

Retention and Disposal Authority for Records of the Children's Court

Authority number: PROS 09/04 VAR 3



PROS 09/04 VAR 3

**Retention and Disposal Authority for Records of
the Children's Court**

Issued Date: 15/02/2021

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Variation 1

Public Records Act 1973 (Section 12)

Retention & Disposal Authority for the Children's Court (PROS 09/04)

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of the Children's Court, issued as Public Record Office Standard (PROS 09/04) on 26/08/2009, as follows:

Extension of the application of the Authority until varied or revoked

Class No	Description
1.2.0	Stalking Intervention Orders Act 2008 (repealed) replaced with Personal Safety Intervention Order Act 2010
1.2.2	Disposal Action Status changed from Temporary 99 year retention, to Permanent retention
1.3.0	'Child homicide' added to list of Criminal charges not dealt with

This variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Director and Keeper of Public Records

Date of issue: 19/12/2016

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Variation 2

Public Records Act 1973 (Section 12)

Retention & Disposal Authority for the Office of the Children's Court (PROS 09/04)

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of the Children's Court, issued as Public Record Office Standard (PROS 09/04) on 26/08/2009, as follows:

Extension of the application of the Authority until 30/06/2021

This variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Director and Keeper of Public Records

Date: 19/11/2018

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Variation 3

Public Records Act 1973 (Section 12)

Retention & Disposal Authority for the Office of the Children's Court (PROS 09/04)

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of the Children's Court, issued as Public Record Office Standard (PROS 09/04) on 26/08/2009, as follows:

Extension of the application of the Authority until 30/06/2024

This variation shall have effect from its date of issue.

[approved]

Justine Heazlewood

Director and Keeper of Public Records

Date: 15/02/2021

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Retention and Disposal Authority for Records of the Children's Court

Retention and Disposal Authority No	PROS 09/04 VAR 3
Scope	This RDA authorises the disposal of records created by the Children's Court of Victoria.
Status	Issued by Keeper
Issue Date	15/02/2021

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List of Functions and Activities covered

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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 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.

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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.

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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 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*

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Concurrence of Public Office

This Authority has the concurrence of:

Signature: [signed]

Name: Paul D Grant

Position: President of Children's Court

Date: 31/07/2009

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 Children's Court of Victoria. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked prior to that date.

[signed]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 26/08/2009

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No	Function/Activity	Description	Status	Disposal Action
1	CASE MANAGEMENT	The management of cases within the jurisdiction of the Children's Court from registration through hearing and final outcome. Includes cases within the Family Division, the Criminal Division, the Koori Court (Criminal Division) and the Neighbourhood Justice Division.		
1.1	Registration and Control	The activities related to the registration and management of cases heard by the Court.		
1.1.1	Case Registration	The records that uniquely identify each individual case heard or administered by the Children's Court. Includes hard copy registers and the registration data contained in any electronic case management system. Data contained in case registration records may include names of parties, type of action and outcome of Court hearing.	Permanent	Retain as State archives
1.1.2	Case Hearing Scheduling	The records documenting the scheduling of cases heard in the Children's Court. Includes case listings and records relating to the allocation of judge/magistrates to cases. Includes the associated data contained in any electronic case management system.	Temporary	Destroy 2 years after last action.
1.2	Family Division	The activities associated with the Children's Court responsibilities under the <i>Children, Youth and Families Act 2005</i> . Applications heard by this Division relate to child protection, permanent care and irreconcilable differences.		

