

## State Records Authority of New South Wales

### **Functional Retention and Disposal Authority: FA292**

This authority covers records documenting the function of sentencing guidance, judicial education, and examination of complaints

Issued to Judicial Commission of NSW

This functional retention and disposal authority is approved under section 21(2)c of the *State Records Act 1998* following prior approval by the Board of the State Records Authority of New South Wales in accordance with section 21(3) of the Act.



**State Records Authority of New South Wales**  
**Functional Retention and Disposal Authority**

**Authority no** FA292

**SR file no** 08/0587

**Scope**

This functional retention and disposal authority covers records documenting the function of sentencing guidance, judicial education, and examination of complaints from 1986 onwards.

**Public office**

Judicial Commission of NSW

**Approval date**

Alan Ventress  
Director  
State Records Authority of New South Wales

18/12/2009  
Date

## About the Functional Retention and Disposal Authority

### Purpose of the authority

The purpose of this functional retention and disposal authority is to identify those records created and maintained by NSW public offices which are required as State archives and to provide approval for the destruction of certain other records created and maintained by NSW public offices, after minimum retention periods have been met.

The approval for disposal given by this authority is given under the provisions of the *State Records Act 1998* only and does not override any other obligations of an organisation to retain records.

### The retention and disposal of State records

The records retention and disposal practices outlined in this authority are approved under section 21(2)(c) of the *State Records Act 1998 (NSW)*. Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of State Records with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Records does not disapprove. Advice on the State Records Act can be obtained from State Records.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. The State Records Authority ('State Records') reviews and approves organisations' retention and disposal authorities under the State Records Act.

This authority is the product of an appraisal process conducted in accordance with State Records' *Standard on the appraisal and disposal of State records*. It is the duty of a public office, in submitting a draft functional retention and disposal authority for approval, to disclose to State Records any information which affects the retention of the records covered by the authority.

State Records' decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Records' functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in *Building the Archives: Policy on records appraisal and the identification of State archives*. The Policy also explains the roles and responsibilities of State Records and of public offices in undertaking appraisal processes and disposal activities.

## **Implementing the authority**

This functional retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority. The authority should be implemented as part of the records management program of the organisation. Two primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. Advice on sentencing can be obtained from State Records. See *Planning a sentencing project*.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependant records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see also the *General Retention and Disposal Authority – Imaged records*). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

## **Disposal action**

### ***Records required as State archives***

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Records when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Records regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Records' control should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

### ***Records approved for destruction***

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are *minimum* periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, and government directives. A public office *must not* dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) where the records may be required as evidence.

Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded. See *Destruction of records: a practical guide*.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation's functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:

- business needs or practices change
- new laws, regulations or standards are introduced
- new technology is implemented
- government administration is restructured and functions are moved between entities, or
- unforeseen or new community expectations become apparent.

State Records recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office must not permanently transfer possession or ownership of a State record to any person or organisation without the explicit approval of State Records.

### **Custody**

The custody column in the functional retention and disposal authority is designed to assist public offices in identifying storage requirements or transfer arrangements for records identified as State archives (ie with a Disposal action of 'Required as State archives'). The directions in this column are recommendations only and are *not* mandatory. The type of information may include directions on how long records should be retained in the office and how long they should be kept in off-site, off-line or secondary storage prior to their transfer as State archives. A

recommendation to retain records in the organisation for more than 25 years does not imply that a *still in use determination* (see Part 4, Section 28 of the *State Records Act 1998*) or that a distributed management agreement (see Part 4, Section 30 of the *State Records Act 1998*) has been approved by State Records. Advice on arrangements for managing and transferring State archives can be obtained from State Records.

### **Administrative change**

This functional retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Records for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Records to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.

### **Amendment and review of this authority**

State Records must approve any amendment to this authority. Public offices that use the authority should advise State Records of any proposed changes or amendments to the authority.

