



Public Record Office Standard

PROS 05/01

# Authority

## Retention & Disposal Authority for Records of Ombudsman Victoria

Version 2017

Incorporating Variations 1, 2 and 3

2005/01	Issue Date: 06/12/2005	Expiry Date: 06/12/2015
Variation 1	Issue Date: 27/08/2010	Expiry Date: 06/12/2015
Variation 2	Issue Date: 23/12/2013	Expiry Date: 31/12/2016
Variation 3	Issue Date: 03/02/2017	Expiry Date: 31/12/2019

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**Public Records Act 1973  
(Section 12)**

**Retention & Disposal Authority for  
Records of Ombudsman Victoria**

**Public Record Office Standard (PROS) 05/01**

Variation 1:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of Ombudsman, issued as Public Record Office Standard (PROS) 05/01 on 6/12/2005, as follows:

- Alter existing two-tier class numbers into three-tier class numbers through the inclusion of a zero.
- Amendment of title for class 1.0.0 from 'General Complaints' to new title 'Enquiries & Complaints Management'
- Inclusion of a cross reference within class 1.0.0
- Update formatting and style of disposal action (custody) descriptions for classes 1.1.0, 1.2.1, 1.2.2, 1.3.1, 1.3.2, 1.4.0, 1.5.0, 2.1.2
- Renumbering of class 2.0 to new number of 1.6.0
- Inclusion of a new function 2.0.0, Compliance Monitoring, and associated activities and record classes.
- Inclusion of a new function 3.0.0, Parliamentary Referrals, and associated activities and record classes.
- Inclusion of a new function 4.0.0, Delegation Management, and associated activities and record classes.

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood  
**Director and Keeper of Public Records**

Date of issue: 27/8/2010

# Public Records Act 1973

(Section 12)

## Retention and Disposal Authority for Records of Ombudsman Victoria

Public Record Office Standard (PROS) 05/01

### Variation 2:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the records of the Retention and Disposal Authority for Records of Ombudsman Victoria, issued as Public Record Office Standard (PROS) 05/01 on 06/12/2005, as follows:

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

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date: 23/12/2013

**Director and Keeper of Public Records**

## Public Records Act 1973

### (Section 12)

## Retention and Disposal Authority for Records of Ombudsman Victoria

### Public Record Office Standard (PROS) 05/01

#### Variation 3:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Retention and Disposal Authority for Records of Ombudsman Victoria, issued as Public Record Office Standard (PROS) 05/01 on 06/12/2005, as follows:

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

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date: 03/02/2017

**Director and Keeper of Public Records**

## Table of Contents

<b>1</b>	<b>Introduction .....</b>	<b>6</b>
1.1	Purpose of this Authority .....	6
1.2	Context of this Authority .....	6
1.2.1	Public Record Office Victoria Standards .....	6
1.2.2	Disposal of records identified in the Authority.....	6
1.2.3	Transfer of records to Public Record Office Victoria.....	7
1.2.4	Normal Administrative Practice .....	7
1.3	Use of Other Authorities .....	7
	Explanation of Authority Headings.....	8
<b>2</b>	<b>Concurrence of Public Office .....</b>	<b>9</b>
<b>3</b>	<b>Establishment of Standard .....</b>	<b>9</b>
<b>4</b>	<b>Further Information .....</b>	<b>9</b>
<b>6</b>	<b>Table of Functions .....</b>	<b>10</b>
<b>6</b>	<b>Retention &amp; Disposal Authority.....</b>	<b>11</b>

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

# 1 Introduction

## 1.1 Purpose of this Authority

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

The Authority:

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

## 1.2 Context of this Authority

### 1.2.1 Public Record Office Victoria Standards

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

### 1.2.2 Disposal of records identified in the Authority

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

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

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

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

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

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

### 1.2.3 Transfer of records to Public Record Office Victoria

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

### 1.2.4 Normal Administrative Practice

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

The following material may be destroyed under NAP:

