

Retention and Disposal Authority for Records of Registry of Births, Deaths and Marriages

Authority number: PROS 09/07 VAR 1



PROS 09/07 VAR 1

**Retention and Disposal Authority for Records of
Registry of Births, Deaths and Marriages**

Issued Date: 06/12/2019

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Variation 1

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the Registry of Births, Deaths and Marriages Public Record Office Standard (PROS) 09/07

Variation 1:

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to the records of the Registry of Births, Deaths and Marriages, issued as Public Record Office Standard (PROS) 09/07 on 19/01/2010, 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: 06 December 2019

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Retention and Disposal Authority for Records of Registry of Births, Deaths and Marriages

Retention and Disposal Authority No	PROS 09/07 VAR 1
Scope	
Status	Issued by Keeper
Issue Date	06 December 2019

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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: Helen Trihas

Position: Registrar

Date: 14/12/2009

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 Registry of Births, Deaths and Marriages (including 1983-1986 Assistant Government Statist, Registration of Births, Deaths and Marriages). This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[signed]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 19/01/2010

Acknowledgments

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

Anthea Tsismetsi & Sharon Perera (Victorian Registry of Births, Deaths and Marriages)

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No	Function/Activity	Description	Status	Disposal Action
1	REGISTRATION OF LIFE EVENTS	<p>The registration of life events including births, deaths, marriages, changes of name, adoptions, and domestic and caring relationships in Victoria. These life events are registrable events in accordance with the <i>Births, Deaths and Marriages Registration Act 1996</i> and the <i>Relationships Act 2008</i>. Registrable information means information that must or may be included in the registers of registrable events which are established under the same Act.</p> <p>[For records relating to the payment of registry fees, use Financial Management in <i>General Retention & Disposal Authority for Records of Common Administrative Functions</i>.]</p>		
1.1	Management of Registrable Information	<p>The recording and maintaining of information related to registrable life events in Victoria which include births, deaths, deed polls, marriages, change of name, relationships and adoptions.</p>		
1.1.1		<p>Registers of births, deaths, deed polls, marriages, changes of name, relationships and adoptions registered in Victoria. Registers are either paper based or in electronic form. Information contained in the Registers include at a minimum particulars prescribed in the <i>Births, Deaths and Marriages Registration Regulations 2008 (Vic)</i>. Particulars common across all registrable events include the registered persons given names, surname, date and place of birth, parents' details, and usual residential address.</p> <p>Records also include additional information which is</p>	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>REGISTRATION OF LIFE EVENTS - Management of Registrable Information</i>				
		not registrable information however related to a registrable event. Particulars contained in these records are variable depending on what is required from time to time.		
1.1.2		Registers and books of entries of baptisms, marriages or burials that took place before 18 January 1853 in the district of Port Phillip of the Colony of Victoria. This relates to records created by churches prior to the establishment of compulsory civil registration of births, deaths and particular marriages.	Permanent	Retain as State archives
1.2	Birth registration	The registration of births in Victoria including paternity, name of the child and registration or refusal to register births occurring outside Victoria.		
1.2.1		Records enabling the registration of births in Victoria. Includes notifications of birth by responsible persons, such as parents, hospitals and midwives. Includes Birth Registration Statements (BRS), hospital lists, notification of home birth, court orders directing the registration of a birth, statutory declarations and any documents pertaining to the birth registration of a child. Includes successful applications for the registration of a birth that occurred outside Victoria.	Temporary	Destroy 75 years after registration.
1.2.2		Records notifying the Registry of the still birth of a child including Medical Certificate of Cause of	Temporary	Transfer after completion of

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No	Function/Activity	Description	Status	Disposal Action
<i>REGISTRATION OF LIFE EVENTS - Birth registration</i>				
		Perinatal Death.		registration.
1.2.3		Records relating to the identity of a child's parent (other than the birth registration statement) where no father is listed on the original birth record or the person registered as the father has been found not to be the father. Includes statutory declarations, court orders and paternity test results.	Temporary	Destroy 75 years after registration.
1.2.4		Applications for the registration of a birth that occurred outside Victoria that have been refused.	Temporary	Destroy 7 years after appeal period has expired.
1.2.5		Applications for the registration of a birth that occurred outside Victoria where the application has not been proceeded with or is incomplete despite the applicant being given reasonable time to comply.	Temporary	Destroy 7 years after last action.
1.2.6		Records documenting situations where the Registrar has assigned a name for a child as the parents cannot agree on the name of the child or the parents chose a prohibited name. Includes court determination ordering the Registrar to register the child's name in the form specified by the court order as the result of a dispute between parents.	Temporary	Destroy 75 years after birth is registered.
1.3	Change of Name Registration	The registration of change of names in Victoria.		