State Records recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Records may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements or procedures which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Records and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

### **Contact Information**

State Records  
PO Box 516 Kingswood NSW 2747  
Telephone: (02) 8247 8627  
Facsimile: (02) 8247 8626  
E-mail: [govrec@records.nsw.gov.au](mailto:govrec@records.nsw.gov.au)

**Functional Retention and Disposal Authority**  
**Sentencing guidance, judicial education, and examination of complaints (Judicial Commission of NSW)**

Authority number: FA292

Dates of coverage: 1986+

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## Sentencing guidance, judicial education, and examination of complaints

Authority number: FA292

Dates of coverage: 1986+

List of Functions and Activities covered
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No	Function/Activity	Description	Disposal Action	Custody*
1.0.0	<b>JUDICIAL DECISION SUPPORT</b>	<p>The processes involved in developing and providing tools and systems to support judicial decision making. Includes projects to improve the consistency of sentences imposed by the courts.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>INFORMATION MANAGEMENT - Agreements</b> for records relating to agreements and memoranda for sharing legal information resources.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>PUBLICATION</b> for the process of publishing research products.</p>		
1.1.0	<b>Advice</b>	<p>The activities involved in providing advice and information to external agencies on matters such as sentencing practices and trends in NSW and elsewhere, usage and interpretation of standards such as Lawcodes, or the operation of particular areas of the law in relation to specific community groups or social issues.</p> <p>See <b>JUDICIAL DECISION SUPPORT - Research</b> for records relating to research support provided to Bench Book committees.</p> <p>See <b>JUDICIAL INFORMATION SYSTEMS DESIGN AND MAINTENANCE - Advice</b> for records relating to consultancy advice provided to clients regarding information systems built and supported by the agency.</p>		

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<i>JUDICIAL DECISION SUPPORT - Advice</i>				
		See General Retention and Disposal Authority <i>Administrative Records</i> <b>COMMUNITY RELATIONS - Enquiries</b> for enquiries about the organisation and its services.  See General Retention and Disposal Authority <i>Administrative Records</i> <b>GOVERNMENT RELATIONS - Advice</b> for records relating to advice to the portfolio Minister.		
1.1.1		Records relating to input to advisory committees convened by State and federal law reform groups and interagency and intergovernmental forums for consulting on the operation of the law. Includes advice provided to the NSW Law Reform Commission and the NSW Sentencing Council. Records include briefings, agenda papers, submissions and reports.	Required as State archives	Retain minimum of 10 years after last action, then transfer
1.1.2		Records relating to advice provided to law enforcement agencies and courts on the application of common standards for describing offences. Includes advice relating to the Lawcodes database.	Retain minimum of 7 years after last action, then destroy	
1.1.3		Records relating to responses to research enquiries from judicial officers, legal practitioners, libraries, subscribers, government agencies, etc. regarding sentencing information.	Retain minimum of 7 years after last action, then destroy	
1.2.0	<b>Committees</b>	The activities associated with the management of committees that develop tools to support judicial decision making. Includes the Criminal Trials Bench		

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<i>JUDICIAL DECISION SUPPORT - Committees</i>				
		Book Committee.		
1.2.1		Records relating to the management of committees that develop Bench Books and other tools to support judicial decision making. Records include agenda and minutes.	Required as State archives	Retain minimum of 10 years after last action, then transfer
1.3.0	<b>Consistency of codes for describing offences</b>	The process of providing frameworks to assist relevant authorities in attaining consistency in charging and sentencing.  See <b>JUDICIAL DECISION SUPPORT - Advice</b> for records relating to advice provided on the application of Lawcodes.		
1.3.1		Final versions of common codes for describing offences. Includes the Lawcodes database.	Required as State archives	Retain until reference use ceases, then transfer
1.3.2		Records relating to the development of common codes for describing offences. Includes records of special projects such as the Road Rules Project. Records include minutes of meetings with agencies to discuss additions or amendments to the Lawcodes database and records of liaison with project partners for special law codes projects.	Required as State archives	Retain until reference use ceases, then transfer
1.3.3		Records relating to the notification and publication of changes to common codes describing offences. Records include official notifications of changes and communications and correspondence with agencies to publicise the updates.	Retain minimum of 5 years after last action, then destroy	

