

PROS 16/05

**Retention and Disposal
Authority for Records of the
Regulation of Lobbyists
Function**

Issued Date: 22/08/2016

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Retention and Disposal Authority for Records of Records of the Regulation of Lobbyists Function

Retention and Disposal Authority No	PROS 16/05
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Scope	This RDA authorises the disposal of records created to administer the regulation of lobbyists, including records created under the Public Administration Act 2004. Records created and held by the Victorian Public Sector Commission are included within the scope of this Authority.
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Status	Issued by Keeper
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Issue Date	22/08/2016
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Retention and Disposal Authority for Records of the Regulation of Lobbyists Function

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List of Functions and Activities covered

Reference	Function	Activity	Page
1	Registration of Lobbyists		10

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Introduction

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.

Context of this Authority

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.

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.

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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.

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.

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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.

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.

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*

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Concurrence of Public Office

This Authority has the concurrence of:

Name: Belinda Clark

Position: Commissioner, Victorian Public Sector Commission

Date: 6 July 2016

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 Victorian Public Sector Commission. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked prior to that date.

Justine Heazlewood, Keeper of Public Records

Date of Issue: 22/08/2016

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INTRODUCTION

Governing Legislation

Legislation

Public Administration Act 2004

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No	Function/Description	Status	Disposal Action
1.0	<p>Registration of Lobbyists</p> <p>Under section 66 of the <i>Public Administration Act 2004</i>, the Victorian Public Sector Commission is required to keep a register of lobbyists. The Register must be maintained in accordance with the Victorian Lobbyist Code of Conduct.</p> <p>Government Affairs Directors that make regular contact with Government Representatives on behalf of their organisations and are required to register if they have previously held positions as defined in the Professional Lobbyist Code of Conduct.</p>		
1.1	<p>Records of continuing value documenting:</p> <p>The register of lobbyists containing registration information as set out in the Victorian Government Professional Lobbyist Code of Conduct. This may include:</p> <ul style="list-style-type: none"> • the Lobbyist, including names of owners, partner or major shareholders (as applicable) • the Government Affairs Directors required to be registered • persons employed, contracted or otherwise engaged by the Lobbyist to carry out lobbying activities • names of third parties for whom the Lobbyists is retained to provide paid or unpaid services • name, employer and any affiliations required to be documented in accordance with the Public Administration Act. 	Permanent	Retain as State Archives, Transfer to PROV
1.2	<p>Records documenting:</p> <p>Applications to register as a lobbyist, advice and decisions on applicants, and notifications to applicants. Includes successful and non-successful applications. Includes records of investigations and the removal of lobbyists from the register by the agency.</p>	Temporary	Destroy 10 years after action completed.