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of South Australia

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State Records
of South Australia

State Records Act 1997

Operational Records Disposal Schedule

For **Attorney-General's Department -
Organisational Performance Division
(and predecessor agencies)**

RDS **2010/03** Version **1**

Approved Date: 2011-04-12

Effective Date: 2011-04-12 to **2021-06-30**

Approved by SRC

State Records Version



Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

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Operational Records Disposal Schedule

Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

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

Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

Effective Date: 2011-04-12 to **2021-06-30**

Authorisation by State Records

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

State Records' Contact Information

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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 by the agency, 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 the agency staff 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*.



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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.

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 bold upper case at the start of each section. (*e.g.* **JUSTICE POLICY AND STRATEGY**).

Activity/Process:

The activities and processes relating to each function are shown in bold lower case (*e.g.* **Briefings**).



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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 strategy and policy relating to Justice-related matters (including, but not limited to, criminal justice, social justice policy, crime prevention, community safety issues and programs associated with reducing recidivism or related to effectiveness of the criminal justice system) and associated research, analysis, evaluation, briefings, etc.)**)
- definitions of activities are located adjacent to the activity title in italics e.g. *The activities and processes associated with providing considered responses (comprising eg briefing papers, progress reports, final reports, briefing papers, executive summaries, abstracts and précis).*
- 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 in the agency. 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 agency may extend the retention period of the record if it considers there is an administrative need to do so. Where an agency wishes to retain records for substantially longer periods it should request that the Schedule be amended to reflect this requirement.



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Custody and Transfer of the Record

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.

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)*. Agencies need to comply with these policy documents available from the State Records' website (<http://www.archives.sa.gov.au>).

The custody of official records on networks or hard drives is also the responsibility of agencies. Agencies need 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.

Notification of Proposed Destruction of Records

Prior to destruction, *GDS 16 Impact of Native Title Claims on Disposal of Records* needs to be consulted to ensure records are identified and preserved which are relevant to native title claims in South Australia.

When official records in an agency's custody or housed in secondary storage are due to be destroyed in accordance with the provisions of this or other disposal determinations, State Records is required to be notified via an *Intention to Destroy Records Report* (refer to *Records of Temporary Value – Management and Storage Guidelines*, available on the State Records' website (<http://www.archives.sa.gov.au>)).



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Operational Records Disposal Schedule

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Review

State Records' disposal schedules apply for a period of ten years. Either the agency 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.

Copyright

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Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

Context Statement

Agency History and Background

Role and Function – Attorney-General's Department¹

An Advocate-General for South Australia was provided for under a British Order-in-Council of 23 February 1836. This authorised a Council for the proposed province of South Australia consisting of: Governor, Judge, Colonial Secretary, Advocate-General and Resident Commissioner².

The first holder of the office of 'Advocate-General and Crown Solicitor', Charles Mann, was appointed in England on 13 July 1836³. After differences of opinion with Governor Hindmarsh he resigned on 13 November 1837. He was succeeded on 12 December 1837 by George Milner Stephen, who was in turn followed on 18 July 1838 by Robert Bernard, and on 1 April 1840 by William Smillie.

From 1836 to 1842 the department was known officially as the Department of the Advocate-General. From March 1839 the Advocate-General and Crown Solicitor were assisted by a Clerk of the Peace, Arthur Hardy, whose duties were to manage the smaller cases in the Resident Magistrate's Court, to prepare the necessary indictments against persons submitted for trial in the Supreme Court, and to prepare briefs in all cases for trial⁴. The Office of Clerk of Peace was abolished on 31 March 1841⁵, being replaced by that of Assistant Crown Solicitor. Hardy resigned⁶. The first Assistant Crown Solicitor, William Bernard (brother of the former Advocate-General), was appointed on 1 April 1841.

¹ Source: AGD intranet

² 'History of Law in SA', Hague (Typescript, Archives Department, Accession 1051). Volume 1, ch.1, p. 21.

³ 'SA Gazette and Col. Reg.', 3 June 1837, 1a.

⁴ GRG 24/1, 1840, no. 542B.

⁵ Year books containing statistical and other information prepared for the Colonial Office (Archives Department, Accession 54), 1841, p. 114 footnote.

5) Hague, 'Op. cit.', Vol. 8, ch. 9, p. 9. Hague states that Hardy resigned in April.

⁶ GRG 24/1, 1841, no. 641.



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Smillie recommended that the Assistant Crown Solicitor's duties should be wider than those of the Clerk of the Peace, 'so as to include Civil cases and the business of the Department generally as well as Criminal business...'⁷. William Bernard was succeeded in the post by JH Richman on 30 August 1843.

About 1842-43 the Department of the Advocate-General became known officially as the Law Officer's Department.

When the new Constitution was proclaimed on 24 October 1856 the title 'Attorney-General' was introduced in place of 'Advocate-General'. The Advocate-General of the time, RD Hanson, was gazetted as Attorney-General⁸. The term 'Law Officer's Department' was still used in 1857, but was replaced in 1858 by 'Attorney-General's Department'.

In 1876, the name of the Department changed to 'Attorney-General and Law Officer's Department'.

In 1902 the Attorney General's Department [II] came into existence following discontinuation of the title 'Attorney-General and Law Officer's Department'. A further title change occurred in 1916 when the title became 'Attorney-General and Crown Solicitor's Department'.

