

Queensland Civil and Administrative Tribunal Retention and Disposal Schedule

Responsible public authority: Queensland Civil and Administrative Tribunal

Queensland Disposal Authority Number (QDAN)	731	Version	1
Date of approval	31 August 2016		
Approved by State Archivist	Mike Summerell		
QSA File Reference	QSA07/472-02		

Scope of retention and disposal schedule

This schedule applies to the core business records of the Queensland Civil and Administrative Tribunal (QCAT), including functions created for the Tribunal under the *Queensland Civil and Administrative Act 2009*, Queensland Civil and Administrative Tribunal Regulation 2009 and the Queensland Civil and Administrative Tribunal Rules 2009.

This schedule is to be used in conjunction with the *General Retention and Disposal Schedule* (GRDS).

References to repealed legislation within this schedule may be taken to be a reference to current legislation if the context permits.

The Queensland Civil and Administrative Tribunal is the responsible agency for the Queensland Civil and Administrative Tribunal Retention and Disposal Schedule at the time of approval of the schedule. However, in the event of an administrative change, or the transfer of a function from one agency to another, this retention and disposal schedule will continue to apply to the records covered by the schedule. For further advice on the currency of approved retention and disposal schedules following administrative change, please contact Agency Services at Queensland State Archives on (07) 3037 6630 or rkqueries@archives.qld.gov.au.

Record formats

This schedule applies to records created in all formats, unless otherwise specified in the class description. This includes, but is not limited to, records in business systems, maps, plans, photographs, motion picture and records created using web 2.0 media.

Authority

Authorisation for the disposal of public records is given under s.26 of the *Public Records Act 2002* (the Act).

No further authorisation is required from the State Archivist for records disposed of under this schedule. However, the disposal of all public records must be endorsed by the agency's Chief Executive Officer, or authorised delegate, in accordance with Information Standard 31: Retention and Disposal of Public Records, and recorded in the public authority's disposal log.

Public records that are not covered by an approved retention and disposal schedule cannot be disposed of by a public authority.

Disposal of public records not covered by an approved retention and disposal schedule is a contravention of s.13 of the Act.

Retention of records

All of the retention periods in this schedule are the minimum period for which the sentenced records must be maintained. Public records cannot be disposed of prior to the expiration of the appropriate retention period. However, there is no requirement for public records to be destroyed at the expiration of a minimum retention period.

Public records must be retained for longer if:

- i. the public record is or may be needed in evidence in a judicial proceeding, including any reasonably possible judicial proceeding
- ii. the public records may be obtained by a party to litigation under the relevant Rules of Court, whether or not the State is a party to that litigation
- iii. the public record must be retained pursuant to the *Evidence Act 1977*
- iv. there is a current disposal freeze in relation to the public record, or
- v. there is any other law or policy requiring that the public record be retained.

This list is not exhaustive.

Public records which deal with the financial, legal or proprietary rights of the State of Queensland or a State related Body or Agency regarding another legal entity and any public record which relates to the financial, legal or proprietary rights of a party other than the State are potentially within the category of public records to which particular care should be given prior to disposal.

Records which are subject to a Right to Information application are to be retained for the period specified in INFORMATION MANAGEMENT of the [*General Retention and Disposal Schedule*](#) in addition to their required retention period according to an approved retention and disposal schedule. The two periods run concurrently, and may result in a longer required retention period overall. This is in order to cover all appeal and review processes. Even though the records subject to an application may be ready for disposal according to an approved retention and disposal schedule at the time of the Right to Information application, the additional Right to Information retention requirements must still be applied. See INFORMATION MANAGEMENT of the [*General Retention and Disposal Schedule*](#) for records of Right to Information applications.

The disposal of public records should be documented in accordance with the requirements of Information Standard 31: Retention and Disposal of Public Records.

For further advice on the retention and disposal of public records under an approved retention and disposal schedule, please refer to the Queensland State Archives website or contact Agency Services at Queensland State Archives on (07) 3037 6630 or rkqueries@archives.qld.gov.au.

Records created before 1950

Records described in QDAN731 v.1 that were created before 1950 should be referred to Queensland State Archives for further appraisal before any disposal action is taken by the agency. For further advice please refer to the Public Records Brief: [Pre-1950s public records](#) which is available from the Queensland State Archives website.

