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State Records
of South Australia



State Records Act 1997

Operational Records Disposal Schedule

**Attorney-General's Department - Consumer and
Business Services (and predecessor agencies)**

RDS 2012/13 Version 1

Effective Date: 18 June 2013 to 30 June 2023

Approved Date: 18 June 2013

Approved by SRC



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Table of Contents

Preamble 5
Purpose of the Schedule 5
Application of the Schedule 5
Authorisation by State Records 5
State Records' Contact Information 5
Disposal of Official Records 6
Legislation 6
Functions of the Schedule 6
Using the Schedule 7
Layout 7
Retention Period of the Record 8
Custody and Transfer of the Record 8
Permanent Records 8
Temporary Records 8
Destruction of Records 9
Review 10
Context Statement 11
Context of the Agency Covered by the Schedule 11
Consumer and Business Services History and Background 11
Preamble 11
The Reform Agenda 11
Consumer and Business Services Role and Function 14
Consumer and Business Services Structure Description 15
Predecessor Agencies 16
Successor Agencies 17
Legislation 17
Context of the Records Covered by the Schedule 19
Coverage of RDS 2012/13 19
Related Series Affected by RDS 2012/13 19
Complementary Schedules to RDS 2012/13 19
Existing Disposal Schedules Superseded by RDS 2012/13 20



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Records Structure within Consumer and Business Services ...20

Broad Description and Purpose of the Records20

Functions and Activities Documented by the Records20

Arrangement of the Records21

Agency Creating the Records22

Agency Owning or Controlling the Records.....22

Date Range of the Records.....22

Volume of the Records.....22

Special Custody Requirements23

Special Storage Requirements.....23

Issues Not Mentioned Previously23

Comments Regarding Disposal Recommendations.....23

Permanent Records Rationale23

Temporary Records Rationale24

Other Disposal Considerations.....25

Disposal Recommendation Effect on Related Records.....25

Alternative Record Formats.....25

Impact on Native Title Claims.....25

Indigenous Considerations.....25

Scope Note26

Records Covered by this Schedule26

How to Apply this Schedule.....26

Use in conjunction with GDS.....26

Use in conjunction with, or complementary to, other RDS27

Other RDS superseded by RDS 2012/13.....27

Re-sentencing of records where schedules are superseded or particular entries within a schedule are superseded27

Records excluded from RDS 2012/13.....27

Application to records in all formats27

Interpretation of the Schedule27

Minimum retention periods.....27

Acronyms28

Definitions of terms specific to RDS 2012/1328

Scope Notes Specific to the Application of this RDS.....34

Legal Deposit38



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Records and Litigation..... 38

Pre-1901 Records 38

List of Functions and Activities 39

Index to Operational Records Disposal Schedule 61

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Attorney-General's Department - Consumer and Business Services (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 – Consumer and Business Services (and predecessor agencies)

Approved Date: 18 June 2013

Effective Date: 18 June 2013 to 30 June 2023

Authorisation by State Records

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

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Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

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 Consumer and Business Services, 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 Consumer and Business Services 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.



Attorney-General's Department - Consumer and Business Services (and predecessor 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 12 point bold Arial upper case at the start of each section. (*e.g.* **LEGISLATIVE COMPLIANCE**)
- Activity/Process:** The activities and processes relating to each function are shown in 12 point bold Arial sentence case (*e.g.* **Investigations**).
- 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 inspecting, monitoring, assessing, auditing and investigating, matters relating to legislative compliance, issuing certification, and reporting thereof, pursuant to legislation for which the agency is responsible. Includes enforcement of provisions under prescribed legislation**)
 - definitions of activities are located adjacent to the activity title in italics *e.g.* *The activities and processes associated with undertaking investigations pursuant to compliance provisions under legislation for which the agency is responsible. Also includes compliance reporting and the giving of assurances by Licensees/ Registrants/ Traders, etc.*
 - descriptions of each disposal class are arranged in sequence under the activity definitions.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Disposal Action: Disposal actions relate to the disposal classes arranged under the activity descriptions. The status of the class is either PERMANENT or TEMPORARY with a disposal trigger and retention period given for all temporary records.

Retention Period of the Record

The Schedule is used to sentence records. Sentencing involves applying the record retention periods within the RDS to the records of Consumer and Business Services. 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 Consumer and Business Services may extend the retention period of the record if it considers there is an administrative need to do so. Where Consumer and Business Services 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



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

value official records has been established by State Records as documented in *Records of Temporary Value: Management and Storage: Standard and Guidelines (May 2002)*. Consumer and Business Services 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. Consumer and Business Services needs to ensure that records in electronic format remain accessible to authorised users for the duration of the designated retention period. State Records is, however, currently examining options for the transfer of permanent value electronic records in digital form to its custody.

Destruction of Records

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.

When official records, in Consumer and Business Services' 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. This form is available on the State Records' website (www.archives.sa.gov.au).

Consumer and Business Services 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.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Consumer and Business Services should keep their own record of all records destroyed, noting the relevant disposal authority. Proof of destruction may be required for legal purposes, or in response to FOI applications. When records are destroyed systems that control them should also be updated by inputting destruction dates and relevant disposal authorities.

Review

State Records' disposal schedules apply for a period of ten years. Either Consumer and Business Services 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



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Context Statement

Context of the Agency Covered by the Schedule

Consumer and Business Services History and Background

Preamble

The Attorney-General's Department (AGD) provides high level legal services and advice to Ministers and agencies across whole of government, specialty policy advice, regulation and compliance, and direct service delivery to the public. This is achieved by the AGD contributing to the state's legal infrastructure, drafting laws and providing marketplace regulation that protects business and consumers¹.

The AGD vision is for an inclusive, safe and fair South Australia. AGD encourages justice and harmony through sound laws that protect the rights of citizens and strengthen communities.

The core business areas of AGD 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.

AGD comprises a number of entities, including business units, independent statutory officers and statutory bodies. The AGD structure incorporating the various entities is set out at Annexure A.

The Reform Agenda

In 2009, the Chief Executive launched the *Make a Difference* change initiative to transform AGD into an organisation that achieves the best outcomes possible for South Australians.

One of the outcomes of the change initiative was the establishment of Consumer and Business Services (CBS) Division, as a business unit within AGD commencing on 1 July 2011 arising from the amalgamation of the former Office for Consumer and Business Affairs (OCBA) and Office of the Liquor and Gambling Commissioner (OLGC).

¹ Source: AGD intranet site <http://intraagd.agd.sa.gov.au/aboutagd/agdbusinessunitdirectory.aspx> download 17/01/2013



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Prior to their amalgamation in 2011 OCBA and OLGC existed as two separate and distinct entities. Their historical existence is summarised as follows:

Office of Consumer and Business Affairs (1994 – 2011)

Over the decades, various agencies were established under a vast range of consumer protection legislation to regulate and control the provision of goods and services to the community.

In 1994 the Office of Consumer and Business Affairs (OCBA) succeeded the Department of Public and Consumer Affairs.

The Office of Consumer and Business Affairs was an agency within the Attorney-General's Department, headed by the Commissioner for Consumer Affairs, who is a statutory office holder. To assist in the discharge of its functions OCBA had several branches:

- Policy and Legal Unit
- Consumer Affairs
- Education and Information Services
- Births, Deaths and Marriages
- Corporate Affairs and Compliance
- Business and Occupational Services
- Tenancies.

The statutory functions of the Commissioner for Consumer Affairs and Office of Consumer and Business Affairs staff were to:

- give advice to consumers and traders on their rights and obligations under the *Fair Trading Act 1987* and other consumer laws
- conduct research into matters concerning the interests of consumers
- conduct consumer education programs, publish reports and inform consumers about matters of interest to them
- attempt to resolve by conciliation disputes between consumers and traders
- monitor business activities to which the *Fair Trading Act 1987* and other consumer laws apply and investigate practices that may adversely affect the interests of consumers
- encourage trade, industry and professional associations to develop, promote and enforce fair trading codes of practice to safeguard the interests of consumers
- produce fair trading guidelines for traders
- enforce consumer laws by the prosecution of offences and through other appropriate actions
- license and register nominated traders and



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

- report to the Minister for Consumer Affairs on the functions of the Commissioner.

Births Deaths and Marriages

The Registrar, Births Deaths and Marriages, manages the Births, Deaths and Marriages Registration Office that was a branch of the Office for Consumer and Business Affairs. Therefore this agency's records were included in RDS 2001/45 version 1. The Births, Deaths and Marriages Registration Office has responsibility for achieving the following in accordance with the *Births, Deaths and Marriages Registration Act 1996*:

- registering births, deaths and marriages in South Australia
- registering changes of name
- keeping registers for recording and preserving information about births, deaths, marriages and changes of name in perpetuity
- providing access to the information in the registers in appropriate cases by government or private agencies and members of the public, from within and outside the State
- issuing certified information from the registers and
- collecting and disseminating statistical information.

Residential Tenancies Tribunal

The Residential Tenancies Tribunal, established under the *Residential Tenancies Act 1995*, hears and makes orders in relation to residential tenancy disputes. The Tribunal was a business unit of the Office of Consumer and Business Affairs. Therefore this agency's records were also included in RDS 2001/45 version 1.

Office of the Liquor and Gambling Commissioner and certain predecessors (1985 – 2011)

The Office of the Liquor and Gambling Commissioner (OLGC) was a business unit within the Attorney General's Department with regulatory responsibilities across the liquor, gambling, lotteries and charity industry sectors within South Australia.

The Office of the Licensing Commissioner commenced operations on 1 July 1985 as a result of the introduction of the *Liquor Licensing Act 1985*. At the time, the Liquor Licensing Commissioner was also responsible for the administration of the *Casino Act 1983*.

On 17 September 1992 the *Gaming Machines Act 1992* was assented to and the responsibility for administering this Act was given to the Liquor and Gaming Commissioner.