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<i>JUDICIAL DECISION SUPPORT - Monitoring</i>				
1.4.0	<b>Monitoring</b>	The processes of observing, measuring and reporting on systems or activities, usually to identify changes over time, or to take remedial action.		
1.4.1		Published collections of reference material for judicial officers, the courts, the legal profession and government agencies involved in the justice system. Includes the Judicial Information Research System (JIRS) and the Sentencing Information System (SIS).	Retain in agency	
1.4.2		Records of the preparation of summaries and commentaries relating to cases, sentencing principles and practice.	Retain minimum of 5 years after reference ceases, then destroy	
1.4.3		Records relating to the monitoring of legislative updates and court outcomes. Includes updates received of recent cases and legislation in both NSW and federal jurisdictions, sentencing statistics, and other outcomes of courts.	Retain until reference use ceases, then destroy	
1.5.0	<b>Procedures and guidelines</b>	Activities related to the development of guidance and standard methods of operation.		
1.5.1		Records relating to guidelines for producing research products. Includes guidelines on how to produce case summaries.	Retain minimum of 5 years after superseded, then destroy	
1.5.2		Records relating to guidelines for assisting users of agency products.	Retain minimum of 5 years after superseded, then	

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<i>JUDICIAL DECISION SUPPORT - Research</i>				
			destroy	
1.6.0	<b>Research</b>	The activities involved in investigating or enquiring into a subject or area of interest in order to discover facts, principles etc. used to support the development of projects, standards, guidelines etc., and the business activities of the agency in general.		
1.6.1		Final versions of research publications and other material that provides guidance to judicial officers and others. Records include Bench Books, sentencing principles and practice, monographs, articles and videos.	Required as State archives	Retain until reference use ceases, then transfer
1.6.2		Records relating to the development of research publications. Includes project records and drafts of research material.	Retain minimum of 5 years after last action, then destroy	
1.6.3		Records relating to the development and production of service directories, such as guides and contact lists for rehabilitation programs.	Retain until superseded, then destroy	
2.0.0	<b>JUDICIAL EDUCATION AND PROFESSIONAL DEVELOPMENT</b>	The processes involved in providing professional development services to judicial officers through research, publications, conferences and seminars.		
2.1.0	<b>Agreements</b>	The processes associated with the establishment, negotiation, maintenance and review of agreements.  See General Retention and Disposal Authority <i>Administrative Records</i> <b>CONTRACTING-OUT</b> for records relating to the provision of services at		

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*JUDICIAL EDUCATION AND PROFESSIONAL DEVELOPMENT - Agreements*

		educational events.		
2.1.1		Records relating to agreements to provide educational and professional development services to judicial officers. Includes joint ventures with the National Judicial College of Australia and the Australian Institute of Judicial Administration.	Retain minimum of 10 years after agreement expires, then destroy	
2.2.0	<b>Conferences and seminars</b>	<p>Activities related to hosting judicial education conferences and seminars. Includes conference papers and registration of participants.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>COMMUNITY RELATIONS - Conferences</b> for records relating to administrative arrangements for conferences.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>COMMUNITY RELATIONS - Marketing</b> for records relating to marketing campaigns and advertising for conferences.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>PUBLICATION</b> for records relating to the publication of conference papers and programs.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>STAFF DEVELOPMENT - Conferences</b> for staff development conferences not relating to judicial education.</p>		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>JUDICIAL EDUCATION AND PROFESSIONAL DEVELOPMENT - Conferences and seminars</i>				
2.2.1		Final versions of reports of proceedings, papers and addresses for conferences and seminars conducted as part of judicial education programs.	Required as State archives	Retain minimum of 10 years after last action, then transfer
2.2.2		Records relating to the registration of conference papers.	Retain minimum of 10 years after date of registration, then destroy	
2.2.3		Records relating to the registration of participants at conferences and seminars. Records include participant lists, attendance confirmations, distribution of papers and programs, post conference evaluation and follow-up. Also includes collection of attendance statistics.	Retain minimum of 5 years after last action, then destroy	
2.3.0	<b>Education committees</b>	The activities related to the organisation and support of judicial education committees. The judicial education committees established in each court comprise judicial officers who provide expert input to the planning and development of many of the agency's judicial education programs.		
2.3.1		Records relating to judicial education committees. Records include correspondence with the committees and minutes and agenda of meetings of committees. Includes general committees, such as the Aboriginal Cultural Awareness Program Steering Committee, and committees for particular courts.	Required as State archives	Retain minimum of 10 years after last action, then transfer
2.4.0	<b>Education program development</b>	The processes involved in developing new and revising existing programs.		