By 1918, this agency was divided to form Attorney General's Department [III] and Crown Solicitor's Department [I].

Between 1975 and 1976 the Attorney-General's Department [III] underwent substantial administrative changes. In August 1975 the reporting functions of the Government Reporting Department, the Supreme Court Department, the Local and District Criminal Courts Department, the Labour and Industry Department, Industrial Commission Branch and the Premier's Department Planning Appeal Board Division were amalgamated with the Attorney-General's Department.

In October 1975 the office of the Parliamentary Counsel was transferred from the Attorney-General's Department to the Premier's Department and in the following March the office of the Inspector of Places of Public Entertainment, the Trade Measurements Branch, the Credit Tribunal, the Companies Branch, the Licensing Branch and the Prices and Consumer Affairs

⁷ Year books...(see note 4). 1843, p. 104.

⁸ S.A. Government Gazette 25 Oct. 1856, p. 970.



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Branch of the Department were transferred to the newly created Department of Public and Consumer Affairs.

In July 1976 the remainder of the Attorney-General's Department was amalgamated with the Crown Law Department and the Local and District Criminal Courts Department to form the Department of Legal Services⁹.

In August 1976, the Stipendiary Magistracy component of the Department's activities was transferred to the Premier's Department¹⁰. The Government Investigation Section of the Crown Law Office was amalgamated with the Companies Branch of the Department of Public and Consumer Affairs in November 1977 to form the Department for Corporate Affairs¹¹.

The Law Department came into existence on 12 January 1978, following discontinuation of the title Department of Legal Services¹².

On 23 February 1978, the 'State Government Interpreting and Translation Service' was transferred to the Premier's Department¹³. A further administrative change occurred in July 1981 when the Parliamentary Counsel's Office was transferred from the Department of Premier and Cabinet to the Law Department¹⁴. Simultaneously, the Court Reporting, Courts Administration, Sheriff's Office and Administration and Finance Divisions were transferred from the Law Department to the newly created Courts Department¹⁵.

The fourth department to be known by the title 'Attorney General's Department' came into existence following discontinuation of the title 'Law Department' on 1 July 1981¹⁶.

⁹ South Australian Government Gazette, Adelaide, the Government Printer, 29 July 1976, p. 255.

¹⁰ P.S.B. file no 450 of 1975.

¹¹ South Australian Government Gazette, Adelaide, the Government Printer, 24 November 1977, p. 1566.

¹² South Australian Government Gazette, Adelaide, the Government Printer, 12 January 1978, p. 50

¹³ P.S.B. file no. 90 of 1978

¹⁴ Pr. D. file no 1000 of 1980.

¹⁵ L.D. file no. 2292 of 1980.

¹⁶ *ibid.*



Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

The Attorney-General's Department [IV] was responsible for 'administering various legal and associated functions and providing legal services to Ministers, Departments and some statutory bodies'¹⁷.

As of 1 July 1981 its main functions were:

- Office of Minister – provision of an administrative, financial, legal and research service to the Attorney-General and Minister of Corporate Affairs, including advice on legislative and policy matters. The Office was responsible for the administration of a number of Boards and Committees which included Criminal Law Reform Committee; Law Reform Committee of South Australia; Land Acquisition Act Rehousing Committee; and Aboriginal Customary Law Committee
- Coroner's Office – responsible for inquires into the deaths of persons who may have died by violence or accident. Inquiries may also cover the disappearance of people, fires and accidents that may have caused injury to person or property
- Crown Law Office – provision of legal advice, legal representation and investigation services to Government departments and authorities in civil and criminal matters. It conducted criminal prosecutions for indictable offences, acted for Government in the purchase and sale of land, prepared subordinate legislation, and provided staff for the revision and reprinting of the consolidation of the State's Statutes
- Parliamentary Reporting Division - responsible for reporting the proceedings of Parliament, Parliamentary Committees and the Production of 'Hansard'
- Office of Parliamentary Counsel - drafted bills for presentation to Parliament and gave advice on legislative proposals to Ministers, Members of Parliament and Government Departments¹⁸. The Office also dealt with subordinate matters such as regulations and proclamations.

In May 1982 the Coroner's Office was transferred to the Courts Department¹⁹.

On 22 November 1993 the Attorney-General's Department, Department of Correctional Services and the Department of Public and Consumer Affairs were abolished and all positions transferred to the Department of Justice [I]²⁰.

¹⁷ Report of the Auditor-General etc. South Australian Parliamentary Papers, No. 4, 1982, p.43.

¹⁸ *ibid.*

¹⁹ C.D. File No. 115 of 1982.

²⁰ Government Gazette, 27 October 1993, p1890.



Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

The Department of Justice [I]²¹ had been established on 6 May 1993²².

The Department of Justice [I] changed its name to the Attorney-General's Department on 16 December 1993 (making it the fifth time that a Department was known by this title)²³.

On 23 October 1997, the Government announced the restructuring of the public service and the creation of 10 'super portfolios' and 'super agencies', which included the Justice Portfolio²⁴. In relation to the Justice Portfolio no changes were made to any of the structures in any of the existing administrative units, such as the Correctional Services Department, the Police Department and the Attorney-General's Department [V]²⁵.

While the Attorney-General's Department [V] continued, a new separate Department of Justice [II] was established, also as an administrative unit of the new Justice Portfolio²⁶.