In October 2000, the Racing Services Section was created. The Liquor and Gambling Commissioner was given various responsibilities in relation to wagering under the *Racing Act 1976*. This Act was subsequently repealed and replaced by the *Authorised Betting Operations Act 2000*.

On 1 July 2004, the Liquor and Gambling Commissioner became responsible for the administration of the *Lottery and Gaming Act 1936* and the *Collections for Charitable*



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Purposes Act 1939 and the Lottery Licensing section (formerly Lottery and Gaming Section) was transferred from Revenue SA to the Office of the Liquor and Gambling Commissioner.

The Commissioner's name change over the years reflects the additional responsibilities of the position since 1985.

The core functions² of OLGC comprised:

- licensing
- regulation and compliance
- complaint and dispute resolution
- education and prevention
- revenue collection.

In brief, the OLGC was responsible for:

- licensing and approval of venues, organisations and persons (for the sale, supply, consumption and use of liquor)
- licensing of charity collections, fundraising and trade promotion activities
- licensing of bookmakers and bookmakers agents
- approval of gambling equipment, systems, and procedures, including:
 - South Australian Totalisator Agency Board (SATAB), racing clubs and bookmakers
 - the gaming machine industry
 - lotteries
- complaint conciliation and dispute resolution
- enforcement of liquor and gambling legislation
- scrutiny of gambling operations (including Casino)
- community and industry advice and consultation
- participation in local liquor licensing accords and precinct management groups.

Consumer and Business Services Role and Function

The emerging role and function of the newly established Consumer and Business Services following the 2011 amalgamation is, *inter alia*, to:

- secure compliance with South Australia's consumer laws, including taking appropriate action to enforce the law when necessary

² Extract from *AGD Business Plan 2010 – 2011, OLGC*, 7 Jan 2011, p5.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

- educate, inform and advise consumers and businesses on their rights and responsibilities
- assist consumers to resolve disputes about consumer transactions, including the buying and selling of goods and services and landlord and tenant matters
- encourage businesses and consumers to act honestly, ethically and responsibly
- ensure that consumers receive fair measure in all consumer transactions and ensure that the goods they purchase are safe
- maintain accurate and secure public and business registers
- administer and regulate South Australian bodies corporate
- regulate licensed occupations and administer occupational licensing regimes
- monitor the market and provide effective policy advice to Government
- regulate the liquor, gambling, casino, racing and lottery (including charity) industries in South Australia³ (previously undertaken by OLG)
- maintain civil registers of births, deaths, marriages and other 'registrable' life events, certify these events as required and provide civil marriage facilities and celebrant services.

Consumer and Business Services Structure Description

The Commissioner, Consumer and Business Services, is a statutory office within the Attorney-General's Department that is responsible for the promotion and protection of consumer's interests in South Australia by ensuring that South Australian legislation supports and protects all citizens and that the South Australian public has access to consumer focussed services. The Commissioner carries out the dual statutory roles and duties of both the Commissioner for Consumer and Business Affairs and Liquor and Gambling Commissioner.

As a business unit, CBS carries out a diversified role. This includes providing services to businesses, licensed traders, consumers and parties to residential tenancy agreements. CBS also leads policy development to ensure an informed community that is able to conduct its business fairly, efficiently, competitively and safely. These objectives are pursued through the provision of court and tribunal case resolution services, alternative dispute resolution services, licensing, regulatory and registration services, educational promotion and awareness campaigns.

CBS is structured along functional lines thus:

- **Legislative Compliance**

CBS undertakes a proactive approach to ensure compliance with legislation including matters relating to liquor licensing, gambling (including the Casino), product safety, occupational licensing, fair trading and Australian Consumer Law.

³ Source: <http://www.olgc.sa.gov.au/default.asp?page=general.htm&menu=general>. Viewed 2 April 2013



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

The aim of the Legislative Compliance program is to ensure traders and licensees are compliant with legislation and codes of practice which provide adequate protection to consumers.

• **Business and Consumer Service Provision**

CBS ensures that applicants meet the legislative requirements for minimum standards. As a result the community is afforded a level of consumer protection that licence holders are competent in performing their activities.

Licensing services are provided for various occupations, including for builders, trades, security and investigation agents, conveyancers and land agents, as well as for liquor, gaming, lotteries and charities.

• **Registration Services**

This includes registering and maintaining the information relating to:

- civil registration (including births, deaths and marriages and related matters), and
- incorporated associations.

• **Advice and Conciliation**

CBS provides advice and alternative dispute resolution, administers laws relating to consumer protection and product safety, and maintains a high level of community contact and service.

Tenancy related information, advice, conciliation services and support services to the community are also provided with inclusion of administrative support to the Residential Tenancies Tribunal.

CBS also provides high level and cost effective education, information and publications to consumers and business. Additionally, the regulatory services area addresses matters concerning legislation and provides research and advice to both the Minister and Commissioner as required.

The high level organisational structure of CBS is at Annexure B.

Predecessor Agencies

The immediate predecessor agencies to CBS are:

- GA 605 Office of Consumer and Business Affairs, 1994 - 2011
- GA1327, Office of the Liquor and Gambling Commissioner, 2001 – 2011

The agency history of AGD and all predecessor agencies of CBS are set out at Annexures C 1 and C 2 respectively.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Successor Agencies

There are no successor agencies.

Legislation

Current

- *Adoption Act 1988*
- *Associations Incorporation Act 1985*
- *Australian Consumer Law*
- *Authorised Betting Operations Act 2000*
- *Births, Deaths and Marriages Registration Act 1996*
- *Building and Construction Industry (Security of Payment) Act 2009*
- *Building Work Contractors Act 1995*
- *Casino Act 1997*
- *Collections for Charitable Purposes Act 1939*
- *Companies (Administration) Act 1982*
- *Conveyancers Act 1994*
- *Co-operatives Act 1997*
- *Cremation Act 2000*
- *Fair Trading Act 1987*
- *Gaming Machines Act 1992*
- *Hairdressers Act 1988*
- *Land Agents Act 1994*
- *Land and Business (Sale and Conveyancing) Act 1994*
- *Land Valuers Act 1994*
- *Liquor Licensing Act 1997*
- *Lottery and Gaming Act 1936*
- *Marriage Act 1961*
- *Occupational Licensing National Law (South Australia) Act 2011*
- *Partnership Act 1891*
- *Plumbers, Gas Fitters and Electricians Act 1995*
- *Prices Act 1948*
- *Residential Parks Act 2007*
- *Residential Tenancies Act 1995*
- *Second-Hand Vehicle Dealers Act 1995*
- *Security and Investigations Agents Act 1995*
- *Sexual Reassignment Act 1988*
- *Trade Practices Act 1974*
- *Travel Agents Act 1986*
- *Witness Protection Act 1996.*



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Related Legislation

- *Independent Gambling Authority Act 1995*

Defunct/reassigned

- *Ordinance (Act) No 4 of 1837* for the granting of licenses
- *Act No.1 of 1839 relating to liquor licensing* (passed 21 February 1839)
- *Licensed Victuallers Act* (prior to 1900)
- *Licensing Act 1932*
- *Licensing Act 1967 – 1982*
- *Casino Act 1983*
- *Liquor Licensing Act 1985*
- *Places of Public Entertainment Act 1913*⁴.
- *Business Names Act 1996*
- *Misrepresentation Act 1972*
- *Racing (Proprietary Business Licensing) Act 2000*
- *Recreational Services (Limitation of Liability) Act 2002*
- *Retail and Commercial Leases Act 1995*
- *Statutes Amendment (Real Estate Industry Reform) Act 2007*
- *Trade Measurements Act 1993.*

- *Australian Consumer Law*⁵

On 1 January 2011 the Australian Consumer Law (ACL) commenced. The ACL includes:

- a national unfair contract terms law covering standard form consumer contracts
- a national law guaranteeing consumer rights when buying goods and services
- a national product safety law and enforcement system
- a national law for unsolicited consumer agreements covering door-to-door sales and telephone sales
- simple national rules for lay-by agreements and
- new penalties, enforcement powers and consumer redress options.

The ACL applies nationally and in all States and Territories, and to all Australian businesses. For transactions that occurred prior to 1 January 2011, the previous national, State and Territory consumer laws continue to apply. The ACL is a cooperative reform of the

⁴ Applications for use of places of public entertainment (e.g. cinemas and dance halls – from 1900 to 1995) were also determined by predecessor (to OLG) agencies.

⁵ Source: http://www.consumerlaw.gov.au/content/Content.aspx?doc=the_acl.htm viewed and downloaded 4 April 2013.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Australian Government and the States and Territories, through the Council of Australian Governments (COAG).⁶

Context of the Records Covered by the Schedule

Coverage of RDS 2012/13

RDS 2012/13 applies to the ongoing operational records of the Consumer and Business Services within AGD. It also covers the records of its predecessor agencies, namely Office of Consumer and Business Affairs and Office of the Liquor and Gambling Commissioner.

An inventory of series registered as Government Record Series (GRS'), for which Consumer and Business Services is responsible, is set out at Annexure D. This RDS applies to those GRS' that have a start date commencing post-1901.

RDS 2012/13 does not cover records already in the custody of State Records as part of Government Records Groups (GRG) 1 Attorney-General's Department, GRG 64 Department of Labour and Industry, GRG 67 Licensing Branch, Attorney-General's Department, GRG 76 Registrar of Births, Deaths and Marriages and GRG 124 Commercial Division, Department of Public and Consumer Affairs. These records have been deemed permanent in accordance with a disposal determination made for all GRGs by the Manager [Director] of State Records and approved by the State Records Council on 9 November 1999.

RDS 2012/13 also does not cover any pre-1901 holdings in the custody of State Records relating to CBS functions. These are automatically required to be retained permanently in accordance with a general disposal determination approved by the State Records Council on 19 February 2008.

RDS 2012/13 also does not apply to Justice of the Peace functions performed by CBS as these are covered by RDS 2011/04 Version 1 (approved by the State Records Council on 12 April 2011).

Related Series Affected by RDS 2012/13

There are no related series affected by this RDS.

