

# Retention and Disposal Authority for Records of Juries Commissioner's Office

Authority number: PROS 13/01 VAR 1



PROS 13/01 VAR 1

## **Retention and Disposal Authority for Records of Juries Commissioner's Office**

Issued Date: 13/12/2022

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### **Variation 1**

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

Retention and Disposal Authority for Records of Juries Commissioner's Office (PROS 13/01)

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the records of the Juries Commissioner's Office, issued as a Public Record Office Standard (PROS) 13/01 on 30/04/2013, as follows:

Extension of the application of the Authority **indefinitely**.

This Variation shall have effect from its date of issue.

[Approved]

Justine Heazlewood

Director and Keeper of Public Records

Date of issue: 13/12/2022

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Authority number: PROS 13/01 VAR 1

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## Retention and Disposal Authority for Records of Juries Commissioner's Office

<b>Retention and Disposal Authority No</b>	PROS 13/01 VAR 1
<b>Scope</b>	This retention and disposal authority covers records documenting the function of managing juries and jury services for the County and Supreme Courts.
<b>Status</b>	Issued by Keeper
<b>Issue Date</b>	13/12/2022

## Retention and Disposal Authority for Records of Juries Commissioner's Office

Authority number: PROS 13/01 VAR 1

List of Functions and Activities covered

Reference	Function	Activity	Page
1	JURY MANAGEMENT		10
1.1		Pre Selection of Persons for Jury Service	10
1.2		Summoning of Jurors	10
1.3		Requests for Deferral and to be Excused from Jury Service	11
1.4		Jury Pools and Selection of Panels	12

# Retention and Disposal Authority for Records of Juries Commissioner's Office

Authority number: PROS 13/01 VAR 1

## 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 - *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 Juries Commissioner's Office

### Authority number: PROS 13/01 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

*PROS 22/04 Disposal Standard* authorises the destruction of some public records under Normal Administrative Practice (NAP) principles. Low value facilitative records described below are authorised for destruction by *PROS 22/04* under NAP principles:

- working documents, such as notes or calculations, used to assist in the preparation of other records
- minor drafts and transitory documents, where the content is reproduced elsewhere, and the information will not be needed to show how the work has progressed or actions approved
- minor updates of content, such as those in databases, which will not be needed to show actions, decisions, or approvals
- communications for the purpose of making minor arrangements
- duplicate copies.

## **Retention and Disposal Authority for Records of Juries Commissioner's Office**

**Authority number: PROS 13/01 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 records must be managed and transferred in accordance with PROV Standards.



## Retention and Disposal Authority for Records of Juries Commissioner's Office

**Authority number: PROS 13/01 VAR 1**

### Concurrence of Public Office

This Authority has the concurrence of:

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[Signed]

Name: Paul Dore

Position: Acting Juries Commissioner

Date: 26/04/2013

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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 Supreme Court of Victoria. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[signed]

**Justine Heazlewood**, Keeper of Public Records

Date of Issue: 30/04/2013

## Retention and Disposal Authority for Records of Juries Commissioner's Office

**Authority number: PROS 13/01 VAR 1**

No	Function/Activity	Description	Status	Disposal Action
1	<b>JURY MANAGEMENT</b>	<p>The management of juries and jury service performed by the Juries Commissioners Office under the <i>Juries Act 2000</i>.</p> <p>[For records relating to the administration of juries, including accommodation and meal allowances, see the <i>General Retention and Disposal Authority for Records of Common Administrative Functions</i>.]</p> <p>[For records regarding problems with jury empanelment or attendance, see the relevant case records as this is dealt with as a judicial matter and forms part of the court records.]</p>		
1.1	<b>Pre Selection of Persons for Jury Service</b>	<p>Under Section 19 of the <i>Juries Act 2000</i> and following a request from the Juries Commissioner, the Victorian Electoral Commission provides to the Juries Commissioner's Office an encrypted and randomly selected list of persons who may be eligible for jury service. The Juries Commissioner then sends a Jury Eligibility Questionnaire to all persons on that list to determine their eligibility for jury service and their availability within a specified time period.</p>		
1.1.1		<p>Records documenting the eligibility and availability of jurors under Sections 20 and 21 of the <i>Juries Act 2000</i>. The Jury eligibility questionnaire is sent to all potential jurors and returned to the Juries Commissioner's Office.</p>	Temporary	Destroy 1 year after administrative use has concluded.
1.2	<b>Summoning of Jurors</b>	<p>Some civil and all criminal trials heard in the County and Supreme Courts are held before a jury. The</p>		

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**Authority number: PROS 13/01 VAR 1**

No	Function/Activity	Description	Status	Disposal Action
<i>JURY MANAGEMENT - Summoning of Jurors</i>				
		Juries Commissioner's Office prepares a Jury List pursuant to section 25 of <i>Juries Act 2000</i> . The Juries Commissioner will issue a summons to a sufficient number of persons on the Jury List or to all people on the list.		
1.2.1		Records documenting the preparation of Jury Lists, under section 25 of the <i>Juries Act 2000</i> .	Temporary	Destroy 1 year after administrative use has concluded.
1.2.2		Records documenting the summoning of Jurors under Section 27 of the <i>Juries Act 2000</i> . The Juries Commissioner issues summonses to people determined to be eligible to serve on a jury and who are available for jury service within the specified period of time.	Temporary	Destroy 1 year after administrative use has concluded.
1.3	<b>Requests for Deferral and to be Excused from Jury Service</b>	Upon receiving a Jury Eligibility Questionnaire or a summons, a person can ask the Juries Commissioner to defer his/her jury duty or to be excused from jury service.		
1.3.1		Records documenting requests for deferral from jury service which are granted.	Temporary	Destroy 1 year after administrative use has concluded.
1.3.2		Records documenting requests to be excused from jury service which are granted.	Temporary	Destroy 1 year after administrative use has concluded.

## Retention and Disposal Authority for Records of Juries Commissioner's Office

**Authority number: PROS 13/01 VAR 1**

No	Function/Activity	Description	Status	Disposal Action
<i>JURY MANAGEMENT - Requests for Deferral and to be Excused from Jury Service</i>				
1.3.3		Records documenting requests to have jury duty deferred or to be excused from jury service which are not granted.	Temporary	Destroy 1 year after administrative use has concluded.
1.3.4		Records documenting permanent excuse from jury service granted by the Juries Commissioner.	Temporary	Destroy 75 years after application approved.
1.3.5		Records documenting permanent excuse from jury service granted by a Judge's order. Following the completion of a trial, a Judge may make an order to permanently exempt someone from jury service.	Temporary	Destroy 75 years after application approved.
1.4	<b>Jury Pools and Selection of Panels</b>	Those prospective jurors that receive a summons and attend the Juries Commissioner's Office on the appointed day constitute the Jury Pool. When a trial notifies a pool supervisor that a jury is required, a ballot takes place in the Jury Pool Room to create a Jury Panel. This panel attends court and the empanelment process occurs in court to select a jury. Under section 29 and 30 of the <i>Juries Act 2000</i> a list is compiled for these purposes and given to the Judge.		
1.4.1		Records documenting the Jury Pool and Jury Panel Lists that are compiled for the use in Court on any particular day.	Temporary	Destroy after administrative use has concluded.