - Resolve reference Year/XXXXX.
- Written lodgements of complaints not within Equal Opportunity jurisdiction – numbered in ascending sequence - Resolve reference Year/XXXXX.
- Training Services – arranged by ascending number sequence- AF Year/1234.
- Policy and Projects – arranged by ascending number sequence- AF Year / 1234.
- One copy of all publications and annual reports.

Electronic records

The EOC maintains the following operational electronic systems:

- Training Services Manager – client registration and reporting system
- Access database – mailing list of public and private clients of the EOC (used for training, information and events / launches).

Records from 1976 were manually registered in numeric fashion under the descriptions of Administration = 20/number/year; Written Complaints = 12/number/year; Accepted Complaints = 11 (EO Act)/number/year.

From July 1985 to June 1998 the EOC used an electronic records management system called Q&A. From July 1998 the Commission moved to a new records management system (compatible with HREOC records management system) called Complaint Handling and Record Management System (CHARMS). Complaint files stored in CHARMS office 80 were numbered accordingly, i.e. 80xxxx in ascending numerical order. Administrative and Training files were similarly numbered in CHARMS under Office 81, i.e. 81xxxx.

In July 2010 the Resolve records management system was introduced. Resolve is used to manage EOC Complaint Handling files. All accepted complaints and exemptions are registered on Resolve and filed in individual folders. Complaints that are not accepted are registered on Resolve but filed together in lever arch folders. All complaints are numbered by year and then followed by a sequential single number, i.e. 2010/00001.

Administration files that were maintained on the CHARMS records management system have been migrated to Resolve. These files include training, policy and project and general business administration files, and are prefixed with 'AF' and numbered by year and then followed by a sequential single number, i.e. 2010/00001.

Agency Creating the Records

EOC that administers the records covered by this RDS also created them.



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Agency Owning or Controlling the Records

EOC that administers the records covered by this RDS also controls or owns them.

Date Range of the Records

Records Date Range: **1976 to Ongoing**

Volume of the Records

The volume of records currently totals approximately 23 metres in agency storage. In addition, approximately 112.2 metres of non-current records are held in the custody of State Records, and approximately 4 metres being held at the AGD approved offsite storage provider.

There are currently approximately 95 GB of electronic records saved within network drives and databases including drafts and possible duplications.

Special Custody Requirements

There are no special custody requirements.

Special Storage Requirements

There are no special storage requirements.

Issues Not Mentioned Previously

There are no issues that have not already been mentioned.

Comments Regarding Disposal Recommendations

Permanent Records Rationale

Items 2.1.1, 3.1.1 and 3.2.1 are recommended as permanent because they meet Objective 2 of the State Records guideline 'Appraisal of Official Records: Policy and Objectives', in that they document the formulation and determination of policy; the formulation, determination and implementation of strategic management decisions and/or the development, implementation and review of legislation at an across-government level.

Item 3.3.1 is recommended as permanent based on feedback from the historian consultation on the previous RDS2006/14 V2.

Temporary Records Rationale

Records relating to accepted complaint files (item 1.1.1) are recommended as temporary as they do not meet the objectives in the State Records guideline 'Appraisal of Official Records – Policy and Objectives'. Long term temporary storage (50 years) is deemed sufficient for



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accepted complaint files, as these are required to be kept confidential under Section 95 of the EO Act - Conciliation of complaints lodged with Commissioner “(8) For the purposes of conciliating a matter, the Commissioner may make available to a particular party to the proceedings books, papers or documents produced by other persons for the purposes of an investigation that are likely, in the Commissioner’s opinion, to facilitate resolution of the matter (but the Commissioner must not make records referred to in section 94(2b), or other documents containing confidential or personal information, available without the consent of the person concerned”. These records are not of permanent value to the state, but of significant value to EOC and the client, if they cannot ever be accessed.

Records relating to enquiries (item 1.2.1) and complaints which do not warrant further investigation (item 1.1.2) are recommended as temporary as they do not meet the objectives in the State Records guideline ‘Appraisal of Official Records – Policy and Objectives’. The retention period meets evidentiary, administrative and legal requirements.

Records relating to training and education programs (items 2.1.2, 2.1.3 and 2.1.4) are recommended as temporary as they have limited administrative, informational and research value. Retention periods are consistent with those included in GDS30 for training records.

Records relating to policy and project development of a routine nature (items 3.1.2 and 3.2.2) are also recommended as temporary because of their limited informational and research value. The retention period meets evidentiary, administrative and legal requirements.

Records relating to promotion (item 3.3.2) have also been recommended as temporary on the basis that a master set of publications of the Commission provide details of the agency’s services and programs under 2.1.1 which is retained permanently.

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 record formats.

Impact on Native Title Claims

There is no discernible relevance to Native Title Claims.



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Indigenous Considerations

The determinations within *RDS 2017/19* 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 2017/19 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 2017/19* applies to the operational records of the EOC.

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 Records Disposal Schedule does not complement any existing schedules.

Other RDS superseded by RDS 2017/19

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 2017/19

This RDS does not apply to records of the Equal Opportunity Tribunal.



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Application to records in all formats

RDS 2017/19 applies to records in all formats, including databases and other electronic records. EOC 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 2017/19* are minimum retention periods for which records need to be retained. It is at the discretion of EOC as to whether records are kept for longer than the minimum period.