Complementary Schedules to RDS 2012/13

This Records Disposal Schedule complements RDS 2011/04 Version 1 for Justice of the Peace Services (approved by the State Records Council on 12 April 2011).

⁶ An [Intergovernmental Agreement \(IGA\)](#) by the Council of Australian Governments underpins the establishment of the ACL.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Existing Disposal Schedules Superseded by RDS 2012/13

- RDS 2001/45 Version 1 approved by the State Records Council on 14 June 2005 (Office of Business and Consumer Affairs)
- RDS 2009/02 Version 1 approved by the State Records Council on 22 February 2011 (Office of the Liquor and Gambling Commissioner)

Records Structure within Consumer and Business Services

The record structure within CBS is generally centralised, with the majority of files created and managed using corporate systems (eg RecFind and Line of Business (LoB) applications).

Some records relating to conciliation, tenancy and investigation files, are kept at the appropriate branch offices (where these exist), ie GRS 4255 is kept at the Port Augusta Office.

The record structure may change in the future as:

- CBS continues its integration program to merge the old OCBA and OLGC systems, and
- AGD in general and CBS in particular transition to new and emerging EDRMS environments and platforms.

Broad Description and Purpose of the Records

Records covered by this RDS broadly cover the regulating and monitoring aspects of legislation relating to:

- consumer protection
- liquor and gambling
- civil registration.

In broad terms CBS, pursuant to legislation, processes applications, monitors compliance (regulation), facilitates resolution and manages civil registration and accordingly creates and maintains appropriate records.

Functions and Activities Documented by the Records

Based on discussions with staff and analysis of the business of CBS, the following functions and activities have been used to prepare this RDS:

- LEGISLATIVE COMPLIANCE, comprising: Investigations and Inspections
- BUSINESS AND CONSUMER SERVICE PROVISION, comprising: Applications and Registrations, Assessments, Bond Management, Claims Rebates and Returns, Control (Registration) and Procedures.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

- **ADVICE AND CONCILIATION**, comprising: Advice, Complaint Resolution, Judicial Proceedings, and Legal Support.
- **CIVIL REGISTRATION**, comprising: Advice, Compliance (Civil Registration), Enquiries (Civil Registration), Registration and Control.

Arrangement of the Records

The arrangement of records systems within CBS is complex and varied due to growth and inclusion of new functions and activities over many years, including the recent OCBA / OLGC amalgamation. The various systems may have been adequate in the past, however, CBS is currently conducting an overall records management and recordkeeping review which when implemented will address the emerging needs of AGD in general and CBS in particular.

RecFind, as a records management system, is currently used to manage the administrative records, covered by GDS 15, of both predecessor agencies.

Line of Business Applications inherited from the former OCBA and OLGC

- Advice & Conciliation - Consumer Complaint System & Bonds Management System
- Licensing & Registration - Occupational & Licensing System
- Births, Deaths & Marriages - BDM System
- Investigations & Information - Investigation File Register
- Licensing & Registration - Liquor & Gambling System

The major file records maintained using RecFind are:

- Corporate/administration files (using annual single number format (viz: LLC nnnn/yy, eg LLC 0111/10)
- Liquor and Gaming (premises and application files) – (using single number with various alpha/numeric prefixes, as required).

In addition the following records are maintained and controlled using the Liquor and Gaming System (LGS) database (using single number with various alpha prefixes as required):

- Applications (various)
- Court and Commissioners Orders
- Personal Information Declarations (PIDs)
- Crowd Controller Approvals.

Club and association files and bookmakers' files are managed in alphabetical order using local spreadsheets for control purposes.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Licensing and Registration

File numbers are generated by OLS - Occupational Licensing System depending on the licence class the individual or company is applying for. Eg BLDNNNNNN; where BLD refers to the class of licence and the single number is generated sequentially from the LoB. The sequential numbering is across all classes and not just BLD. Further examples include: ISL (investigation security agents), RLA (Land Agents), RCO (Conveyancers), PGE (Plumbers, gas fitters, electricians), TTA (Travel Agents).

Advice and Conciliation

File numbers are generated by CCS - Consumer Complaints System. The system generated file references are sequential based on the calendar year, format NNNN/YY.

Investigation and Inspections

File numbers are generated by the LGS and IFR systems. The file number references are sequential.

Agency Creating the Records

Consumer and Business Services or its predecessors created the records covered by this RDS.

Agency Owning or Controlling the Records

Consumer and Business Services that administers the records covered by this RDS also controls or owns them.

Date Range of the Records

Records Date Range: 1901 to Ongoing

Records pertaining to current CBS functions created prior to 1901 or contained with GRGs are excluded from coverage under this RDS.

Volume of the Records

- State Records: approximately 3900 linear metres (OLGC approximately 3100 linear metres; OCBA approximately 800 linear metres)
- External storage provider (Recall): approximately 2500 linear metres (OLGC approximately 100 linear metres; OCBA approximately 2400 linear metres)
- CBS (on-site): approximately 2500 linear metres (OLGC approximately 700 linear metres; OCBA approximately 1800 linear metres)

Growth is estimated at between approximately 5 – 10% pa.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Special Custody Requirements

There are no special custody requirements.

Special Storage Requirements

There are no special storage requirements.

Issues Not Mentioned Previously

Special circumstances warrant that some permanent records relating licensed premises and associated applications (relating to liquor and gaming matters) may require that they be retained within the agency for up to 25 years.

The existing recordkeeping regime for licensed premises files and gaming machine licence files (GRS 693 and GRS 5140 respectively) is such that file parts are opened and closed as the volume of records dictates.

Where these situations arise new file parts are created and previous file parts closed to enable archival transfers to take place within the prescribed 15 years. Where transfer is not possible exemption will be sought, at that time, from State Records.

As indicated under 'Arrangement of Records' (above), it is the intention of CBS to review current recordkeeping arrangements, including the management of file parts, as part of the amalgamation and consolidation process.

The premises file (in physical format) is the fundamental recordkeeping and filing medium for matters relating to licensed premises for liquor and gaming purposes. As such, CBS is of the view that, the records covered by items 1.1.1, 2.1.1, 2.13, and 2.2.1 relating to licensed premises are of enduring value and should thus remain permanent. Whilst summary information exists in the LoB systems, this applies mainly to post year 2000 records when such systems were first introduced. See also 'Permanent Records Rationale' (below).

Comments Regarding Disposal Recommendations

Permanent Records Rationale

Objectives 2, 3, 4 and 5 of the *Appraisal of Official Records – Policy and Objectives* are met by the provisions of this Schedule, particularly in relation to:

- deliberations, decisions and actions of the Government and CBS relating to significant social issues facing South Australians (Objective 2)
- fundamental rights of individuals and groups (Objective 3)
- social heritage (Objective 4)
- significant individual involvement, community participation, - as impacted by Government Programs (Objective 5).



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Records nominated for permanent retention in this schedule:

- establish the rights and entitlements of individuals and groups within the community, including establishing the existence of individuals and groups
- record compliance with legal and regulatory requirements
- document the decision making process forming the basis of the organisation's operating procedures and policies.

The records nominated for enduring/ permanent retention comprise the following items:

1.1.1, 1.1.2, 1.2.1, 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5, 2.1.6, 2.2.1, 2.2.2, 2.5.1, 2.7.1, 3.1.1, 3.1.2, 3.4.1, 4.1.1, 4.1.2, 4.4.1, 4.4.2, 4.4.3, 4.4.4.

The records documenting liquor and gambling activities nominated for enduring/permanent retention (under 'social heritage' (Objective 4) above) reflect what is considered to be a unique and holistic collection, to provide to future generations of South Australians an enduring history of the establishment, development and associated regulation of liquor, gambling and licensed charities industries.

The history of regulating the sale and consumption of liquor within South Australia dates back to the early days of the Colony. Older records relating to the licensed premises have proved to be a valuable cultural and historical resource for historians and researchers, and also licensees undertaking renovations of old licensed establishments.

There is an ongoing public interest in the changing culture and heritage purposes (eg restoration of old hotel premises) and of course are vital for ongoing administrative and evidential purposes.

Temporary Records Rationale

Records nominated for temporary status in this schedule document routine processes and/or transactions that support the activities of CBS. Retention periods have been determined by the legal, administrative/ operational, evidential and financial accountability requirements. Retention periods included also ensure that routine matters with reference to external stakeholders are managed efficiently and effectively, and are accessible where required.

Temporary records are those that are considered not to have continuing value to CBS or the State, nor society. The records nominated for enduring/ permanent retention comprise the following items: 1.1.2, 1.1.3, 1.1.4, 1.1.5, 1.1.6, 1.2.2, 1.2.3, 2.1.7, 2.1.8, 2.1.9, 2.1.10, 2.1.11, 2.1.12, 2.1.13, 2.1.14, 2.1.15, 2.1.16, 2.1.17, 2.1.18, 2.1.19, 2.1.20, 2.1.21, 2.1.22, 2.1.23, 2.1.24, 2.1.25, 2.1.26, 2.2.3, 2.3.1, 2.3.2, 2.4.1, 2.4.2, 2.4.3, 2.4.4, 2.4.5, 2.4.6, 2.4.7, 2.4.8, 2.6.1, 2.6.2, 2.7.2, 3.1.3, 3.2.1, 3.3.1, 3.3.2, 4.1.3, 4.2.1, 4.3.1, 4.4.5.

The temporary records document routine processes or transactions that support activities documented in records that have been given permanent status. As such these temporary records, in themselves, have no enduring value once the operational requirement for their existence ceases.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

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

Formats covered by this RDS include electronic, paper and microfiche. Most paper-based records are housed in files.

Premise plans are now lodged electronically and will be archived when digital archiving arrangements are in place.

Impact on Native Title Claims

There is no discernible relevance to Native Title Claims.

While some applicants for a license or registration may be people of Aboriginal or Torres Strait Island descent, there is no method of identification from the records.