Transfer of public records to Queensland State Archives

Records covered by a class with the disposal action of 'Retain permanently' should be transferred to Queensland State Archives with the approval of the State Archivist. Records covered by a class with the disposal action of 'Retain permanently' by the Queensland Civil and Administrative Tribunal are not eligible for transfer to Queensland State Archives unless re-appraised and assigned a disposal action of 'Retain permanently'.

Agencies are required to submit a transfer proposal containing details of the records under consideration for transfer. Queensland State Archives will assess the transfer proposal before formal approval to transfer is issued. Please refer to the Guideline on [Transferring Public Records to Queensland State Archives](#) available from the Queensland State Archives website. The State Archivist reserves the right to revise any previous decisions made with regard to the appraisal and transfer of records. Contact Agency Services at Queensland State Archives on (07) 3037 6630 or rkqueries@archives.qld.gov.au for further details.

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1. QCAT CASE MANAGEMENT

The core business of resolving disputes and making decisions. QCAT makes decisions across a range of matters including anti-discrimination, guardianship and administration for adults, children and young people, civil, administrative and disciplinary.

The activities include:

- *handling enquiries and consultations with stakeholders*
- *receipt and initial assessment of applications*
- *monitoring of case progress*
- *conducting research*
- *providing procedural advice to parties*
- *arranging and conducting hearings, security or interpreter services*
- *referral of cases or matters to higher appeal bodies*
- *finalisation of applications/cases/review including notifying parties and other stakeholders.*

Includes those cases that are heard via the Alternative Dispute Resolution service, e.g. mediation or compulsory conferences.

See [QCAT Management – Permanent case management files](#) for those records relating to those matters that have been deemed permanent by the President or Principal Registrar.

Reference	Description of records	Status	Disposal action
1.1	<p>ADMINISTRATIVE REVIEWS</p> <p><i>The process of hearing and reviewing decisions made by Chief Executives, Director Generals, Commissioners, Superintendents, registrars, officers, regulators, authorities or inspectors of Queensland government departments, local governments and regulatory authorities.</i></p>		
1.1.1	<p>Administrative review case files</p> <p>Case management records relating to the review of administrative decisions including, but not limited to:</p> <ul style="list-style-type: none"> • animal care and regulation • blue card applications <i>Working with Children (Risk Management and Screening) Act 2000</i> • civil partnerships • racing • retirement villages 	Temporary	Retain for 12 years after business action completed and finalisation of all appeal processes.

Reference	Description of records	Status	Disposal action
	<ul style="list-style-type: none"> • right to information requests. <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • signed final hearings decisions • signed interim orders/interlocutory matters and decisions • complaint case files • hearing transcripts (includes master, transcribed and untranscribed). 		
1.2	<p>ANTI-DISCRIMINATION</p> <p><i>The process of hearing and determining complaints of alleged unlawful discrimination, sexual harassment, vilification and victimisation after they have been investigated and referred to QCAT by the Anti-Discrimination Commission Queensland under the Anti-Discrimination Act 1991.</i></p>		
1.2.1	<p><i>Anti-discrimination case files</i></p> <p>Case management records relating to hearing complaints of alleged unlawful discrimination, sexual harassment, vilification and victimisation investigated by the Anti-Discrimination Commission Queensland and referred to QCAT.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • signed final hearings decisions • signed interim orders/interlocutory matters and decisions • complaint case files • hearing transcripts (includes master, transcribed and untranscribed) • exemptions applications from specific provisions of the legislation • successful and unsuccessful applications and renewals • opinions provided to the Anti-Discrimination Commissioner concerning the application of legislation in specific situations. Includes requests for opinions where the tribunal declines to offer an opinion • opinions provided by the Supreme Court to the tribunal on questions of law in accordance with the legislation • certified agreements from the Anti-Discrimination Commission when parties settle before the commission in accordance with legislation. 	Temporary	Retain for 12 years after business action completed and finalisation of all appeal processes.

