



Public Record Office Standard

PROS 08/05

Authority

Retention & Disposal Authority for Records of the Law Reform Function

Version 2017

08/05
Variation 1

Issue Date: 27/05/2008
Issue Date: 22/09/2017

Expiry Date: 27/05/2018

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Public Records Act 1973

(Section 12)

Retention and Disposal Authority for Records of the Law Reform Function

Public Record Office Standard (PROS) 08/05

Variation 1:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Retention and Disposal Authority for Records of the Law Reform Function issued as Public Record Office Standard (PROS) 08/05 on 27/05/2008 as follows:

Extension of the application of this Standard until varied or revoked.

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date: 22 September 2017

Director and Keeper of Public Records

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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 Public Record Office Victoria (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 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.

1.2.3 Destruction 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.

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.

1.2.4 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: 22/05/2008

Name: Neil Rees

Position: Chairperson VLRC

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 Law Reform Function.

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
Keeper of Public Records

Date of Issue: 27/05/2008

4 Acknowledgments


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

Kathy Karlevski, Victorian Law Reform Commission

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: prov.agency.queries@prov.vic.gov.au

web: www.prov.vic.gov.au

Retention & Disposal Authority for Records of the Law Reform Function			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.0.0	<p>Management of Law Reform</p> <p>The management of References and Community Law Reform projects. Refers to:</p> <ul style="list-style-type: none"> ▪ Any proposal or matter relating to law reform in Victoria that is referred to the Commission by the Attorney-General is defined as a <i>Reference</i>. ▪ Any matter the Commission considers raises relatively minor legal issues that are of a general community concern is defined as <i>Community Law Reform</i> project. <p>Refer to <i>Victorian Law Reform Commission Act 2000</i> for further details and definitions.</p> <p>[For management of Commission and Commission Division meetings, use the General Retention and Disposal Authority for Records of Common Administrative Functions.]</p> <p>[For the management of enquiries, use the General Retention and Disposal Authority for Records of Common Administrative Functions.]</p> <p>[For media management and publicity activities not related to a specific Reference or Law Reform Project, use the General Retention & Disposal Authority for Records of Common Administrative Functions.]</p> <p>[For appointments to the Victorian Law Reform Commission, use General Retention & Disposal Authority for Records of Common Administrative Functions.]</p>		

Retention & Disposal Authority for Records of the Law Reform Function			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.1.0	<p>Management of Referrals and Suggestions to Establish Law Reform Projects</p> <p>The management of activities related to the possible establishment of a Law Reform project.</p> <p>Includes the receipt of referral(s) from the Attorney-General to establish a Reference or the receipt and evaluation of suggestions from the general community to establish Community Law Reform projects, for both successful and unsuccessful suggestions.</p> <p>Also includes the activity of the Commission suggesting or referring a suggestion from the general community to the Attorney-General for the establishment of a Reference.</p>		
1.1.1	<p>Establishment of References</p> <p>The process that leads to the establishment of a Reference.</p> <p>The process involves the examining, reporting and making recommendations to any referral made by the Attorney-General, who advises the terms of a reference, sets reporting timeframe and may require an interim report be produced.</p> <p>Includes initial referral from the Attorney-General; the terms (scope) of the Reference and all planning records. Also includes any records relating to the constitution of a Division, plus any records pertaining to the suggestion(s) made by the Commission to the Attorney-General which ultimately lead to the establishment of a Reference.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use is concluded. Electronic records are to be transferred in VERS Encapsulated Object (VEO) format.</p>

Retention & Disposal Authority for Records of the Law Reform Function			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.1.2	<p>Establishment of Community Law Reform Projects</p> <p>The process that leads to the establishment of a Community Law Reform project.</p> <p>Community Law Reform projects are smaller scale projects which investigate less significant legal issues than References. They may be undertaken following a suggestion received from the general community, once the Commission is satisfied that the examination of the matter will not utilize too many resources.</p> <p>Includes all feasibility, planning and strategy records detailing what areas of law might need to be examined.</p> <p>Also includes records relating to the recruitment or deployment of resources and the consultation and communication strategy.</p> <p>[For Community Law Reform projects that do not progress beyond the feasibility stage use 1.1.3.]</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use is concluded. Electronic records are to be transferred in VEO format.</p>

