

PROS 17/01

**Retention and Disposal
Authority for Records of Royal
Commissions, Boards of
Inquiry and Formal Reviews**

Issued Date: 28/02/2017

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Retention and Disposal Authority for Records of Records of Royal Commissions, Boards of Inquiry and Formal Reviews

Retention and Disposal Authority No	PROS 17/01
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Scope	This authority applies to records created and maintained by Royal Commissions, Boards of Inquiry and Formal Reviews established and conducted under the Inquiries Act 2014. This RDA applies only to records created and received by an inquiry body. Disposal of public offices' records of contribution to a formal inquiry is authorised by General Disposal Authority for Records of Common Administrative Functions.
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Status	Issued by Keeper
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Issue Date	28/02/2017
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Retention and Disposal Authority for Records of Royal Commissions, Boards of Inquiry and Formal Reviews

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Retention and Disposal Authority for Records of Royal Commissions, Boards of Inquiry and Formal Reviews

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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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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 Royal Commissions; Boards of Inquiry; Formal Reviews established under the Inquiries Act 2014. 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: 28/02/2017

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INTRODUCTION

Governing Legislation

Legislation

Inquiries Act 2014

When a Royal Commission, Board of Inquiry or Formal Review ceases to exist, all its records are to be transferred to the Department of Premier and Cabinet, unless the Premier, by instrument, determines that they are to be transferred to another public office.

The Department of Premier and Cabinet, or other public office, must transfer the records to the custody of the Public Record Office as soon as practicable after receipt.

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No	Function/Description	Status	Disposal Action
1.0	<p>Establishment and administration</p> <p>The core business of establishment and administration of a Royal Commission, Board of Inquiry or Formal Review under the Inquiries Act 2014.</p>		
1.1	<p>Permanent</p> <p>Records of continuing value documenting:</p> <p>The source of authority for the Royal Commission, Inquiry or Board of Review, the nature of the inquiry, its scope and those persons appointed including;</p> <ul style="list-style-type: none"> • Letters Patent • Terms of Reference • Report requirements and timing • Ministerial Directives • Agreements and memoranda of understanding • Records of members' appointments • Policies, rules and practice notes • Legal advice on inquiry powers and protections • Referral of matters to other bodies • Provision and receipt of advice between internal staff and external stakeholders • Media releases • Speeches and presentations by the Royal Commissioners, chair of Board of Inquiry, or Formal Review 	Permanent	Retain as State Archives, Transfer to PROV
1.2	<p>Temporary medium term</p> <p>Records documenting:</p> <ul style="list-style-type: none"> • Correspondence on routine or administrative matters 	Temporary	Destroy 10 years after Final Report is tabled or submitted.

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Inquiry, Investigation and Research

2.0	<p>Inquiry, Investigation and Research</p> <p>The conduct of investigations and research, receiving submissions and holding hearings.</p> <p>The core tasks associated with the function include:</p> <ul style="list-style-type: none"> • the summoning and examination of witnesses • presenting exhibits and evidence • recording of transcripts • location and examination of witnesses and evidence • management of consultations with stakeholders and the public 		
2.1	<p>Permanent</p> <p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> • Master set of documents received by the Commission, Inquiry or Formal Review including formal submissions and exhibits • Hearing book • Practice notes (master) • Registration and control of evidence and exhibits • Research or briefing papers produced by staff of the Commission, Inquiry or Formal Review • Issues papers or discussion papers • Legal assessments • Records of liaison with stakeholders, expert advisers and other parties - minutes, forum reports, correspondence • Records of interviews and meetings conducted as part of the Commission, Inquiry or Formal Review, includes meeting notes, transcripts and presentations 	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Description	Status	Disposal Action
<i>Inquiry, Investigation and Research</i>			
	<ul style="list-style-type: none"> • Issue of summons or orders to attend and produce documents or to give evidence • Request for information and invitations to make submissions • Submissions of parties • Audio and visual recordings of proceedings, includes cross examination of witnesses • Witness statements • Master set of transcripts of hearings • Official diaries and notebooks • Responses for notices to produce • Managing compliance issues and breaches, including breaches of mandatory statutory requirements, e.g. failure to produce evidence, non-attendance of witnesses providing false and misleading evidence, destroying evidence, refusing to answer questions • Interlocutory decisions 		
2.2	<p>Temporary medium term</p> <p>Records documenting:</p> <ul style="list-style-type: none"> • Delegations of authority by the commissioner or lead investigator to officers of the Commission, Inquiry or Formal Review • Drafting and distribution of practice notes and directions • Authorisation of legal practitioners to appear, including the administration of oaths and affirmations • Submissions and other material received deemed to be not relevant to the Commission, Inquiry or Review • Issuing and subsequent management of warrants to search and seize material • Return or attempted return of evidence or exhibits to their owners 	Temporary	Destroy 10 years after Final Report is tabled or submitted.

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No	Function/Description	Status	Disposal Action
<i>Inquiry, Investigation and Research</i>			
	<ul style="list-style-type: none">• Receipt and response to general enquiries from stakeholders and the public• Planning, management and evaluation of a public enquiry service desk, telephone information service or interpreter service		
2.3	Temporary short term Records documenting routine operational tasks supporting the function including: <ul style="list-style-type: none">• Administrative arrangements for hearings, interviews and meetings• Preparation of facilities, court reporting staff• Scheduling of submissions, hearings and witnesses• Notices of hearings and public submission dates• Video and audio recordings of Commission or Inquiry hearings used only to facilitate the compilation of transcripts• Duplicate copies of documents received, exhibits tendered, transcripts and submissions	Temporary	Destroy after Final Report is tabled or submitted.

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Reporting

3.0	<p>Reporting</p> <p>Provision of a formal response on the outcome or recommendations of the Royal Commission, Inquiry or Formal Review.</p>		
3.1	<p>Permanent Class</p> <p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> • Final Report • Presentation to Premier. Minister and tabling in Parliament • Assessment papers, discussion papers, decisions, recommendations, and consultation summaries to be included in report • Interim and substantive drafts of reports where stakeholder input is sought and documented. • Final versions of internal and periodic reports • Media releases 	Permanent	Retain as State Archives, Transfer to PROV
3.2	<p>Temporary medium term</p> <p>Records documenting:</p> <ul style="list-style-type: none"> • Drafts of interim and final reports that do <u>not</u> incorporate substantial changes to inquiry directions or findings • Requests for comment on draft reports and comments received 	Temporary	Destroy 10 years after Final Report is tabled or submitted.