



Public Record Office Standard

PROS 13/04

# Authority

## Retention & Disposal Authority for Records of the Office of the Public Interest Monitor (PIM)

Version 2013

13/04

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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](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 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: Brendan Murphy QC

Date: 05/06/2013

Position: Principal Public Interest Monitor

## 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 Office of the Public Interest Monitor.

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: 25/6/2013

## 4 Acknowledgments

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

Marysia Zabielska

## 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](mailto:agency.queries@prov.vic.gov.au)

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

## 6 Table of Functions

<b>Function No.</b>	<b>Function</b>	<b>Page</b>
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## 7 Retention & Disposal Authority

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.0.0	<p><b>PUBLIC INTEREST OVERSIGHT OF APPLICATIONS TO COURTS AND TRIBUNALS</b> The scrutinising and testing of applications made to courts and tribunals to determine if they satisfy the public interest.</p> <p>The public interest is defined as:</p> <ul style="list-style-type: none"> <li>• Evidence to sustain a prosecution must be obtained in a manner that preserves the integrity of the criminal justice system and its actors;</li> <li>• Statutory rights of the suspect should not be breached except when the following criteria are met in full: the rights are qualified, breach is necessary and there is statutory authority to do so;</li> <li>• The rights and privacy of those citizens not suspected of criminal conduct must be protected: collateral harm as a consequence of investigations should be minimised through effective investigation management and the application of less intrusive tools, where appropriate;</li> <li>• The professional integrity of investigators must be demonstrated, or, if necessary, its absence exposed.</li> </ul> <p>It applies to applications made by law enforcement and integrity bodies for various powers including:</p> <ul style="list-style-type: none"> <li>• surveillance device warrants;</li> <li>• telecommunication interception powers; and</li> <li>• covert and coercive investigative powers.</li> </ul> <p>[For the development of regulations, procedures and guidelines, see the General Retention and Disposal Authority for Records of Common Administrative Functions].</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>1.1.0</b>	<p><b>Receipt, Investigation and Testing of Applications</b></p> <p>The receipt, investigation and testing of applications for covert and special investigative warrants, orders and approvals made to courts and tribunals by integrity and law enforcement bodies, as to whether the applications satisfy the public interest.</p> <p>Includes applications made for:</p> <ul style="list-style-type: none"> <li>• a coercive powers order under the <i>Major Crime (Investigative Powers) Act 2004</i></li> <li>• a surveillance device warrant under the <i>Surveillance Devices Act 1999</i></li> <li>• a retrieval warrant under the <i>Surveillance Devices Act 1999</i></li> <li>• an assistance order under the <i>Surveillance Devices Act 1999</i></li> <li>• an approval of an emergency authorisation under the <i>Surveillance Devices Act 1999</i></li> <li>• a telecommunications interception under the <i>Telecommunications (Interception) (State Provisions) Act 1988</i></li> <li>• a covert search warrant under the <i>Terrorism (Community Protection) Act 2003</i></li> <li>• a preventative detention order under the <i>Terrorism (Community Protection) Act 2003</i></li> <li>• a prohibited contact order under the <i>Terrorism (Community Protection) Act 2003</i></li> <li>• any other warrant, order or approval requiring statutory oversight by the Public Interest Monitor (PIM)</li> <li>• an extension, variation, renewal or revocation of an order, warrant or approval of the above applications.</li> </ul> <p>Includes the making of submissions and preparation for appearances at court and tribunal hearings where the application will be heard (in order to question persons giving information relating to the application).</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>1.1.1</b>	Summary record of all applications for prescribed warrants, orders and approvals that are oversights by any PIM.	<b>Temporary</b> Destroy 7 years after application determined or withdrawn.	Hold in agency or APROSS pending destruction. Electronic records are to be maintained in readable format pending destruction.
<b>1.1.2</b>	Copies of applications for prescribed warrants, orders and approvals. Also includes information submitted by an applicant in support of applications or following a request from any PIM.	<b>Temporary</b> Transfer back to applicant when application determined or withdrawn.	Hold in agency or APROSS pending disposal. Electronic records are to be maintained in readable format pending destruction.
<b>1.1.3</b>	Records created by any PIM in the course of scrutinising and testing applications for prescribed warrants, orders and approvals.  Includes: <ul style="list-style-type: none"> <li>• records documenting deliberations,</li> <li>• file notes,</li> <li>• check lists used to determine whether the application meets necessary requirements,</li> <li>• records acknowledging the receipt of applications and the return of them back to the applicant,</li> <li>• court and tribunal submissions, and</li> <li>• records documenting application deliberations.</li> </ul>	<b>Temporary</b> Destroy 2 years after application determined or withdrawn.	Hold in agency or APROSS pending destruction. Electronic records are to be maintained in readable format pending destruction.

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