Indigenous Considerations

The determinations within *RDS 2012/13* 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 2012/13 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.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Scope Note

Records Covered by this Schedule

RDS 2012/13 applies to the ongoing operational records of the Consumer and Business Services within AGD. It also covers the records of its predecessor agencies, namely Office of Consumer and Business Affairs and Office of the Liquor and Gambling Commissioner.

An inventory of series registered as Government Record Series (GRS'), for which Consumer and Business Services is responsible, is set out at Annexure D. This RDS applies to those GRS' that have a start date commencing post-1901.

RDS 2012/13 does not cover records already in the custody of State Records as part of Government Records Groups (GRG) 1 Attorney-General's Department, GRG 64 Department of Labour and Industry, GRG 67 Licensing Branch, Attorney-General's Department, GRG 76 Registrar of Births, Deaths and Marriages and GRG 124 Commercial Division, Department of Public and Consumer Affairs. These records have been deemed permanent in accordance with a disposal determination made for all GRGs by the Manager [Director] of State Records and approved by the State Records Council on 9 November 1999.

RDS 2012/13 also does not cover any pre-1901 holdings in the custody of State Records relating to CBS functions. These are automatically required to be retained permanently in accordance with a general disposal determination approved by the State Records Council on 19 February 2008.

RDS 2012/13 also does not apply to Justice of the Peace functions performed by CBS as these are covered by RDS 2011/04 Version 1 (approved by the State Records Council on 12 April 2011).

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.

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



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

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 complements RDS 2011/04 Version 1 for Justice of the Peace Services (approved by the State Records Council on 12 April 2011).

Other RDS superseded by RDS 2012/13

- RDS 2001/45 Version 1 approved by the State Records Council on 14 June 2005 (Office of Business and Consumer Affairs)
- RDS 2009/02 Version 1 approved by the State Records Council on 22 February 2011 (Office of the Liquor and Gambling Commissioner)

Re-sentencing of records where schedules are superseded or particular entries within a schedule are superseded

Consumer and Business Services will review and re-sentence the records whose retention periods have altered.

Records excluded from RDS 2012/13

There are no records excluded from cover by this RDS.

Application to records in all formats

RDS 2012/13 applies to records in all formats, including databases and other electronic records. Consumer and Business Services 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 **2012/13** are minimum retention periods for which records need to be retained. It is at the discretion of Consumer and Business Services as to whether records are kept for longer than the minimum period.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Acronyms

- ACC Australian Competition and Consumer Commission
- ACL Australian Consumer Law
- AGD Attorney-General's Department
- BDM Births, Deaths and Marriages
- CBD Consumer and Business Services
- CBS Consumer and Business Services
- CCS Consumer Complaints Systems
- IFR Investigation File Register
- IGA (1) Independent Gaming Authority
- IGA (2) Intergovernmental Agreement
- LABSAC *Land and Business (Sale and Conveyancing) Act 1994*
- LGS Liquor and Gambling System
- NBNR National Business Names Register
- OCBA Office of Consumer and Business Affairs
- OLGC Office of the Liquor and Gambling Commissioner
- OLS Occupational Licensing Systems

Definitions of terms specific to RDS 2012/13

- **Authorised / Approved Persons** A responsible person is a person approved by the licensing authority, as fit and proper to be actively involved in the supervision or management of the business conducted under the licence.
Includes an authorised person who supervises and manages the liquor operations of a business, viz:
 - **Gaming Manager** - authorised person who performs gaming duties and supervises the gaming operations of a business
 - **Gaming Employee** - authorised person who performs gaming duties
 - **Sensitive Person (Casino)** - approved person to work in a sensitive position at Casino



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

- **Position of Responsibility (Casino)** - approved person to work in a position of responsibility of a particular class or classes.
- **Betting Service**
The dissemination of bookmakers' prices to and from intrastate and/or interstate racecourses by telephone, computer or other electronic means.
- **Bookmaker**
A bookmaker is licensed to conduct fixed-odds betting on races held by licensed racing clubs (excluding races of a prescribed kind).
- **Bookmaker Betting Sheets**
Schedule of bets placed.
- **Bookmaker Claims**
Unclaimed dividends claimed by punters from bookmakers.
- **Bookmaker Permits**
Bookmaker permits (ie permits to act as a bookmaker) are granted monthly and allow a bookmaker to accept bets at a particular time and place, these being on racecourses and/or approved events.
- **Charitable Purposes**
The Commissioner administers the *Collection for Charitable Purposes Act 1939* to protect the public interest in the area of fund raising by non-profit groups. The Act (under sections 6 and 7 respectively) provides for the licensing of both collections and entertainment for charitable purposes. The Act defines "charitable purpose" to include:
 - The affording of relief to diseased, disabled, sick, infirm, incurable, poor, destitute, helpless, or unemployed persons, or to the dependents of any such persons
 - The relief of distress occasioned by war, whether occasioned in South Australia or elsewhere
 - The affording of relief, assistance, or support to persons who are or have been members of the armed forces of Australia or to the dependents of any such persons
 - The provision of welfare services for animals.
- **Clubs & Associations**

Clubs & Associations

Incorporated entities that may apply for licences to undertake activities pursuant to legislation for which CBS is responsible.

Racing Club

The term racing club means a club or association that -

 - (a) is a body corporate; and
 - (b) is established for the purpose of holding race meetings; and



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

(c) is unable, because of its constitution or its nature, lawfully to return profits to its members; and

(i) is related to a racing controlling authority through its membership of the authority, or its membership of a body that is a member of the authority; or

(ii) is registered by a racing controlling authority, and includes a racing controlling authority that holds race meetings.

- **Crowd Controller** An approved crowd controller for licensed premises is a person who has been approved by CBS under the *Liquor Licensing Act 1997* to act as a crowd controller for licensed premises, but does not include a person whose approval has been suspended or revoked. A crowd controller working for licensed premises, who may be required to use force to remove patrons or prevent their entry, will need to become an approved crowd controller.
- **Commissioner** Is used generically to describe office pursuant to legislation. The Commissioner carries out the dual statutory roles and duties of both the Commissioner for Consumer and Business Affairs and Liquor and Gambling Commissioner.
- **Desktop audit** Involves the manual checking of trader details advertised through various forms of electronic and print media to ensure that individuals/ companies/ partnerships are appropriately licensed and carrying on business in accordance with legislation administered by CBS.
- **Disciplinary Action** See scope note 5 (below).
- **Gambling** Gambling includes casino operations, gaming machines, wagering and small lotteries. See also 'Wagering'.
- **Hearing Process** See scope note 4 (below).
- **Independent Gambling Authority (IGA)** The Independent Gambling Authority (IGA) is the senior South Australian regulator for commercial forms of gambling. These include casino gambling, gaming machines in hotels and clubs, wagering on races and sports and commercial lotteries. The Authority's regulatory and supervisory role is to ensure that an effective and efficient system of supervision is established and maintained over the operations of the licensed gambling industry in South Australia—this relates to the operations in the casino, gaming machines in hotels and clubs and wagering on races and other events (SA TAB, licensed racing clubs and licensed bookmakers).

The Authority works closely with the Commissioner who is responsible for day-to-day compliance and enforcement and compliance issues and



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

for granting licences for gaming machine businesses, bookmaker operations and approvals for employees to work in the casino and gaming machine businesses.

The Commissioner is responsible to the Authority for the constant scrutiny of licensed gambling businesses.

- Landlord A grantor of a right to occupy premises under a residential tenancy agreement.
- Licensed Premises The physical premises in respect of which a licence is in force and includes premises for which the licence is currently under suspension.
- Licensee Is a general term used, pursuant to legislation, to cover people or entities who must be licensed or registered to trade or to be employed legally in a particular occupation

The person/company that hold the licence, licensed person or licensee means a person who holds a licence (including a temporary or limited licence) under the Act and includes:

- a) if a licence is held by a trustee—the trust; or
- b) a person authorised to carry on business under a licence.

- Licensing Authority The Licensing Authority consists of the Licensing Court and the Commissioner. The Commissioner and authorised representatives, (delegates), determine or conciliate matters presented as applications. Contested matters are referred to the Court to determine if the parties to the application request. Some matters may be referred by the Commissioner, and appeals regarding a Commissioner’s determination will be referred to the Licensing Court. Appeals from the Court are dealt with through the Supreme Court as the final appellate Court.

- Licensing Court The Licensing Court determines:
 - all matters referred for hearing and determination by the Commissioner; and
 - all other matters that are, under some other provision of this Act, to be determined by the Court.

Note: The Commissioner may refer for hearing and determination by the Court:

- any proceedings that involve questions of substantial public importance; or
- any question of law that arises in proceedings before the Commissioner; or
- any other matter that should, in the public interest or in the



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

interests of a party to the proceedings, be heard and determined by the Court.

- Liquor and Gambling System (LGS)
The Liquor and Gambling System (LGS) database is used to record and maintain details of the activities and processes associated with matters relating to liquor, gaming, lotteries and charities, and wagering. Includes the creation and maintenance of metadata details of licence applications, compliance and resolution matters relating to individuals and/or licensed premises (including digitised images of plans/drawing etc). Specifically:
 - applications and licenses under various legislation
 - returns required under licence conditions
 - barrings at licensed premises
 - approved persons under various legislation
 - inspections on licensed premises
 - compliance assessments
 - taxes and rebates
 - reporting.It is maintained by users entering and updating data as required.
- Liquor Licence
See scope note 1 (below).
- Major
Records documenting major (serious) audit and investigations (including financial investigations and business analysis), eg matters relating to minors – underage drinking, underage betting, intoxication; money not being distributed to charity; misappropriation of funds; deceptive conduct; prize(s) not being received, etc.
- Major/serious investigation
Is that which leads to legal action being taken against an entity in the event of a breach against legislation.
- Minor
Records documenting recurrent or routine (minor) audit and investigations not resulting in further action (including financial investigations and business analysis, eg ID badges not properly displayed, signage not in accordance with requirements, publications not on display, lottery winners not being published, etc.
- Natural person
In jurisprudence, a **natural person** is a real human being, as opposed to a legal person, which may be a private (ie business entity) or public (ie government entity), see also **Responsible person**.
- Non-State Significance
Phrases such as of ‘non-state significance’ are viewed with the context of the following points, viz:
 - not resulting in changes to Government or agency policy
 - relationship between court cases and legislation, highly specific



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

research requests (no escalation)

- do not generate or outlay significant funds
- are not of substantial public interest in the context of the definition of 'state significance' 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.