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<i>JUDICIAL EDUCATION AND PROFESSIONAL DEVELOPMENT - Education program development</i>				
		See <b>JUDICIAL EDUCATION AND PROFESSIONAL DEVELOPMENT - Education committees</b> for records relating to the involvement of committees in designing and recommending changes to education programs.		
2.4.1		Records relating to final programs for the education and training of judicial officers including social and cultural awareness training programs.	Required as State archives	Retain minimum of 10 years after program is superseded, then transfer
2.4.2		Records relating to the development of programs for the education and training of judicial officers. Records include surveys of educational needs and the engagement of course writers.	Retain minimum of 5 years after last action, then destroy	
2.5.0	<b>Planning and evaluation</b>	The processes involved in the planning and evaluation of educational and professional development programs for judicial officers.  See <b>JUDICIAL EDUCATION AND PROFESSIONAL DEVELOPMENT - Education committees</b> for final evaluation reports of educational and professional development programs for judicial officers.		
2.5.1		Records relating to course planning and evaluation. Records include the development of course evaluation benchmarks, the receipt, analysis and reporting of course feedback, and the measurement of performance against benchmarks developed externally.	Retain minimum of 10 years after last action, then destroy	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>JUDICIAL INFORMATION SYSTEMS DESIGN AND MAINTENANCE</i>				
3.0.0	<b>JUDICIAL INFORMATION SYSTEMS DESIGN AND MAINTENANCE</b>	<p>The functions involved in developing and maintaining information systems for the agency, the NSW judicial system and agencies in other jurisdictions.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>TECHNOLOGY AND TELECOMMUNICATIONS - Agreements</b> for records relating to agreements and memoranda for sharing legal information resources.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>TECHNOLOGY AND TELECOMMUNICATIONS - Application development and management</b> for records relating to application development undertaken by the agency.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>TECHNOLOGY AND TELECOMMUNICATIONS - Audit</b> for records relating to information systems audits.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>TECHNOLOGY AND TELECOMMUNICATIONS - Customer service</b> for records relating to customer/user support activities, including help desk services.</p>		
3.1.0	<b>Advice</b>	<p>The activities associated with offering opinions by or to the organisation as to an action or judgment. Includes the process of advising.</p>		

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<i>JUDICIAL INFORMATION SYSTEMS DESIGN AND MAINTENANCE - Advice</i>				
3.1.1		Records relating to consultancy advice provided to clients regarding information systems built and supported by the agency.	Retain minimum of 12 years after the information system is superseded, then destroy	
3.2.0	<b>Intellectual property</b>	<p>The activities involved in managing the organisation's intellectual property, both published and unpublished.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>PUBLICATION - Intellectual property</b> for records relating to applications to reproduce materials in which the organisation retains copyright.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>TECHNOLOGY AND TELECOMMUNICATIONS - Intellectual property</b> for records relating to applications to use portions of the software developed by the organisation.</p>		
3.2.1		Records relating to investigations of breaches of the organisation's intellectual property.	Retain minimum of 7 years after last action, then destroy	
4.0.0	<b>JUDICIAL PERFORMANCE REVIEW</b>	The function of receiving and responding to complaints and concerns raised about the individual performance of judicial officers.		
4.1.0	<b>Advice and information</b>	The processes involved in providing information and advice regarding procedures for making complaints against judicial officers. Includes brochures and fact		