Retention & Disposal Authority for Records of the Law Reform Function

CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.1.3	<p>Suggestions for Law Reform</p> <p>The receipt and evaluation of suggestions that do not lead to the establishment of a Law Reform Reference and/or a Community Law Reform project.</p> <p>Includes unsuccessful requests to the Attorney-General that are made or forwarded by the Commission for the establishment of References.</p> <p>Also includes outcomes and feasibility studies relating to the receipt and management of requests that do not lead to the Commission conducting a Community Law Reform projects.</p> <p>[For suggestions and feasibility studies that ultimately progress to References, see 1.1.1.]</p> <p>[For requests and feasibility studies that do progress to Community Law Reform Projects, see 1.1.2.]</p>	<p>Temporary</p> <p>Destroy 7 years after administrative use has concluded.</p>	<p>Hold in agency or APPROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>
1.2.0	<p>Investigation and Research</p> <p>The management of activities involved in investigating and researching issues associated with law reform projects. Includes processes involved in the analysis of research at any stage during the conduct of a Reference and Community Law Reform project. Also includes the development of options, consultation and discussion papers that examine project issues and aim to promote discussion and invite feedback.</p>		

Retention & Disposal Authority for Records of the Law Reform Function			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.2.1	<p>Investigation and Research for Law Reform Projects</p> <p>The activities involved in the analysis of research, including empirical work, relating to References and Community Law Reform projects. Includes research conducted at any stage of a Reference or Community Law Reform project.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use is concluded. Electronic records are to be transferred in VEO format.</p>
1.2.2	<p>Development of Option, Consultation and Discussion Papers</p> <p>The development of options, consultation and discussion papers associated with References and Community Law Reform projects.</p> <p>Papers are published to inform the community that a project is taking place, the issues being examined and to promote discussion and invite the input of individuals and stakeholder groups.</p> <p>Includes working papers and records with deliberated notations that progress the development of the Reference or Community Law Reform project.</p> <p>[For Interim and Final Reports use 1.4.1]</p> <p>[For publications not associated with individual references or community law reform projects, use General Retention and Disposal Authority for Records of Common Administrative Functions.]</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.</p>

Retention & Disposal Authority for Records of the Law Reform Function			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY

**1.3.0 Management of Stakeholder
Consultations**

The management of activities designed to consult, inform, gather views and facilitate debate about a Reference or Community Law Reform project from:

- people who may be affected by proposed reforms;
- individuals and groups who have particular expertise; and
- comments that are sought on proposals before recommendations are made to the government.

Includes discussions with stakeholders, activities relating to the management of forums, information sessions, roundtables and advisory committees. Also includes the receipt of submissions from stakeholders.

[For community relations activities not associated with individual references or community law reform projects, use General Retention and Disposal Authority for Records of Common Administrative Functions.]

Retention & Disposal Authority for Records of the Law Reform Function			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.3.1	<p>Receipt of Stakeholder Submissions</p> <p>The receipt and management of submissions from stakeholders and individuals related to References and Community Law Reform projects. Includes the submissions.</p> <p>Submissions may be lodged by individuals or stakeholder groups such as service providers or legal experts or groups representative of people affected by the law such as lawyers, victims, offenders, minority groups etc.</p> <p>Submissions might detail the author's views on how the present law is working and how it might or might not be updated or improved. They may also give detail their own (or their clients') personal experience with the present law and how it might be different for better or for worse with changes in the law. Also includes records detailing oral submissions.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic Copy to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.</p>