- Orders
- PICK System

Court and Commissioner's Orders. See scope note 3 (below).

PICK is an application, originally written in the PICK (operating) language, which is used to record and report on unclaimed winning bets, lost betting tickets, outstanding monies and bookmaker permits. PICK holds information on unclaimed winning bets paid in by bookmakers. It processes lost tickets and can print reports on both of these processes. The PICK system also provides a report which shows outstanding monies unclaimed by punters from the month 13 months prior. This amount is paid to Treasury on a monthly basis. PICK also creates and stores details of the bookmaker permits, and permit applications, on a monthly basis.

- PID
- Race Meeting
- Responsible Person
- State Significance

Is a declaration by a person as licensee or part of an entity holding a licence for employment in or supervision of Licensed Premises, or to perform functions in Gaming areas. Known as 'Personal Information Declarations' (PIDs).

A meeting at which horse races, harness races or greyhound races are held.

For licensed premises this means a person who is, in accordance with legislation, responsible for supervising and managing the business conducted under the licence.

Phrases such as 'state significance' are viewed within the context of the following points. The examples cited below give an indication of scale of which meant when the Schedule describes a record or event as 'significant', viz:

- economic impact, eg economic impact of the liquor and gaming



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

industries within South Australia

- social heritage, eg historic (ie records relating to 19th and early 20th century buildings used as licensed premises)
- social impact and extent of profound changes to lives of individuals, families or communities or affecting a large proportion of the population, eg social issues associated with problem/under-age drinking, problem gambling
- public reaction or sensitivity, eg associated with problem/under-age drinking, problem gambling.

• Suppliers

An instant lottery ticket supplier’s licence (‘a supplier’s licence’) is required by organisations which intend to supply instant lottery tickets and bingo sheets to lottery license holders in South Australia.

• Tenant

A person who is granted a right of occupancy under a residential tenancy agreement or a person to whom the right passes by assignment or operation of law and includes a prospective tenant or a former tenant.

• Trade Promotion Lottery

A trade promotion lottery means a lottery conducted with a view to promoting the sale of goods or services and must be free to enter.

• Trader

A general term used to cover any trade, business or professional person, including, but not limited to, credit providers, insurers, agents and brokers.

• Wagering

The act of betting, the subject or terms of a bet. See also ‘Gambling’.

Scope Notes Specific to the Application of this RDS

The follow scope notes have been included as a preamble to the schedule body to facilitate the sentencing process.

Scope Note 1 Licences

Liquor licence - authorises the licensee to sell and supply liquor in accordance with the terms and conditions of the licence. Includes:

- Hotel licence, Residential licence
- Wholesale Merchant liquor licence, Retail merchants liquor licence
- Entertainment venue licence, Restaurant licence
- Producers licence, Direct sales licence
- Club licence, Limited licence, Limited club licence, Special circumstances licence, General facility licence (no longer used).



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Limited Liquor Licence

Limited licences are issued under three main categories in relation to the 'sale of liquor', the 'consumption/supply of liquor' and if the applicant is the holder of a licence under the *Liquor Licensing Act 1997* and wishes to vary that licence on a temporary basis, 'to extend on a temporary basis the trading rights under the current liquor licence' (e.g. entertainment consent/trading hours):

- Sale of Liquor, Consumption of Liquor
- Extended trading hours or trading area to an existing Licence
- Entertainment consent for an existing licence, Temporary increase in capacity.

Gaming

- Gaming licence - authorises the holder to possess and operate gaming machines.

Lotteries and Charities

- Major Lottery licence - authorises a club or association to conduct a fundraising lottery where the total retail value of all prizes exceeds \$5,000
- Bingo Licence - authorises a club or association to conduct fundraising bingo sessions
- Instant Prize Lottery licence - authorises a club or association to conduct fundraising lotteries through the sale of instant scratch or 'break-open' tickets
- Suppliers licence - authorises an organisation to supply instant lottery tickets and bingo sheets to lottery licence holders
- Trade Promotion licence - authorises the licensee to conduct a lottery to promote the sale of goods or services
- Charity licence - authorises licensee to solicit donations or conduct entertainment for charitable purposes
- Collection Agent's licence - - authorises a person to solicit donations or conduct entertainment for charitable purposes on behalf on a charity.

Wagering

- Bookmaker licence - authorises a person to act as a bookmaker conducting fixed-odds betting on races held by licensed racing clubs (excluding races of a prescribed kind) and approved contingencies
- Bookmaker's Agent Licence - authorises the licensee to assist or work on behalf of a licensed bookmaker.

Note: When a licence is surrendered - an Order is prepared granting the surrender of licence and LGS is updated accordingly.

**Scope Premises Plans
Note 2**

The following criteria are to be applied to premises plans (both hard copy and electronic



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

versions) in implementing this schedule:

- Buildings which have been or are heritage-listed, eg included on the Register List of State Heritage Places
- buildings of architectural significance, ie award winning, or of innovative design or the building of which has included innovative techniques and/or processes
- site plans relating to buildings of known contaminated sites
- site plans where boundary disputes are in process at time of sale or demolition
- plans of buildings on sites that have aboriginal significance, eg sacred sites
- drawings which are considered a documentary record of the history and development of the State at archaeological sites, redeveloped or abandoned sites, such as the Queen's theatre.

Scope Note 3 Commissioner's and Court Orders

Note 3

- **Commissioner's Orders** record the determination made by the Commissioner pursuant to legislation for which the CBS is responsible.
- **Court Orders** record the decisions (determinations or reviews) of the Licensing Court on matters brought before it by either the Commissioner or the Applicant.

Sometimes referred to as 'Determinations'.

Scope Note 4 Hearing Process

Note 4

The hearing process is the procedural aspect of processing 'Applications'.

The process involves conciliating between the applicant and objectors (if any) eg members of the public, local government authorities, clubs and other organisations, etc, prior to the application being heard by the Commissioner.

The Licensing Court is convened to make determinations or reviews, on matters referred to it by the Commissioner, the Applicant or other parties.

Scope Note 5 Disciplinary action (*Liquor Licensing Act 1997 – s121*)

Note 5

(1) On the hearing of a complaint, the Court may, if it is satisfied on the balance of probabilities that there is proper cause for taking disciplinary action against the person to whom the complaint relates, by an order or orders do one or more of the following:

- (a) in the case of a person licensed under this Act, add to, or alter, the conditions of the licence;
- (b) in the case of a person licensed or approved under this Act, suspend or revoke the licence or approval;



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

- (c) in the case of any person
 - (i) reprimand the person;
 - (ii) impose a fine not exceeding \$15 000 on the person;
 - (iii) disqualify the person from being licensed or approved under this Act.
- (2) The Court may-
 - (a) direct that a disqualification is to apply permanently;
 - (b) direct that a suspension or disqualification is to apply
 - (i) for a specified period; or
 - (ii) until the fulfilment of stipulated conditions; or
 - (iii) until further order;
 - (c) direct that an order is to have effect at a specified future time or is to have effect at a specified future time unless stipulated conditions are fulfilled;
 - (d) vary an order imposing a suspension or disqualification.
- (3) If-
 - (a) a person has been found guilty of an offence; and
 - (b) the circumstances of the offence form, in whole or in part, the subject matter of the complaint,

the person is not liable to a fine under this section for conduct giving rise to the offence.
- (4) If a licensee is convicted of an offence involving the unlawful sale or supply of liquor to a minor and a complaint is lodged on the ground of the breach of duty leading to the conviction, the Court must-
 - (a) take disciplinary action against the licensee; and
 - (b) if the conviction follows a previous conviction for an offence involving the unlawful sale or supply of liquor to a minor or previous disciplinary action for an incident involving the unlawful sale or supply of liquor to a minor—suspend or revoke the licence unless the licensee shows cause why that action should not be taken.
- (5) A condition may be imposed under this section-
 - (a) limiting the kinds of liquor that may be sold under the licence;
 - (b) limiting the times when liquor, or liquor of a particular kind, may be sold under the licence;
 - (c) limiting in some other way the authority conferred by the licence.
- (6) An order imposing a fine may be registered in the Magistrates Court or the District Court and enforced as an order of the court in which it is registered.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

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 Consumer and Business Services 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. This RDS does not apply to pre-1901 records.



