

Retention and Disposal Authority for Records of the Taxi, Hire Car and Driving Instructor Regulation Functions

Authority number: PROS 10/06 VAR 1



PROS 10/06 VAR 1

**Retention and Disposal Authority for Records of
the Taxi, Hire Car and Driving Instructor
Regulation Functions**

Issued Date: 02/09/2019

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Variation 1

Public Records Act 1973 (Section 12)

Retention & Disposal Authority for Records of the Taxi, Hire Car and Driving Instructor Regulation Functions (PROS 10/06)

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to records of the Taxi, Hire Car and Driving Instructor Regulation Functions, issued as Public Record Office Standard (PROS 10/06) on 16/04/2010, as follows:

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

The addition of the following text to the scope of the RDA and across the body of the RDA as a footer:

This Retention and Disposal Authority **must not be used** for records about child sexual abuse incidents, allegations nor an agency's prevention, identification and response to such incidents and allegations. This includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies.

Instead **agencies must use PROS 19/08** Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Director and Keeper of Public Records

Date of issue: 02/09/2019

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Retention and Disposal Authority for Records of the Taxi, Hire Car and Driving Instructor Regulation Functions

Retention and Disposal Authority No	PROS 10/06 VAR 1
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Scope	<p>This Retention and Disposal Authority must not be used for records about child sexual abuse incidents, allegations nor an agency's prevention, identification and response to such incidents and allegations. This includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies.</p> <p>Instead agencies must use PROS 19/08 Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.</p>
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Status	Issued by Keeper
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Issue Date	02/09/2019
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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 records must be managed and transferred in accordance with PROV Standards.

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Concurrence of Public Office

This Authority has the concurrence of:

Signature: [signed]

Name: Greg Armstrong

Position: Manager, Electronic Documents and Records Management, Department of Transport

Date: 14/04/2010

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 Taxi, Hire Car and Driving Instructor Regulation Functions. 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: 16/04/2010

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No	Function/Activity	Description	Status	Disposal Action
1	DRIVER AND OPERATOR AUTHORISATION	<p>The authorisation (via certification) of hire car drivers and driving instructors and the authorisation (via accreditation) of taxi industry drivers, operators and network service providers.</p> <p>Hire car refers to luxury sedans or stretched limousines, special purpose vehicles for specific purposes such as weddings or other restricted hire, bus or private bus services.</p> <p>Operators can be either individuals or companies in the taxi, hire car industries.</p> <p>Network service providers are otherwise known as depots.</p>		
1.1	Driver Authorisation	The assessment of applications for the authorisation of hire car and taxi industry drivers and driving instructors. Includes ongoing maintenance of applicant information.		
1.1.1		Summary record of applications for hire car driver, taxi driver and driving instructor authorisation. Includes successful, unsuccessful and renewal applications and outlines driver accredited training, suitability and medical checks in summary form.	Temporary	Destroy 25 years after last entry.
1.1.2		Applications received which are successful. Includes records of investigations into the suitability of the applicant.	Temporary	Destroy 25 years after last renewal.

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Instead agencies **must use PROS 19/08** Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.

Retention and Disposal Authority for Records of the Taxi, Hire Car and Driving Instructor Regulation Functions

Authority number: PROS 10/06 VAR 1

No	Function/Activity	Description	Status	Disposal Action
<i>DRIVER AND OPERATOR AUTHORISATION - Driver Authorisation</i>				
		<i>For revocation of authorisation see class 2.4.3.</i>		
1.1.3		Applications received which are unsuccessful. Includes records of investigations into the suitability of the applicant.	Temporary	Destroy 7 years after last action.
1.2	Operator, Network Service Provider and Taxi Vehicle Authorisation	The assessment of applications for the authorisation of taxi or hire car operators (either individuals or companies); network service providers (also known as depots) who act as a central contact point for those who require taxi services and of taxi vehicles to hold a specialist vehicle license additional to vehicle registration by VicRoads. Includes ongoing maintenance of applicant information.		
1.2.1		Summary record of applications for authorisation of operators, network service providers and taxi vehicles. Includes successful and unsuccessful applications and outlines licensing details and transactions such as vehicle license transfer, substitution within a company or renewal.	Temporary	Destroy 25 years after last entry.
1.2.2		Applications received which are successful. Includes records of investigations into the suitability of the applicant, licensing forms and other supporting documents.	Temporary	Destroy 25 years after last renewal.

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No	Function/Activity	Description	Status	Disposal Action
<i>DRIVER AND OPERATOR AUTHORISATION - Operator, Network Service Provider and Taxi Vehicle Authorisation</i>				
		<p><i>For revocation of authorisation see class 2.4.3.</i></p> <p><i>For compliance testing of vehicles see class 2.2.1.</i></p>		
1.2.3		Applications received which are unsuccessful. Includes records of investigations into the suitability of the applicant, licensing forms and other supporting documents.	Temporary	Destroy 7 years after last action.
2	COMPLIANCE	<p>The monitoring of compliance through the management of complaints and the investigation or inspection of drivers or operators in the taxi, hire car or driving instructor industries.</p> <p><i>For compliance regarding concession programs see class 3.2.0.</i></p>		
2.1	Complaints	The management of complaints alleging misconduct or unfair treatment by drivers or operators.		
2.1.1		Record of complaints against a driver or operator where the complaint <i>does not</i> lead to further investigation, infringement or prosecution.	Temporary	Destroy 5 years after last action.