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

## 1.3 Use of Other Authorities

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

## 1.4 Explanation of Authority Headings

### **CLASS NUMBER**

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

### **DESCRIPTION**

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

### **STATUS**

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

### **CUSTODY**

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

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

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

## 2 Concurrence of Public Office

This Authority has the concurrence of:

Signature: [Signed]

Name: George Brouwer

Date: 5/12/2005

Position: Ombudsman

## 3 Establishment of Standard

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

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

[Signed]

**Justine Heazlewood**

Date of Issue: 6/12/2005

**Director & Keeper of Public Records**

## 4 Further Information

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

Public Record Office Victoria



(03) 9348 5600

e-mail: [agency.queries@prov.vic.gov.au](mailto:agency.queries@prov.vic.gov.au)

web: [www.prov.vic.gov.au](http://www.prov.vic.gov.au)

## 5 Table of Functions

Class No.	Function	Page
1.0.0	ENQUIRIES AND COMPLAINTS MANAGEMENT	10
2.0.0	COMPLIANCE MONITORING	15
3.0.0	PARLIAMENTARY REFERRALS	17
4.0.0	DELEGATION MANAGEMENT	18

## 6 Retention & Disposal Authority

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.0.0	<p><b>ENQUIRIES &amp; COMPLAINTS MANAGEMENT</b></p> <p>Enquiries and investigations undertaken into any administrative action taken by government departments, public statutory bodies or by staff of municipal councils in accordance with the <i>Ombudsman Act 1973</i>.</p> <p>[For the investigation of complaints referred to the Ombudsman from Parliament, use 4.0.0]</p>		
1.1.0	<p><b>General Investigation Files</b></p> <p>Complaints that were classified to be investigated due to their complexity in accordance with s14 of the <i>Ombudsman Act 1973</i>.</p>	<p><b>Permanent</b></p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use has concluded.</p> <p>Electronic records are to be transferred in VEO format.</p>

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>1.2.0</b>	<b>General Enquiry Files</b>		
<b>1.2.1</b>	<p><b>General Enquiry Precedent Files</b>                      General Enquiry files that set a precedent for changes to specific processes, contain subject matter that has been determined to be significant for research/system improvement purposes or were marked for possible use in the Annual Report.</p>	<b>Permanent</b> Retain as State Archives	Transfer hard copy or electronic copy to PROV when administrative use has concluded.  Electronic records are to be transferred in VEO format.
<b>1.2.2</b>	<p><b>General Enquiry Files</b>                      Complaints that were classified as an informal enquiry and were resolved informally in accordance with s13 of the <i>Ombudsman Act</i> 1973 or referred to relevant Government Agency for internal resolution.</p>	<b>Temporary</b> Destroy 5 years after file closed.	Hold in agency or APROSS pending destruction.  Electronic records should be maintained in readable format pending destruction.

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>1.3.0</b>	<b>FOI Complaints</b> Complaints relating to voluminous requests [s25A(8)], lost documents [s27(1)(e)], charges certificates [s50(2)(c)] and delays [s53(2)] of the <i>Freedom of Information Act 1982</i> .		
<b>1.3.1</b>	<b>Investigation &amp; Substantial Enquiry Files</b> Complaints that were classified to be investigated due to their complexity in accordance with s14 of the <i>Ombudsman Act 1973</i> .	<b>Permanent</b> Retain as State Archives.	Transfer hard copy or electronic copy to PROV when administrative use has concluded.  Electronic records are to be transferred in VEO format.

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>1.3.2</b>	<b>Minor Enquiry Files</b> Complaints that were not formally investigated.	<b>Temporary</b> Destroy 5 years after file closed.	Hold in agency or APROSS pending destruction.  Electronic records should be maintained in readable format pending destruction.
<b>1.4.0</b>	<b>No Jurisdiction Files</b> Complaints received which the Ombudsman has no jurisdiction and are referred to other Government Agencies for appropriate action.	<b>Temporary</b> Destroy 2 years after file closed.	Hold in agency or APROSS pending destruction.  Electronic records should be maintained in readable format pending destruction.