Reference	Description of records	Status	Disposal action
1.3	<p>BUILDINGS</p> <p><i>The process of hearing disputes between building owner and building contractor; two or more building contractors and building owner or a building contractor (includes architects, engineers, surveyors, quantity surveyors, electricians, suppliers and manufacturers of materials used in building works).</i></p>		
1.3.1	<p>Building case files</p> <p>Case management records relating to hearings to settle disputes of domestic and commercial building work and disciplinary proceedings against building certifiers and contractors.</p> <p>Includes the review of decisions made by the Queensland Building and Construction Commission (QBCC) or an adjudicator registrar.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • signed final hearings decisions • signed interim orders/interlocutory matters and decisions • complaint case files • hearing transcripts (includes master, transcribed and untranscribed). 	Temporary	Retain for 12 years after business action completed and finalisation of all appeal processes.
1.4	<p>CHILDREN AND YOUNG PEOPLE</p> <p><i>The process of reviewing decisions made by the Department of Communities, Child Safety and Disability Services and the Public Safety Business Agency under the Adoption Act 2009, Child Protection Act 1999, , Education (General Provisions) Act 2006 and Queensland Civil and Administrative Tribunal Act 2009.</i></p>		
1.4.1	<p>Child matters case files</p> <p>Case management records relating to the review of decisions made by the Department of Communities, including Child Safety Services and the Public Safety Business Agency that have been referred to QCAT.</p> <p>Review of decisions include:</p> <ul style="list-style-type: none"> • children and young people: who they should live with, not telling their parents where they are living, the amount and type of contact between them and their parents, other care arrangements • people who have applied to adopt a child • licensing a childcare centre 	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
	<ul style="list-style-type: none"> • prohibiting a person from entering a school or state instructional institution. Records may include, but are not limited to: <ul style="list-style-type: none"> • signed final hearing decisions • signed interim orders/interlocutory matters and decisions • complaints case files • transcripts (includes master, transcribed and untranscribed). 		
1.5	CLINICAL RESEARCH <i>The process of approving entities to conduct clinical research under the Guardianship and Administration Act 2000.</i>		
1.5.1	<i>Clinical research case files</i> Case management records relating to approvals to undertake clinical research. Includes approving clinical research which seeks to include people with impaired decision making capacity. Records may include, but are not limited to: <ul style="list-style-type: none"> • signed final hearing decisions • signed interim orders/interlocutory matters and decisions • complaints case files • transcripts (Includes master, transcribed and untranscribed). 	Temporary	Retain for 15 years after completion of trial and finalisation of all appeal processes.
1.6	GUARDIANSHIP <i>The process of appointing guardians and/or administrators for adults with impaired decision making capacity to make certain personal, health care and/or financial decisions on their behalf. Appointments are made where it is necessary to ensure that the adult's rights and interests are protected. Includes reviewing appointments of guardians and administrators, revoking enduring power of attorney, giving directions, advice and recommendations to guardians and administrators, approving special health care (sterilisation, termination of pregnancy, live tissue donation) for adults, sterilisation of a child, approving containment and seclusion and appointing guardians for restrictive practices.</i>		
1.6.1	<i>Guardianship case files</i> Case management records relating to hearings to appoint, review or revoke individuals as guardians, administrators or power of attorney for people with impaired capacity.	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
	Records may include, but are not limited to: <ul style="list-style-type: none"> • signed final complaint hearing decisions • signed interim orders/interlocutory matters or decisions • tribunal case files relating to complaints • transcripts (includes master, transcribed and untranscribed). 		
1.7	<p>MINOR CIVIL DISPUTES <i>The process of hearing disputes between individuals, or an individual and a trader, business or company. Previously called the Small Claims Tribunal.</i></p>		
1.7.1	<p>Minor civil disputes case files Case management records relating to hearings of:</p> <ul style="list-style-type: none"> • property damage disputes, including damage to a house, car • debt disputes • consumer and trade disputes • residential tenancy disputes. <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • signed final hearing decisions • signed interim orders/interlocutory matters and decisions • complaints case files • transcripts (includes master, transcribed and untranscribed). 	Temporary	Retain for 12 years after business action completed and finalisation of all appeal processes.
1.8	<p>NEIGHBOURHOOD DISPUTES <i>The process of hearing complaints about trees and dividing fence disputes.</i></p>		
1.8.1	<p>Neighbourhood disputes case files Case management records relating to hearings of neighbourhood disputes which include tree and dividing fence disputes. Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • signed final hearing decisions 	Temporary	Retain for 12 years after business action completed and finalisation of all appeal processes.

