

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1



PROS 09/01 VAR 1

**Retention and Disposal Authority for Records of
Dispute Settlement Centre of Victoria**

Issued Date: 19/11/2018

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

Variation 1

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the Dispute Settlement Centre of Victoria

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 Dispute Settlement Centre of Victoria, issued as Public Record Office Standard (PROS) 09/01 on 3/4/2009, 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

Director and Keeper of Public Records

Date: 19/11/2018

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

Copyright Statement

© State of Victoria 2018



Except for any logos, emblems, and trade marks, this work (PROS 09/01 VAR 1 Dispute Settlement Centre of Victoria) is licensed under a Creative Commons Attribution 4.0 International license, to the extent that it is protected by copyright. Authorship of this work must be attributed to the Public Record Office Victoria. To view a copy of this license, visit <http://creativecommons.org/licenses/by/4.0/>

Disclaimer

The State of Victoria gives no warranty that the information in this version is correct or complete, error free or contains no omissions. The State of Victoria shall not be liable for any loss howsoever caused whether due to negligence or otherwise arising from the use of this Standard.

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Retention and Disposal Authority No	PROS 09/01 VAR 1
--	------------------

Scope	
--------------	--

Status	Issued by Keeper
---------------	------------------

Issue Date	19/11/2018
-------------------	------------

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

List of Functions and Activities covered
--

Reference	Function	Activity	Page
1	DISPUTE RESOLUTION		10
1.1		Case Management	10
1.2		Assessment for Dispute Resolution	10
1.3		Mediation	11
2	QUALIFICATION MANAGEMENT		12
2.1		Management of Candidates	12
2.2		Candidate Assessment	12
2.3		Course Delivery	13
2.4		Curriculum Development	13
2.5		Accreditation Management	13
3	MEDIATOR ENDORSEMENT		14
3.1		Mediation Panel Inclusion	14

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

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.

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

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.

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

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*

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

Concurrence of Public Office

This Authority has the concurrence of:

Signature: [signed]

Name: P. Armytage

Position: Secretary

Date: 25/03/2009

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 Dispute Settlement Centre. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked prior to that date.\

[signed]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 03/04/2009

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

No	Function/Activity	Description	Status	Disposal Action
1	DISPUTE RESOLUTION	<p>The function of assisting clients to resolve a wide range of disputes through Appropriate Dispute Resolution and the provision of mediation services for cases that are assessed as suitable by the Dispute Settlement Centre of Victoria.</p> <p>Examples of typical cases assessed and mediated by the Centre include neighbourhood disputes, court referred intervention order applications as well as defended civil claims cases where the court believes mediation may assist parties to reach an amicable agreement.</p>		
1.1	Case Management	The management of dispute resolution cases.		
1.1.1		Records documenting contact with parties in dispute. Includes summary record and correspondence received from parties.	Temporary	Destroy 7 years after last entry.
1.1.2		Duplicate copies of records captured in the summary record.	Temporary	Destroy after administrative use has concluded.
1.2	Assessment for Dispute Resolution	Assessment processes undertaken to determine if mediation is the appropriate method to resolve a dispute.		
1.2.1		Records documenting the assessment of the suitability of a case to be resolved by mediation. Includes invitations made to parties in dispute to undertake mediation.	Temporary	Destroy 7 years after use has concluded.

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

No	Function/Activity	Description	Status	Disposal Action
<i>DISPUTE RESOLUTION - Mediation</i>				
1.3	Mediation	<p>The resolution of disputes by mediation. Mediators assist parties to identify the disputed issues, develop options, consider alternatives and reach an agreement.</p> <p>Mediation may be undertaken voluntarily, under a court order, or as a mandatory step to ensure compliance with formal grievances processes found in a variety of contracts, such as in Owners Corporation (previously known as Bodies Corporate) agreements.</p>		
1.3.1		Records documenting the administration of mediation sessions. Includes the organisation of session date, time and venue and the booking of the mediators and any interpreters required.	Temporary	Destroy 2 years after administrative use has concluded.
1.3.2		Confidential notes taken by mediators during a mediation session.	Temporary	Destroy after mediation session has concluded.
1.3.3		Debriefings from mediators documenting any problems with the mediation process including suggested improvements for service delivery.	Temporary	Destroy 7 years after administrative use has concluded.
1.3.4		Records documenting the informal, non-binding agreements (when they occur) made between parties in dispute.	Temporary	Destroy 7 years after terms of agreement have expired.
1.3.5		Records documenting notification to the courts (for court-referred cases) to advise of the outcome and if	Temporary	Destroy 7 years after last action.

