

Retention and Disposal Authority for Records of the County Court

Authority number: PROS 08/03 VAR 2



PROS 08/03 VAR 2

Retention and Disposal Authority for Records of the County Court

Issued Date: 19/11/2018

Retention and Disposal Authority for Records of the County Court

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Variation 1

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the County Court

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 County Court, issued as Public Record Office Standard (PROS) 08/03 on 13/03/2008, as follows:

Extension of the application of this Standard until 13/03/2019

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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Variation 2

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the County Court

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 County Court, issued as Public Record Office Standard (PROS) 08/03 on 13/03/2008, 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

Director and Keeper of Public Records

Date: 19/11/2018

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Retention and Disposal Authority for Records of the County Court

Retention and Disposal Authority No	PROS 08/03 VAR 2
Scope	This retention and disposal authority covers records documenting the function of managing cases heard in the County Court.
Status	Issued by Keeper
Issue Date	19/11/2018

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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: Michael Rozenes

Position: Chief Judge

Date: 06/03/2008

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 County 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: 13/03/2008

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Authority number: PROS 08/03 VAR 2

No	Function/Activity	Description	Status	Disposal Action
1	CASE MANAGEMENT	The management of cases within the jurisdiction of the County Court from registration through hearing and final outcome. Includes appeals, criminal, civil and adoption cases. Includes cases that don't proceed to hearing.		
1.1	Registration and Control	The activities related to the registration and management of cases through the Court.		
1.1.1	Case Registration	<p>The records that uniquely identify each individual case heard or administered by the County Court. Includes hard copy registers and indexes and the registration data contained in any electronic case management system (e.g. Case List Management System (CLMS), Courtview).</p> <p>Examples of the hard copy registers and indexes include the Adoption Registers, Index to Criminal Presentments, Index to Criminal Cases, Index to Civil Cases, and Appeal Indexes. Includes also Compensation Application Registers that were created for Accident Compensation Tribunal, Workers Compensation Board and any of their predecessors.</p>	Permanent	Retain as State archives
1.1.2	Case Hearing Scheduling	<p>The records documenting the scheduling of cases heard in the County Court. Includes case listings, courtroom booking and records related to the allocation of judges to cases.</p> <p>Includes the associated data contained in the electronic case management system.</p>	Temporary	Destroy 5 years after last action.

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Adoption</i>				
1.2	Adoption	The activities associated with the County Court's responsibilities under the <i>Adoption Act</i> 1984. Adoption applications and orders made in the Court can also include adoptions of children originating from other countries.		
1.2.1	Adoption Cases - Case Records	Adoption Case Records including summons for adoption order, affidavit of application, form of Adoption Order, Certificate of Adoption and Memorandum of Adoption. [For case registration records, use 1.1.1]	Permanent	Retain as State archives
1.3	Criminal and Appeals	The activities concerned with the County Court's responsibilities to hear appeals and all criminal cases except treason, murder and certain other murder related offences.		
1.3.1	Suppression Orders and Revocations	List of Prohibition Orders made by a Judge under a relevant Act, as well as an index of Orders which have been revoked.	Permanent	Retain as State archives
1.3.2	Criminal Cases - Presentment and Final Order	The official record of the charges upon which a person is tried and the Court's decision of the outcome of a criminal proceeding. Includes the <i>Record of Order (formerly Return of Prisoners)</i> form and Presentment. The Presentment provides details of the charges. Includes the date and place of trial and sentence, the presiding Judge, name, age and date of birth of prisoner, offences of	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Criminal and Appeals</i>				
		which convicted, and sentence. [For other case records of a criminal case, use 1.3.3] [For case registration records, use 1.1.1]		
1.3.3	Criminal Cases - Case Records	Case records of a criminal case except for the Presentment and the final order of the Court. [For the official record of the Courts decision of a criminal proceeding, use 1.3.2] [For case registration records, use 1.1.1]	Temporary	Destroy 25 years after order made.
1.3.4	Appeal Cases - Final Order	Record of the official judgement given and order made of the outcome of appeals against sentence and/or conviction, or order made, from the Magistrates' Court and Children's Court currently recorded on the <i>Notice to Certain Officials</i> . [For other case records of a criminal appeal case, use 1.3.5] [For case registration records, use 1.1.1]	Permanent	Retain as State archives
1.3.5	Appeal Cases - Case Records	Case records for a criminal appeal case except the final judgement of the Court. [For record of the official judgement and order, use 1.3.4]	Temporary	Destroy 25 years after order made.

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Criminal and Appeals</i>				
		[For case registration records, use 1.1.1]		
1.3.6	Depositions	Copies of transcript of evidence known as depositions given at committal proceeding and any statements tendered at a committal proceeding received from the Office of Public Prosecutions.	Temporary	Destroy after the appeals period expires.
1.4	Civil	The activities associated with the County Court's responsibilities to hear civil cases involving matters such as personal injury, building and commercial disputes, defamation and workers compensation claims.		
1.4.1	Suppression Orders and Revocations	List of Prohibition Orders made by a Judge under a relevant Act, as well as an index of Orders which have been revoked.	Permanent	Retain as State archives
1.4.2	Civil Cases - Final Judgement	<p>The record of the final judgement of the Court (including workers' compensation). Includes judgements recorded on the <i>Civil Jurisdiction Result Sheet</i>.</p> <p>[For other case records of a civil case, use 1.4.3 Civil Case Records]</p> <p>[For other case records of a workers compensation case, use 1.4.4 Workers Compensation Case Records]</p> <p>[For case registration records, use 1.1.1]</p>	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Civil</i>				
1.4.3	Civil Cases - Case Records	<p>Records of a civil case, including interstate judgements enforced in Victoria, except for the final judgement of the Court.</p> <p>Includes the miscellaneous (civil) case records that ceased being created in 1988.</p> <p>[For workers compensation case records, use 1.4.4 Workers Compensation Case Records]</p> <p>[For the final judgement record of civil cases, use 1.4.2 Civil Case Records Final Judgement]</p> <p>[For case registration records, use 1.1.1]</p>	Temporary	Destroy 25 years after order made.
1.4.4	Workers Compensation Cases - Case Records	<p>Records created during the assessing of claims made under the <i>Accident Compensation Act</i> 1985 and the <i>Workers Compensation Act</i> 1958.</p> <p>Includes compensation application records raised by referral of disputes between injured workers and employer or insurers for determination by Accident Compensation Tribunal, Workers Compensation Board and any of their predecessors. Also includes microfilm copies of the application records and any affidavits created regarding the microfilming.</p> <p>[For final judgement records of case, see 1.4.2 Civil Case Records Final Judgement]</p> <p>[For case registration records, use 1.1.1]</p>	Temporary	Destroy 75 years after order made.