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<i>JUDICIAL PERFORMANCE REVIEW - Advice and information</i>				
		<p>sheets.</p> <p>See <b>JUDICIAL PERFORMANCE REVIEW - Complaints</b> for records relating to enquiries and complaints that are summarily dismissed.</p> <p>See <b>JUDICIAL PERFORMANCE REVIEW - Conduct Division reviews</b> for records relating to advice provided to parties regarding complaints referred to the Conduct Division.</p> <p>See <b>JUDICIAL PERFORMANCE REVIEW - Preliminary investigations</b> for records relating to advice provided to parties regarding complaints that result in an investigation.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>GOVERNMENT RELATIONS - Advice</b> for records relating to advice provided to the portfolio Minister regarding the complaints process.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>PUBLICATION</b> for records relating to the publication of brochures and fact sheets.</p>		
4.1.1		Records relating to the provision of fact sheets, brochures, presentations and other forms of published advice and general information about the process of making complaints about the conduct of judicial officers.	Retain minimum of 10 years after last action, then destroy	
4.2.0	<b>Complaints</b>	The activities involved in receiving and evaluating		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>JUDICIAL PERFORMANCE REVIEW - Complaints</i>				
		<p>complaints against judicial officers to determine whether they disclose prima facie grounds for a preliminary investigation.</p> <p>See <b>JUDICIAL PERFORMANCE REVIEW - Conduct Division reviews</b> for records relating to investigations of the Conduct Division.</p> <p>See <b>JUDICIAL PERFORMANCE REVIEW - Preliminary investigations</b> for records relating to the preliminary investigation of complaints.</p>		
4.2.1		Records relating to enquiries and to complaints not requiring investigation.	Retain minimum of 25 years after last action, then destroy	
4.3.0	<b>Conduct Division reviews</b>	<p>The processes relating to the referral to and review of matters by the Conduct Division.</p> <p>See <b>JUDICIAL PERFORMANCE REVIEW - Complaints</b> for records relating to complaints about judicial officers not requiring investigation.</p> <p>See <b>JUDICIAL PERFORMANCE REVIEW - Preliminary investigations</b> for records relating to preliminary investigations undertaken to determine whether a complaint discloses prima facie grounds for further action.</p> <p>See General Retention and Disposal Authority <i>Administrative Records</i> <b>CONTRACTING-OUT</b> for records relating to the contracting out of review work,</p>		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>JUDICIAL PERFORMANCE REVIEW - Conduct Division reviews</i>				
		such as research, investigation and report writing, to judicial officers and retired judicial officers.		
4.3.1		Records relating to hearings into complaints. Records include hearing directions, witness statements, transcripts, decisions, agenda and minutes, reports for the Governor or heads of jurisdiction, records of advice and the notification of outcomes to complainants or referring agencies, courts, and the judicial officer under review, etc.	Required as State archives	Retain minimum of 10 years after last action, then transfer
4.3.2		Records relating to the formation of Conduct Division panels for the purpose of considering complaints against judicial officers.	Retain minimum of 10 years after last action, then destroy	
4.3.3		Records gathered by the Conduct Division while investigating complaints. Includes copies of transcripts and sound recordings of judicial hearings that are the subjects of complaints. Also includes records of interviews of complainants, witnesses, and judicial officers.	Retain minimum of 7 years after last action, then destroy	
4.4.0	<b>Planning and evaluation</b>	The activity of evaluating and planning improvements to judicial performance review processes.		
4.4.1		Records relating to the evaluation performance against benchmarks (such as time standards) and planning improvements to processes. Includes records relating to the monitoring of time taken to investigate complaints.	Retain minimum of 10 years after last action, then destroy	
4.5.0	<b>Policy</b>	The activities associated with developing and establishing decisions, directions and precedents which		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>JUDICIAL PERFORMANCE REVIEW - Policy</i>				
		act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined.		
4.5.1		Records relating to policies governing the processes of reviewing the performance of judicial officers. Includes Conduct Division policies.	Required as State archives	Retain minimum of 10 years after last action, then transfer
4.6.0	<b>Preliminary investigations</b>	<p>The processes involved in undertaking a preliminary examination of a complaint, Ministerial reference or reference from a head of jurisdiction to ascertain whether it merits further action.</p> <p>See <b>JUDICIAL PERFORMANCE REVIEW - Complaints</b> for records relating to complaints about judicial officers not requiring investigation.</p> <p>See <b>JUDICIAL PERFORMANCE REVIEW - Conduct Division reviews</b> for records relating to investigations of the Conduct Division.</p>		
4.6.1		Records relating to the preliminary examination of a complaint, Ministerial reference or reference from a head of jurisdiction, whether or not further action is recommended. Includes results of medical examinations, reports made to the Commission about the judicial officer, advice to complainants or referring agency, head of jurisdiction, and the judicial officer concerned on the results of the investigation. Records include the register of complaints investigated.	Required as State archives	Retain minimum of 10 years after last action, then transfer
4.7.0	<b>Procedures</b>	Standard methods of operating laid down by an		

