



State Records Act 1997

Operational Records Disposal Schedule

The Judicial Conduct Commissioner

RDS 2016/26 Version 1

Effective Date: 14 February 2017 to 28 February 2027

Approved Date: 14 February 2017

Approved by SRC



The Judicial Conduct Commissioner

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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 Judicial Conduct Commissioner

Approved Date: 14 February 2017

Effective Date: 14 February 2017 to 28 February 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

GPO Box 464
ADELAIDE
South Australia 5001
Email: StateRecords@sa.gov.au

Ph: 7322 7081

Chair, State Records Council

Director, State Records



The Judicial Conduct Commissioner

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 Judicial Conduct Commissioner, 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 Judicial Conduct Commissioner 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.* **CASE MANAGEMENT**)
- Activity/Process:** The activities and processes relating to each function are shown in 12 point bold Arial sentence case (*e.g.* **Complaints**).
- 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 managing matters, including complaints, own initiative matters and subsequent action relating to conduct of judicial officers, pursuant to JCC Act. Includes receiving, registering, assessing and dealing with complaints received under the Act. Includes information sharing and discussions on matters relevant to complaints (where appropriate).**)
 - definitions of activities are located adjacent to the activity title in italics *e.g.* *The activities associated with the receipt, examination and action on a complaint about a judicial officer. Includes matters arising externally and from Commissioner initiated cases (or Delegate).*
 - 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.



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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 Judicial Conduct Commissioner. 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 minimum ones and The Judicial Conduct Commissioner may extend the retention period of the record if it considers there is an administrative need to do so. Where The Judicial Conduct Commissioner 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 Judicial Conduct Commissioner 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 Judicial Conduct Commissioner needs to ensure that records in electronic



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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 CE 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.

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 Judicial Conduct Commissioner 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 Judicial Conduct Commissioner 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.

The Judicial Conduct Commissioner should also refer to State Records’ *Destruction of Official Records Guideline*, available via the State Records website (www.archives.sa.gov.au) for further advice.



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Review

State Records' disposal schedules apply for a period of ten years. Either The Judicial Conduct Commissioner 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.

Approved by SRC



The Judicial Conduct Commissioner

Context Statement

Context of the Agency Covered by the Schedule

The Judicial Conduct Commissioner History and Background

Prior to the enactment of the Judicial Conduct Commissioner Act 2015 (SA) (JCC Act) there was no dedicated process in South Australia for dealing with complaints about the conduct of judicial officers. The only recourse available to a person concerned about the conduct of a judicial officer was to contact the most senior judicial officer of the court (relevant jurisdictional head), or to make a complaint to the Office for Public Integrity.

Some other jurisdictions in Australia and overseas have dedicated processes, enshrined in legislation, for dealing with complaints about judicial officers. For example, New South Wales has a Judicial Commission which has existed for approximately 30 years and deals with complaints in accordance with the *Judicial Officers Act 1986* (NSW). New Zealand has a Judicial Conduct Commissioner who deals with complaints in accordance with the *Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004* (NZ).

The JCC Act was enacted in 2015, but was not proclaimed until late 2016. It provides for the appointment of a Judicial Conduct Commissioner to receive and deal with complaints regarding the conduct of judicial officers.

The Hon. Bruce Lander QC (Commissioner) was appointed as the inaugural Judicial Conduct Commissioner on 11 August 2016. The Commissioner will carry out his functions concurrently with his role as the Independent Commissioner Against Corruption (ICAC).

The Commissioner, together with a lawyer seconded from the Crown Solicitor's Office and ICAC employees, developed the operating model and procedures in anticipation of the commencement of the JCC Act.

The Office of the Judicial Conduct Commissioner (JCC) commenced operation on 5 December 2016.

The Judicial Conduct Commissioner Role and Function

The Commissioner

The principal function of the Commissioner is to receive and deal with complaints about serving judicial officers in relation to the conduct of those judicial officers, provided that the impugned conduct bears upon their judicial functions or judicial duties.

A complaint can relate to any act or omission of the judicial officer whether occurring in the course of carrying out their functions as judicial officers or not and whether resulting from illness or incapacity or not. However, the Commissioner is required to dismiss any



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complaints about judicial decisions or other judicial functions which are or were the subject to a right of appeal or a right to apply for judicial review.

The Commissioner is required to deal with complaints in accordance with the process prescribed in the JCC Act. The Commissioner must conduct a preliminary examination in relation to each complaint to determine whether the complaint:

- should be referred to the Office For Public Integrity (OPI);
- should have no further action taken in respect of it; or
- must be dismissed.