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No	Function/Activity	Description	Status	Disposal Action
<i>COMPLIANCE - Inspections</i>				
		<p><i>For complaints leading to infringement, see class 2.3.0.</i></p> <p><i>For complaints leading to further investigation, see class 2.4.0.</i></p> <p><i>For complaints that lead to prosecution, see class 2.5.0.</i></p>		
2.2	Inspections	<p>The inspection of vehicles, instruments (such as taxi meters and security cameras) and practices of drivers and operators to ensure compliance with taxi, hire car or driving instructor regulations. Includes larger operations conducted with other agencies such as VicRoads or the Sheriff's Office.</p> <p>For policies and reports about compliance operations and inspections, see <i>PROS 07/01 General Retention & Disposal Authority for Records of Common Administrative Functions</i>.</p>		
2.2.1		<p>Inspections that <i>do not</i> result in infringement or investigation. Includes the monitoring, processing and appraisal of minor defects. Also includes registers/logs of inspection.</p> <p><i>For inspection or monitoring resulting in infringement, see class 2.3.0</i></p>	Temporary	Destroy 5 years after last action.

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No	Function/Activity	Description	Status	Disposal Action
<i>COMPLIANCE - Infringements</i>				
		<p><i>For inspection or monitoring resulting in further investigation, see class 2.4.0</i></p> <p><i>For inspection or monitoring that lead to prosecution, see class 2.5.0</i></p> <p><i>For other security related matters, see class 4.0.0.</i></p>		
2.3	Infringements	The issue of fines, notice of offences or rectification to drivers or operators for non-compliance to the regulations of the taxi, hire car and driving instructor industries.		
2.3.1		Summary record of infringements.	Temporary	Destroy 15 years after last action.
2.3.2		<p>Record of minor infringements where the infringement does not lead to further investigation or prosecution. Includes Defect Notices and Penalty Notices.</p> <p><i>For inspection or monitoring not related to an infringement, see class 2.2.1</i></p> <p><i>For infringements leading to investigation, see class 2.4.0, and if followed by prosecution, see class 2.5.0.</i></p>	Temporary	Destroy 7 years after last action.

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No	Function/Activity	Description	Status	Disposal Action
<i>COMPLIANCE - Investigations</i>				
2.4	Investigations	Investigations carried out subsequent to complaints, infringement or inspection of drivers or operators in the taxi, hire car and driving instructor industries.		
2.4.1		Summary record of investigations of drivers or operators.	Permanent	Retain as State archives
2.4.2		Records of investigations resulting in changes to policy or procedures.	Permanent	Retain as State archives
2.4.3		Investigations into incidents and complaints of inappropriate behaviour of a driver or operator resulting in revocation of authorisation. <i>For records of prosecution, see class 2.5.1.</i>	Temporary	Destroy 15 years after last action.
2.4.4		Investigation into incidents and complaints of inappropriate behaviour of a driver or operator that does not result in revocation of authorisation.	Temporary	Destroy 7 years after last action.
2.5	Prosecution	The prosecution of a driver or operator as a result of inspection, investigation or infringement.		
2.5.1		Records documenting the preparation for court appearances for the prosecution of a driver or operator. Includes original plea letters, evidence files	Temporary	Destroy 7 years after last action.

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No	Function/Activity	Description	Status	Disposal Action
<i>TAXI CONCESSION PROGRAMS MANAGEMENT</i>				
		and copies of court records.		
3	TAXI CONCESSION PROGRAMS MANAGEMENT	<p>Management of membership and compliance of concession programs such as the Multi-Purpose Taxi Program (MPTP) or the country wheelchair accessible taxi program.</p> <p>The MPTP is a subsidy scheme to improve taxi affordability for disabled passengers and the country wheelchair accessible taxi program is a subsidy scheme to help country taxi operators buy wheelchair accessible taxis.</p>		
3.1	Management of Applications and Membership	The assessment of applications for taxi concession membership or additional subsidy. Includes ongoing maintenance of applicant information.		
3.1.1		Summary record of membership applications. Includes successful and unsuccessful applications and member details.	Temporary	Destroy 7 years after last entry.
3.1.2		<p>Applications received which are successful. Includes records documenting the assessment of suitability of the applicant and supporting material.</p> <p>Also includes the maintenance of individual membership details.</p>	Temporary	Destroy 7 years after last action.

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No	Function/Activity	Description	Status	Disposal Action
<i>TAXI CONCESSION PROGRAMS MANAGEMENT - Management of Applications and Membership</i>				
		<i>For membership revocation, see class 3.2.1.</i>		
3.1.3		Applications received which are unsuccessful. Includes records documenting the assessment of suitability of the applicant and supporting material.	Temporary	Destroy 5 years after last action.
3.2	Programs Compliance	The monitoring of taxi concession programs compliance and investigations into alleged fraud or misuse.		
3.2.1		Records documenting investigations into alleged fraud or misuse of concession entitlement programs that result in membership revocation.	Temporary	Destroy 15 years after last action.
3.2.2		Records documenting investigations into alleged fraud or misuse of concession entitlement programs that <i>do not</i> result in membership revocation.	Temporary	Destroy 7 years after last action.
4	TAXI SECURITY	The capturing of surveillance footage within a taxi vehicle to ensure the safety of its driver and passengers and to provide proof or evidence of an event.		
4.1	Security Management	The management of continuous surveillance and the capture of evidence of events.		
4.1.1		Summary record of reviews carried out on surveillance footage.	Temporary	Destroy 15 years after last action.

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No	Function/Activity	Description	Status	Disposal Action
<i>TAXI SECURITY - Security Management</i>				
4.1.2		Records that document the review of surveillance footage. Also includes records that document the certification of taxi surveillance images and document what has been provided to Victoria Police.	Temporary	Destroy 7 years after action complete.
4.1.3		Taxi surveillance records that are required as evidence of events.	Temporary	Transfer after to Victoria Police as requested.
4.1.4		Taxi surveillance records that are not required as evidence of events.	Temporary	Destroy after administrative use has concluded.

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