\* see *About the functional retention and disposal authority*

## Sentencing guidance, judicial education, and examination of complaints

Authority number: FA292

Dates of coverage: 1986+

No	Function/Activity	Description	Disposal Action	Custody*
<i>JUDICIAL PERFORMANCE REVIEW - Procedures</i>				
		organisation according to formulated policies.		
4.7.1		Records relating to internal guidelines used by decision makers in conducting reviews of judicial performance.	Required as State archives	Retain minimum of 10 years after superseded, then transfer
4.8.0	<b>Vexatious complainant declarations</b>	The declaration of a complainant who habitually and persistently, and mischievously and without reasonable grounds makes complaints, as a vexatious complainant.		
4.8.1		Records relating to vexatious complainant declarations. Includes revocation of declarations. Records include determination and registration of declarations and revocations, grounds for determinations, correspondence with complainants, and advice to complainants of their vexatious complainant status.	Retain minimum of 7 years after last action, then destroy	
5.0.0	<b>JUDICIAL SYSTEM CAPACITY BUILDING</b>	The process of assisting courts and judicial officers in other jurisdictions to build and enhance their capacity and performance by improving judicial education and governance arrangements.  See General Retention and Disposal Authority <i>Administrative Records</i> <b>COMMITTEES</b> for records relating to inter-government and international forums attended by the agency, both where the agency provides the secretariat and where it does not.		
5.1.0	<b>Advice</b>	The activities associated with offering opinions by or to the organisation as to an action or judgment. Includes the process of advising.		

\* see *About the functional retention and disposal authority*

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No	Function/Activity	Description	Disposal Action	Custody*
<i>JUDICIAL SYSTEM CAPACITY BUILDING - Advice</i>				
		See General Retention and Disposal Authority <i>Administrative Records</i> <b>GOVERNMENT RELATIONS - Advice</b> for records relating to advice provided to the portfolio Minister.		
5.1.1		Records relating to advice provided to other jurisdictions regarding the development of their judicial education and oversight systems. Includes advice provided to legal systems outside Australia and liaison with the Asia-Pacific Judicial Education Forum.	Retain minimum of 10 years after last action, then destroy	
5.2.0	<b>Agreements</b>	The processes associated with the establishment, negotiation, maintenance and review of agreements.		
5.2.1		Records relating to agreements and memoranda of understanding with other jurisdictions for the provision of judicial education and governance services.	Retain minimum of 10 years after agreement is superseded or expires, then destroy	

\* see *About the functional retention and disposal authority*