Both the Attorney-General's Department [V] and the Department of Justice [II], as administrative units, reported to the Chief Executive, Attorney-General's Department and Department of Justice²⁷.

The Justice Portfolio today includes South Australia Police, Department for Correctional Services, South Australia Fire and Emergency Services Commission, South Australia Metropolitan Fire Service, South Australia Country Fire Service, State Emergency Service, Courts Administration Authority, Legal Services Commission, Police Complaints Authority, State Electoral Commissioner, Electoral Commission of South Australia, the Attorney-General's Department [V] and the Department of Justice [II]²⁸.

²¹ Ibid.

²² Government Gazette, 6 May 1993, p1578.

²³ Government Gazette, 16 December 1993, p2986.

²⁴ Annual Report of the Attorney-General's Department 1997-98, p.5.

²⁵ Ibid.

²⁶ Government Gazette, 23 October 1997, p1066.

²⁷ Attorney-General's Annual Report, Incorporating the Department of Justice Annual Report, 2009-2010

²⁸ Ibid, p.26.



Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

Currently, the Department of Justice [II] coordinates strategic activities of multiple agencies which have a justice agenda, as well as provide services to the Minister for Justice. The Department has one employee – the Chief Executive of the Attorney-General's Department and Department of Justice – to execute this coordination function²⁹. The Department of Justice [II] is still an administrative unit established under the *Public Sector Management Act 1995*.

With regards to the Attorney-General's Department [V], in 2009 the Chief Executive launched the *Make a Difference* change initiative to transform Attorney-General's Department [V] into an organisation that achieves the best outcomes possible for South Australians. In a paper titled *Make a Difference: Organisation Redesign ~Final Consultation Paper* (version 1.2, 16 September 2010), the Chief Executive set out the reform agenda for the Attorney-General's Department [V]. The paper is attached as Annexure A.

The Attorney-General's Department [V] today is still an administrative unit established under the *Public Sector Management Act*³⁰. It provides a comprehensive range of legal and civil justice services for Government, coordinates services to the Justice Portfolio and has a broad role in community advocacy and participation.

The aim of the current Attorney-General's Department [V] is to help create a safe and secure environment in which the public of South Australia can live and work and where rights of individuals are protected; and to advise government agencies and statutory authorities in minimisation of the Government's exposure to legal and business risk.

The Attorney-General's Department's [V] core business areas are broadly summarised as:

- legal policy and legal administrative, civil and prosecutorial services
- advocacy services for victims and special interest groups
- crime prevention and investigation services
- revenue and regulatory services
- complaints investigation and dispute resolution
- protection of vulnerable persons
- youth and community participation.

²⁹. *ibid*

³⁰ *ibid*



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The Attorney-General's Department [V] supports seven Ministers across ten portfolios including: Attorney-General, Industrial Relations, Status for Women, Recreation, Sport and Racing, Consumer Affairs, Gambling, Veterans' Affairs, Multicultural Affairs, Youth and Volunteers.

There are five divisions within the Attorney-General's Department [V]: Finance and Business Services; Justice Business Services; Policy, Planning and Legislation; People Capital; and Building Communities. There are also 12 statutory officers/authorities that either sit within or outside of the Attorney-General's Department [V].

The statutory officers/authorities that are independently appointed by the Governor but are still supported by the Department are:

- The Director of Public Prosecutions
- Commissioner for Victims' Rights
- The Solicitor-General
- The Public Advocate
- The Guardianship Board
- The Ombudsman
- Commissioner for Equal Opportunity
- South Australian Multicultural and Ethnic Affairs Commission.

The statutory officers/authorities that are within the Department are:

- Commissioner for Consumer Affairs
- Liquor and Gambling Commissioner
- Public Trustee and
- Crown Solicitor³¹.

Role and Function – Organisational Performance Division

Within the Department, the Organisational Performance Division aligns strategic policy and departmental strategy with community needs whilst ensuring the organisation performs efficiently and effectively.

A detailed overview of role and function is set out at Annexure A (pp 14-15).

³¹ *ibid.*



Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

Within the Division the Strategic Policy and Programs & Projects units³² undertake the activities associated with the justice strategy and policy function set out in this RDS.

- Strategic Policy -
 - evidenced-based short, medium and long term strategic policy development
 - research and analysis, including statistical data analysis, modelling, collaboration, engagement with community, all tiers of government, academia, and business
 - high quality strategic policy advice to the Executive and Ministers.
- Programs and Projects -
 - strategic project delivery relating to complex multiple agency, large scale or high-risk projects with department portfolio or government-wide implications (e.g. Bail Process Improvement Project, Southern Community Justice Court (SCJC)).

This RDS focuses on the operational records of the Strategic Policy and Programs & Projects units within the Division.

Description of Agency Structure

The current *organisational* structure of AGD is set out at Annexure A (p23). The proposed structure based on the emerging functional model is set out Annexure A (pp 6-15).

Under the new structure Strategic Planning & Crime Statistics (SPCS) and Policy & Research will now form part of the Organisational Performance Division (see Annexure A, Figure 6, p15).

Predecessor Agencies

The administrative history of the Attorney-General's Department and its predecessor agencies is set out at Annexure B.

