



Public Record Office Standard

PROS 11/03

Authority

Retention & Disposal Authority for Records of the Victims Support Services Function

Version 2011

11/03

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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. 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 also be in accordance with the requirements of Public Record Office Standard PROS 10/13 *Disposal*.

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 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*.

1.2.5 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: 02/03/2011

Name: Clare Morton

Position: Director Community Operations & Victims Support Agency

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 Victim Support Services Functions

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
Director & Keeper of Public Records

Date of Issue: 08/03/2011

4 Acknowledgments


PROV would like to thank the following people for providing their knowledge and expertise and helping to create this Authority:

John Tomaino

5 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

web: www.prov.vic.gov.au

6 Table of Functions

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6. Retention & Disposal Authority

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.0.0	<p>VICTIMS REGISTER MANAGEMENT</p> <p>The recording of victims of a criminal act of violence on the Victims Register in accordance with section 30A - 30I of the <i>Corrections Act</i> 1986, in order to allow a victim to receive specific information while the prisoner is under a sentence, in custody or on parole, or subject to an Extended Supervision Order, Supervision Order or Detention Order.</p>		
1.1.0	<p>Assessment of Applications</p> <p>The assessment of applications from victims of crime determines their eligibility for inclusion on the Victims Register.</p>		

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.1.1	The Victims Register, including applicants name, date of birth, details of a nominee to receive information on the victim's behalf, details of the prisoner and details of the offence and status of the prisoner.	Temporary Destroy 25 years after the victim's registration is made inactive.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
1.1.2	Records of successful applications. Includes the application, supporting documentation and the conduct of assessment to ascertain the victim's eligibility for inclusion on the Register. Also includes the maintenance of victim's details and requests for removal from Register.	Temporary Destroy 15 years after the victim's registration is made inactive.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.1.3	<p>Records of unsuccessful applications.</p> <p>Includes the application, supporting documentation, and the conduct of assessment to ascertain the victim's eligibility for inclusion on the Register.</p>	<p>Temporary</p> <p>Destroy 7 years after last action, or when the victim has attained 25 years of age whichever is the later.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.2.0	<p>Victim Notification</p> <p>Provision of specific information to a victim regarding a prisoner including:</p> <ul style="list-style-type: none"> • The prisoner’s sentence length • Earliest possible release date • The prisoner’s eligibility to apply for rehabilitation and transition permits • Any transfer of the prisoner interstate or overseas • Any escape by the prisoner • The upcoming prisoner’s release on parole and any special parole conditions • Cancellation of the prisoner’s parole • Home detention as a pre-release mechanism • Where an application has been made for a Supervision or Detention Order • Where the prisoner is subject to an Extended Supervision Order, Supervision Order or Detention Order, and court review dates. 		

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.2.1	Records of information provided to a registered victim regarding a prisoner.	Temporary Destroy 15 years after completion of prisoner's sentence, transfer of prisoner interstate or overseas or death of prisoner.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
1.3.0	<p>Facilitation of Submissions</p> <p>The activity of facilitating written submissions by victims to the Adult Parole Board about the effect of the prisoner's potential release on parole will have on them, including any suggested victim related conditions to be placed on the parole order.</p> <p>The activity of facilitating written submission by victims to Court for consideration in regard to a Supervision or Detention Order application, and to the Adult Parole Board for consideration in regard to determining any direction it may give to an offender under the conditions of a Supervision Order.</p>		

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.3.1	Records documenting the provision of support to victims which enables them to make written submissions to the Adult Parole Board or to a Court. Includes copy of the submission.	<p>Temporary</p> <p>Destroy 15 years after completion of prisoner's sentence, transfer of prisoner interstate or overseas or death of prisoner.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
2.0.0	<p>VICTIM SUPPORT</p> <p>The provision of support, information, advice and referrals to other support mechanisms, to assist victims of crime to manage and recover from the effects of the crime.</p>		
2.1.0	<p>Victims' Charter Complaints Resolution</p> <p>The resolution of complaints received from victims against criminal justice and victim support agencies with responsibilities under the Victims' Charter which have not acted in accordance with the principles of the Charter.</p> <p>[For records relating to the development of the Victims' Charter and grants to assist with its implementation use the General Retention and Disposal Authority for Records of Common Administrative Functions].</p>		

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
2.1.1	Records documenting the resolution of complaints received and responses provided to the victim.	Temporary Destroy 7 years after last action, or when the victim has attained the age of 25 years whichever is the later.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
2.1.2	Records documenting enquiries received regarding the Victims' Charter which does not lead to a complaint being made.	Temporary Destroy 2 years after last action.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
2.2.0	Victims of Crime Assistance The provision of support and assistance to victims of crime.		
2.2.1	Summary record of enquiries received from victims of crime who are seeking support. Includes summary of calls received through telephone helpline services including call type, crime type and referring agency.	Temporary Destroy 5 years after last action.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
2.2.2	Records documenting the advice, information and referrals provided to victims. Includes records of referrals of victims of violent crime to counselling services, community services, outreach services and other support agencies.	Temporary Destroy 7 years after last action, or when the victim has attained 25 years of age whichever is the later.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
2.3.0	<p>Witness Assistance</p> <p>Provision of specialised support and practical preparation services to assist people, both adults and children, who are victims or witnesses in a criminal matter and are required to give evidence in court.</p>		
2.3.1	<p>Case records of clients receiving witness support services.</p> <p>Includes the witness's name, date of birth, caregiver details, contact numbers, date and type of charge against the suspect, health information relevant to supporting the witness, and case notes.</p> <p>Also includes records of referrals of victims of violent crime to Victims Assistance and Counselling Program providers and/or external agencies.</p>	<p>Temporary</p> <p>Destroy 7 years after last action, or when the witness has attained 25 years of age whichever is the later.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
3.0.0	<p>PRISONER COMPENSATION QUARANTINE FUND ADMINISTRATION</p> <p>The administration of the Prisoner Compensation Quarantine Fund informs eligible victims of a prisoners changed financial status when a prisoner has money held in trust in the fund and allows for a victim to make an informed decision to take their own legal action on a claim against the prisoner.</p> <p>Amounts of \$10,000 or more that are awarded to a prisoner in a claim against the State or private prison in Victoria are paid into the fund and quarantined for an initial period of twelve months. The administration process includes publishing a notice advising of an award of damages to a prisoner, processing an application by a victim to be notified of an award of damages, and receiving victim notification of the commencement of legal proceedings for the recovery of damages against a prisoner and of the final determination.</p>		
3.1.0	<p>Claims</p> <p>The process of publicising the receipt of funds into the Prisoner Compensation Quarantine Fund, and recording claims and payments made from the Fund.</p>		

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
3.1.1	Records of the publication of advice of an award of damages to a prisoner. Includes the provision of the advice to victims.	Temporary Destroy 7 years after finalisation of the distribution of funds.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
3.1.2	Records of awards of damages to prisoners, and claims on those funds by victims or creditors.	Temporary Destroy 7 years after finalisation of the distribution of funds.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

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