Acronyms

- AGD – Attorney-General’s Department
- CHARMS - Complaint Handling and Record Management System
- HREOC - Federal Human Rights & Equal Opportunity Commission

Definitions of terms specific to RDS 2017/19

- Accepted Complaint - A complaint lodged under the Equal Opportunity Act 1984 (SA) alleging discrimination, sexual harassment or victimisation that the Commissioner determines to take action on.

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 EOC 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



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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.

Approved by SRC



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Approved by SRC



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Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 COMPLAINT & ENQUIRIES MANAGEMENT			
1	COMPLAINT & ENQUIRIES MANAGEMENT	The function of receiving enquiries and complaints from members of the public relating to various discrimination and harassment issues covered by the <i>Equal Opportunity Act, 1984</i>.	
1.1	Complaint Management	<i>The activity of handling complaints from the public, in accordance with the Equal Opportunity Act, 1984, which relate to various discrimination and harassment issues.</i>	
1.1.1	Complaint Management	Records relating to matters where the Tribunal requests the Commissioner to investigate and where the Commissioner is requested to provide assistance to parties before the Tribunal.	PERMANENT
1.1.2	Complaint Management	Summary of records which include summary of complaint information from previous and old databases (eg Q&A, CHARMS and Resolve)	PERMANENT
1.1.3	Complaint Management	Records relating to complaints of discrimination, harassment and victimisation that appear to meet the requirements of the <i>Equal Opportunity Act, 1984</i> . Includes Approved Complaints Files.	TEMPORARY Destroy 50 years after action completed
1.1.4	Complaint Management	Records relating to complaints that do not warrant further investigation because they do not meet the requirements of the Equal Opportunity Act, 1984. Includes letters of complaints lodged but not substantiated.	TEMPORARY Destroy 5 years after action completed
1.2	Enquiry Management	<i>The activity of handling requests from the public for information and advice relating to various discrimination and harassment issues.</i>	



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Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 COMPLAINT & ENQUIRIES MANAGEMENT			
1.2.1	Enquiry Management	Records relating to the provision of advice to members of the public. Includes general enquiries over the phone or face to face on various discrimination and harassment issues. May also include routine requests for publications, research and policy advice. Statistical data relating to these records detailed in the Annual Report.	TEMPORARY Destroy 8 years after action completed



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Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 EDUCATION & TRAINING			
2	EDUCATION & TRAINING	The function of providing information, training and education programs to encourage compliance with South Australian equal opportunity legislation.	
2.1	Training provision	<i>The activities associated with all aspects of training provision.</i>	
2.1.1	Training provision	One copy of training and education films, skits, DVD's, CD's etc. developed by the EOC for use in education, training or promotion.	PERMANENT Manage and migrate
2.1.2	Training provision	Records relating to the general development or customisation of training and education programs and course material.	TEMPORARY Destroy 5 years after course or program superseded or discontinued
2.1.3	Training provision	Records relating to education and training programs provided to individual organisations, including program content, attendance evaluation, venue bookings, hire of equipment, catering, rosters, etc.	TEMPORARY Destroy 7 years after action completed
2.1.4	Training provision	Records relating to training registrations	TEMPORARY Destroy 12 months after action completed
2.1.5	Training provision	Requests to update client details.	TEMPORARY Destroy 1 month after action completed



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Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
3 POLICY & PROJECTS			
3	POLICY & PROJECTS	The function of promoting equality of opportunity for all South Australians. Includes the activities of policy development, strategic planning, project management, research, reviews and promotion.	
3.1	Policy Development	<i>The activity of working with strategic partners, government or private, to promote equality of opportunity. Includes legislative review.</i>	
3.1.1	Policy Development	Records relating to policy development which is major or precedent setting. This includes major inquiries conducted using authority under the Equal Opportunity Act, 1984, legislative review or amendment, or advice to government that leads to major policy change or where the EOC is a primary source.	PERMANENT
3.1.2	Policy Development	Records relating to policy development which is of a routine nature. This includes comments provided by the EOC to government submissions, agency positions on broader policy issues, Ministerials, or proposals for future agency development and where the EOC is a secondary source.	TEMPORARY Destroy 5 years after action completed
3.2	Project Management	<i>The activity of initiating and conducting research and projects around emerging issues relevant to equal opportunity and anti-discrimination.</i>	
3.2.1	Project Management	Records relating to projects and research which are major or precedent setting. This includes research underpinning major policy development that leads to legislative review, legislative amendment or major position statements.	PERMANENT



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Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
3 POLICY & PROJECTS			
3.2.2	Project Management	Records relating to projects and research that are minor or routine. This includes research and project work relating to the day by day operation of the EOC such as projects aimed at improving operational performance, participation on committees and working parties of government and non-government organisations and projects designed to target the issues of particular disadvantaged groups.	TEMPORARY Destroy 5 years after action completed
3.3	Promotion	<i>The activity of promoting equal opportunity principles to all South Australians.</i>	
3.3.1	Promotion	Photographs taken at events, launches, information sessions, conferences, etc. that are of significance to the EOC and are identifiable. For example, Mitchell Oration, launch of products or publications, Ministerial or EOC sponsored events.	PERMANENT
3.3.2	Promotion	Loose photographs, slides, negatives or any other visual image media that have not been included within the official image collection and after identification and consultation with stakeholders, there are not enough details available to substantiate a location, topic, date range, individuals, purpose or other information of significance relating to the organisations core business.	TEMPORARY Destroy when reference ceases



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