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No	Function/Activity	Description	Status	Disposal Action
<i>REGISTRATION OF LIFE EVENTS - Change of Name Registration</i>				
1.3.1		Successful applications to register a change of name of an adult or child including all supporting documentation, permissions, evidence of residency, background checks and any court orders directing that the name be changed. Additional records for the change of name of child include evidence of child's consent and evidence of guardianship (where application is made by the guardian of the child).	Temporary	Destroy 25 years after registration.
1.3.2		Applications to register a change of name of an adult or child which have been refused.	Temporary	Destroy 7 years after appeal period has expired.
1.3.3		Applications to register a change of name which have been cancelled because they are incomplete.	Temporary	Destroy 7 years after last action.
1.4	Death Registration	The registration of deaths that have occurred in or outside Victoria.		
1.4.1		Notification of a death submitted by the person responsible for the disposal of the deceased's body. Records include death registration forms, notification of coronial investigation, applications to register a death that have occurred outside Victoria, and certificates forwarded by universities when bodies are accepted for anatomical research.	Temporary	Destroy 7 years after the year of registration.
1.4.2		Applications for the registration of deaths where the deceased died outside Victoria that have been	Temporary	Destroy 7 years after appeal period has

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No	Function/Activity	Description	Status	Disposal Action
<i>REGISTRATION OF LIFE EVENTS - Death Registration</i>				
		refused.		expired.
1.4.3		Applications for the registration of death that occurred outside Victoria where the application has not been proceeded with or is incomplete despite the applicant being given reasonable time to comply.	Temporary	Destroy 7 years after last action.
1.4.4		Notification of causes of death from medical practitioners in the form of a Medical Certificate of Cause of Death.	Temporary	Transfer after completion of registration.
1.4.5		Notification of cause of death by the Coroner in relation to a reviewable or reportable death. Reviewable and reportable deaths are defined by the <i>Coroners Act 1985</i> and <i>Coroners Act 2008</i> . Includes the certificate permitting the disposal of the body issued by the Coroner who investigated the death.	Temporary	Destroy 7 years after death registration is completed.
1.5	Marriage Registration	The registration of marriages occurring in Victoria.		
1.5.1		Notices of Intended Marriage (NOIM) that have been submitted by an authorised celebrant to the Registry after a marriage has been solemnised.	Temporary	Destroy 2 years after notices have been returned from Australian Bureau of Statistics (ABS).
1.5.2		Records forwarded by the authorised celebrant to enable a marriage to be registered, includes marriage certificates, court orders, statutory	Temporary	Destroy 50 years after registration.

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No	Function/Activity	Description	Status	Disposal Action
<i>REGISTRATION OF LIFE EVENTS - Marriage Registration</i>				
		declarations, consents and dispensations with consents. [For Notice of Intended Marriage (NOIM), use 1.5.1.]		
1.5.3		Records documenting marriages which are unregistered as they are invalid.	Temporary	Destroy 50 years after last action.
1.5.4		Records relating to the shortening of the notice period for submission of Notices of Intended Marriage.	Temporary	Destroy 7 years after decision is made.
1.6	Registration of Domestic Relationships	The registration of domestic relationships under the <i>Relationships Act 2008</i> (Vic). A registrable domestic relationship is a relationship between two adults who are unmarried but are a couple where one or each of the persons in the relationship provides personal or financial commitment and support of a domestic nature for the material benefit of the other irrespective of their gender and whether or not they are living under the same roof.		
1.6.1		Applications to register a domestic relationship including statutory declarations, and supporting records required for determining the application. These records are required to register a relationship pursuant to the <i>Relationships Act 2008</i> (Vic).	Temporary	Destroy 15 years after registration.
1.6.2		Applications to the Registrar to revoke the registration of a domestic relationship. Applications are made by either party in the relationship. Records include statutory declarations, identity documents,	Temporary	Destroy 15 years after last action.