The recent administrative history of the Organisational Performance Division is as follows:

Since February 2008 the Policy, Planning & Legislation (PPL) Division, comprised in part the Strategic Planning & Crime Statistics (SPCS) and Policy & Research units (records relating to

³² Currently these units are called Strategic Policy & Crime Statistics (SPCS) and Policy & Research (P&R).



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the Legislation function are maintained within the Attorney-General's Office and are not covered by this RDS).

Prior to 2008 the PPL Division was preceded by the Justice Strategy Division comprising:

- Justice Strategy Unit - which became Policy & Research (P&R)
- Office of Crime Statistics and Research (OCSAR) - which became Strategic Planning & Crime Statistics (SPCS)
- Crime Prevention Unit - defunct by 2008
- Aboriginal Justice - defunct by 2008.

Successor Agencies

There are no successor agencies.

Legislation

The complete schedule of legislation committed to the Attorney-General is set out at Annexure C. There is no legislation administered by the Organisational Performance Division.

Context of the Records Covered by the Schedule

Coverage of the RDS

This schedule covers the operational records of the Attorney-General's Department - the Organisation and Performance Division (previously Policy, Planning and Legislation Division) and predecessor agencies.

This RDS does not cover records in the custody of State Records as part of GRG 1. These records have been deemed permanent in accordance with a disposal determination made for all GRGs by the Manager [Director] State Records and approved by the State Records Council on 9 November 1999.

A significant proportion of the Organisational Performance Division's records are not covered by this RDS but by GDS 15, because its responsibilities include departmental HR, Finance and Administration Services, ICT Services and Business Operations (eg facility management, accommodation, security, etc).



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Related Series Affected by the RDS

There are no related series affected by this RDS.

Complementary RDS

There are no complementary Disposal Schedules to use with this RDS for the operational area within AGD covered by this RDS. However the AGD portfolio overall does have a number of current and lapsed RDSs. A comprehensive listing is at Annexure D.

Existing Disposal Schedules Superseded by the RDS

RDS 2010/03 does not supersede any other RDS.

Records Structure Within the Agency

RecFind is used to manage corporate files within the AGD portfolio using separate databases. The files are maintained locally until closure and subsequent disposal. Prior to RecFind the files were managed by index cards.

This RDS covers the major databases of RecFind and Crime Statistics.

Broad Description and Purpose of the Records

The records of the agency comprise the following formats:

- paper based files
- index cards and registers
- line-of-business databases
- electronic and digital records.

The records comprise both corporate files and working files, and are in the main part of a complex record series.

The broad purpose of the records acquired, created and maintained by the operational areas covered by this RDS is to document:

- development of Justice-related strategic direction and policy
- records pertaining to Justice-related research, including
 - evaluation
 - monitoring



Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

- liaison with:
 - community based bodies and associations within South Australia
 - state, national and international bodies and organisations
 - local, state, national and international government agencies
- application files for funding grants (and disbursements).

Functions and Activities Documented by the Records

The RDS covers the function Justice Strategy and Policy.

Related activities of the Justice Strategy and Policy function are:

- Advice
- Agreements
- Briefings
- Committees (Justice)
- Data Enquiries
- Database Administration (Justice)
- Grant Disbursement
- Meetings (Justice)
- Planning
- Policy
- Procedures
- Reporting
- Representation
- Research (Justice).

Arrangement of the Records

Organisational Performance Division

Corporate files are managed using the general AGD RecFind database. System of arrangement is annual single number order with 'AGD' prefix. Transfer of records from this as yet unregistered series has not taken place.

Prior to RecFind (c2000) the files were controlled with index cards (at agency level) using an annual single number system (format nnnn/yy).



Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

Agency Creating the Records

Attorney-General's Department - Organisational Performance Division (and predecessor agencies) created the records and also administers them.

Agency Controlling/Owning the Records

Attorney-General's Department - Organisational Performance Division (and predecessor agencies) controls and owns the records.

Date Range of the Records

Records Date Range: c1901 to **Ongoing**

Legislation Affecting Recordkeeping Requirements

There is no legislation that directly affects the records.

Volume of the Records

Total AGD holdings (based on 2008 record holdings survey):

- total volume of records within AGD is estimated in excess of 2 500 linear metres (includes permanent holdings at State Records)
- in excess of 14 000 linear metres held off-site with approved storage providers.

Growth estimate is c7.5% per annum.

The volume of records relating to this RDS only is estimated as follows:

Organisation and Performance

For records within the Strategic Policy and Crime Statistics and Policy & Research:

- In house c250 linear metres (annual growth c 5-10%)
- A component of records (volume unknown) within permanent holdings of GRS 1335 at State Records.

Special Custody Requirements

There are no special custody requirements.



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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

Records nominated for permanent retention in this schedule document high-level advice. They meet the criteria for ongoing value as set out in the *Appraisal of Official Records: Policy and Objectives Guideline*, in that they document:

- research value relating to Justice-related matters
- the formulation and determination of policy
- transactions of enduring value
- representations and appeals against the decisions and actions of government or the legislature.

Records of enduring (permanent) value comprise the following disposal classes: Agreements (1.2.1); Briefings (1.3.1); Committees (Justice) (1.4.1); Database Administration (Justice) (1.6.1); Grant Disbursement (1.7.1, 1.7.2); Meetings (Justice) (1.8.1); Planning (1.9.1); Policy (1.10.1); Procedures (1.11.1); Research (Justice) (1.14.1).

