



Public Record Office Standard

PROS 07/02

Authority

Retention & Disposal Authority for Records of the Office of the Chief Parliamentary Counsel

Version 2018

07/02	Issue Date: 18/05/2007	Expiry Date: 18/05/2017
Variation 1	Issue Date: 03/02/2017	Expiry Date: 18/05/2018
Variation 2	Issue Date: 19/11/2018	Expiry Date: 30/06/2021

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Public Records Act 1973
(Section 12)

**Retention and Disposal Authority for Records of
the Office of the Chief Parliamentary Counsel**

Public Record Office Standard (PROS) 07/02

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 Office of the Chief Parliamentary Counsel, issued as Public Record Office Standard (PROS) 07/02 on 18/05/2007, as follows:

Extension of the application of this Standard until 18/05/2018

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date: 03/02/2017

Director and Keeper of Public Records

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the Office of the Chief Parliamentary Counsel

Public Record Office Standard (PROS) 07/02

Variation 2:

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 Office of the Chief Parliamentary Counsel, issued as Public Record Office Standard (PROS) 07/02 on 18/05/2007, as follows:

Extension of the application of this Standard until 30/06/2021

This Variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Date: 19/11/2018

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 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 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.

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.

1.2.3 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 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: 17/05/2007

Name: Eamonn Moran

Position: Chief Parliamentary Counsel

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 Chief Parliamentary Counsel.

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]

Keeper of Public Records

Date of Issue: 18/05/2007

Justine Heazlewood

4 Acknowledgments

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

Terry Evans Office of the Chief Parliamentary Counsel

Sam Portelli Office of the Chief Parliamentary Counsel

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

web: www.prov.vic.gov.au

6 Retention & Disposal Authority

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.0.0	<p>BILL DRAFTING</p> <p>The drafting of proposed bills from policy through to finalisation and, if proceeded with, enactment as law. Includes bills drafted by the Law Reform Commission and the Parliamentary Counsel Committee.</p>		
1.1.0	<p>Bills Receiving Royal Assent (Acts)</p> <p>Bills which are passed by Parliament and proclaimed as acts.</p> <p>This includes advice from the Office of Chief Parliamentary Counsel (OCPC) regarding bills, Cabinet submissions and decisions, bill drafts, background material, departmental instructions, parliamentary prints, house amendments, proclamations and signed copies of acts.</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>
1.2.0	<p>Bills Not Proceeded (defeated, withdrawn or discontinued)</p> <p>Bills which have commenced to be drafted, but which are subsequently discontinued either during drafting or at various stages of the parliamentary process.</p>	<p>Temporary</p> <p>Destroy when administrative use has concluded</p>	<p>Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>

<h2>Retention & Disposal Authority</h2>			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
2.0.0	<p>STATUTORY RULES DRAFTING</p> <p>The development of proposed statutory rules from drafts to finalisation and, if proceeded with, approval as law. Statutory rules are regulations made or approved by the Governor in Council and rules made by a court, board, committee or tribunal as defined in the Subordinate Legislation Act 1994.</p>		
2.1.0	<p>Regulations Made or Approved by Governor in Council - Original Signed Copy</p> <p>Signed copy of regulations made or approved or consented by the Governor in Council.</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>
2.2.0	<p>Regulations Made or Approved by Governor in Council – Working Documents</p> <p>Regulations made or approved or consented by the Governor in Council which provide administrative detail in accordance with powers conferred by an Act of Parliament.</p> <p>Includes OCPC advice, comments, drafts, Section 13 certificates issued by the Chief Parliamentary Counsel and proclamations.</p>	<p>Temporary</p> <p>Destroy when administrative use has concluded</p>	<p>Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>

<h2>Retention & Disposal Authority</h2>			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
2.3.0	<p>Regulations Not Proceeded With</p> <p>Proposed regulations which do not subsequently proceed (are not made).</p>	<p>Temporary</p> <p>Destroy when administrative use has concluded.</p>	<p>Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>
2.4.0	<p>Rules Made by Courts, Tribunals or Committees - Signed Versions</p> <p>Signed copy of rules made by Supreme, Magistrates' and County Courts and other boards / committees which are not required to be approved / consented by the Governor in Council</p>	<p>Permanent</p> <p>Retain as State Archives</p>	<p>Transfer hard copy to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format</p>
2.5.0	<p>Rules Made by Courts, Tribunals, or Committees – Working Papers</p> <p>The working papers for rules made by Supreme, County, and Magistrates' Courts and other boards or committees which are not required to be approved or consented by the Governor in Council.</p>	<p>Temporary</p> <p>Destroy when administrative use has concluded.</p>	<p>Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>

<h2>Retention & Disposal Authority</h2>			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
2.6.0	<p>Rules Made by Courts, Tribunals or Committees - Not Proceeded With</p> <p>Proposed Rules of Supreme, County, and Magistrates' Courts and other boards / committees which do not subsequently proceed (are not made)</p>	<p>Temporary</p> <p>Destroy when administrative use has concluded.</p>	<p>Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>

<h2>Retention & Disposal Authority</h2>			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
3.0.0	<p>COMMITTEES</p> <p>Management of the committees specified within this Retention & Disposal Authority.</p> <p>[For records of all other committees, use <i>General Retention and Disposal Authority for Records of Common Administrative Functions.</i>]</p>		
3.1.0	<p>Supreme Court Rules Committee</p> <p>The management by the OCPC of the Supreme Court Rules Committee in its capacity as secretary to the Committee. The Supreme Court Rules Committee comprises Judges of the Supreme Court of Victoria who establish rules for the conduct of the Court.</p>		
3.1.1	Master set of minutes, agendas, reports, submissions and other meeting papers.	Permanent Retain as State Archives	Transfer hard copy to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format
3.1.2	Duplicate copies of minutes, agendas, reports, submissions and other meeting papers.	Temporary Destroy when administrative use has concluded.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

<h2>Retention & Disposal Authority</h2>			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
4.0.0	LEGISLATIVE INFORMATION MANAGEMENT The management of legislative information held in the OCPC relating to past, current and proposed acts and statutory rules.		
4.1.0	Published Consolidations of Acts and Statutory Rules Published consolidated versions of principal acts and statutory rules showing amendments at a particular point in time. [Acts and statutory rules published under the authority of the Victorian Government Printer are to be disposed of in accordance with the <i>Retention and Disposal Authority for Records of the Victorian Government Printer.</i>]	Permanent Retain as State Archives	Transfer hard copy or electronic copy to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format
4.2.0	Legislative Data Content of the legislative databases and registers. Includes the Information Legislative Database (ILD) maintained by the OCPC to track and show the status of proposed and enacted legislation and to produce legislative information reports.	Permanent Retain as State Archives	Transfer hard copy or electronic copy to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
4.3.0	<p>Legislative Information Reports</p> <p>Outputs (reports and publications) from the legislative information database (ILD) showing legislative information.</p>	<p>Temporary</p> <p>Destroy when administrative use has concluded.</p>	<p>Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction</p>

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