If the Commissioner does not take any of those actions in respect of the complaint and if the complaint is one which was made by someone other than a relevant jurisdictional head, the Commissioner must refer the complaint to the relevant jurisdictional head and, in doing so, can:

- recommend that the relevant jurisdictional head take specified action;
- advise the relevant jurisdictional head that he intends to make a report to Parliament on the complaint; or
- advise the relevant jurisdictional head that he intends to make a recommendation to the Attorney-General to appoint a judicial conduct panel to inquire into, and report on, any matters concerning the conduct of a judicial officer.

The Commissioner is both independent and accountable. The JCC Act is subject to review by an external reviewer appointed under Schedule 4 of the ICAC Act. The JCC is required to publish a report each year that details information and statistics in relation to complaints and the outcome of those complaints. (JCC Act, s 27)

The JCC must also provide the Attorney-General with specified information about the exercise of the JCC's functions under the JCC Act if requested to do so by the Attorney-General. (JCC Act, s 28)

The Commissioner is not subject to the direction of any person in relation to any matter, including:

- the way in which his functions are carried out;
- the way in which his powers are exercised; and
- the priority that the Commissioner gives to a particular matter in carrying out his functions.

The JCC Act requires the Commissioner to prepare and present an annual report on the operation of the JCC Act to Parliament.

The Office for Public Integrity

The JCC Act allows the Commissioner to enter into an arrangement with the ICAC to make use of the services or employees of the OPI. The OPI supports the Commissioner by receiving complaints and responding to general enquiries about the Commissioner and the JCC Act. The OPI will act as the receiving point for all complaints made to the JCC.



The Judicial Conduct Commissioner

The Judicial Conduct Commissioner Structure Description

The JCC is comprised of the Commissioner and, for the first six months after its commencement, a solicitor on secondment from the Crown Solicitor's Office. The seconded solicitor assists in dealing with the complaints made under the JCC Act.

Predecessor Agencies

There are no predecessor agencies.

Successor Agencies

There are no successor agencies.

Legislation

- *Judicial Conduct Commissioner Act 2015 (SA)*

Legislation Requiring Amendment

Eleven other Acts were amended by the JCC Act to acknowledge and bolster the JCC's role and powers and to ensure the JCC Act is not inconsistent with those Acts. The most significant change was to the *Courts Administration Act 1993* to provide jurisdictional heads with additional powers and functions.

- *Independent Commissioner Against Corruption Act 2012 (SA)*
- *Constitution Act 1934 (SA)*
- *Courts Administration Act 1993 (SA)*
- *District Court Act 1991 (SA)*
- *Equal Opportunity Act 1984 (SA)*
- *Freedom of Information Act 1991 (SA)*
- *Judges' Pensions Act 1971 (SA)*
- *Justices of the Peace Act 2005 (SA)*
- *Magistrates Act 1983 (SA)*
- *Ombudsman Act 1972 (SA)*
- *Parliamentary Committees Act 1991 (SA)*.

Context of the Records Covered by the Schedule

Coverage of RDS 2016/26

This schedule applies to all records of the JCC.



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The schedule also covers permanent JCC records contained within series not yet registered within the GRS system. See 'Records Structure within the JCC (below)' for further details about record types.

Related Series Affected by RDS 2016/26

There are no related series affected by this RDS.

Complementary Schedules to RDS 2016/26

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

Existing Disposal Schedules Superseded by RDS 2016/26

There are no existing Disposal Schedules superseded by this RDS.

Records Structure within The Judicial Conduct Commissioner

The JCC commenced operations using a centralised electronic records structure, using the electronic database '*Objective*'.

The case, operational, management and general records are controlled using the following systems of arrangement and format:

- Case management records JCC CASE YYYY/NNNNNN
- General records JCC GEN YYYY/NNNNN
(includes enquiries, personnel, administration, reporting, education, ICT, legal services and financial management).

For a particular case or general file, hard copy and electronic records may be created or received. The hard copy records will be digitised and managed in the electronic file. The electronic file may include more records than the hard copy file resulting in the electronic file being the definitive / authoritative record.

The general and case management records will be managed in hybrid files, both electronic and scanned hard copy (source) records. The electronic, or digital, file will be the complete file. The hard copy file containing source records will be disposed of in line with the source record policy.

Objective is an Electronic Document and Records Management System enterprise content management system used by the JCC. *Objective*'s primary capabilities are to capture, manage, store, track, and control versions and disposal of official records. As a secondary capability *Objective* provides a hierarchy and classification scheme based on metadata which can be used for searching, auditing and reporting from the system. Information security within the system is managed using classifications, dissemination limiting markers, and user privileges.