Reference	Description of records	Status	Disposal action
	<ul style="list-style-type: none"> • signed interim orders/interlocutory matters and decisions • complaints case files • transcripts (includes master, transcribed and untranscribed). 		
1.9	<p>OCCUPATIONAL REGULATION <i>The process of hearing complaints against occupations that are governed by an authority, board, panel, committee or society.</i></p>		
1.9.1	<p><i>Occupational regulation case files</i> Case management records relating to the review of decisions made by appointed governing bodies for occupations that include, but are not limited to:</p> <ul style="list-style-type: none"> • health practitioners • motor dealers • plumbers and drainers • police officers and other prescribed persons • property agents • teachers • veterinary surgeons. <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • signed final hearing decisions • signed interim orders/interlocutory matters and decisions • complaints case files • transcripts (includes master, transcribed and untranscribed). 	Temporary	Retain for 12 years after business action completed and finalisation of all appeal processes.
1.10	<p>OTHER CIVIL DISPUTES <i>The process of hearing disputes between individuals, or an individual and a trader, business or company that are not covered by the <u>Minor Civil Disputes</u> activity.</i></p>		

Reference	Description of records	Status	Disposal action
1.10.1	<p><i>Other civil disputes case files</i> Case management records relating to hearings of:</p> <ul style="list-style-type: none"> • body corporate and community management scheme disputes • financial loss caused by a motor dealer or property agent • integrated resort development matters • legal cost agreement claims • manufactured home park disputes • retirement village disputes • Sanctuary Cove resort matters. <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • signed final hearing decisions • signed interim orders/interlocutory matters and decisions • complaints case files • transcripts (includes master, transcribed and untranscribed). 	Temporary	Retain for 12 years after business action completed and finalisation of all appeal processes.
1.11	<p>RETAIL SHOP LEASE <i>The process of hearing disputes between a tenant and landlord about a retail shop lease.</i></p>		
1.11.1	<p><i>Retail shop lease case files</i> Case management records relating to hearings of disputes over retail shop leases. Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • signed final hearing decisions • signed interim orders/interlocutory matters and decisions • complaints case files • transcripts (includes master, transcribed and untranscribed). 	Temporary	Retain for 12 years after business action completed and finalisation of all appeal processes.

2. QCAT MANAGEMENT

The function of managing the Queensland Civil and Administrative Tribunal (QCAT).

Reference	Description of records	Status	Disposal action
2.1	QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL (QCAT) MANAGEMENT <i>The activity of managing QCAT.</i>		
2.1.1	<i>Practice directions</i> Records relating to Practice Directions issued by the President on how to conduct QCAT proceedings. Records may include, but are not limited to: <ul style="list-style-type: none"> • superseded practice directions • file notes. 	Permanent	Retain permanently.
2.1.2	<i>Rules committee</i> Records relating to the functions undertaken by the Rules Committee of the Tribunal. Records may include, but are not limited to: <ul style="list-style-type: none"> • agenda and minutes • file notes. 	Permanent	Retain permanently.
2.1.3	<i>Case register</i> Records relating to maintaining case management systems and other control records used to record details of tribunal proceedings, and related processes and/or events for future reference. Entries on the register include: <ul style="list-style-type: none"> • caseworks • claims – financial • Queensland Wide Interlinked Courts (QWIC) – financial. Records may include, but are not limited to: <ul style="list-style-type: none"> • case identification number 	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
	<ul style="list-style-type: none"> • file notes • party/respondent details • decision. 		
2.1.4	<p><i>Permanent case management files</i> Records relating to matters that have been brought to the tribunal which are selected by the President or Principal Registrar to be exceptional, set a precedent, are notable for their contribution in developing the law, their factual complexity or the level of public interest generated.</p>	Permanent	Retain permanently.
2.1.5	<p><i>Memorandum of understandings (MOU)/relationship agreements</i> Records relating to memorandum of understandings (MOU) and relationship agreements entered into by QCAT. Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • superseded MOU's • file notes. 	Temporary	Retain for 12 years after expiry or business action completed.
2.1.6	<p><i>Search and copy requests</i> Records relating to requests to access, inspect and/or copy tribunal records, exhibits and subpoenaed material. Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • letter of request/approvals. 	Temporary	Retain for 2 years after business action completed.