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

No	Function/Activity	Description	Status	Disposal Action
<i>QUALIFICATION MANAGEMENT</i>				
		further court action is required after mediation.		
2	QUALIFICATION MANAGEMENT	The awarding of nationally recognised qualifications in mediation to mediators and staff in accordance with the Australian Quality Training Framework (AQTF). Includes the operation of the Centre as a Registered Training Organisation (RTO).		
2.1	Management of Candidates	The management of candidates including registration, enrolment, attendance, assessment and conferring qualifications.		
2.1.1		Register of candidates. Includes candidate's details and records of enrolment, results and qualifications attained.	Permanent	Retain as State archives
2.1.2		Records documenting the attendance of candidates.	Temporary	Destroy 7 years after administrative use has concluded.
2.1.3		Records documenting the administrative arrangements for graduation ceremonies.	Temporary	Destroy 7 years after administrative use has concluded.
2.2	Candidate Assessment	The activity of formally assessing candidates.		
2.2.1		Records documenting the assessment of candidates through the evaluation of practical (role plays) and	Temporary	Destroy 7 years after last action.

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

No	Function/Activity	Description	Status	Disposal Action
<i>QUALIFICATION MANAGEMENT - Candidate Assessment</i>				
		theoretical (course work) competencies.		
2.2.2		Records documenting the assessment of candidates through recognition of prior learning.	Temporary	Destroy 10 years after administrative use has concluded.
2.3	Course Delivery	The process of delivering courses. Includes the evaluation of courses.		
2.3.1		Records documenting the administrative arrangements for course delivery. Includes timetables, venue rosters, teaching loads and allocations.	Temporary	Destroy 10 years after administrative use has concluded.
2.3.2		Records documenting the receipt of formal and informal feedback from participants including the evaluation of courses.	Temporary	Destroy 10 years after administrative use has concluded.
2.4	Curriculum Development	The development and approval of courses and their content.		
2.4.1		Records documenting the development of curriculum under the Vocational Education Training (VET) scheme for accreditation with the Victorian Registration and Qualifications Authority (VRQA). Includes changes to curriculum such as the addition or removal of units.	Permanent	Retain as State archives
2.5	Accreditation	The application and management of accreditation of		

Retention and Disposal Authority for Records of Dispute Settlement Centre of Victoria

Authority number: PROS 09/01 VAR 1

No	Function/Activity	Description	Status	Disposal Action
<i>QUALIFICATION MANAGEMENT - Accreditation Management</i>				
	Management	the Centre as a Registered Training Organisation (RTO).		
2.5.1		Records documenting the application for the Centre to become a RTO.	Temporary	Destroy 10 years after administrative use is concluded.
2.5.2		Records documenting the ongoing compliance with the standards required of an accredited RTO by the VRQA.	Temporary	Destroy 10 years after administrative use is concluded.
3	MEDIATOR ENDORSEMENT	The endorsement of the qualifications of mediators which have been gained either within or outside Victoria.		
3.1	Mediation Panel Inclusion	The process of endorsing the skills of a mediator for inclusion in the Mediation Panel. Only mediators in the Mediation Panel can be selected to conduct mediations.		
3.1.1		Records documenting the publishing, in the State Government Gazette, of names of mediators selected to be included within the Mediation Panel.	Temporary	Destroy 7 years after Gazette.