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

List of Functions and Activities

LEGISLATIVE COMPLIANCE.....40

- Inspections.....40
- Investigations40

BUSINESS AND CONSUMER SERVICE PROVISION.....43

- Applications and Registrations.....43
- Assessments.....49
- Bond Management.....50
- Claims Rebates and Returns50
- Control (Registration).....51
- Funds Disbursement.....52
- Procedures.....53

ADVICE AND CONCILIATION54

- Advice54
- Complaint Resolution.....55
- Judicial Proceedings55
- Legal Support.....56

CIVIL REGISTRATION.....57

- Advice.....57
- Compliance (Civil Registration).....58
- Enquiries (Civil Registration).....58
- Registration and Control58

APPROVED BY SRC



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|---------------------------------|-------------------------------|---|---|
| 1 LEGISLATIVE COMPLIANCE | | | |
| 1 | LEGISLATIVE COMPLIANCE | The function of inspecting, monitoring, assessing, auditing and investigating matters relating to legislative compliance, issuing certification, and reporting thereof, pursuant to legislation for which the agency is responsible. Includes enforcement of provisions under prescribed legislation. | |
| 1.1 | Inspections | <p><i>The activities and processes associated with managing inspections (including legislative compliance inspections) of the activities of licensees/registrants and licensed premises pursuant to legislation for which the agency is responsible. Includes:</i></p> <ul style="list-style-type: none"> • <i>Compliance inspections of licensed premises</i> • <i>Casino inspections</i> • <i>Routine inspections.</i> <p>Note: Summary records under this activity are located within LoB systems, for which see item 2.5 BUSINESS AND CONSUMER SERVICE PROVISION - Control (Registration).</p> | |
| 1.1.1 | Inspections | Records documenting legislative compliance and routine inspections of licensed premises and Casino. Maintained in premises files. | PERMANENT |
| 1.1.2 | Inspections | Trader history files, including master files that relate to trader history. (These records are also used as compliance monitoring records and reports.) | TEMPORARY Destroy 7 years after action completed |
| 1.1.3 | Inspections | Other compliance inspections, including those relating to consumer protection and licensed trades persons. Includes 'desktop audits'. | TEMPORARY Destroy 5 years after subsequent inspection |
| 1.2 | Investigations | <i>The activities and processes associated with undertaking investigations pursuant to compliance provisions under legislation for which the agency is responsible. Also includes compliance reporting and the giving of assurances by Licensees/ Registrants/ Traders, etc.</i> | |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|---------------------------------|-----------------------------|---|---|
| 1 LEGISLATIVE COMPLIANCE | | | |
| 1.2.1 | Investigations | Records documenting major (serious) investigations, including those leading to legal action (including legal action undertaken by other government agencies). Involves the conduct of auditing and financial investigations, business analysis, etc. Also Includes matters relating to minors underage drinking, underage betting, and/or intoxication, bankruptcy, licensee/trader convicted or disciplined, convictions, insolvency, exceeding scope of license, insolvent director, insufficient funds, misconduct by licensee/trader, etc. Also includes revocation or suspension of license, imposition of fines, the licensee/registrant giving assurances, referring matter to a Court or Tribunal, etc. | PERMANENT |
| 1.2.2 | Investigations | Records documenting recurrent or routine investigations under legislation for which the agency is responsible, not resulting in further action nor leading to legal action. Includes audits, consultations and assurances given by licensee, applicant/registrant, trader, etc. | TEMPORARY Destroy 10 years after action completed |
| 1.2.3 | Investigations | Records documenting price monitoring and control matters including declarations, determinations and orders. Includes liaison with other jurisdictions regarding price control matters. | TEMPORARY Destroy 10 years after action completed |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|---------------------------------|--------------------------------|---|---|
| 1 LEGISLATIVE COMPLIANCE | | | |
| 1.2.4 | Investigations | Records documenting the identification of unsafe products, including product safety files, consumer complaints, records of investigations and reports, schedules of and briefings relating to banned goods. See Item 1.2.1 above for matters that escalate, ie major (serious) investigations. | TEMPORARY Destroy 10 years after action completed |
| 1.2.5 | Investigations | System reports relating to investigations, where kept separately, emanating from Line-of-Business (LoB) systems. Includes both hardcopy and electronic extracts ie 'snapshots' of LoB databases. See item 2.5 BUSINESS AND CONSUMER SERVICE PROVISION - Control (Registration) for actual LoB systems. | TEMPORARY Destroy 7 years after action completed |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|--|--|------------------|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2 | BUSINESS AND CONSUMER SERVICE PROVISION | <p>The function of registering and processing applications for the licensing of individuals and business entities, premises, and regulating of business activities including, conduct of lotteries and wagering, residential tenancies, product safety, prices, trade measurement, etc. in accordance with legislation for which the agency is responsible. Includes providing advice to consumers and traders. Includes imposing conditions of operation and authorising licensee (applicant/registrant) to carry on trading (ie the business activity associated with the licence). Also includes reporting by applicant/ licensee/ registrant.</p> <p>For civil registration matters see 4 CIVIL REGISTRATION.</p> <p>For Justice of the Peace functions see RDS 2011/04 Version 1.</p> | |
| 2.1 | Applications and Registrations | <p><i>The activities and processes associated with processing 'license/permit to operate' applications and associated registration activities, pursuant to legislation.</i></p> <p>Note: Summary records under this activity are located within LoB systems, for which see item 2.5 BUSINESS AND CONSUMER SERVICE PROVISION - Control (Registration).</p> | |
| 2.1.1 | Applications and Registrations | Premises and applications files relating to liquor licences, gaming licences and the Casino. | PERMANENT |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|--------------------------------|---|------------------|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2.1.2 | Applications and Registrations | Records documenting receipt, recording and determining of applications (within delegations) requiring the drafting of Commissioner's Orders, including master version of the Orders. Includes records supporting the hearing process. Examples of <i>licence to operate</i> applications include licensed premises, gaming machines, wagering, Casino, etc. | PERMANENT |
| 2.1.3 | Applications and Registrations | Records documenting applications by persons seeking approval as responsible persons. Includes Declarations and Statutory Declarations, being statements that no details about the applicant have been amended in respect of the last approval as a responsible person sought. | PERMANENT |
| 2.1.4 | Applications and Registrations | Documents lodged pursuant to legislation relating to association rules and incorporation rules. | PERMANENT |
| 2.1.5 | Applications and Registrations | Records relating to the incorporation of associations, including applications for incorporation, fees paid, change of public officers, change of association name, annual returns, certificates of incorporation, applications for exemption, operating statements, deregistration or cancellation, statutory declarations and other lodged records where the Association was already dissolved by 1985 and has therefore not been microfilmed (includes GRS 885). Also includes post January 1985 master microfiche copy of records relating to the incorporation of associations (includes GRS 521). | PERMANENT |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|--------------------------------|---|--|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2.1.6 | Applications and Registrations | Master version of Court Orders, includes master version of proceedings, transcripts and judgements of the Licensing Court in determination of application(s) and appeals. Includes findings and determinations determined by the Court. | PERMANENT |
| 2.1.7 | Applications and Registrations | Records relating to the registration of business names, including registration applications, fees paid, change of registered proprietor, cancellations and expiry of registrations. | TEMPORARY Destroy 13 years after action completed |
| 2.1.8 | Applications and Registrations | Records relating to the application and issuing of licenses issued under the <i>Trade Measurement Act (as amended)</i> . Includes application form, support documentation and approval or refusal of application. | TEMPORARY Destroy 10 years after last renewal of licence |
| 2.1.9 | Applications and Registrations | Records documenting applications for registration of Limited Partnerships and registered cooperatives records. Includes registration applications, fees paid, committee statements, meeting minutes, member applications, operating statements, debenture files and other lodged records. | TEMPORARY Destroy 10 years after action completed |
| 2.1.10 | Applications and Registrations | Applications for Ministerial Exemption pursuant to legislation, eg <i>LABSAC Act 1994</i> . | TEMPORARY Destroy 10 years after exemption lapses or Court action completed, whichever is the later. |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|--------------------------------|---|--|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2.1.11 | Applications and Registrations | Records relating to trade licensee/ registrant applications. Includes applications for new licence or amendment to existing licence conditions, or surrendering of licences/registrations. | TEMPORARY Destroy 7 years after action completed |
| 2.1.12 | Applications and Registrations | Records documenting the refusal of applications for license/registration. Includes records relating to complaints or action taken by an applicant against decisions made by the agency on the application and related correspondence. | TEMPORARY Destroy 7 years after date of application |
| 2.1.13 | Applications and Registrations | Records documenting receipt, recording and determining of applications for approval of a Crowd Controller to be licensed under prescribed legislation. | TEMPORARY Destroy 7 years after expiration / revocation of licence |
| 2.1.14 | Applications and Registrations | Records documenting licence applications relating to lotteries and trade promotions, includes: <ul style="list-style-type: none"> • Suppliers (of instant prize money / bingo sheets) • Instant prize lotteries relating to Trade Promotions and Clubs & Associations • Bingo tickets. | TEMPORARY Destroy 7 years after expiration of licence |
| 2.1.15 | Applications and Registrations | Licence application files for fundraising purposes not involving lotteries relating to Collections for Charitable Purposes. Includes licence application, constitution, financial status, etc. | TEMPORARY Destroy 7 years after expiration of licence |
| 2.1.16 | Applications and Registrations | Bookmakers' files containing general correspondence, including applications, permits, financial and personal details. | TEMPORARY Destroy 7 years after cessation or surrender of licence |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|--------------------------------|--|---|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2.1.17 | Applications and Registrations | Racing Clubs files containing general correspondence of a routine nature, eg details of office bearers, premises address, etc. | TEMPORARY Destroy 7 years after cessation or surrender of licence |
| 2.1.18 | Applications and Registrations | Records documenting SATAB (wagering) matters including: <ul style="list-style-type: none"> • SATAB Outlets • System modifications • Legislative amendments • Requests for information. | TEMPORARY Destroy 7 years after action completed |
| 2.1.19 | Applications and Registrations | Records relating to Trustee company records including financial statements, fees paid, operating statements general correspondence and other lodged records. | TEMPORARY Destroy 7 years after action completed |
| 2.1.20 | Applications and Registrations | Wagering Supervisor Reports created prior to 2007 and Old Bookmakers Returns (prior to 2004). | TEMPORARY Destroy 7 years after action completed |
| 2.1.21 | Applications and Registrations | Records documenting applications to bar individuals from entering licensed premises (ie an Order Barring Person From Gaming Area known as 'barring(s)'). | TEMPORARY Destroy 5 years after barring order ceases |
| 2.1.22 | Applications and Registrations | Records relating to the changing/amending of personal details, including change of address, change of directors, proof of identity photos, replacement card requests, and administrative corrections of data, used to update LoB databases. See item 2.5 BUSINESS AND CONSUMER SERVICE PROVISION - Control (Registration) for actual LoB systems. | TEMPORARY Destroy 3 years after last action. |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|--------------------------------|--|--|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2.1.23 | Applications and Registrations | Records documenting applications for approval of natural persons as licensee or part of an entity holding a licence for employment in or supervision of Licensed Premises, or to perform functions in the Gaming areas. Known as 'Personal Information Declarations' (PIDs). | TEMPORARY Destroy 2 years after lodgement |
| 2.1.24 | Applications and Registrations | Records documenting applications by members of the public, licensees, clubs and associations for granting of limited liquor licences for major events , relating to special events, trading time variations, etc, viz: sale of liquor, consumption of liquor, extended trading hours or trading area to an existing licence, entertainment consent for an existing licence, temporary increase in capacity. Major events include: Clipsal 500, Tour Down Under, Fringe, Community Festivals, Street Parties, etc. | TEMPORARY Destroy 2 years after licence lapses |
| 2.1.25 | Applications and Registrations | Other applications by members of the public, licensees, clubs and associations for granting of limited liquor licences relating to special events, trading time variations, etc, viz: sale of liquor, consumption of liquor, extended trading hours or trading area to an existing licence, entertainment consent for an existing licence, temporary increase in capacity. Examples include, private social events, private community events, etc. | TEMPORARY Destroy 2 years after licence lapses |
| 2.1.26 | Applications and Registrations | Wagering records documenting Bookmaker's request to attend race meetings to conduct betting activities (known as <i>Permits to Bet</i>) and issue of permit. | TEMPORARY Destroy 2 years after permit issued |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|--------------------------------|--|--|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2.2 | Assessments | <p><i>The activities associated with the assessment process in relation to applications for licenses/ permits/ registration pursuant to legislation for which the agency is responsible. Applies to Casino applications, Gaming/Liquor applications, etc. Includes, but is not limited to, assessment relating to:</i></p> <ul style="list-style-type: none"> <i>Financial analysis (of licensee entities)</i> <i>Premises inspections (applications)</i> <i>Premises plans (including CAD drawings).</i> <p><i>Note 1: Assessments relating to lotteries and wagering are included with applications and contained in application/club files. See items 2.1.10, 2.1.11, 2.1.12, 2.1.13, and 2.1.14 above.</i></p> <p><i>Note 2: Summary records under this activity are located within LoB systems, for which see item 2.5 BUSINESS AND CONSUMER SERVICE PROVISION - Control (Registration).</i></p> | |
| 2.2.1 | Assessments | <p>Records documenting assessment of:</p> <ul style="list-style-type: none"> financial status of licensee entities licensed premises <p>resulting from inspections associated with applications.</p> | PERMANENT |
