

**Retention and Disposal Authority for Records of the Coroners
Court of Victoria**

Authority number: PROS 23/04



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**Retention and Disposal
Authority for Records of the
Coroners Court of Victoria**

Issued Date: 23/08/2023

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INTRODUCTION

Context

The Court was established on 1 November 2009 under the *Coroners Act 2008*. It replaced the former State Coroner's Office. The Court is an entity of Court Services Victoria (CSV), a statutory authority established in July 2014 to protect and promote the independence of each of the courts and the judiciary. The Court is also underpinned by the Coroners Court Rules 2019 and the Coroners Court Regulations 2019.

As a distinct entity of Court Services Victoria (CSV), the Court is accountable directly to Parliament.

While CSV provides and supports some administrative and corporate functions for the Court, the State Coroner is responsible for establishing how the business of the Court is managed.

The Court's role covers three main responsibilities:

- independently investigate deaths and fires
- reduce preventable deaths
- promote public health and safety and the administration of justice.

The Court's core functions covered by the RDA include:

- Coronial Investigations - including investigation of reportable deaths, investigation of whether deaths are reportable, investigation of fires, conducting inquests, family liaison and support, case review for wider prevention-related purposes, managing requests about deaths under s.115 of the *Coroners Act 2008*
- Research – providing advice on specific topics relating to preventable deaths and opportunities for prevention, including maintaining statutory registers kept under s.116 of the *Coroners Act 2008* and other registers
- Court Administration - including development of rules of the Court and practice notes under s.105-107 of the *Coroners Act 2008*.

Functions outside the scope of this RDA are:

- Common administrative functions: covered by PROS 07/01 General Retention and Disposal Authority for Records of Common Administrative Functions

Governing Legislation

- *Coroners Act 2008*
- Coroners Court Rules 2019
- Coroners Court Regulations 2019.

Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

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Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

Retention and Disposal Authority for Records of the Coroners Court of Victoria

Retention and Disposal Authority No	PROS 23/04
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Scope	This RDA authorises the disposal of records created by the Coroners Court of Victoria.
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Status	Issued by Keeper
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Issue Date	23/08/2023
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Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

List of Functions and Activities covered

Reference	Function	Activity	Page
1	Coronial Investigations		10
2	Research		14
3	Court Administration		16

Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

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 - *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 the Coroners Court of Victoria

Authority number: PROS 23/04

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*.

Under PROS 22/04 Disposal Standard, authorisation to destroy public records is WITHDRAWN and NOT GIVEN (even if specified in an RDA or other authorised disposal instrument) if:

- it is reasonably likely that they will be needed in a current or future legal proceeding. This includes any civil or criminal proceeding or an inquiry where evidence may be given before a court or person acting judicially such as a Royal Commission or Board of Inquiry
- they are required for meeting any Freedom of Information (FOI) applications which are not finalised
- they are required for audits or investigations which are not yet finalised; and/or
- they are subject to disposal freezes applied by government or by the organisation.

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 the Coroners Court of Victoria

Authority number: PROS 23/04

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 the Coroners Court of Victoria

Authority number: PROS 23/04

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

[Approved]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 23/08/2023

Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

No	Function/Description	Status	Disposal Action
1.0	<p>Coronial Investigations</p> <p>The function of investigating deaths and fires reported to the Coroners Court. This includes:</p> <ul style="list-style-type: none"> • receiving a report of a death or fire • determining whether it is a reportable or reviewable death • investigation into the identity of the person, cause of death or fire, and in some cases, the circumstances around the death or fire • an inquest where required • issuing of findings by the coroner • issuing of recommendations in cases where a coroner has identified systemic issues or other findings • reopening cases upon identification of new evidence • reviewing appeals of the coroner’s decision in a case • providing specialist support services to families and other parties throughout the investigation and inquest process. <p>A reportable death is where either:</p> <ul style="list-style-type: none"> • the body is in Victoria • the death occurred in Victoria • the cause of death occurred in Victoria, or • the person ordinarily resided in Victoria at the time of death. <p>And the death is either:</p> <ul style="list-style-type: none"> • unexpected, unnatural, or violent • resulted directly or indirectly from an accident or injury 		

Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

No	Function/Description	Status	Disposal Action
<i>Coronial Investigations</i>			
	<ul style="list-style-type: none"> • occurred during or after a medical procedure where a registered medical practitioner would not have reasonably expected the death • occurred where the person was immediately prior to the death in custody or care, or • a case where the identity of the person or their cause of death is unknown. <p>A reviewable death is a child death where the death is a second or subsequent child to have died of the same parent, unless the child has died in a hospital and always remained an in-patient and the death is not otherwise reportable.</p> <p>The coroner determines whether a death is a reportable death.</p> <p>The coroner makes a determination on whether to provide a finding of a 'death with circumstances' or a 'death without circumstances' for coronial cases. In each case the death is investigated by the coroner. Findings with circumstances will involve a more detailed investigation, with a coronial brief prepared outlining the factors surrounding the death. Where a finding is issued without circumstances, a full investigation is not required. A cause of death is determined but the coroner directs that a detailed investigation or the preparation of a coronial brief is not required.</p>		
1.1	<p>Records of continuing value documenting the registration and management of each case referred to and investigated by the coroner.</p> <p>This includes a summary record of all cases registered. Case registration data may include:</p> <ul style="list-style-type: none"> • case number • case name and details of the deceased • case status • type of death • date reported • coroner 	Permanent	Retain as State Archives, Transfer to PROV

Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

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<i>Coronial Investigations</i>			
	<ul style="list-style-type: none"> • has distressing content • restricted access case • type of custody or care contact death • family concerns received • family violence • committal brief expected. <p>The summary record may include hardcopy registers, indexes, and the registration data contained in any electronic case management system.</p> <p>This class also includes full investigation records documenting cases that result in:</p> <ul style="list-style-type: none"> • a finding into death with circumstances • a finding into death with inquest • a finding into the cause of a fire. <p>Also includes detailed reviews of a case to determine systemic failings.</p> <p>The case record may also include receipt and response to requests for case information from families, health providers, and/or other agencies. It can also include records of support services provided to families and other interested parties to an investigation or inquest.</p> <p>Also includes recommendations and advice on public health and safety developed in response to coroners' referrals relevant to the cause of a death, e.g. reviews and research conducted by the Coroners Prevention Unit relevant to specific deaths.</p>		
1.2	<p>Records of medium-term value documenting investigations that result in:</p> <ul style="list-style-type: none"> • findings of death by natural causes • findings of death without circumstances • cases where a coroner determined the death was not reportable or reviewable • cases finalised without a coronial investigation. 	Temporary	Destroy 25 years after completion of the case.

Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

No	Function/Description	Status	Disposal Action
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Coronial Investigations

1.3	<p>Records of short-term value documenting the administrative activities supporting the investigation of coronial cases.</p> <p>Includes:</p> <ul style="list-style-type: none">• copies of transcripts/recordings of proceedings provided to the Court by the Victorian Government Reporting Service• duplicate copies of briefs not required for the case files in 1.1 and 1.2.	Temporary	Destroy after administrative use has concluded.
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Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

No	Function/Description	Status	Disposal Action
<i>Research</i>			
2.0	<p>Research</p> <p>The function of conducting research, recording coronial data, and providing advice on preventable deaths that is not specifically case-based.</p> <p>The Coroners Court researches and analyses ways to improve public health and safety by developing recommendations and general advice to help prevent similar deaths in the future. Research is also conducted into non case-specific issues, and results are reported to the coroner and/or published. Responses to Victorian coronial recommendations are also collated and published.</p> <p>This function also includes establishing and maintaining registers required by the Act (excluding case registers covered in 1.1), and non-statutory registers that are used to support the business of the Court and use by other stakeholders. It includes various regular reports on specific issues drawn from coronial data, such as family violence and suicide.</p>		
2.1	<p>Records of continuing value documenting research conducted and advice provided to the coroner or other body on death prevention-related issues not related to specific cases. This includes:</p> <ul style="list-style-type: none"> • expert advice on a specific topic • advice on the current state of an issue and recommendations for improvement • research papers • briefs • death prevention-related submissions on behalf of the State Coroner to reviews and inquiries. <p>Includes published papers, reports, statistics, and consolidated data on specific issues or types of death.</p> <p>This class also includes reports such as, but not limited to:</p> <ul style="list-style-type: none"> • the Victorian Systemic Review of Family Violence Deaths 	Permanent	Retain as State Archives, Transfer to PROV

Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

No	Function/Description	Status	Disposal Action
<i>Research</i>			
	<ul style="list-style-type: none"> • Biannual Victorian suicides of Aboriginal and Torres Strait Islander people report • Coroners Court Monthly Suicide Data Report • Coroners Court quarterly Recommendations Report. <p>This class also includes creation and maintenance of hardcopy and electronic registers of coronial data by the Court, both statutory and non-statutory, including:</p> <ul style="list-style-type: none"> • authorisations issued by coroners to police officers to investigate deaths • authorisations issued by coroners to police officers to investigate fires • exhumations authorised by the State Coroner • certificates given to witnesses relating to privilege in respect of self-incrimination in other proceedings • orders restricting disclosure • Victorian Overdose Death Register • Victorian Suicide Register • Victorian Homicide Register • Aboriginal Passings Register. 		
2.2	<p>Records of short-term value documenting research conducted and advice provided by the Court. Includes:</p> <ul style="list-style-type: none"> • receipt and response to media or external research requests • drafts and other development materials of records listed in 2.1. 	Temporary	Destroy after administrative use has concluded.

Retention and Disposal Authority for Records of the Coroners Court of Victoria

Authority number: PROS 23/04

No	Function/Description	Status	Disposal Action
<i>Court Administration</i>			
3.0	<p>Court Administration</p> <p>The function of developing and administering Court practices and procedures.</p> <p>This includes issuing practice directions, statements, or notes in relation to investigations and hearings of the Court.</p> <p>It also includes activities associated with the support of Court proceedings and investigations, such as scheduling and developing guidance materials for people engaging with Court processes.</p>		
3.1	<p>Records of continuing value documenting the administration of the Court. Includes:</p> <ul style="list-style-type: none"> • practice directions, statements, or notes on specific protocols for people practising in the Court • Coroners Court Practice Handbook. 	Permanent	Retain as State Archives, Transfer to PROV
3.2	<p>Records of short-term value documenting the day-to-day administration of the Court. Includes:</p> <ul style="list-style-type: none"> • records of scheduling inquests • court room bookings • guides and other information for people - such as families and interested parties - involved in the Court process. <p><i>See RDA for Records of Common Administrative Functions for records of witness expense claims.</i></p>	Temporary	Destroy after administrative use has concluded.