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Broad Description and Purpose of the Records

The records of the JCC document the activities and processes associated with managing complaints and enquiries made to the JCC and resulting in referral to the relevant jurisdictional head, a report to Parliament, a recommendation to the Attorney-General to appoint a judicial conduct panel, dismissal and no further action. Education programs are also included. The records created and managed using *Objective* comprise:

- Case management
- enquiries
- personnel
- general

Functions and Activities Documented by the Records

The records document the following functions and supporting activities of the JCC:

CASE MANAGEMENT (JCC)

- Complaints

COMMISSIONER'S FUNCTION (JCC)

- Enquiries
- Reporting

Arrangement of the Records

The case, operational, management and general records are controlled using the following systems of arrangement and format:

- Case management records JCC CASE YYYY/NNNNNN
- General records JCC GEN YYYY/NNNNN
(includes enquiries, personnel, administration, reporting, education, ICT, legal services and financial management).

For a particular case or general file, hard copy and electronic records may be created. The electronic version may include more than the hard copy and the electronic record is the definitive / authoritative record. The general and case management records will be managed in hybrid files, both electronic and scanned hard copy (source) records. The electronic, or digital, file will be the complete file. The hard copy file containing source records will be disposed of in line with the source record policy.

Objective is an Electronic Document and Records Management System enterprise content management system used by the JCC. *Objective's* primary capabilities are to capture, manage, store, track, and control versions and disposal of official records. As a secondary capability *Objective* provides a hierarchy and classification scheme based on metadata which can be used for searching, auditing and reporting from the system. Information security within the system is managed using classifications, dissemination limiting markers, and user privileges.



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Agency Creating the Records

The **Judicial Conduct Commissioner** that administers the records covered by this RDS also created them.

Agency Owning or Controlling the Records

The **Judicial** Conduct Commissioner that administers the records covered by this RDS also controls or owns them.

Date Range of the Records

Records Date Range: **2016 to Ongoing**

Volume of the Records

As at January 2017 there were:

- six physical files within the JCC
- no record holdings held at State Records or with other external storage providers.

Special Custody Requirements

The JCC applies the Information Management Security Framework (ISMF)¹ as part of its compliance and integrity regime.

Pursuant to the JCC Act, records relating to cases and subsequent preliminary examinations and referrals are treated as protected and their existence and content must not be divulged. Where a record relating to a case is classified as higher than protected a physical file is created and relevant records are included. The file is then stored in a secure area within the JCC.

Given the age of the JCC there is no immediate need to transfer any records to State Records.

Special Storage Requirements

As described under the heading “Special Custody Requirements” above.

Issues Not Mentioned Previously

- Records in electronic format are to be maintained and migrated as necessary to ensure ongoing accessibility management purposes.

¹ South Australia, *Information Security Management Framework*, Office for Digital Government, Department of the Premier and Cabinet, 1 August 2016.



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- Records documenting the JCC operations are protected. Requests for access shall be determined by the JCC in accordance with the JCC Act.

Comments Regarding Disposal Recommendations

Permanent Records Rationale

Records nominated for permanent retention in this RDS detail substantive processes and outcomes of business functions and activities undertaken by the JCC. These records meet the criteria for ongoing value as set out in the *Appraisal of Official Records: Policy and Objectives Guideline*, in particular Objectives 1, 2 and 5.

Thus these records (RDS items 1.1.1 and 2.2.1) are of enduring value.

Temporary Records Rationale

Records nominated for temporary status in this schedule detail routine processes and / or transactions that support the activities of the JCC. Retention periods have been determined by the legal, administrative / operational, evidential and financial accountability requirements.

Temporary records are those that are considered not to have continuing value to the JCC or the State. They include RDS items 1.1.2, 1.1.3, 2.1.1, and 2.2.2.)

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

For a particular case or administration file, hard copy and electronic files may be created. However, the electronic version may include more than the hardcopy and is the definitive / authoritative record.

See “Special Custody Requirements” (above) regarding records classified as higher than protected.

Impact on Native Title Claims

There is no discernible relevance to Native Title Claims.



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Indigenous Considerations

The determinations within *RDS 2016/26* 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 2016/26 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.

Approved by SRC



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Scope Note

Records Covered by this Schedule

This *RDS 2016/26* applies to ongoing operational records of The Judicial Conduct Commissioner.

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 2016/26

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 2016/26

There are no records excluded from cover by this RDS.



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Application to records in all formats

RDS 2016/26 applies to records in all formats, including databases and other electronic records. The Judicial Conduct Commissioner 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 2016/26 are minimum retention periods for which records need to be retained. It is at the discretion of The Judicial Conduct Commissioner as to whether records are kept for longer than the minimum period.