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REGISTRATION OF LIFE EVENTS - Registration of Domestic Relationships

		proof of service, court or tribunal orders ordering that a relationship be revoked and any supporting records used for determining the application.		
1.6.3		Records relating to the withdrawal of the application to register a domestic relationship or withdrawal of application to revoke a relationship. These records include application forms, statutory declarations, court orders and supporting records used for determining the application.	Temporary	Destroy 7 years after last action.
1.6.4		Applications for registration of a domestic relationship which have been refused.	Temporary	Destroy 7 years after appeal period has expired.
1.6.5		Applications for the registration of a domestic relationship or to revoke a registered relationship where the application has not been proceeded with or is incomplete despite the applicant being given reasonable time to comply.	Temporary	Destroy 7 years after last action.
1.7	Registration of Adoptions	The registration of adoptions in Victoria in accordance with the <i>Adoptions Act 1984 (Vic)</i> .		
1.7.1		Records provided to the Registrar under the <i>Adoptions Act 1984 (Vic)</i> for the purposes of registering an adoption or revoking a registration, including Memoranda and court orders.	Permanent	Retain as State archives
1.7.2		Adoption records which were in the possession of the County, Supreme and Magistrates courts prior to 1	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>ACCESS MANAGEMENT</i>				
		January 1989. Section 79A of the <i>Adoption Act 1984</i> (Vic) provides that the Registrar has management and control of adoption records in the possession of those courts prior to that date.		
2	ACCESS MANAGEMENT	The function of providing access to records relating to registrable events and issuing certified or uncertified information.		
2.1	Applications for Registry Information	The activity of assessing applications for access to information held by the Registry in the registers or otherwise. This includes requests for issue of certificates.		
2.1.1		Applications to conduct a search of and issue information from the Registers or for access to the Registers.	Temporary	Destroy 7 years after last action.
2.1.2		Applications to conduct a search of and issue information from the Registers or for access to the Registers which have been refused.	Temporary	Destroy 7 years after appeal period has expired.
2.1.3		Incomplete applications for access to the register or for information from the Registers.	Temporary	Destroy 7 years after last action.
2.2	Applications for Acknowledging Identity	The assessment of applications for recognised details certificates by persons born outside Victoria who have undergone sex affirmation surgery. A recognised details certificate is a document acknowledging an applicant's name and sex post sex		

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ACCESS MANAGEMENT - Applications for Acknowledging Identity

		affirmation surgery.		
2.2.1		Applications for recognised details certificates where the certificate has been issued. Include statutory declarations by the doctors who performed the surgery, proof of identity, correspondence, client files and other documents evidencing that surgery in accordance with the definition of the <i>Births, Deaths and Marriages Registration Act 1996 (Vic)</i> has occurred. [For the registration of change of name, use class 1.3.0.]	Temporary	Destroy 75 years after registration.
2.2.2		Applications for recognised details certificates where the application has refused.	Temporary	Destroy 7 years after appeal period has expired.
2.2.3		Applications for recognised details certificates have not been proceeded with.	Temporary	Destroy 7 years after last action.
3	MANAGEMENT OF CORRECTIONS TO REGISTERS	The function of amending and maintaining integrity of Registers under the <i>Births, Deaths and Marriages Registration Act 1996 (Vic)</i> , the <i>Relationships Act 2008 (Vic)</i> and <i>Adoptions Act 1984 (Vic)</i> .		
3.1	Applications for Corrections	The assessment of applications to correct and / or amend registrable information maintained in Registers.		
3.1.1		Applications for the correction or amendment of	Temporary	Destroy 25 years after

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No	Function/Activity	Description	Status	Disposal Action
<i>MANAGEMENT OF CORRECTIONS TO REGISTERS - Applications for Corrections</i>				
		information contained in the register		the correction is made.
3.1.2		Applications for correction of the register which have been refused due to lacking evidence or for some other reason. Includes records of appeals.	Temporary	Destroy 7 years after appeal period has expired.
3.1.3		Applications by persons born in Victoria who have undergone sex affirmation surgery to alter their sex on their birth record where application has been accepted.	Temporary	Destroy 75 years after registration.
3.1.4		Refused applications by persons born in Victoria who have undergone sex affirmation surgery to alter their sex on their birth record.	Temporary	Destroy 7 years after appeal period has expired.
3.1.5		Applications by persons born in Victoria who have undergone sex affirmation surgery to alter their sex on their birth record where the application has not been proceeded with.	Temporary	Destroy 7 years after last action.
3.1.6		Certificates seized where an entry about the registrable event has been cancelled or corrected since the issue of the certificate.	Temporary	Destroy after administrative use has concluded.
4	INVESTIGATIONS MANAGEMENT	<p>The function of conducting inquiries or investigations into particular events with the view to :</p> <ul style="list-style-type: none"> • maintain the integrity of the register; • protecting the privacy of persons to whom information contained in the Register relates; and fulfilling obligations to notify the Coroner and the Consultative Council on Obstetric and 		

