



Public Record Office Standard

PROS 05/07

Authority

Retention & Disposal Authority for Records of Equal Opportunity Commission Victoria

Version 2019

Incorporating Variations 1, 2 & 3

05/07	Issue Date: 21/09/2005	Expiry Date: 21/09/2015
Variation 1	Issue Date: 23/12/2013	Expiry Date: 31/12/2016
Variation 2	Issue Date: 03/02/2017	Expiry Date: 31/12/2019
Variation 3	Issue Date: 06/12/2019	Expiry Date: 31/12/2022

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Public Records Act 1973
(Section 12)

Retention and Disposal Authority for Records of Equal Opportunity Commission Victoria

Public Record Office Standard (PROS) 05/07

Variation 1:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the records of the Retention and Disposal Authority for Records of Equal Opportunity Commission Victoria, issued as Public Record Office Standard (PROS) 05/07 on 21/09/2005, as follows:

Extension of the application of this Standard until 31/12/2016

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date: 23/12/2013

Director and Keeper of Public Records

Public Records Act 1973
(Section 12)

**Retention and Disposal Authority for Records of
Equal Opportunity Commission Victoria**

Public Record Office Standard (PROS) 05/07

Variation 2:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the records of the Retention and Disposal Authority for Records of Equal Opportunity Commission Victoria, issued as Public Record Office Standard (PROS) 05/07 on 21/09/2005, as follows:

Extension of the application of this Standard until 31/12/2019

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date: 03/02/2017

Director and Keeper of Public Records

Public Records Act 1973
(Section 12)

Retention and Disposal Authority for Records of Equal Opportunity Commission Victoria

Public Record Office Standard (PROS) 05/07

Variation 3:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the records of the Retention and Disposal Authority for Records of Equal Opportunity Commission Victoria, issued as Public Record Office Standard (PROS) 05/07 on 21/09/2005, as follows:

Extension of the application of this Standard until 31/12/2022

This Variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Date: 06/12/2019

Director and Keeper of Public Records

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Under section 12 of the *Public Records Act 1973*, the Keeper of Public Records is responsible for the establishment of standards for the efficient management of public records and for assisting public offices to apply those standards to records under their control. Officers in charge of public offices are responsible under section 13 of the *Act* for carrying out, with the advice and assistance of the Keeper, a program of records management in accordance with the standards established under section 12 of the *Act*.

1 Introduction

1.1 Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*.

The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

1.2 Context of this Authority

1.2.1 Public Record Office Victoria Standards

This Authority should be used in conjunction with the Standards issued by the Keeper of Public Records under Section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from www.prov.vic.gov.au. These documents set out the procedures that must be followed by Victorian public offices.

1.2.2 Transfer of records to Public Record Office Victoria

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

1.2.3 Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard PROS 10/13 *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

1.2.4 Normal Administrative Practice

The destruction of some public records is permitted without final authorisation under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative nature created, acquired or collected by public officers during the course of their duties.

The following material may be destroyed under NAP:

- working papers consisting of rough notes and calculations used solely to assist in the preparation of other records such as correspondence, reports and statistical tabulations
- drafts not intended for retention as part of the office's records, the content of which has been reproduced and incorporated in the public office's record keeping system
- extra copies of documents and published material preserved solely for reference

1.3 Use of Other Authorities

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Common Administrative Records), consult the Public Record Office Victoria for advice.

1.4 Explanation of Authority Headings

CLASS NUMBER

The class number or entry reference number provides citation and ease of reference.

DESCRIPTION

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

STATUS

This entry provides the archival status of each class - either permanent or temporary.

CUSTODY

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria.

Permanent electronic records are to be transferred in VERS Encapsulated Object (VEO) format according to PROS 99/007 *Management of Electronic Records* (Version 2).

The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 11/01 *Storage*.

1.5 The Equal Opportunity Commission Victoria (EOCV) Enquiries and Complaints Process

The EOCV helps people resolve complaints of discrimination, sexual harassment and racial and religious vilification.

It is responsible for the administration of the following Victorian Acts:

- *Equal Opportunity Act 1995* (hereafter referred to as EOA)
- *Racial and Religious Tolerance Act 2001* (hereafter referred to as RRT)

Members of the public may contact the EOCV to enquire whether they have grounds for complaint under either of these Acts. In such cases a record of the enquiry is made both for reporting purposes and in order to form a complete record should a complaint result.

Complaints are formally lodged with the EOCV in writing. A complaint must include the nature of the allegation, the parties alleged to be involved and any other supporting details (eg date, time, location, witnesses etc.) It must be signed and dated by the complainant (anonymous complaints are not actioned).

When a complaint is lodged with the EOCV, it is investigated, including the collection of witness statements where relevant. If investigation does not confirm the complaint, the complaint is 'declined' by the EOCV. If investigation does confirm the complaint, a conciliation process is undertaken by the EOCV to assist both parties reach agreement and/or settlement.

In cases where conciliation fails, or the complaint is declined, the complainant is able to request that their complaint be heard by VCAT, where it is investigated afresh.

All contacts (enquiries and complaints) received by the EOCV are registered in a single register (database).

All enquiries are documented and filed in 'Enquiry files'. Where an enquiry progresses to become a complaint, the enquiry file is replaced by a 'Complaint file'.

Irrespective of the outcome, all complaints are documented and maintained in 'Complaints files', and treated as a single series.