3. LEGACY RECORDS

This section covers legacy records of the Queensland Civil and Administrative Tribunal.

NOTE: Under s.253 of the *Queensland Civil and Administrative Act 2009*, all records of a former tribunal are records of QCAT. Records relating to practice directions, rules committee and case registers for these tribunals are to be retained permanently.

Reference	Description of records	Date range	Status	Disposal action
3.1	FORMER TRIBUNALS <i>The below tribunals were amalgamated into QCAT on 1 December 2009 and no longer exist.</i>			
3.1.1	<i>Anti-Discrimination Tribunal</i> Records relating to the Anti-Discrimination Tribunal.	1991 – 2009	Temporary	Retain for 12 years after last action and finalisation of all appeal processes.
3.1.2	<i>Appeal Tribunal (levee banks) under the Local Government Act 1993</i> Records relating to the Appeal Tribunal (levee banks) under the <i>Local Government Act 1993</i> .	1993 – 2009	Temporary	Retain for 12 years after last action and finalisation of all appeal processes.
3.1.3	<i>Children Services Tribunal</i> Records relating to the Children Services Tribunal.	2001 – 2009	Permanent	Retain permanently.
3.1.4	<i>Commercial and Consumer Tribunal</i> Records relating to the Commercial and Consumer Tribunal.	2003 – 2009	Temporary	Retain for 12 years after last action and finalisation of all appeal processes.
3.1.5	<i>Fisheries Tribunal</i> Records relating to the Fisheries Tribunal.	1994 – 2009	Temporary	Retain for 12 years after expiry or last action.
3.1.6	<i>Guardianship and Administration Tribunal</i> Records relating to the Guardianship and Administration Tribunal.	2000 – 2009	Permanent	Retain permanently.

Reference	Description of records	Date range	Status	Disposal action
3.1.7	Health Practitioners Tribunal Records relating to the Health Practitioner Tribunal.	2000 – 2009	Permanent	Retain permanently.
3.1.8	Independent assessor under the Prostitution Act 1999 Records relating to Independent Assessors under the <i>Prostitution Act 1999</i> .	2001 – 2009	Permanent	Retain permanently.
3.1.9	Legal Practice Tribunal Records relating to the Legal Practice Tribunal.	2004 – 2009	Permanent	Retain permanently.
3.1.10	Misconduct Tribunal Records relating to the Misconduct Tribunal.	1997 – 2009	Permanent	Retain permanently.
3.1.11	Nursing Tribunal Records relating to the Nursing Tribunal.	1993 – 2009	Permanent	Retain permanently.
3.1.12	Panel of Referees under the Fire and Rescue Service Act 1990 Records relating to the Panel of Referees under the <i>Fire and Rescue Service Act 1990</i> .	1990 – 2009	Temporary	Retain for 12 years after expiry or last action.
3.1.13	Racing Appeal Tribunal Records relating to the Racing Appeal Tribunal.	2002 – 2009	Temporary	Retain for 12 years after expiry or last action.
3.1.14	Retail Shop Leases Tribunal Records relating to the Retail Shop Lease Tribunal.	1994 – 2009	Temporary	Retain for 12 years after expiry or last action.
3.1.15	Small Claims Tribunal Records relating to the Small Claims Tribunal.	1973 – 2009	Temporary	Retain for 12 years after expiry or last action.
3.1.16	Surveyors Disciplinary Committee Records relating to the Surveyors Disciplinary Committee.	2004 – 2009	Temporary	Retain for 12 years after expiry or last action.

Reference	Description of records	Date range	Status	Disposal action
3.1.17	Teachers Disciplinary Committee Records relating to the Teachers Disciplinary Committee.	2005 – 2009	Temporary	Retain for 12 years after expiry or last action.
3.1.18	Valuers Registration Committee Records relating to the Committee under the Valuers Registration Act 1992.	1992 – 2009	Temporary	Retain for 12 years after expiry or last action.
3.1.19	Veterinary Tribunal Records relating to the Veterinary Tribunal.	1986 – 2009	Permanent	Retain permanently.