

**Retention and Disposal Authority for Records of the Victims Support Services Functions**

Authority number: PROS 11/03 VAR 2



PROS 11/03 VAR 2

**Retention and Disposal Authority for Records of  
the Victims Support Services Functions**

Issued Date: 15/02/2021

## **Retention and Disposal Authority for Records of Victims Support Services Functions**

**Authority number: PROS 11/03 VAR 2**

### **Variation 1**

**Public Records Act 1973 (Section 12)**

**Retention & Disposal Authority for Records of the Victims Support Services Functions (PROS 11/03)**

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to records of the Victims Support Services Functions, issued as Public Record Office Standard (PROS 11/03) on 08/03/2011, as follows:

The addition of the following text to the scope of the RDA and across the body of the RDA as a footer:

This Retention and Disposal Authority **must not be used** for records about child sexual abuse incidents, allegations nor an agency's prevention, identification and response to such incidents and allegations. This includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies.

Instead **agencies must use PROS 19/08** Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.

This Variation shall have effect from its date of issue.

[Signed]

**Justine Heazlewood**

Director and Keeper of Public Records

Date of issue: 02/09/2019

## **Retention and Disposal Authority for Records of Victims Support Services Functions**

**Authority number: PROS 11/03 VAR 2**

### **Variation 2**

**Public Records Act 1973 (Section 12)**

**Retention & Disposal Authority for Records of Victims Support Services Functions (PROS 11/03)**

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to records of Victims Support Services Functions, issued as Public Record Office Standard (PROS 11/03) on 08/03/2011, as follows:

The extension of the application of this Authority until varied or revoked.

This Variation shall have effect from its date of issue.

[Approved]

**Justine Heazlewood**

Director and Keeper of Public Records

Date of issue: 15/02/2021

## Retention and Disposal Authority for Records of Victims Support Services Functions

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## Retention and Disposal Authority for Records of Victims Support Services Functions

Authority number: PROS 11/03 VAR 2

## Retention and Disposal Authority for Records of Victims Support Services Functions

<b>Retention and Disposal Authority No</b>	PROS 11/03 VAR 2
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<b>Scope</b>	<p>This Retention and Disposal Authority <b>must not be used</b> for records about child sexual abuse incidents, allegations nor an agency's prevention, identification and response to such incidents and allegations. This includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies.</p> <p>Instead <b>agencies must use PROS 19/08</b> Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.</p>
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<b>Status</b>	Issued by Keeper
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<b>Issue Date</b>	15/02/2021
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## Retention and Disposal Authority for Records of Victims Support Services Functions

Authority number: PROS 11/03 VAR 2

### List of Functions and Activities covered

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# Retention and Disposal Authority for Records of Victims Support Services Functions

Authority number: PROS 11/03 VAR 2

## Introduction

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### 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](http://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 Victims Support Services Functions**

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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.



## **Retention and Disposal Authority for Records of Victims Support Services Functions**

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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 records must be managed and transferred in accordance with PROV Standards.

## Retention and Disposal Authority for Records of Victims Support Services Functions

**Authority number: PROS 11/03 VAR 2**

### Concurrence of Public Office

This Authority has the concurrence of:

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Signature: [signed]

Name: Clare Morton

Position: Director Community Operations & Victims Support Agency

Date: 02/03/2011

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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 records of the Victim Support Service Functions. 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.

[signed]

**Justine Heazlewood**, Director & Keeper of Public Records

Date of Issue: 08/03/2011

## Retention and Disposal Authority for Records of Victims Support Services Functions

**Authority number: PROS 11/03 VAR 2**

No	Function/Activity	Description	Status	Disposal Action
1	<b>VICTIMS REGISTER MANAGEMENT</b>	The recording of victims of a criminal act of violence on the Victims Register in accordance with section 30A - 30I of the <i>Corrections Act 1986</i> , in order to allow a victim to receive specific information while the prisoner is under a sentence, in custody or on parole, or subject to an Extended Supervision Order, Supervision Order or Detention Order.		
1.1	<b>Assessment of Applications</b>	The assessment of applications from victims of crime determines their eligibility for inclusion on the Victims Register.		
1.1.1		The Victims Register, including applicants name, date of birth, details of a nominee to receive information on the victim's behalf, details of the prisoner and details of the offence and status of the prisoner.	Temporary	Destroy 25 years after the victim's registration is made inactive.
1.1.2		Records of successful applications.  Includes the application, supporting documentation and the conduct of assessment to ascertain the victim's eligibility for inclusion on the Register. Also includes the maintenance of victim's details and requests for removal from Register.	Temporary	Destroy 15 years after the victim's registration is made inactive.
1.1.3		Records of unsuccessful applications.  Includes the application, supporting documentation, and the conduct of assessment to ascertain the victims eligibility for inclusion on the Register.	Temporary	Destroy 7 years after last action, or when the victim has attained 25 years of age whichever is the later.

This Retention and Disposal Authority **must not be used** for records about child sexual abuse incidents, allegations nor an agency's prevention, identification and response to such incidents and allegations. This includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies.

Instead agencies **must use PROS 19/08** Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.