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Investment Records (Judgement monies)</i>				
1.5	Investment Records (Judgement monies)	Records documenting the management of judgement monies invested by the Registrar of County Court on behalf of adult and underage plaintiffs who are under a disability.		
1.5.1	Investment Records (Judgement monies) - Financial Summary	The summary record of judgement monies invested by the Registrar of County Court on behalf of adult and underage plaintiffs who are under a disability. Includes annual financial statements. [For records documenting the financial transactions, use class 1.5.2]	Permanent	Retain as State archives
1.5.2	Investment Records (Judgement monies) - Financial Transactions	Records documenting the financial transactions of the monies invested by the Registrar of County Court on behalf of adult and underage plaintiffs who are under a disability. [For the summary records of financial transactions, use class 1.5.1]	Temporary	Destroy 7 years after completion of the financial year in which the record was created.
2	COURT ADMINISTRATION	The function associated with the administration of the Court, including those activities legislated by the <i>County Court Act 1958</i> concerning the operation of the Act and the County Court Rules, and the administration of the Court.		
2.1	Committees	The records of committees concerned with the interpretation, review and administration of the <i>County Court Act 1958</i> . Includes those committees formed to discuss the legal jurisdiction of the County		

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No	Function/Activity	Description	Status	Disposal Action
<i>COURT ADMINISTRATION - Committees</i>				
		<p>Court and those concerned with the operations of the Court.</p> <p>[For records of all other committees, use <i>General Retention and Disposal Authority for Records of Common Administrative Functions</i>]</p>		
2.1.1	Council of Judges Meeting Records	<p>Master set of minutes and agenda of Council of Judges meetings. The Council of Judges meets to consider the operation of the <i>County Court Act 1958</i> and the County Court Rules.</p>	Permanent	Retain as State archives
2.1.2	Executive Committee of the Council of Judges Meeting Records	<p>Master set of minutes and agenda of the Executive Committee of the Council of Judges.</p> <p>This is the major committee that discusses the procedures, overarching operations or strategic directions of the County Court.</p> <p>[For records of Council of Judges meetings, use class 2.1.1]</p> <p>[For records of all other County Court committees, use <i>General Retention & Disposal Authority for Records of Common Administrative Functions</i>]</p>	Permanent	Retain as State archives
2.2	Judicial Proceedings Support	<p>Activities associated with support of Court proceedings and practice. Includes activities carried out by persons acting judicially, the Registrar, Court associates, tipstaves, court researchers, library staff, external bodies such as the Victorian Government</p>		

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No	Function/Activity	Description	Status	Disposal Action
<i>COURT ADMINISTRATION - Judicial Proceedings Support</i>				
		Reporting Service (VGRS) and outsourced private contractors.		
2.2.1	Judicial Practice Notes	A master set of Judicial Practice Notes. Practice Notes are issued with the authority of the Chief Judge and supplement the procedures set out in the Rules of the County Court.	Permanent	Retain as State archives
2.2.2	Registrar Practice Directions	A master set of Registrar Practice Directions which record the procedures of the Registry of the County Court and are issued with the authority of the Principal Registrar.	Permanent	Retain as State archives
2.2.3	Sentencing Remarks (criminal) and Reasons for Decisions (civil)	Sentencing remarks in criminal cases and reasons for decisions in civil cases documenting judgement. Created by Victorian Government Reporting Service (VGRS) and retained by the County Court. [For full transcripts of court proceedings, use class 2.2.5]	Permanent	Retain as State archives
2.2.4	Audio and visual recordings of Court Proceedings	Audio and visual recordings of Court Proceedings made by Court staff.	Temporary	Destroy after appeals period expires, or as otherwise ordered by a Judge.
2.2.5	Transcripts of Court Proceedings	Transcripts of Criminal proceedings made by Victorian Government Reporting Service or Civil proceedings made by private contractors and received by the County Court.	Temporary	Destroy after appeals period expires.

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No	Function/Activity	Description	Status	Disposal Action
<i>COURT ADMINISTRATION - Judicial Proceedings Support</i>				
		[For sentencing remarks (criminal) and written reasons for decisions (civil), use class 2.2.1]		
2.2.6	Judges' Notebooks	Notebooks containing Judges' notes on cases heard. Commonly known as Judges' Pink Books.	Temporary	Destroy 5 years after date of last entry.
2.2.7	Associates' Notebooks	Notebooks containing associates to Judges' notes on cases heard. Commonly known as Associate's Pink Books.	Temporary	Destroy 5 years after date of last entry.