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Family Division</i>				
		<p>Includes applications for Search Warrants for the apprehension of children under the <i>Children, Youth and Families Act 2005</i>.</p> <p>Includes applications for Intervention Orders under the <i>Family Violence Protection Act 2008</i> and the <i>Personal Safety Intervention Order Act 2010</i>, including those heard within the Neighbourhood Justice Division because they arise within a particular municipal district.</p>		
1.2.1	Family Division - Orders Made	<p>The record of orders made in the Family Division of the Children's Court, including interim and final orders made by the Court (including suppression orders).</p> <p>Also includes interstate orders transferred to Victoria for registration.</p> <p>[For case records of a Family Division case, use 1.2.2]</p> <p>[For case registration records, use 1.1.1]</p>	Permanent	Retain as State archives
1.2.2	Family Division - Case Records	<p>Family Division Case Records including original application(s), reports tendered to the Court in support of and in objection to the application(s), notations, minutes of proposed orders, consent orders (if any) signed by parties, subpoenas for witnesses and documents, written judgments, correspondence.</p> <p>[For case registration records, use 1.1.1]</p>	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Family Division</i>				
1.2.3	Family Division - Originating Process	The issue copy of originating process by which a case commences.	Temporary	Destroy 5 years after issue.
1.2.4	Search Warrants - Case Records	Search warrants issued by the Court for the apprehension of children if a child is in need of protection, if a child fails to appear at Court, or if certain Court orders are breached. Includes search warrant application with affidavit in support, correspondence and original search warrant. [For case registration records, use 1.1.1]	Temporary	Destroy 5 years after last action.
1.2.5	Intervention Orders - Case Records	Applications for Intervention Orders relating to stalking and/or family violence complaints. Includes all originating complaint(s)/application(s), affidavits, warrants, correspondence and suppression orders. [For case registration records, use 1.1.1]	Temporary	Destroy 5 years after last action.
1.3	Criminal Division	The activities concerned with the Children's Courts responsibilities to hear charges against children and young persons aged 10 years or above but under the age of 18 years at the time of the alleged commission of the offence; excluding any person who is of or above the age of 19 years when a proceeding is commenced. The Criminal Division may deal with all charges except murder, attempted murder, manslaughter, child homicide, arson causing death and culpable driving causing death. Includes criminal cases heard within the		

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Criminal Division</i>				
		Neighbourhood Justice Division and criminal cases heard within the Koori Court (Criminal Division). The Koori Court hears matters relating to criminal offending by Koori children and young persons (other than sexual offences).		
1.3.1	Criminal Cases Orders Made	<p>The official record of the charges upon which a child or young person is brought before the Court and the Courts decision of the outcome of a criminal proceeding.</p> <p>Includes the date and place of hearing, the presiding Magistrate or Judge, name, age and date of birth of the child or young person, offences and sentence.</p> <p>[For case records of a criminal case, use 1.3.2] [For case registration records, use 1.1.1]</p>	Permanent	Retain as State archives
1.3.2	Criminal Division - Case Records	<p>Criminal Division Case Records including original originating process (charge sheets), affidavits, warrants, bail bonds, correspondence, reports and suppression orders.</p> <p>Includes any additional Case Records maintained by the Koori Court (Criminal Division).</p> <p>[For case registration records, use 1.1.1]</p>	Temporary	Destroy 5 years after last action.
1.3.3	Criminal Division - Originating Process	The issue copy of originating process (charge sheets) by which a case commences.	Temporary	Destroy 5 years after issue.
1.4	Children's Court Clinic	The activities associated with the Children's Court Clinics functions under the <i>Children, Youth and</i>		

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Children's Court Clinic</i>				
		<i>Families Act 2005.</i> These functions include making clinical assessments of children, submitting reports to courts and other bodies and providing clinical services to children and their families.		
1.4.1	Childrens Court Clinic - Index	Index recording details of each child/family referred to the Children's Court Clinic.	Permanent	Retain as State archives
1.4.2	Childrens Court Clinic - Case Records	Children's Court Clinic Case Records including Court referral details and contact information, family histories and information about family structure, original notes of clinician, results of clinical testing, details of treatment provided, correspondence and Court reports.	Permanent	Retain as State archives
2	COURT ADMINISTRATION	The function associated with the administration of the Court, including those activities legislated by the <i>Children, Youth and Families Act 2005</i> concerning the operation of the Act and the administration of the Court.		
2.1	Judicial Proceedings Support	Activities associated with support of Court proceedings and practice. Includes activities carried out by persons acting judicially, the Registrar, Court staff, Court researchers, external bodies and outsourced private contractors		
2.1.1	Judicial Practice Directions	A master set of Judicial Practice Directions. Practice Directions are issued by the President of the Children's Court and supplement the procedures set	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>COURT ADMINISTRATION - Judicial Proceedings Support</i>				
		out in the <i>Children, Youth and Families Act 2005</i> .		
2.1.2	Registrar Practice Directions	A master set of Registrar Practice Directions issued with the authority of the Principal Registrar of the Children's Court.	Permanent	Retain as State archives
2.1.3	Audio and visual recordings of Court proceedings	Audio and visual recordings of Court proceedings made by Court staff.	Temporary	Destroy 1 year after date of hearing.