| 2.2.2 | Assessments | <p>Records documenting assessment of premises plans images (including plans, specifications, CAD drawings, etc) which meet the criteria for permanent retention set out in Scope Note 2 (pp.34 of this RDS).</p> <p>Includes both hard copy (1913 – 1995) and electronic / digital (1996 – ct).</p> | <p>PERMANENT</p> <p>Where records are in electronic format actively manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes</p> |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|-----------------------------------|--|--|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2.2.3 | Assessments | Remainder of plans described in 2.2.2 (above), which do not meet the criteria set out in Scope Note 2. | TEMPORARY Destroy 10 years after license lapsed or cancelled |
| 2.3 | Bond Management | <i>The activities involved in managing residential and retail bonds, and the lodgement and refund of bond monies.</i> <i>Note: Summary records under this activity are located within LoB systems, for which see item 2.5 BUSINESS AND CONSUMER SERVICE PROVISION - Control (Registration).</i> | |
| 2.3.1 | Bond Management | Records relating to lodgement of Security Bond and related documentation. Also includes pre-1996 documentation (now closed series) incorporating copies of lodgement forms. | TEMPORARY Destroy 20 years after action completed |
| 2.3.2 | Bond Management | Records relating to Security Bond refund claim forms and associated documentation. | TEMPORARY Destroy 7 years after disbursement of bond |
| 2.4 | Claims Rebates and Returns | <i>The process and activities associated with providing an administrative mechanism to enable the efficient processing of claims and rebates emanating from various transactions, including liquor licensing, lotteries and wagering, etc.</i> | |
| 2.4.1 | Claims Rebates and Returns | Records documenting calculation and payment of liquor rebates based on sales returns submitted by the licensees. | TEMPORARY Destroy 7 years action completed |
| 2.4.2 | Claims Rebates and Returns | Records documenting receipt of licence fees relating to applications, documenting fee and financial information and, where applicable, refunds. | TEMPORARY Destroy 7 years after receipt of return |
| 2.4.3 | Claims Rebates and Returns | Wagering returns relating to lost or unclaimed betting tickets. Includes returns/ reports prepared for Department of Treasury and Finance. | TEMPORARY Destroy 7 years after action completed |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|-------------------------------|--|--|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2.4.4 | Claims Rebates and Returns | Records documenting Bookmaker's Betting Sheets (including Approved Events Sheets) where used as evidence in claims. | TEMPORARY Destroy 7 years after action completed |
| 2.4.5 | Claims Rebates and Returns | Records documenting Bookmaker's Betting Sheets (including Approved Events Sheets) where no claims have been made. | TEMPORARY Destroy 1 year after creation |
| 2.4.6 | Claims Rebates and Returns | Monthly Returns submitted by SATAB for the purposes of: <ul style="list-style-type: none"> • Betting account details • Government taxes • Unclaimed monies (winnings). | TEMPORARY Destroy 7 years after action completed |
| 2.4.7 | Claims Rebates and Returns | Wagering Supervisor Reports (monthly) comprising schedule of Bookmakers in attendance at particular race meetings. | TEMPORARY Destroy 7 years after action completed |
| 2.4.8 | Claims Rebates and Returns | Records documenting Trade Promotion applications for Lotteries cancelled/not proceeded where no refund is required. Use GDS15v8: 5.2 FINANCIAL MANAGEMENT – Accounting where refund is required. | TEMPORARY Destroy 1 year after cancellation |
| 2.5 | Control (Registration) | <i>The activities and processes associated with the establishment and maintenance of registers containing information required pursuant to or prescribed by legislation to ensure effective control over recorded information. Includes pre electronic registers, ie physical registers, microfiche, etc. Also includes metadata and content of line-of-business application databases. Note: Summary records under this activity are located within the LoB applications.</i> | |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|--------------------------------|---|---|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2.5.1 | Control (Registration) | <p>Registers created and maintained in electronic format within LoB databases and other electronic applications, eg Liquor and Gambling System, Assurance Register, Investigation File Register, Consumer Complaints System,. Bonds Register, Occupational and Licensing System, etc.</p> <p>The LoB databases are used to record and maintain details of the activities and process associated with matters relating to agency operations. Includes the creation and maintenance of metadata details of applications, compliance and resolution matters relating to individuals, businesses, licensed premises, etc. Also includes digitised content / images of plans/drawings, etc).</p> <p>For CIVIL REGISTRATION use Item 4.5.1</p> | PERMANENT Update and maintain as necessary to ensure ongoing accessibility for evidential and/or historical purposes. |
| 2.6 | Funds Disbursement | <p><i>The activities and processes associated with disbursing and administering funding for which the agency is responsible, (eg REISA funding, 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 funds for the purposes of contractual arrangement and grant agreement. Also includes calling for applications and assessing them; monitoring progress; and reviews and evaluations of the program.</i></p> <p><i>For Grant Funding (sources of funds) see GDS 15 v8:</i></p> <p>1.47 COMMUNITY RELATIONS – Grant Funding</p> <p>5.47 FINANCIAL MANAGEMENT – Grant Funding</p> <p>16.47 STRATEGIC MANAGEMENT – Grant Funding.</p> | |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|--|-----------------------------|--|---|
| 2 BUSINESS AND CONSUMER SERVICE PROVISION | | | |
| 2.6.1 | Funds Disbursement | Records documenting disbursement of funds for project and initiatives, eg Managed Taxi Rank funding for Adelaide CBD and regional areas. Includes funding requests and alterations, interim reporting and acquittal statements. | TEMPORARY Destroy 20 years after last acquittal process completed |
| 2.6.2 | Funds Disbursement | Records documenting Expressions of Interest (EOI) 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 |
| 2.7 | Procedures | <i>Standard methods of operating laid down by an organisation according to formulated policy. (KWAAA)</i> | |
| 2.7.1 | Procedures | Master copy of operational procedure manuals. | PERMANENT Where records are in electronic format actively manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes |
| 2.7.2 | Procedures | Working papers including drafts relating to the development or review of procedures prepared periodically to clarify or interpret different parts of the legislation and explain the procedures relating to it, eg fact sheets, (draft) procedural notes or kits. Includes background research, records relating to the outcomes of consultation with stakeholders, etc. | TEMPORARY Destroy 5 years after last action |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|----------------------------------|--------------------------------|--|------------------|
| 3 ADVICE AND CONCILIATION | | | |
| 3 | ADVICE AND CONCILIATION | <p>The function of providing advice to, and resolving issues with external clients (eg licensees, traders, consumers, private individuals, clubs and organisations) pursuant to legislation for which the organisation is responsible.</p> <p>Includes representing the Commissioner before a Court or other authorities and performing an adjudication function, while coordinating delegates in the conduct of hearings. Also includes provision of advice to the CBS on matters of legislation, case law, protocols etc. and also to undertaking liaison with Crown Law and the Courts.</p> <p>See also GDS 15v8: LEGAL SERVICES.</p> | |
| 3.1 | Advice | <i>The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes the process of advising. (KWAAA)</i> | |
| 3.1.1 | Advice | Records relating to the provision of advice to the Minister, CEO or the Commissioner, relating to Consumer and Business Services policy, procedures, functions, obligations and liabilities. | PERMANENT |
| 3.1.2 | Advice | Records documenting matters regarding operational process, policies and procedures, received from the public and other agencies that result in provision of advice leading to changes to legislation. Includes responses provided. For changes to legislation use GDS 15 v8: 16.64 STRATEGIC MANAGEMENT – Legislation | PERMANENT |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|----------------------------------|-----------------------------|--|--|
| 3 ADVICE AND CONCILIATION | | | |
| 3.1.3 | Advice | Records documenting matters regarding operational process, policies and procedures, received from the public and other agencies, which may result in changes process, policies and procedures, but not to legislation. Includes responses provided where change in procedures has not occurred. | TEMPORARY Destroy 7 years after action completed |
| 3.2 | Complaint Resolution | <i>The activity of providing mediation services to individuals and organisations to resolve issues and complaints. See also item 3.1 ADVICE AND CONCILIATION – Advice.</i> | |
| 3.2.1 | Complaint Resolution | Records relating to the receipt, investigation and reconciliation of consumer complaints. This includes the original complaint, response etc. Includes records of requests/applications to resolve disputes and complaints between tenants, agents and landlords (referred to as 'requests for assistance'). Includes recommendations and resolutions. | TEMPORARY Destroy 10 years after registration |
| 3.3 | Judicial Proceedings | <i>The activities and processes associated with preparing and presenting relevant documentation relating to interpreting and applying legislation, for which CBS is responsible, to a Court or Tribunal for determination. Includes:</i> <ul style="list-style-type: none"> • <i>representing the Commissioner before a Court or Tribunal and other authorities (eg Supreme Court, IGA, etc)</i> • <i>provision of Legal advice</i> • <i>liaison with Crown Law on matters</i> • <i>coordinating the hearing process.</i> <p><i>Note: Summary records under this activity are located within LoB systems, for which see item 2.5 BUSINESS AND CONSUMER SERVICE PROVISION - Control (Registration).</i></p> | |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|----------------------------------|-----------------------------|--|--|
| 3 ADVICE AND CONCILIATION | | | |
| 3.3.1 | Judicial Proceedings | Records documenting applications to the Tribunal regarding residential tenancy disputes, including hearing applications, receipts, tribunal orders and related correspondence. Includes hearings involving Housing SA, other government agencies. Also includes tribunal transcripts, digital audio and taped video conference recordings. | TEMPORARY Destroy 10 years after action completed or appeal time lapses - whichever is the greater |
| 3.3.2 | Judicial Proceedings | Records documenting hearings and receipts relating to retirement village matters. Excludes supporting records as these are maintained by an external agency, ie Office for the Ageing. | TEMPORARY Destroy 10 years after action completed or appeal time lapses - whichever is the greater |
| 3.4 | Legal Support | <i>The activities and processes associated with providing legal support to the Liquor and Gambling Commissioner when appearing before the Licensing Court or other authority (eg IGA or Supreme Court, etc).</i> | |
| 3.4.1 | Legal Support | Records documenting the Commissioner's appearance before Courts, Tribunals and other authorities. Includes copies of documents tabled as evidence during proceedings. | PERMANENT |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|-----------------------------|-----------------------------|--|--|
| 4 CIVIL REGISTRATION | | | |
| 4 | CIVIL REGISTRATION | The function of establishing and managing a system of civil registration relating to: births, deaths, marriages, changes of name adoptions and reassignments of sex. Includes issue of certified copies of register entries, provision of statistical information and solemnisation of marriages and provision of support services to authorised marriage celebrants. | |
| 4.1 | Advice | <i>The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes the process of advising. (KWAAA)</i> | |
| 4.1.1 | Advice | Records relating to the provision of advice to the Minister or portfolio agency controlling, relating to substantive aspects of civil registration policy, procedures, functions, obligations and liabilities. | PERMANENT |
| 4.1.2 | Advice | Records documenting matters regarding operational process, policies and procedures relating to civil registration, received from the public and other agencies that result in provision of advice leading to changes to legislation. Includes responses provided. For changes to legislation use GDS 15 v8: 16.64 STRATEGIC MANAGEMENT – Legislation | PERMANENT |
| 4.1.3 | Advice | Records documenting matters regarding operational process, policies and procedures, received from the public and other agencies, which result in changes to process, policies and procedures but not to legislation. Includes responses provided where change in procedures has not occurred. | TEMPORARY Destroy 7 years after action completed |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|-----------------------------|--|--|---|
| 4 CIVIL REGISTRATION | | | |
| 4.2 | Compliance (Civil Registration) | <i>The activities and processes associated with undertaking investigations pursuant to compliance provisions under legislation relating to civil registration for which the agency is responsible.</i> | |
| 4.2.1 | Compliance (Civil Registration) | Records relating to the administration of legislation administered by the agency and the conduct and outcome of compliance monitoring and investigations activities relating to civil registration. | TEMPORARY Destroy 10 years after action completed |
| 4.3 | Enquiries (Civil Registration) | <i>The activities associated with the handling of requests for information including extracts from the civil register by SAPOL and other state agencies, other jurisdictions, and the general public.</i> | |
| 4.3.1 | Enquiries (Civil Registration) | Records documenting applications/ requests for information, including applications for extracts (copies) of birth, death and/or marriage certificates. | TEMPORARY Destroy 7 years after action completed |
| 4.4 | Registration and Control | <i>The activity of processing applications for registration of a life event. Includes processing amendments to registrations of events in accordance with legislation which the Registrar of Births, Deaths and Marriages administers or under which the Registrar has statutory responsibilities.</i> <i>Also includes maintenance of relevant LoB databases to control and manage recording and management of civil registration transactions/events, including the Investigation File Register (IFR) relating to civil registration.</i> | |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|-----------------------------|--------------------------------|--|------------------|
| 4 CIVIL REGISTRATION | | | |
| 4.4.1 | Registration and Control | <p>Records documenting civil registration transactions/events, including central registers, district registration records, indexes, schedule books and source documents. Also includes specific registers, relating to:</p> <ul style="list-style-type: none"> • births, includes birth registration statements • deaths, includes cause of death certificates, medical certificates, funeral directors statements, also includes mode of disposal • marriages • sexual reassignment, includes sexual reassignment register • name changes, includes change of name register, declarations of change of name, Deed poll • adoptions, includes registers, index to adoption orders, records relating to adoption orders, and authorities from adopted persons to release information from original birth entry, records of certificates issued against that authority • South Australians killed in action or as part of the armed services, includes the register and also registers and duplicates from Directorate of War Graves Services. | PERMANENT |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