Temporary Records Rationale

Records nominated for temporary status in this schedule document routine processes and/or transactions that support the activities of the Attorney-General's Department. 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 AGD or the State. They include (Long term and Short term) and comprise the following disposal classes: Agreements (1.2.2); Briefings (1.3.2, 1.3.3); Committees (Justice) (1.4.2, 1.4.3); Data Enquiries (1.5.1); Grant Disbursement (1.7.3, 1.7.4); Meetings (Justice) (1.8.2); Planning (1.9.2); Policy (1.10.2); Procedures (1.11.2); Research (Justice) (1.14.2, 1.14.3, 1.14.4, 1.14.5).



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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

The agency has a number of databases to manage its information. See previous section “Records structure within agency”.

Creation, management and archiving of ‘instances’ of these databases will be addressed when there is an archival program in place for such systems.

Other Information

There is no other information relevant to RDS 2010/03 Version 1.

Impact on Native Title Claims

There is no discernible relevance to Native Title Claims.

Indigenous Considerations

The Schedule meets all cultural, historical, legal and administrative requirements.

The determinations within the Schedule 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.



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Scope Note

Records Covered by this Schedule

This RDS applies to the operational records relating to Strategic Planning & Crime Statistics (SPCS) and Policy & Research, which now form part of the Organisational Performance Division.

The remaining units within Organisational Performance are covered by GDS 15.

How to Apply this Schedule

Use in conjunction with GDS

This Schedule should be used in conjunction with **GDS 15**, as amended, or its successor. Cross-references to the **GDS 15** 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.

Use in conjunction with, or complementary to, other RDS

Records Disposal Schedules within the AGD portfolio

As a portfolio agency, AGD has under its broad 'umbrella' many operational Records Disposal Schedules (RDS) – summaries at Annexure D.

Other RDS superseded by this RDS

This Records Disposal Schedule 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 Attorney-General's Department – Organisational Performance Division (and successor agencies) will not need to review and re-sentence its records.



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Records excluded from this RDS

There are no records excluded from cover by this RDS.

Application to records in all formats

RDS 2010/03 applies to records in all formats, including databases and other electronic records. The agency 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 the Schedule are minimum retention periods for which records need to be retained. It is at the agency's discretion as to whether records are kept for longer than the minimum period.

Acronyms

- AGD Attorney-General's Department
- APC Aboriginal Power Cup
- APY Lands Anangu Pitjantjatjara Yankunytjatjara Lands
- CAA Courts Administration Authority
- CARS Comprehensive Auto-theft Research System
- CPTED Crime Prevention Through Environment Design
- CSF Community Safety Framework
- ICAAP Inter-agency Child Abuse & Assessment Panel
- JIS Justice Information System
- OCSAR Office of Crime Statistics and Research
- P&R Policy & Research



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- SAPOL South Australia Police
- SCJC Southern Community Justice Court
- SPCS Strategic Policy and Crime Statistics

Definitions of terms specific to the RDS

- Community Safety Framework (CSF) Community Safety Framework is an initiative Justice portfolio agencies established to ensure that the safety of individual, families and communities is a collective priority of South Australian justice agencies.
- Justice Portfolio Agencies Includes: Attorney-General’s Department, Commissioner for Victims’ Right, Court Administration Authority (CAA), Correctional Services, Equal Opportunity Commission, Legal Services Commission, Police Complaints Authority, SA Country Fire Service, SA Metropolitan Fire Service, South Australia Police, SA Fire and Emergency Services Commission, Electoral Commission of SA, State Emergency Services, JP Services, Legislation SA.
- Justice-related Related to the development and administration of justice. Includes legislation and policy and involves the police, courts and corrections.
- Law codes The coding of offences for data processing purposes to enable analysis of offences as part of the reporting for crime statistics.
- Crime Statistics Database The system (database) comprises data sets relating to court sittings, cases, offences and outcomes, emanating from CAA (cases and offences) and SAPol (offenders & victims) maintained as part of the JIS environment. Commenced 1991. Also referred to as the OCSAR or SPCS database.
- Non-state significance Phrases such as ‘of non-State significance’ are viewed within the context of the following points, viz:
 - not resulting in changes to Government or agency policy
 - relationship between court cases and legislation, highly specific research requests (no escalation)
 - do not generate or outlay significant funds
 - are not of substantial public interest in the context of the definitions of



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‘significant’ below

- matters that result in only a minor change
- minor operational details
- where the matter is routine
- working papers
- audio, video or other recordings used as working notes only
- duplicate versions of information
- drop copies
- drafts
- reference copies.

Offence profiles

The schedule of offences used in the reporting of crime statistics. Offence profiles are used in the analysis and reporting of offences against geographic, demographic, and other variables.

Recidivism

Repeated or habitual relapse, as into crime.