In addition to complaint resolution services, EOCV offer information, education and consultancy services, conduct research and provide legal and policy advice all on matters relating to equal opportunity.

2 Retention & Disposal Authority

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.0	<p>Enquiries and Complaints</p> <p>Where an enquiry is made by a member of the public to determine whether they have grounds for complaint, or a formal complaint is lodged under either:</p> <ul style="list-style-type: none"> - the <i>Equal Opportunity Act 1995</i> (Victoria), or - the <i>Racial and Religious Tolerance Act 2001</i> (Victoria). 		
1.1	<p>Enquiries and Complaints Registration Summary Documentation</p> <p>Refers to summary documentation created since the inception of the agency to support the registration of all contacts (enquiries and complaints) received by the EOCV.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use is concluded. Electronic records are to be transferred in VEO format.</p>
1.2	<p>Complaints</p> <p>All documentation collected during the course of investigating a complaint, including but not limited to, complaint lodgement, investigation, declination or conciliation.</p>	<p>Temporary</p> <p>Destroy 7 years following closure of complaint.</p>	<p>Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.3	<p>Enquiries</p> <p>Received from members of the public to seek general information about or to determine whether they have grounds for complaint under the:</p> <ul style="list-style-type: none"> - <i>Equal Opportunity Act 1995 (Victoria)</i>, or the - <i>Racial and Religious Tolerance Act 2001 (Victoria)</i> <p>Enquiries may also consist of:</p> <ul style="list-style-type: none"> - reports of or queries about potential breaches of these Acts eg job advertisements that specify a minimum height for applicants. - queries about an employees obligations regarding the disclosure of information to their employer. 	<p>Temporary</p> <p>Destroy 2 years after date of enquiry.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
1.4	<p>Progress Meetings</p> <p>Meetings are held by the EOCV on a regular basis to chart the progress of complaints and their investigation.</p>	<p>Temporary</p> <p>Destroy 7 years following closure of all complaints discussed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
2.0	COMMISSION APPOINTMENTS Appointment of Equal Opportunity Commissioners under the <i>Equal Opportunity Act</i> 1995 (Victoria).		
2.1	Successful Candidates Includes the nomination/evaluation of the successful candidate, correspondence with the successful candidate, and commissioner 'personnel files'.	Permanent Retain as State Archives.	Transfer hard copy or electronic copy to PROV 10 years after appointment concluded. Electronic records are to be transferred in VEO format.

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
3.0	<p>SPECIAL INVESTIGATIONS</p> <p>Under the Equal Opportunity Act 1995 (Victoria), the EOCV has the power to investigate issues where a contravention of Part 3, 5 or 6 of the <i>Equal Opportunity Act 1995 (Victoria)</i> or Part 2 of the <i>Racial and Religious Tolerance Act 2001 (Victoria)</i> may have occurred, where</p> <p>a) it is of such a serious nature that it warrants the investigation; and</p> <p>b) it concerns a possible contravention in relation to a class or group of people; and</p> <p>c) the circumstances are such that the lodging of a complaint by one person only would not be appropriate.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV 10 years after conclusion of investigation.</p> <p>Electronic records are to be transferred in VEO format.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
4.0	PROVISION OF ADVICE Community groups or bodies may request the advice and input of the EOCV into Equal Opportunity policies and/or training programs.		
4.1	Detailed Advice Where the EOCV has been asked to advise on an issue of underlying importance to the community and/or an issue that receives consistent or substantial attention from the media and/or an issue that requires the input of several organisations (community and/or government). Eg racial vilification in sport or gender bias in the workplace or community.	Permanent Retain as State Archives.	Transfer hard copy or electronic copy to PROV 10 years after the date the advice was provided. Electronic records are to be transferred in VEO format.
4.2	Routine Advice Advice that does not fall into the category of 4.1	Temporary Destroy 5 years after the date the advice was provided.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
5.0	<p>TRAINING AND PROMOTION</p> <p>Under the <i>Equal Opportunity Act 1995 (Victoria)</i> the EOCV must undertake programs for the dissemination of information for the education of the public with respect to:</p> <ul style="list-style-type: none"> a) the elimination of discrimination, sexual harassment and vilification on the ground of race or religious belief or activity; b) the promotion of equality of opportunity c) any other matters relevant to the provisions of the Act. <p>This may include but is not limited to media releases, training courses, seminars, publications and pamphlets.</p>		
5.1	<p>Development of Training and Promotional Programs</p>	<p>Permanent Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV 10 years following the conclusion of the program. Electronic records are to be transferred in VEO format.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
5.2	Delivery of Training and Promotional Programs	Temporary Destroy 10 years following delivery of program.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

3 Concurrence of Public Office

This Authority has the concurrence of:

Name: Helen Szoke

Date: 16/09/2005

Signature: [Signed]

Position: CEO

4 Establishment of Standard

Pursuant to Section 12 of the *Public Records Act* 1973, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to the records of Equal Opportunity Commission Victoria.

This standard as varied or amended from time to time, shall have effect for a period of ten (10) years from the date of issue unless revoked prior to that date.

[Signed]


Justine Heazlewood
Keeper of Public Records

Date of Issue: 21/09/2005

5 Further Information

You can obtain relevant publications, supplies of relevant forms, and answers to any enquiries you may have by first contacting your agency's records manager or Public Record Office Victoria:

Public Record Office Victoria

 (03) 9348 5600

e-mail: agency.queries@prov.vic.gov.au

web: www.prov.vic.gov.au

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