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>1.5.0</b>	<p><b>Whistleblowers Files</b></p> <p>Investigations of disclosures of improper and corrupt conduct engaged within/by public bodies and officers in accordance with the <i>Whistleblowers Protection Act</i> 2001.</p>	<p><b>Permanent</b></p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use has concluded.</p> <p>Electronic records are to be transferred in VEO format.</p>
<b>1.6.0</b>	<p><b>Index to Complaint Files</b></p> <p>A summary record which contains type of complaint, file number, name of complainant, complaint details.</p>	<p><b>Permanent</b></p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use is concluded.</p> <p>Electronic records are to be transferred in VEO format.</p>

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>2.0.0</b>	<p><b>COMPLIANCE MONITORING</b></p> <p>The monitoring and review of actions carried out by agencies and their officers under certain legislation that the Ombudsman has responsibilities for ensuring compliance. Includes the monitoring and review of:</p> <ul style="list-style-type: none"> <li>• officers of the Royal Society for the Prevention of Cruelty to Animals approved as general inspectors under the <i>Prevention of Cruelty to Animals Act 1986</i>;</li> <li>• members of Victoria Police in accordance with Division 3 Part 4 of the <i>Melbourne City Link Act 1995</i>; and</li> <li>• persons appointed as authorised officers <i>under the Domestic Animals Act 1994</i>.</li> </ul> <p>[For internal compliance activities, use the <i>General Retention and Disposal Authority for Records of Common Administrative Functions</i>].</p>		
<b>2.1.0</b>	<p><b>Monitoring and Reviewing</b></p> <p>The undertaking of inspections for the purposes of monitoring and reviewing actions carried out by agencies and their officers, under certain legislation, to ensure they are compliant.</p>		

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>2.1.1</b>	Records documenting the monitoring and review of an agency and its officers which identify non compliance and result in prosecution, and/or the issue of a written criticism by the Ombudsman of an agency's actions including that the agency's response to criticism and any related recommendations the Ombudsman made.	<b>Permanent</b> Retain as State Archives.	Transfer hard copy or electronic copy to PROV when administrative use has concluded.  Electronic records are to be transferred in VEO format.
<b>2.1.2</b>	Records documenting the monitoring and reviewing of an agency and its officer's actions for compliance which do not result in any written criticism by the Ombudsman nor any prosecution.	<b>Temporary</b> Destroy 5 years after matter closed.	Hold in agency or APROSS pending destruction.  Electronic records should be maintained in readable format pending destruction.

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>3.0.0</b>	<b>PARLIAMENTARY REFERRALS</b> Investigations of complaints referred to the Ombudsman by the Parliament of Victoria in accordance with the <i>Ombudsman Act 1973</i> on an administrative action undertaken by government departments, public statutory bodies or by staff of municipal councils.		
<b>3.1.0</b>	<b>Investigations</b> The investigation of complaints referred to the Ombudsman by the Parliament of Victoria.		
<b>3.1.1</b>	Records documenting investigations of complaints referred to the Ombudsman by the Parliament of Victoria, including evidence, interview notes and the report tabled to Parliament.	<b>Permanent</b> Retain as State Archives.	Transfer hard copy or electronic copy to PROV when administrative use has concluded.  Electronic records are to be transferred in VEO format.

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>4.0.0</b>	<p><b>DELEGATION MANAGEMENT</b></p> <p>The process of delegating the Ombudsman’s operational powers to any person in accordance with the <i>Ombudsman Act 1973</i>. Includes the revocation of these powers.</p> <p>Operational powers enable the delegate to exercise coercive powers in order to compel evidence to be given and material produced as part of an Ombudsman investigation.</p> <p>[For financial delegations, use the <i>General Retention and Disposal Authority for Records of Common Administrative Functions</i>].</p>		
<b>4.1.0</b>	<p><b>Delegation of Powers</b></p> <p>Delegating and revoking of Ombudsman Victoria operational powers.</p>		
<b>4.1.1</b>	<p>Records documenting the issue of delegations of Ombudsman Victoria’s operational powers. Includes records documenting revocation of powers.</p>	<p><b>Permanent</b> Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use has concluded.</p> <p>Electronic records are to be transferred in VEO format.</p>

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