State significance

Phrases such as ‘of State significance’ are viewed within the context of the following points. The examples cited below give an indication of scale of what is meant when the Schedule describes a record as ‘significant’, viz:

- economic impact, eg:
 - Community Legal Service Program, Community Legal Centres; Grants: Crime Prevention and Community Safety Grants Program, Violence Intervention Project (VIP Grants), Aboriginal Power Cup (APC), Operation Flinders, Port Augusta Social Vision, Calperum on the Land Program, Whitelion
- environmental impact, eg:
 - Crime Prevention Through Environment Design (CPTED); Comprehensive Auto-theft Research System (CARS)
- extent of profound changes to lives of individuals, families or communities or affecting a large proportion of the population eg:
 - Msngr. Cappo's report "To Break the Cycle", APC Lands; David Kennedy/Nendi Approach; Community Protection Panel; Ambassador for Youth Opportunity; Cross Border Justice Project; Information Sharing Guidelines; Justice response to



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Layton Review; ICAAP; Indigenous Community Safety Roundtable; South Australian Gap Analysis Against NILJF; Remote Service Delivery National Partnership - Implementation (a COAG National Partnership); Children on APY Lands (Mullighan) Taskforce; Offender Management Plan (OMP); Family Violence Court Steering Committee/Violence Intervention Program; Intervention Programs Model; Criminal Justice Ministerial Taskforce - Executive and Research Support; CJMT monitoring sub-group - case conferencing; Thinker in Residence; Restorative Justice; New South Community Justice Court; Interagency Code of Practice: Investigation of suspected child abuse and neglect (ICAAP); Development of National Indigenous Law and Justice Framework (NILJF); NJCEOs project - *Staying Strong on the Outside*; Drug Strategy 2008-2010; Child Sexual Assault Training; Parliamentary Inquiry into the High Levels of Involvement of Indigenous Juveniles and Young Adults in the Criminal Justice System, Southern Community Justice Court (SCJC).

- government expenditure or commitment, eg
 - Timeliness in courts – backlog cases
 - major research, eg
 - Assoc Prof Mark Halsey's network mapping exercise and his report to Nendi
- political or legal ramifications: eg law suits in which one of the parties is the state of South Australia
- public reaction or sensitivity, eg Victims of Crime, Indigenous issues
- social impact, eg:
 - Calpernum on the Land Program – relating to regional juvenile issues, early intervention/corrections, youth justice); Recidivism; Indigenous issues; Juvenile Justice; Victims of Crime; Domestic Violence; Childhood protection; Early Intervention.

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



Government
of South Australia

Operational Records Disposal Schedule

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Commonwealth *Copyright Act 1968* and various Australian state acts, a copy of any work published in Australia needs to 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 (*s.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 an agency 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 should not be destroyed. In such circumstances the records are to 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.

Records Dated Prior to 1901

All records dated prior to 1901 are **RETAINED PERMANENTLY**. In this instance this RDS does not cover pre 1901 records.



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List of Functions and Activities

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Approved by SRC



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FUNCTION	Description	Disposal Action
<i>Activity / Process</i>		
1 JUSTICE STRATEGY & POLICY	The function of managing strategy and policy relating to Justice-related matters (including, but not limited to, criminal justice, social justice policy, crime prevention, community safety issues and programs associated with reducing recidivism or related to effectiveness of the criminal justice system) and associated research, analysis, evaluation, briefings, etc. Also includes Justice-related Grant Funding Disbursements.	
1.1 Advice	<i>The activities associated with offering opinions by or to the organisation as to an action or judgment. Includes process of advising. (KWAAA)</i> See GDS 15v7: 7.5 GOVERNMENT RELATIONS – Advice	
1.2 Agreements	<i>The processes associated with the establishment, maintenance, review and negotiation of agreements. (KWAAA)</i>	
1.2.1 Agreements	Records documenting agreements on major issues or matters of state significance. Includes Memoranda of Understanding (MoU), disbursement funding agreements, research and/or evaluation agreements, etc.	PERMANENT



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FUNCTION	Description	Disposal Action
Activity / Process		
1.2.2 Agreements	Records documenting other agreements and related documentation.	TEMPORARY Destroy 40 years after action completed
1.3 Briefings	<p><i>The activities and processes associated with providing considered responses (comprising eg briefing papers, progress reports, final reports, briefing papers, executive summaries, abstracts and précis).</i></p> <p>Use GDS 15 v7:</p> <p>7.5 GOVERNMENT RELATIONS – Advice for provision of advice</p> <p>14 PUBLICATION for published reports, including posting to the internet.</p> <p>See also GDS 15v7:</p> <p>7.86 GOVERNMENT RELATIONS - Reporting</p> <p>7.87 GOVERNMENT RELATIONS – Representations</p> <p>16.86 STRATEGIC MANAGEMENT – Reporting.</p>	



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FUNCTION	Description	Disposal Action
Activity / Process		
1.3.1 Briefings	Final versions of Justice-related briefings (including reports) transmitted to the Minister, the Government or other external agencies/organisations and stakeholders (including the general public). Includes reports given to Commonwealth Ministerial Councils, Standing Committees or similar entities/organisations, Community Safety Framework, etc.	PERMANENT
1.3.2 Briefings	Records documenting briefings of a routine nature or of cursory value that result in a standard or generic response (capable of being reproduced easily) and do not proceed further, eg briefings related to data matching of offences against demographic and geographic variables.	TEMPORARY Destroy 8 years after action completed
1.4 Committees (Justice)	<i>The activities associated with the management of Justice-related committees and task forces (internal, external, private, state, Commonwealth, etc). Includes establishment, appointment of members, terms of reference, proceedings, minutes, reports, agendas, etc.</i>	