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INVESTIGATIONS MANAGEMENT - Conduct of Investigations

		Paediatric Mortality and Morbidity (CCOPMM) information relating to child deaths		
4.1	Conduct of Investigations	<p>Activities related to the exercise of the Registrars power of inquiry. Pursuant to section 42 of the <i>Births, Deaths and Marriages Registration Act 1996</i> (Vic) the Registrar has the power to conduct an inquiry to find out:</p> <ul style="list-style-type: none"> • whether a registrable event has happened; or • particulars of a registrable event; or • whether particulars of a particular registrable event have been correctly recorded in the Register; or • in the case of a child whether a reviewable death has occurred and if so, whether there are any living or deceased siblings. <p>The Registrar also has powers of inquiry under section 18 of the <i>Relationships Act 2008</i> (Vic).</p>		
4.1.1		<p>Investigations which lead to prosecution.</p> <p>Records include evidence, references, impounded certificates, statutory declarations, correspondence and briefs.</p>	Temporary	Destroy 7 years after appeal period has expired.
4.1.2		<p>Investigations which have not led to prosecution.</p> <p>Records include evidence, references, statutory declarations, correspondence, impounded certificates and briefs.</p>	Temporary	Destroy 15 years after the conclusion of the investigation.

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No	Function/Activity	Description	Status	Disposal Action
<i>MANAGEMENT OF REGISTRY CIVIL MARRIAGE SERVICE</i>				
5	MANAGEMENT OF REGISTRY CIVIL MARRIAGE SERVICE	The function of managing marriage services at the Registry including bookings, conducting ceremonies and guest services.		
5.1	Marriage Ceremonies	Activities associated with providing a civil marriage ceremony at the Registry.		
5.1.1		Summary record of marriage certificates (Form 15 Certificates) that have been issued or voided by a Registry celebrant. Includes the certificate's unique identifier, name and registration of the Registry celebrant, the date that the certificate was used, and how the certificate was used.	Temporary	Destroy 7 years after last entry.
5.1.2		Certified copies of birth certificates, passports, divorce certificates, death certificates and any other identification documents that are required to be sighted as part of conducting a civil marriage service.	Temporary	Destroy after administrative use has concluded.
5.1.3		Records associated with intended marriages which do not proceed. Includes expired notices of intended marriages, cancelled weddings or no shows.	Temporary	Destroy 2 years after last action.
5.1.4		Records related to the booking and arrangement of civil marriages performed at the Registry.	Temporary	Destroy 2 years after booking made.
6	REGISTER OF RELIGIOUS MINISTERS	The function of establishing and maintaining a register of ministers of religion ordinarily resident in Victoria who are authorised to solemnise marriages. Under the <i>Marriage Act 1961</i> (Cwth), the Registrar of Births, Deaths and Marriages is appointed as the		

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No	Function/Activity	Description	Status	Disposal Action
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REGISTER OF RELIGIOUS MINISTERS - Registration of Religious Ministers

		Registrar of Ministers of Religion.		
6.1	Registration of Religious Ministers	The registration of religious ministers for the purposes of solemnising marriages		
6.1.1		The Register of religious ministers authorised to perform marriages.	Permanent	Retain as State archives
6.1.2		Successful applications for registration as a religious minister authorised to solemnise marriages.	Temporary	Destroy 75 years after registration or 2 years after date of death.
6.1.3		Applications for registration as a religious minister authorised to solemnise marriages which have been refused or are incomplete.	Temporary	Destroy 7 years after last entry.
6.1.4		Records relating to removing a person from the register of ministers of religion authorised to perform marriages.	Temporary	Destroy 75 years after registration or 2 years after date of death.