



Retention & Disposal Authority for Records of the Office of Public Prosecutions

Version 2019

Incorporating Variation 1, 2, 3, 4 & 5

04/03	Issue Date: 13/05/2004	Expiry Date: 13/05/2014
Variation 1	Issue Date: 23/12/2013	Expiry Date: 31/12/2016
Variation 2	Issue Date: 23/11/2016	Expiry Date: 31/12/2017
Variation 3	Issue Date: 22/09/2017	Expiry Date: 31/12/2018
Variation 4	Issue Date: 19/11/2018	Expiry Date: 30/06/2020
Variation 5	Issue Date: 06/12/2019	Expiry Date: 30/06/2023

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Public Records Act 1973

(Section 12)

Retention and Disposal Authority for Records of the Office of Public Prosecutions

Public Record Office Standard (PROS) 04/03

Variation 1:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Retention and Disposal Authority for Records of the Office of Public Prosecutions, issued as Public Record Office Standard (PROS) 04/03 on 13/05/2004, as follows:

Extension of the application of this Standard until 31/12/2016

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date: 23/12/2013

Director and Keeper of Public Records

Public Records Act 1973

(Section 12)

Retention and Disposal Authority for Records of the Office of Public Prosecutions

Public Record Office Standard (PROS) 04/03

Variation 2:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Retention and Disposal Authority for Records of the Office of Public Prosecutions, issued as Public Record Office Standard (PROS) 04/03 on 13/05/2004, as follows:

Extension of the application of this Standard until 31/12/2017

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date: 23/11/2016

Director and Keeper of Public Records

Public Records Act 1973

(Section 12)

Retention and Disposal Authority for Records of the Office of Public Prosecutions

Public Record Office Standard (PROS) 04/03

Variation 3:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Retention and Disposal Authority for Records of the Office of Public Prosecutions, issued as Public Record Office Standard (PROS) 04/03 on 13/05/2004, as follows:

Extension of the application of this Standard until 31/12/2018

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date: 22/09/2017

Director and Keeper of Public Records

Public Records Act 1973

(Section 12)

Retention and Disposal Authority for Records of the Office of Public Prosecutions

Public Record Office Standard (PROS) 04/03

Variation 4:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Retention and Disposal Authority for Records of the Office of Public Prosecutions, issued as Public Record Office Standard (PROS) 04/03 on 13/05/2004, as follows:

Extension of the application of this Standard until 30/06/2020

This Variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Date: 19/11/2018

Director and Keeper of Public Records

Public Records Act 1973

(Section 12)

Retention and Disposal Authority for Records of the Office of Public Prosecutions

Public Record Office Standard (PROS) 04/03

Variation 5:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Retention and Disposal Authority for Records of the Office of Public Prosecutions, issued as Public Record Office Standard (PROS) 04/03 on 13/05/2004, as follows:

Extension of the application of this Standard until 30/06/2023

This Variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Date: 06/12/2019

Director and Keeper of Public Records

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Under section 12 of the *Public Records Act 1973*, the Keeper of Public Records is responsible for the establishment of standards for the efficient management of public records and for assisting public offices to apply those standards to records under their control. Officers in charge of public offices are responsible under section 13 of the Act for carrying out, with the advice and assistance of the Keeper, a program of records management in accordance with the standards established under section 12 of the Act.

1 Introduction

1.1 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.

1.2 Context of this Authority

1.2.1 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.

1.2.2 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.

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.

1.2.3 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.

1.2.4 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.

1.3 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.

1.4 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*.

2 Concurrence of Public Office

This Authority has the concurrence of:

Signature: [Signed]

Date: 05/05/2004

Name: Ken Dickson

Position: A/Executive Manager,
Office of Public Prosecutions

3 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 the records of the Office of Public Prosecutions.

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 prior to that date.

[Signed]

Justine Heazlewood
Keeper of Public Records

Date of Issue: 13/05/2004

4 Acknowledgments

PROV would like to thank the following people for providing their knowledge and expertise and helping to create this Authority:

Ken Dickson, Carl Barbaro, Bruce Gardner

5 Further Information

You can obtain relevant publications, supplies of relevant forms, and answers to any enquiries you may have by first contacting your agencies records manager or the Public Records Office Victoria:

Public Record Office Victoria

☎ (03) 9348 5600

e-mail: agency.queries@prov.vic.gov.au

web: www.prov.vic.gov.au

6 Retention & Disposal Authority

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.0	<p>Work in Progress File</p> <p>This file includes:</p> <ul style="list-style-type: none"> • Copy warrant of apprehension against accused (absconder); • Original certificate of indictment being preferred against accused (absconder); • Court notes of Instructing officer; • List of jurors; • Working file notes; • Original incoming correspondence; • Copy outgoing correspondence; • Original written notification of change of address by accused; • Copy telegram / lettergram / letter to accused & surety notifying of plea / trial date; • Original telegram / lettergram / letter non-delivery advice; • Original queries to police / answers to queries; • Original memoranda to Crown Prosecutor / Director of Public Prosecutions / Counsel briefed for the Prosecution / Solicitor-advocate appearing for the Prosecution; • Original nolle prosequi application & approval / non-approval; • Notice that solicitor acts / ceases to act; • Copy of Crown and Defence opening statements; • Listing correspondence from the Criminal Trial Listing Directorate; • Original adjourned sentence undertaking. 	PERMANENT	Transfer to PROV when no longer required