| Item No. | FUNCTION Activity / Process | Description / Disposal Class | Disposal Action |
|-----------------------------|-----------------------------|---|---|
| 4 CIVIL REGISTRATION | | | |
| 4.4.2 | Registration and Control | Records relating to formal amendment (includes correction) of registered civil registration events (ie civil registration amendment), pursuant to legislation or court order. Includes details of registration, correction of entry details and source documents. | PERMANENT |
| 4.4.3 | Registration and Control | Registers created and maintained in electronic format within LoB databases and other electronic applications. The LoB databases are used to record and maintain details of the activities and process associated with matters relating to civil registration. Includes the creation and maintenance of metadata details relating to civil registration transactions, and include where applicable, digital content. Includes the Investigation File Register (IFR) relating to civil registration. | PERMANENT Where in electronic format update and maintain as necessary to ensure ongoing accessibility for evidential and/or historical purposes |
| 4.4.4 | Registration and Control | Records relating to cremation permits. This includes permits, applications signed by next of kin, authority from the Coroner and supporting medical certificates, and associated approvals. | PERMANENT |
| 4.4.5 | Registration and Control | Records relating to deceased identification and body tagging, including certificates for body identification received from the Coroner. | TEMPORARY Destroy 7 years after receipt/ action completed |



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

Index to Operational Records Disposal Schedule

-A-

ADVICE AND CONCILIATION54

ADVICE AND CONCILIATION, Advice.....54

ADVICE AND CONCILIATION, Complaint Resolution55

ADVICE AND CONCILIATION, Legal Support.....56

ADVICE AND CONCILIATION, Judicial Proceedings55

Advice, ADVICE AND CONCILIATION.....54

Advice, CIVIL REGISTRATION57

Applications and Registrations, BUSINESS AND CONSUMER SERVICE PROVISION43

Assessments, BUSINESS AND CONSUMER SERVICE PROVISION.....49

-B-

Bond Management, BUSINESS AND CONSUMER SERVICE PROVISION50

BUSINESS AND CONSUMER SERVICE PROVISION.....43

BUSINESS AND CONSUMER SERVICE PROVISION, Applications and Registrations43

BUSINESS AND CONSUMER SERVICE PROVISION, Assessments.....49

BUSINESS AND CONSUMER SERVICE PROVISION, Bond Management50

BUSINESS AND CONSUMER SERVICE PROVISION, Claims Rebates and Returns50

BUSINESS AND CONSUMER SERVICE PROVISION, Control (Registration).....51

BUSINESS AND CONSUMER SERVICE PROVISION, Funds Disbursement52

BUSINESS AND CONSUMER SERVICE PROVISION, Procedures53

-C-

CIVIL REGISTRATION.....57

CIVIL REGISTRATION, Advice57



Attorney-General's Department - Consumer and Business Services (and predecessor agencies)

CIVIL REGISTRATION, Compliance (Civil Registration)58

CIVIL REGISTRATION, Enquiries (Civil Registration)58

CIVIL REGISTRATION, Registration and Control58

Claims Rebates and Returns, BUSINESS AND CONSUMER SERVICE PROVISION50

Complaint Resolution, ADVICE AND CONCILIATION55

Compliance (Civil Registration), CIVIL REGISTRATION58

Control (Registration), BUSINESS AND CONSUMER SERVICE PROVISION.....51

-E-

Enquiries (Civil Registration), CIVIL REGISTRATION58

-F-

Funds Disbursement, BUSINESS AND CONSUMER SERVICE PROVISION52

-I-

Inspections, LEGISLATIVE COMPLIANCE40

Investigations, LEGISLATIVE COMPLIANCE40

-L-

Legal Support, ADVICE CONCILIATION56

LEGISLATIVE COMPLIANCE40

LEGISLATIVE COMPLIANCE, Inspections.....40

LEGISLATIVE COMPLIANCE, Investigations40

-P-

Procedures, BUSINESS AND CONSUMER SERVICE PROVISION53

-R-

Registration and Control, CIVIL REGISTRATION58