



Public Record Office Standard

PROS 13/01

Authority

Retention & Disposal Authority for Records of the Juries Commissioner's Office

Version 2013

13/01

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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]

Name: Paul Dore

Date: 26/04/2013

Position: Acting Juries Commissioner

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 Juries Commissioner's Office.

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: 30/4/13

4 Acknowledgments

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

Joanne Boyd

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

Function No.	Function	Page
1.0.0	Jury Management	8

7 Retention & Disposal Authority

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.0.0	<p>JURY MANAGEMENT</p> <p>The management of juries and jury service performed by the Juries Commissioner's Office under the <i>Juries Act 2000</i>.</p> <p>[For records relating to the administration of juries, including accommodation and meal allowances, see the General Retention and Disposal Authority for Records of Common Administrative Functions.]</p> <p>[For records regarding problems with jury empanelment or attendance, see the relevant case records as this is dealt with as a judicial matter and forms part of the court records.]</p>		
1.1.0	<p>Pre Selection of Persons for Jury Service</p> <p>Under Section 19 of the <i>Juries Act 2000</i> and following a request from the Juries Commissioner, the Victorian Electoral Commission provides to the Juries Commissioner's Office an encrypted and randomly selected list of persons who may be eligible for jury service. The Juries Commissioner then sends a Jury Eligibility Questionnaire to all persons on that list to determine their eligibility for jury service and their availability within a specified time period.</p>		

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.1.1	Records documenting the eligibility and availability of jurors under Sections 20 and 21 of the <i>Juries Act 2000</i> . The Jury eligibility questionnaire is sent to all potential jurors and returned to the Juries Commissioner's Office.	Temporary Destroy 12 months after administrative use has concluded.	Hold in Agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
1.2.0	Summoning of Jurors Some civil and all criminal trials heard in the County and Supreme Courts are held before a jury. The Juries Commissioner's Office prepares a Jury List pursuant to section 25 of <i>Juries Act 2000</i> . The Juries Commissioner will issue a summons to a sufficient number of persons on the Jury List or to all people on the list.		
1.2.1	Records documenting the preparation of Jury Lists, under section 25 of the <i>Juries Act 2000</i> .	Temporary Destroy 12 months after administrative use has concluded.	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
1.2.2	Records documenting the summoning of Jurors under Section 27 of the <i>Juries Act</i> 2000. The Juries Commissioner issues summonses to people determined to be eligible to serve on a jury and who are available for jury service within the specified period of time.	Temporary Destroy 12 months after administrative use has concluded.	Hold in Agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
1.3.0	Requests for Deferral and to be Excused from Jury Service Upon receiving a Jury Eligibility Questionnaire or a summons, a person can ask the Juries Commissioner to defer his/her jury duty or to be excused from jury service.		
1.3.1	Records documenting requests for deferral from jury service which are granted.	Temporary Destroy 12 months after administrative use has concluded.	Hold in Agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
1.3.2	Records documenting requests to be excused from jury service which are granted.	Temporary Destroy 12 months after administrative use has concluded.	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
1.3.3	Records documenting requests to have jury duty deferred or to be excused from jury service which are not granted.	Temporary Destroy 12 months after administrative use has concluded.	Hold in Agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
1.3.4	Records documenting permanent excuse from jury service granted by the Juries Commissioner.	Temporary Destroy 75 years after application approved.	Hold in Agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
1.3.5	Records documenting permanent excuse from jury service granted by a Judge's order. Following the completion of a trial, a Judge may make an order to permanently exempt someone from jury service.	Temporary Destroy 75 years after application approved.	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
1.4.0	<p>Jury Pools and Selection of Panels</p> <p>Those prospective jurors that receive a summons and attend the Juries Commissioner's Office on the appointed day constitute the Jury Pool. When a trial notifies a pool supervisor that a jury is required, a ballot takes place in the Jury Pool Room to create a Jury Panel. This panel attends court and the empanelment process occurs in court to select a jury. Under section 29 and 30 of the <i>Juries Act 2000</i> a list is compiled for these purposes and given to the Judge.</p>		
1.4.1	<p>Records documenting the Jury Pool and Jury Panel Lists that are compiled for the use in Court on any particular day.</p>	<p>Temporary Destroy after administrative use has concluded.</p>	<p>Hold in Agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>

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