<h2>Retention & Disposal Authority</h2>			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.2	<p>Original Copies of Depositions Includes:</p> <ul style="list-style-type: none"> • Copy presentment and further presentment • Original chart of evidence • Original notice of trial • Copy charge information for summary offence determined upon plea/trial • Copy form for other offence taken into account upon plea/trial • Copy forfeiture/disposal application • Original forfeiture/disposal order • Copy affidavit in support of application for extension of time for filing of presentment/commencement of trial • Original order for extension of time for filing of presentment/commencement of trial • Original statement of defence • Original notice of particulars of alibi • Original admissions of fact • Notification of re-committal for trial • Re-bail documents • Notification of committal for trial • Original undertaking of bail by accused • Copy affidavit of justification by surety • Order remanding accused into custody • Information/charge sheets (charges upon which accused was committed for trial) • Statement of accused (plea entered at committal) • Certificate as to warning concerning alibi evidence • Certificate as to admission of statements of evidence at committal • Certificate as to court recording of committal • Original documentary exhibits/hand-up brief tendered in evidence at committal • Original depositions back sheet. 	PERMANENT	Transfer to PROV when no longer required
1.2.1	<p>Duplicate Copies of Depositions</p> <p>This class covers all duplicate copies of depositions held on a file.</p>	TEMPORARY	Store in agency pending destruction
		Destroy when administrative use is concluded.	

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.3	Copies of Transcripts from 2000 Includes copies of Committals and Trials. The original, electronic copy is maintained by the Victorian Government Reporting Service. These records should be culled from the file from 2000 onwards.	TEMPORARY Destroy when administrative use is concluded.	Store in agency pending destruction
1.4	Judge's Copy of Evidence	TEMPORARY Destroy when administrative use is concluded	Store in agency pending destruction
1.5	Prosecutor's Copy of Evidence	TEMPORARY Destroy when administrative use is concluded.	Store in agency pending destruction
1.5.1	Prosecution Brief Back sheet Back sheet attached to the prosecutor's brief that summarises the case. The back sheets are to be removed and placed with the permanently retained material.	PERMANENT	Transfer to PROV when no longer required

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.6	<p>Appeal Court File</p> <p>Files relating to appeals in the Court of Appeal and/or High Court of Australia.</p> <p>This class includes appeals that are dismissed, granted and sentence varied or allowed, conviction quashed and a new trial ordered.</p> <p>Contents of the file can include:</p> <ul style="list-style-type: none"> • Covering backsheet • Notices for application for leave to appeal • Submissions of applicant • Submissions of respondent • Summaries of proceedings and evidence • Judgement <p>Copies of transcripts are to culled in accordance with class (1.3.0).</p>	PERMANENT	Transfer to PROV when no longer required
1.7	<p>Witness Subpoena Files</p> <p>These files can include information such as:</p> <ul style="list-style-type: none"> • Witness details sheet • All returned and served/unserved subpoena • Original affidavit in support of application for leave to serve interstate subpoena • Copy witness travel authority • Copies of Warrant of apprehension against witness • Copy gaol order for witness. 	TEMPORARY Destroy when administrative use is concluded.	Store in agency pending destruction
1.8	<p>Original Exhibits</p> <p>Original trial/plea exhibits including lists of exhibits, exhibit documents, photographs and maps/plans/charts. Includes other material such as: Original witness indemnity against prosecution</p> <p>This class does not include audio/video cassettes see class (1.8.1) below.</p>	PERMANENT	Transfer to PROV when no longer required

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.8.1	Original Exhibits – Audio/Video From original exhibits cull audio/video cassettes/Compact Disks and DVD format exhibits, or any other media format.	TEMPORARY Return to Victoria Police for disposal when action complete	Return to Victoria Police
1.8.2	Physical Exhibits Property tended as an exhibit as part of a trial. Items to be returned to Victoria Police to forward to their original owners.	TEMPORARY Return to Victoria Police for disposal	Return to Victoria Police
2.0	Control Records and Indexes Records that control access to Trial Briefs. Includes hard copy indexes, and outputs from PRISM.	PERMANENT	Transfer to PROV when no longer required in a format specified by PROV
3.0	Melbourne County Court and County Circuit Court Appeal Files Files covering appeals to the County Court against convictions in criminal cases originally heard in the Magistrates' Court.	TEMPORARY Destroy 4 years after action completed	Store in agency pending destruction
3.1	Section 92 Appeals from the Magistrates' Court to the Supreme Court and Order 56 Appeals Quasi criminal cases and section 92 of the <i>Magistrates' Court Act 1989</i> appeals to the Supreme Court.	TEMPORARY Destroy 6 years after action complete	Store in agency pending destruction
4.0	Coronial Inquest Files Relates to cases where the Director of Public Prosecutions is requested by the Coroner to assist at an Inquest. Information contained on this file is duplicated on the Inquest file.	TEMPORARY Destroy 4 years after action completed	Store in agency pending destruction
5.0	Bail Application Files (Supreme Court) Files created in preparation for a bail application hearing.	TEMPORARY Destroy 4 years after action completed	Store in agency pending destruction

Retention & Disposal Authority

CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
6.0	<p>Civil Litigation Files This class refers to files created when the Director or Office of Public Prosecutions is a plaintiff or defendant in civil litigation</p>	PERMANENT	Transfer to PROV when no longer required in a format specified by PROV

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