



Public Record Office Standard

PROS 05/05

Authority

Retention & Disposal Authority for Records of the

- Mental Health Review Board (1987 – 2014),
- Psychosurgery Board (1987-2014) and the
- Mental Health Tribunal (2014 – cont)

Version 2015

05/05
Variation 1
Variation 2

Issue Date: 23/08/2005
Issue Date: 23/12/2013
Issue Date: 26/02/2015

Expiry Date: 23/08/2015
Expiry Date: 31/12/2016

Copyright Statement

Copyright State of Victoria through Public Record Office Victoria 2015



This work is licensed under a Creative Commons Attribution 3.0 Australia license <http://creativecommons.org/licenses/by/3.0/au/> You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding.

Disclaimer

The State of Victoria gives no warranty that the information in this version is correct or complete, error free or contains no omissions. The State of Victoria shall not be liable for any loss howsoever caused whether due to negligence or otherwise arising from the use of this Standard.

Public Records Act 1973

(Section 12)

Retention and Disposal Authority for Records of the Mental Health Review Board

Public Record Office Standard (PROS) 05/05

Variation 1:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the records of the Retention & Disposal Authority for Records of the Mental Health Review Board, issued as Public Record Office Standard (PROS) 05/05 on 23/08/2005, 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 & Disposal Authority for the
Mental Health Review Board (PROS 05/05)

Variation 2:

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to Records of the Mental Health Review Board, issued as Public Record Office Standard (PROS 05/05) on 23/08/2005, as follows:

Title and scope of the Authority is broadened to cover records of the:

- Mental Health Review Board (1987-2014)
- Mental Health Tribunal (2014–ct)
- Psychosurgery Review Board (1987-2014).

Classes in the table below are varied as described:

| Class Number | Description of Change |
|---------------------|--|
| 1.0 | Class description amended for clarity and broadened to include the determinations of the Psychosurgery Review Board and the Register of Proceedings of the Mental Health Tribunal. |
| 2.0 | Class description amended for clarity. Retention extended from five to seven years. |
| 3.0 | New class to authorise disposal of background reference material records. |

Extend the application of the Authority until varied or revoked.

This Variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Date of issue: 26/02/2015

Director and Keeper of Public Records

Table of Contents

| | | |
|-------|---|---|
| 1 | Introduction | 5 |
| 1.1 | Purpose of this Authority | 5 |
| 1.2 | Context of this Authority | 5 |
| 1.2.1 | Public Record Office Victoria Standards | 5 |
| 1.2.2 | Disposal of records identified in the Authority | 5 |
| 1.2.3 | Transfer of records to Public Record Office Victoria..... | 6 |
| 1.2.4 | The Crimes (Document Destruction) Act 2006..... | 6 |
| 1.2.5 | Normal Administrative Practice | 6 |
| 1.3 | Use of Other Authorities | 6 |
| 1.4 | Explanation of Authority Headings | 7 |
| 2 | Concurrence of Public Office | 8 |
| 3 | Establishment of Standard | 8 |
| 4 | Further Information | 8 |
| 5 | Retention & Disposal Authority | 9 |

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 Scope of the Authority

This Retention and Disposal Authority applies to the records of the following public offices as defined by the *Public Records Act 1973*:

Mental Health Review Board (1987-2014)

Mental Health Tribunal (2014 - ct)

Psychosurgery Board (1987- 2014)

1.2.2 Public Record Office Victoria Standards

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

1.2.3 Disposal of records identified in the Authority

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

1.2.4 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.

1.2.5 The Crimes (Document Destruction) Act 2006

It is an offence under the Crimes (Document Destruction) Act 2006 for individuals or organisations to destroy documents that they know are reasonably likely to be required in a future legal proceeding, with the intention of keeping the documents out of evidence. Destroying records however in accordance with a valid Authority is lawful as long as the requirements under the Crimes (Document Destruction) Act 2006 are met.

PROV strongly advises that all agencies familiarise themselves with the requirements under the *Crimes (Document Destruction) Act 2006* and *Evidence (Document Unavailability) Act 2006*, and PROV Advice to Agencies 18: *Crimes (Document Destruction) Act 2006: Implications for government recordkeeping*.

1.2.6 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]

Date: 16/08/2005

Name: Jan Szuba

Position: Executive Officer

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 Mental Health Review Board.

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

[Signed]

Justine Heazlewood
Keeper of Public Records

Date of Issue: 23/08/2005

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 Public Record Office Victoria:

Public Record Office Victoria

☎ (03) 9348 5600

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

web: www.prov.vic.gov.au

5 Retention & Disposal Authority

| Retention & Disposal Authority | | | |
|--------------------------------|--|---|--|
| CLASS NO. | DESCRIPTION | DISPOSAL ACTION | |
| | | STATUS | CUSTODY |
| 1.0 | <p>Register</p> <p>The register as required by the Mental Health Act 1986 comprising the particulars of applications lodged with the Executive Officer, determinations of the Mental Health Review and the Psychosurgery Review Boards and the reasons for each determination.</p> <p>Register of Proceedings</p> <p>The register of proceedings as required by the Mental Health Act 2014 that records the particulars of proceedings of the Mental Health Tribunal.</p> <p>For the purposes of the Mental Health Act 2014 the Register of proceedings is described in the Mental Health Tribunal Rules as amended from time to time.</p> | <p>Permanent</p> <p>Retain as State Archives</p> | <p>Transfer to PROV when administrative use is concluded.</p> <p>Electronic records are to be transferred in VEO format.</p> |
| 2.0 | <p>Records created and received in relation to a hearing. Includes:</p> <p>Correspondence to the patient, his/her family/carers and/or representative;</p> <p>Correspondence from patients, his/her family/carers and/or representatives.</p> | <p>Temporary</p> | <p>Destroy 7 years after final determination of proceedings. Electronic records should be maintained in readable format pending destruction.</p> |

Retention & Disposal Authority

| CLASS NO. | DESCRIPTION | DISPOSAL ACTION | |
|-----------|--|-----------------|---|
| | | STATUS | CUSTODY |
| 3.0 | Evidence and background material provided to members of the Board or Tribunal as described in the Tribunal Rules to inform decision making. Includes duplicates of patient treatment records. [This class excludes clinical reports relating to applications for neurosurgery for mental illness which are to be retained as part of the Register in accordance with the Rules, see class 1.0] | Temporary | Destroy or return to clinician after final determination of proceedings |

END OF DOCUMENT