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FUNCTION	Description	Disposal Action
Activity / Process		
1.4.1 Committees (Justice)	Records relating to committees established to formulate policy and determine programs, eg committees for which the organisation provides the secretariat, or provides operational advice. Includes agendas and minutes and working papers, eg Aboriginal Justice Consultative Committee (AJCC).	PERMANENT
1.4.2 Committees (Justice)	Records relating to committees including national committees, with which organisation holds membership and has significant involvement but does not hold the secretariat nor provide operational advice and input, eg Senior Officers' Group (Care and Protection of Children), Senior Officers Group (Aboriginal Affairs), Information Sharing and Guidelines Steering Committee, etc.	TEMPORARY Destroy 10 years after action completed
1.4.3 Committees (Justice)	Records relating to committees with which organisation holds membership but does not hold the secretariat nor has significant involvement nor provides operational advice and input.	TEMPORARY Destroy 5 years after last action
1.5 Data Enquiries	<i>The activities associated with the handling of requests for Justice-related information relating to crime statistics by the general public or another organisation.</i>	



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FUNCTION	Description	Disposal Action
Activity / Process		
1.5.1 Data Enquiries	<p>Records documenting requests for summary (including demographic) data or information, emanating from the OCSAR databases, regarding crime statistics that are of a routine nature or of cursory value that result in a standard or generic responses and do not proceed further. Includes data analysis programs and related data analysis extracts, eg offence data for a local government area, offence profiling, apprehension profiling, demographic profiling.</p> <p>Use 2.14 JUSTICE STRATEGY & POLICY - Research for Data Enquiries that 'escalate'.</p>	TEMPORARY Destroy 10 years after action completed
1.6 Database Administration (Justice)	<p><i>The activities associated with creating, maintaining and updating databases and associated extract management systems. Includes processing, ie data entry, uploading / downloading and data cleansing and maintenance of OCSAR and other related databases.</i></p>	



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FUNCTION	Description	Disposal Action
Activity / Process		
1.6.1 Database Administration (Justice)	<p>OCSAR databases and associated systems. Includes master versions of:</p> <ul style="list-style-type: none"> • law codes database and related records • data extract programs related to preparation of <i>ad hoc</i> and <i>on-demand</i> interrogation of OCSAR databases and preparation of output reports and data files • data extracts (primary outputs) emanating from OCSAR databases comprising single instance 'unique snapshots' of OCSAR databases using data extract programs • systems and supporting records documenting data requests, data extracts and other output from (or access to) OCSAR databases. 	<p>PERMANENT</p> <p>Maintain and migrate as required for ongoing operational evidential and/or historical purposes.</p>



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FUNCTION	Description	Disposal Action
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Activity / Process

1.7 Grant Disbursement

The activities and processes associated with disbursing and administering Justice-related funding, (eg Crime Prevention and Community Safety, Community Legal Centre Programs, etc), to achieve aims and objectives that are consistent with South Australian Government policy and legislation and where recipients are required to act in accordance with any specified terms or conditions related to the funding received. Includes the processing of applications for disbursement of grants, received from Commonwealth and South Australian governments and other sources, to other entities or organisations. Also includes designing and planning the grant program; calling for applications and assessing them; monitoring progress; and reviews and evaluations of the program.

*For Grant Funding (sources of funds) see **GDS 15 v7:***

1.47 COMMUNITY RELATIONS – Grant Funding

5.47 FINANCIAL MANAGEMENT – Grant Funding

16.47 STRATEGIC MANAGEMENT – Grant Funding.



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FUNCTION	Description	Disposal Action
Activity / Process		
1.7.1 Grant Disbursement	<p>Records documenting administration and assessment processes relating to grant disbursement programs that have widespread economic and social impact, or cultural or community importance (such as those related to national, state, local government events or involving the production of major or innovative works), and those programs subject to significant public controversy, eg Youth Crime Prevention Program, Community Legal Centre, etc. Includes, but not limited to, the following:</p> <ul style="list-style-type: none"> • policies, assessment criteria, and planning documents • final versions of promotion material • evaluation and assessment processes • summary records of successful and unsuccessful grant applications with associated schedules and demographic analyses • summary management records of completed grants, including assessment decisions and final reports of grant outcomes • program reports, audits, evaluations and reviews • precedent-setting appeal records. 	PERMANENT



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FUNCTION	Description	Disposal Action
Activity / Process		
1.7.2 Grant Disbursement	Records documenting disbursement of funds for project and initiatives of major importance or of state significance eg White Lion, Port Power Cup, Port Augusta Youth Services, Operation Flinders, etc. Includes Expressions of Interest (EOI) and full applications, interim reporting and acquittal statements.	PERMANENT
1.7.3 Grant Disbursement	Records documenting successful and unsuccessful annual applications for grants neither of major importance nor of state significance. Includes Expressions of Interest (EOI) and full application, interim reporting and acquittal statements.	TEMPORARY Destroy 10 years after acquittal process completed
1.7.4 Grant Disbursement	Records documenting Expressions of Interest that did not meet eligibility requirements. EOIs that do not meet eligibility requirements cannot lodge full applications and are thus excluded for further consideration.	TEMPORARY Destroy 5 years after last action