Retention & Disposal Authority for Records of the Law Reform Function			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.3.2	<p>Management of Stakeholder Consultation Meetings</p> <p>The management of consultation meetings established to consult with stakeholders in the area of law being investigated by a Reference or Community Law Reform Project. Includes meetings of advisory committees and roundtables. Also includes liaison with individuals and groups in order to gather their views and test any interim recommendations developed by the Commission or groups who might be required to implement any possible recommendations.</p> <p>Includes meeting agendas, minutes, submissions, reports, decisions and correspondence with service providers, legal experts, peak bodies, lawyers and organisations representative of stakeholders such as victims, offenders and marginalised groups etc.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.</p>
1.3.3	<p>Facilitation of Stakeholder Consultation Meetings</p> <p>The facilitation of stakeholder consultation meetings, such as advisory committees and roundtable meetings, held to consult with stakeholders in the area of law being investigated by a Reference or Community Law Reform Project. Includes invitations to join or attend, booking and facility arrangements, drafts of minutes and agenda papers and expressions of thanks.</p>	<p>Temporary</p> <p>Destroy 2 years after administrative use has concluded.</p>	<p>Hold in agency or APPROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority for Records of the Law Reform Function			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY

1.4.0 Reporting

The development of interim and final reports associated with law reform projects that are to be submitted by the Attorney-General to Parliament.

[For Reporting activities not associated with a Community Law Reform Project or Reference, use General Retention & Disposal Authority for Records of Common Administrative Functions.]

1.4.1 Interim and Final Reports

The interim and final reports submitted by the Attorney-General to Parliament.

Includes working papers, major drafts and records with deliberated notations that progress the development of the Reference or Community Law Reform project.

[For Option, Consultation or Discussion Papers use 1.2.2]

[For records documenting the activity of briefing the Attorney-General following the release of any interim or final report, use 1.5.1.]

[For publications not associated with individual References or Community Law Reform projects, use General Retention and Disposal Authority for Records of Common Administrative Functions.]

Permanent

Retain as State Archives.

Transfer hard copy or electronic copy to PROV when administrative use is concluded. Electronic records are to be transferred in VEO format.

Retention & Disposal Authority for Records of the Law Reform Function

CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.4.2	Inputs to Interim or Final Reports Activities that support the process of the development of interim or final reports to be submitted by the Attorney-General to Parliament. Includes background material such as data and statistical reports.	Temporary Destroy 2 years after final report has been tabled in Parliament.	Hold in agency or APPROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
1.5.0	Media Management and Briefings The management of all media activities and processes involved in briefing stakeholders during a Reference or Community Law Reform project. Includes all media management and briefing activities for all stakeholders including the Attorney-General and any groups affected by a project.		

Retention & Disposal Authority for Records of the Law Reform Function			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.5.1	<p>Stakeholder Briefings</p> <p>Briefings made to stakeholders associated with a Reference or Community Law Reform project.</p> <p>Briefings occur at any stage throughout the life of a law reform project or following the formal release of a paper, interim or final project report.</p> <p>Briefings are made to:</p> <ul style="list-style-type: none"> • The Attorney-General; • Department of Justice; • Parliament; • Government bodies responsible for the implementation of any recommendations; and <p>Non-government stakeholders including service providers, legal experts, peak bodies, lawyers and organisations representative of people who may be effected by any recommendations, for example victims, offenders and marginalised groups.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use is concluded. Electronic records are to be transferred in VEO format.</p>

Retention & Disposal Authority for Records of the Law Reform Function			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.5.2	<p>Management of Media Relations</p> <p>The management of all media activities throughout the course of the administration of a Reference or Community Law Reform project.</p> <p>Includes master set of all media releases, press cuttings, articles written for external publications, transcripts of media interviews, speeches, and activities related to the management of the briefing of the media.</p> <p>[For media management and publicity activities not related to a specific Reference or a Community Law Reform project, use General Retention and Disposal Authority for Common Administrative Functions.]</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use is concluded. Electronic records are to be transferred in VEO format.</p>
1.5.3	<p>Arrangements for Briefings</p> <p>The management of activities designed to support the holding of any briefing program undertaken at any stage during the conduct of a law reform project.</p> <p>Includes arrangements of events and / or forums held to brief the Attorney-General, government departments, agencies, media, members of the Victorian Parliament and other identified stakeholders.</p> <p>Includes media contact details (names, telephone numbers etc), invitations, arrangements for cancelled events etc.</p>	<p>Temporary</p> <p>Destroy 2 years after administrative use has concluded.</p>	<p>Hold in agency or APPROSS pending destruction. Electronic records should be maintained in readable format pending destruction</p>