

Retention and Disposal Authority for Records of the Office of the Registrar-General

Authority number: PROS 07/09 VAR 1



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**Retention and Disposal Authority for Records of
the Office of the Registrar-General**

Issued Date: 22/09/2017

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Variation 1

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the Registrar-General

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to the records of the Retention and Disposal Authority for Records of the Registrar-General, issued as Public Record Office Standard (PROS) 07/09 on 19/10/2007, as follows:

Extension of the application of this Authority until varied or revoked

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Director and Keeper of Public Records

Date: 22/09/2017

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Retention and Disposal Authority for Records of the Office of the Registrar-General

Retention and Disposal Authority No	PROS 07/09 VAR 1
Scope	This retention and disposal authority covers records documenting the function of managing the registration of land in Victoria.
Status	Issued by Keeper
Issue Date	22/09/2017

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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:

Name: Chris McRae

Position: Executive Director, Land Victoria

Date: 9/10/2007

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 Department of Environment, Land, Water and Planning. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked prior to that date.

Justine Heazlewood, Keeper of Public Records

Date of Issue: 19/10/2007

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No	Function/Activity	Description	Status	Disposal Action
1	GENERAL LAW LAND MANAGEMENT	The receipt and registration of deposited deeds, lis pendens (pending suit) and executions relating to General Law land.		
1.1	Registration of Deposited Deeds	The receipt and registration of deposited deeds from the public under section 15 of the <i>Property Law Act 1958</i> relating to the title of any real or personal estate. Includes the registration of deeds concerning subdivisions. Deposited deeds form part of a Chain of Ownership for a piece of General Law Land.	Permanent	Retain as State archives
1.2	Lis Pendens	The receipt and registration of lis pendens (pending suit) for claims made against General Law land. These serve as notification that a court process affecting the land is underway. Lis Pendens are the equivalent of caveats made under the Torrens system of land registration. Lis Pendens do not expire and cannot be withdrawn. They form part of a Chain of Ownership for a piece of General Law land.	Permanent	Retain as State archives
1.3	Executions	The receipt and registration of execution documents where a court has resolved a claim made on General Law land and has issued a court order relating to a piece of General Law Title to which a lis pendens has been lodged. They form part of a Chain of Ownership for a piece of General Law Land.	Permanent	Retain as State archives
2	REGISTRATION OF APPLICATIONS TO BRING LAND UNDER THE TRANSFER OF LAND ACT 1958	The receipt and registration of applications to bring 'old law' land (alienated by the Crown prior to 2 October 1862) under the Torrens system of land registration.		

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No	Function/Activity	Description	Status	Disposal Action
<i>REGISTRATION OF APPLICATIONS TO BRING LAND UNDER THE TRANSFER OF LAND ACT 1958</i>				
2.1	Registration of Applications to Bring Land under the Transfer of Land Act 1958	<p>The receipt and registration of applications for the conversion of land alienated from the Crown prior to 2 October 1862 to the Torrens systems of land registration. Includes the conduct of Title Searches in order to establish a 'clear line of title' extending from the Crown grant or last deed known or accepted by the Registrar of Titles up to the current holder. These searches establish that the person applying for a certificate of title has a good safe holding and marketable title to the land in question.</p> <p>[For the management of survey information concerning applications, see class 2.9.0 of <i>Retention and Disposal Authority for Records of Land Registry</i>.]</p>	Permanent	Retain as State archives
3	REGISTRATION OF MORTGAGES AND LIENS	<p>The receipt and registration of stock mortgages, crop liens and wool liens under Parts VII and VIII of the <i>Instruments Act</i> 1958. Mortgages and Liens relate to transactions between individuals and banks but which are registered with the Registrar General's Office. They involve farmers borrowing money against the value of their wool clips, their crops or their stock.</p>		
3.1	Registration of Liens on Wool	<p>The receipt and registration of liens on wool made under section 71 of the <i>Instruments Act</i> 1958. Liens on Wool allow the owner of a flock of sheep to use the value of their next clip as surety for a bank loan</p>	Temporary	Destroy 7 years after lien expires.

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No	Function/Activity	Description	Status	Disposal Action
<i>REGISTRATION OF MORTGAGES AND LIENS</i>				
		relating to a piece of General Law land.		
3.2	Registration of Mortgages on Stock	The receipt and registration of mortgages on stock made under section 72 of the <i>Instruments Act</i> 1958. Stock Mortgages allow a stock owner to borrow money using their stock as surety for a bank loan relating to a piece of General Law land.	Temporary	Destroy 7 years after mortgage is discharged.
3.3	Registration of Liens on Crops	The receipt and registration of liens on crops made under section 61 of the <i>Instruments Act</i> 1958. Liens on Crops allow a farmer to borrow money using a crop as surety for a bank loan relating to a piece of General Law land.	Temporary	Destroy 7 years after lien expires.
4	POWERS OF ATTORNEY	Powers of Attorney lodged with the Registrar-General's Office under the provisions of the <i>Instruments Act</i> 1958.		
4.1	Powers of Attorney	The receipt and registration of Powers of Attorney, vested with an individual, a solicitor, or position within a company, or the receipt and registration of revocations of Powers of Attorney.	Temporary	Destroy 16 years after Power of Attorney is revoked.