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FUNCTION	Description	Disposal Action
Activity / Process		
1.8 Meetings (Justice)	<i>The activities associated with gatherings held to consult and liaise with external stakeholders, formulate, discuss, update, or resolve issues and matters pertaining to Justice-related matters. Includes arrangements, agenda, taking of minutes, etc. Includes consultation and liaison meetings.</i>	
	Use 2.3 JUSTICE STRATEGY AND POLICY – Committees for meetings of formally established committees.	
1.8.1 Meetings (Justice)	Records relating to and documenting non-committee based meetings focussing on major issues or matters of state significance, eg meetings relating to underage drinking, youth crime prevention, recidivism, etc.	PERMANENT
1.8.2 Meetings (Justice)	Records relating to and documenting non-committee based meetings focussing on matters that are neither of major significance nor of state significance, eg meetings relating to database management, the conduct of research, preparation of briefings, etc.	TEMPORARY Destroy 10 years after action completed



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FUNCTION	Description	Disposal Action
Activity / Process		
1.9 Planning	<i>The process of formulating ways in which objectives can be achieved. Includes determination of services, needs and solutions to those needs. (KWAAA)</i>	
1.9.1 Planning	Master copies of approved Justice-related strategic plans (including revisions).	PERMANENT
1.9.2 Planning	Records relating to the development of Justice-related strategic plans. Includes input into plans, comments on drafts and revisions, reports, etc. Also includes records documenting planning associated with submissions, consultation, working papers, recorded outcomes from "planning days"/meetings, research awareness and external stakeholder (including public) meeting feedback.	TEMPORARY Destroy 10 years after action completed
1.10 Policy	<i>The activities and processes associated with developing and establishing decisions, directions and precedents, which act as a reference for future decision-making, as the basis from which the organisation's operating procedures are developed. (KWAAA)</i>	



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RDS 2010/03 Version 1

Effective Date: 2011-04-12 to **2021-06-30**

Records Date Range: 1901 to **Ongoing**

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FUNCTION	Description	Disposal Action
Activity / Process		
1.10.1 Policy	Records documenting the formulation of policy, authorised by divisional management. Includes summary working papers, significant surveys, and proposals not adopted.	PERMANENT
1.10.2 Policy	Supplementary records relating to input by other portfolio agencies, branches, sections or regional offices.	TEMPORARY Destroy 10 years after action completed
1.11 Procedures	<i>Standard methods of operating laid down by an organisation according to formulated policy. (KWAAA)</i>	
1.11.1 Procedures	Master copies of procedures manuals.	PERMANENT
1.11.2 Procedures	Records relating to the development, implementation and review of operational procedures, guidelines and manuals of practice.	TEMPORARY Destroy 5 years after last action



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FUNCTION	Description	Disposal Action
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Activity / Process

1.12 Reporting

The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate policies), and to provide formal statements or findings of the results of their examination or investigation. Includes agenda, briefing, business, discussion papers, proposals, reports, reviews and returns. (KWAAA)

Use 2.3 JUSTICE STRATEGY AND POLICY - Briefings

See also GDS 15v7:

1.86 COMMUNITY RELATIONS - Reporting

7.86 GOVERNMENT RELATIONS – Reporting

16.86 STRATEGIC MANAGEMENT – Reporting.



Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

FUNCTION	Description	Disposal Action
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Activity / Process

1.13 Representations	<p><i>The activities involved in preparing responses to questions raised in Parliament by Members of Parliament on behalf of their constituents. Also includes community-based representations and representations directed to the agency seeking a formal response.</i></p> <p>See GDS 15v7: 7.87 GOVERNMENT RELATIONS – Representations</p>	
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Attorney-General's Department - Organisational Performance Division (and predecessor agencies)

FUNCTION	Description	Disposal Action
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Activity / Process

1.14 Research (Justice)

The activities involved in investigating, evaluating or enquiring into an area of interest, in order to discover facts, principles, etc, relating to the core business functions and activities of the organisation in general, so as to support the development of Justice-related strategy and policy and related projects, standards, guidelines, etc. Includes following up enquiries, projects, working papers, literature searches etc. Also includes undertaking surveys, interviews, collating statistics, analysis, modelling, evaluation (including evaluation of programs), and monitoring.

Note: Includes original records documenting research but does not include material 'reference/cited' in the research.

1.14.1 Research (Justice)

Records documenting research of major importance or of state significance. Includes working papers and associated research findings and **annotated** articles used to support the research. Also includes research frameworks, survey and sampling methodologies, access criteria, codes of practice or ethics, and privacy exemption.

PERMANENT



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FUNCTION	Description	Disposal Action
Activity / Process		
1.14.2 Research (Justice)	Records of a routine nature documenting research not of state significance. Includes working papers and associated research findings and articles used to support the research. Also includes research frameworks, survey and sampling methodologies, access criteria, codes of practice or ethics, and privacy exemption.	TEMPORARY Destroy 10 years after action completed
1.14.3 Research (Justice)	Records documenting research that is not completed, ie no report produced. Includes codes of practice or ethics, access criteria and privacy exemption.	TEMPORARY Destroy 7 years after action completed
1.14.4 Research (Justice)	Working versions of data analyses (and associated manipulation of data sets resulting from data extracts).	TEMPORARY Destroy 7 years after action completed
1.14.5 Research (Justice)	Records comprising individual survey responses, interviews, assessments and resulting transcripts as part of the evaluation process associated with research. Includes completed consent forms, eg surveys involving police, magistrates, judges, offenders, victims, etc.	TEMPORARY Destroy in accordance with specific ethics approval - where not specified, destroy 7 years after action completed