## Retention and Disposal Authority for Records of Victims Support Services Functions

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No	Function/Activity	Description	Status	Disposal Action
<i>VICTIMS REGISTER MANAGEMENT - Victim Notification</i>				
1.2	<b>Victim Notification</b>	Provision of specific information to a victim regarding a prisoner including: <ul style="list-style-type: none"> <li>• The prisoner's sentence length</li> <li>• Earliest possible release date</li> <li>• The prisoner's eligibility to apply for rehabilitation and transition permits</li> <li>• Any transfer of the prisoner interstate or overseas</li> <li>• Any escape by the prisoner</li> <li>• The upcoming prisoner's release on parole and any special parole conditions</li> <li>• Cancellation of the prisoner's parole</li> <li>• Home detention as a pre-release mechanism</li> <li>• Where an application has been made for a Supervision or Detention Order</li> <li>• Where the prisoner is subject to an Extended Supervision Order, Supervision Order or Detention Order, and court review dates.</li> </ul>		
1.2.1		Records of information provided to a registered victim regarding a prisoner.	Temporary	Destroy 15 years after completion of prisoner's sentence, transfer of prisoner interstate or overseas or death of

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**Authority number: PROS 11/03 VAR 2**

No	Function/Activity	Description	Status	Disposal Action
<i>VICTIMS REGISTER MANAGEMENT - Facilitation of Submissions</i>				
				prisoner.
1.3	<b>Facilitation of Submissions</b>	<p>The activity of facilitating written submissions by victims to the Adult Parole Board about the effect of the prisoner's potential release on parole will have on them, including any suggested victim related conditions to be placed on the parole order.</p> <p>The activity of facilitating written submission by victims to Court for consideration in regard to a Supervision or Detention Order application, and to the Adult Parole Board for consideration in regard to determining any direction it may give to an offender under the conditions of a Supervision Order.</p>		
1.3.1		Records documenting the provision of support to victims which enables them to make written submissions to the Adult Parole Board or to a Court. Includes copy of the submission.	Temporary	Destroy 15 years after completion of prisoner's sentence, transfer of prisoner interstate or overseas or death of prisoner.
2	<b>VICTIM SUPPORT</b>	The provision of support, information, advice and referrals to other support mechanisms, to assist victims of crime to manage and recover from the effects of the crime.		
2.1	<b>Victims' Charter Complaints Resolution</b>	The resolution of complaints received from victims against criminal justice and victim support agencies with responsibilities under the Victims' Charter which		

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No	Function/Activity	Description	Status	Disposal Action
<i>VICTIM SUPPORT - Victims' Charter Complaints Resolution</i>				
		have not acted in accordance with the principles of the Charter.  [For records relating to the development of the Victims' Charter and grants to assist with its implementation use the <i>General Retention and Disposal Authority for Records of Common Administrative Functions</i> ].		
2.1.1		Records documenting the resolution of complaints received and responses provided to the victim.	Temporary	Destroy 7 years after last action, or when the victim has attained the age of 25 years whichever is the later.
2.1.2		Records documenting enquiries received regarding the Victims' Charter which does not lead to a complaint being made.	Temporary	Destroy 2 years after last action.
2.2	<b>Victims of Crime Assistance</b>	The provision of support and assistance to victims of crime.		
2.2.1		Summary record of enquiries received from victims of crime who are seeking support. Includes summary of calls received through telephone helpline services including call type, crime type and referring agency.	Temporary	Destroy 5 years after last action.
2.2.2		Records documenting the advice, information and referrals provided to victims. Includes records of referrals of victims of violent crime to counselling	Temporary	Destroy 7 years after last action, or when the victim has attained 25

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## Retention and Disposal Authority for Records of Victims Support Services Functions

**Authority number: PROS 11/03 VAR 2**

No	Function/Activity	Description	Status	Disposal Action
<i>VICTIM SUPPORT - Witness Assistance</i>				
		services, community services, outreach services and other support agencies.		years of age whichever is the later.
2.3	<b>Witness Assistance</b>	Provision of specialised support and practical preparation services to assist people, both adults and children, who are victims or witnesses in a criminal matter and are required to give evidence in court.		
2.3.1		Case records of clients receiving witness support services.  Includes the witness's name, date of birth, caregiver details, contact numbers, date and type of charge against the suspect, health information relevant to supporting the witness, and case notes.  Also includes records of referrals of victims of violent crime to Victims Assistance and Counselling Program providers and/or external agencies.	Temporary	Destroy 7 years after last action, or when the witness has attained 25 years of age whichever is the later.
3	<b>PRISONER COMPENSATION QUARANTINE FUND ADMINISTRATION</b>	The administration of the Prisoner Compensation Quarantine Fund informs eligible victims of a prisoners changed financial status when a prisoner has money held in trust in the fund and allows for a victim to make an informed decision to take their own legal action on a claim against the prisoner.  Amounts of \$10,000 or more that are awarded to a prisoner in a claim against the State or private prison in Victoria are paid into the fund and quarantined for an initial period of twelve months. The administration		

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No	Function/Activity	Description	Status	Disposal Action
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*PRISONER COMPENSATION QUARANTINE FUND ADMINISTRATION - Claims*

		process includes publishing a notice advising of an award of damages to a prisoner, processing an application by a victim to be notified of an award of damages, and receiving victim notification of the commencement of legal proceedings for the recovery of damages against a prisoner and of the final determination.		
3.1	<b>Claims</b>	The process of publicising the receipt of funds into the Prisoner Compensation Quarantine Fund, and recording claims and payments made from the Fund.		
3.1.1		Records of the publication of advice of an award of damages to a prisoner. Includes the provision of the advice to victims.	Temporary	Destroy 7 years after finalisation of the distribution of funds.
3.1.2		Records of awards of damages to prisoners, and claims on those funds by victims or creditors.	Temporary	Destroy 7 years after finalisation of the distribution of funds.

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