Acronyms

- JCC Judicial Conduct Commissioner
- GDS General Disposal Schedule
- GRS Government Record Series
- ICAC Independent Commissioner Against Corruption
- OPI The Office for Public Integrity
- RDS Records Disposal Schedule

Definitions of terms specific to RDS 2016/26

| Term | Description |
|------------------------|--|
| Commissioner | The Judicial Conduct Commissioner appointed under section 7 of the JCC Act, or the person from time to time acting as the Judicial Conduct Commissioner. |
| Complainant | A person who makes a complaint under section 12(1) of the JCC Act. |
| Complaint | A complaint under section 12 of the JCC Act about the conduct of a judicial officer and includes a referral by the Attorney-General under section 12(6), a referral by a jurisdictional head under section 12(7) and a complaint initiated by the Commissioner under section 12(8). |
| Judicial conduct panel | A judicial conduct panel appointed under Part 4 of the JCC Act. |
| Judicial office | <ul style="list-style-type: none"> • The office of Judge of the Supreme Court; • the office of Master of the Supreme Court, District Court Judge or any other Judge; • any other office involving the exercise of judicial functions that may only be occupied by a Judge or Master or by a person with other legal qualifications; • the office of Magistrate; • any other office involving the exercise of judicial functions |



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| | |
|--------------------------------|--|
| | <p>that may only be occupied by a Magistrate or by a person with other legal qualifications;</p> <ul style="list-style-type: none"> • the office of special justice; • any other office prescribed by the regulations. |
| Judicial officer | A person appointed to hold or act in a judicial office |
| Jurisdictional head of a court | The judicial officer who has primary responsibility for the administration of the court. |

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 The Judicial Conduct Commissioner 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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| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--------------------------|--------------------------------|---|--|
| 1 CASE MANAGEMENT | | | |
| 1 | CASE MANAGEMENT (JCC) | The function of managing matters, including complaints, own initiative matters and subsequent action relating to conduct of judicial officers, pursuant to JCC Act. Includes receiving, registering, assessing and dealing with complaints received under the Act. Includes information sharing and discussions on matters relevant to complaints (where appropriate). | |
| 1.1 | Complaints | <p><i>The activities associated with the receipt, examination and action on a complaint about a judicial officer. Includes matters arising externally and from Commissioner initiated cases (or Delegate).</i></p> <p><i>The contents of case files may include items accompanying a complaint, including physical documents, copies of documents, transitory storage devices (including CD/DVD, USB sticks, etc containing electronic objects, etc), item manifests and receipt(s), file notes emanating from the lodgement process, etc.</i></p> <p><i>Public Statements made by the Commissioner in relation to particular complaints are also contained within specific case files.</i></p> | |
| 1.1.1 | Complaints | Case files documenting complaints referred or reported to the Office for Public Integrity, a jurisdictional head or subject to an immediate report to Parliament or recommendation to the Attorney-General to convene a Judicial Conduct Panel. Also includes summary records documenting preliminary examination, referrals and recommendations. | PERMANENT Actively manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes. |
| 1.1.2 | Complaints | Case files documenting complaints that are dismissed or on which no further action is taken. Includes activities associated with the receipt, assessment and action on a complaint that is outside the jurisdiction. | TEMPORARY Destroy 20 years after action completed. Maintain and reformat as required for administrative purposes. |



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| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--------------------------|--------------------------------|---|---|
| 1 CASE MANAGEMENT | | | |
| 1.1.3 | Complaints | “Original” versions of recorded information received or otherwise obtained in the course of a preliminary examination. Also includes information provided by a complainant or other parties for matters outside the jurisdiction of JCC. Includes recorded information ‘voluntarily provided’. Note: Copies of recorded information received or otherwise obtained in the course of a preliminary examination or recorded information ‘voluntarily provided’ and retained by JCC, are disposed of in accordance with the related case file, for which see item 1.1.1 or 1.1.2 above. | RETURN TO PROVIDER (e.g. complainant) Return to provider in accordance with relevant legislation or JCC policy. Returned record is not an official record. Maintain and reformat as required for administrative purposes |



The Judicial Conduct Commissioner

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|----------------------------------|--------------------------------------|--|--|
| 2 COMMISSIONER'S FUNCTION | | | |
| 2 | COMMISSIONER'S FUNCTION (JCC) | The function of the Commissioner in discharging statutory functions. | |
| 2.1 | Enquiries | <i>The activities associated with the seeking and handling of requests for information and other enquiries relevant to JCC function.</i> | |
| 2.1.1 | Enquiries | The records relating to the seeking and handling of requests for information and other enquiries relevant to JCC function. | TEMPORARY Destroy 10 years after action completed. Maintain and reformat as required for administrative purposes. |
| 2.2 | Reporting | <i>The activities associated with the making of recommendations and preparation of reports relevant to JCC function.</i> | |
| 2.2.1 | Reporting | Master final Commissioner's reports relevant to JCC function. | PERMANENT Actively manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes. |



The Judicial Conduct Commissioner

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|----------------------------------|--------------------------------|---|---|
| 2 COMMISSIONER'S FUNCTION | | | |
| 2.2.2 | Reporting | Supporting records relating to making of recommendations and preparation of reports relevant to JCC function. | TEMPORARY Destroy 7 years after action completed. Maintain and reformat as required for administrative purposes. |



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