

**Retention and Disposal Authority for Records of the Magistrates'
Court**

Authority number: PROS 21/01 VAR 3



PROS 21/01 VAR 3

**Retention and Disposal
Authority for Records of the
Magistrates' Court**

Status Date: 24/08/2022

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INTRODUCTION

Context

Functions of the Court and Scope

The Magistrates' Court of Victoria is the first level of the Victorian Court system. Sitting in 51 locations (as at 2021) it hears most matters that reach court. There is no jury and each matter is determined by a judicial officer (magistrates and judicial registrars).

The Magistrates' Court of Victoria (MCV) was established by the Magistrates' Court Act 1989 as successor to the former Magistrates Courts, which were previously Courts of Petty Sessions, Police Magistrate, Court of Mines and Licensing Courts. This RDA applies to the MCV and its predecessors

The criminal jurisdiction of the Court hears and determines all summary offences - less serious offences such as traffic offences, minor assault, property damage and offensive behaviour; some indictable offences - burglary and theft; and conducts committal hearings where a Magistrate determines whether there is sufficient evidence to convict the defendant in a higher court. For the purposes of this RDA its covers criminal proceedings of the Koorie Court, Drug Court, Criminal Diversion program, and matters heard by the (former) Courts of Petty Sessions.

The civil jurisdiction can hear civil disputes up to \$100,000 arising from debts, claims for damages, other monetary disputes or equitable relief. For this RDA it includes WorkCover and Industrial Division matters.

The Municipal Election tribunal hears disputes arising from local government elections.

This RDA also covers the Court (and its predecessor Courts) jurisdiction to hear and determine matters in the Family Law division under a range of Acts including matters of maintenance, custody, guardianship and access, marriage of underage persons, change of name, property interests of de facto partners.

It covers records of the Court's jurisdiction to hear and determine matters pursuant to family violence, personal safety legislation, plus programs and services to reduce re-offending and improve safety.

See section 9.0 for "legacy records", i.e. records that are no longer created by the Magistrates' Court and its predecessors including the Courts of Petty Sessions, Police Magistrate, Court of Mines and Licensing Courts. It includes records in obsolete formats and/or matters which are no longer fall within the Court's jurisdiction. Legacy records are described by commonly known title to aid implementation.

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Variation

Variation 1

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the Magistrates' Court

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to records of Magistrates' Court of Victoria, issued as Public Record Office Standard (PROS 21/01) on 22/01/2021, as follows:

The following function and class descriptions have been expanded:

Class Number	Description of Change
2.0	Description expanded to include federal jurisdiction to matters heard by the Magistrates' Court of Victoria (MCV)
2.2	Inclusion of federal jurisdiction to the registration of cases heard or administered by the MCV, and interim and final orders made including those under federal jurisdiction.
2.3	Inclusion of proceedings for the recovery of possession of a property, including forms for warrant of possession, subsequent applications (to cancel/extend), executed copies of a warrant and correspondence.

This Variation shall have effect from its date of issue.

[Approved]

Justine Heazlewood

Director and Keeper of Public Records

Date of issue: 10/12/2021

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Variation 2

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the Magistrates' Court

Variation 2: In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the records of the Magistrates' Court, issued as Public Record Office Standard (PROS) 21/01 on 22/01/2021, as follows:

Class Number	Description of Change
2.2	Disposal action changed from "Keep in agency until agency and regulatory requirements have ceased" to "Destroy 25 years after final order or appeal period has expired".
2.2	<p>Class description expanded to include records that were previously within scope of class 2.3:</p> <ul style="list-style-type: none">• case records for civil cases (excluding claims for workers compensation as described in class 2.1). Includes complaints, counterclaims, third party notice and defence notices;• proceedings for the recovery of monies when a debtor has not complied with a civil order. Includes forms for summons of oral examination, attachment of earnings, attachment of debt, warrant to seize property and instalment order applications. Also includes notices, affidavit information and correspondence• proceedings for the recovery of the possession of property. Includes forms for summons of oral examination, attachment of earnings, attachment of debt, warrant to seize property and instalment order applications. Also includes notices, affidavit information and correspondence• proceedings for the recovery of the possession of property. Includes forms for warrant of possession, subsequent applications (to cancel/extend), executed copies of warrants, and correspondence.
2.3	Class removed, records combined with class 2.2

This Variation shall have effect from its date of issue.

[Approved] Justine Heazlewood

Director and Keeper of Public Records

Date: 7 July 2022

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Variation 3

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the Magistrates' Court

Variation 3: In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the records of the Magistrates' Court, issued as Public Record Office Standard (PROS) 21/01 on 22/01/2021, as follows:

Class Number	Description of Change
1.2	Disposal action changed from "Keep in agency for 20 years minimum until agency and regulatory requirements have ceased" to "Destroy 20 years after last action".
1.2	Class description expanded to include records that were previously within scope of class 1.3: <ul style="list-style-type: none">• interim orders made in both summary and indictable cases;• infringement orders, made in a lodgeable infringement offence matter;• registration and orders made in infringement matters includes traffic, parking, public inebriation.
1.3	Class removed, records combined with class 1.2.
1.4	Class renumber to 1.3.

This Variation shall have effect from its date of issue.

[Approved]

Justine Heazlewood

Director and Keeper of Public Records

Date: 24 August 2022

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Retention and Disposal Authority for Records of the Magistrates' Court

Retention and Disposal Authority No	PROS 21/01 VAR 3
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Scope	Magistrates' Court of Victoria and its predecessors including Courts of Petty Sessions, Magistrates' Courts, Police Magistrate, Licensing Courts, and Courts of Mines.
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Status	Issued by Keeper
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Issue Date	24 August 2022
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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 22/04 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.

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

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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.

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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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 Magistrates' Court of Victoria. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[Approved]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 22/01/2021

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No	Function/Description	Status	Disposal Action
1.0	<p>CRIMINAL JURISDICTION</p> <p>The Magistrates' Court jurisdiction that hears and determines criminal matters. Includes the Court's responsibility to hear criminal cases regarding:</p> <ul style="list-style-type: none"> • summary offences - less serious offences such as traffic offences, minor assault, property damage and offensive behaviour; • indictable offences - more serious offences such as burglary and theft, which may be heard by a Magistrate (summarily); and • conduct of committal proceedings - where a Magistrate hears the prosecution's case and decides whether there is sufficient evidence to convict the defendant in County or Supreme Court, for indictable offences that are not heard summarily. <p>Also includes criminal proceedings of the Koori Court, Drug Court, and Criminal Diversion program.</p> <p>Includes case management from registration through to hearing and final determination.</p> <p>Includes matters heard by the Courts of Petty Sessions.</p>		
1.1	<p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> • registration of each individual case heard or administered by the criminal jurisdiction of the Magistrates' Court and the Court of Petty Sessions. Records will include names of parties, type of action and outcome of the court hearing; includes hard copy registers, indices and the registration data contained in any electronic case management system; Note: excludes infringement matters - see 1.3 and warrant registers -see 1.2; • official record of the charges upon which a person is brought before the Court and the Court's decision for the outcome of a criminal proceeding; • final orders made in both summary and indictable cases, excluding infringement matters - see 1.3. Details include; date and place of hearing, offence, decision or outcome, judicial officer, accused name, age and date of birth. 	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Description	Status	Disposal Action
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CRIMINAL JURISDICTION

1.2	<p>Records documenting:</p> <ul style="list-style-type: none"> • records that uniquely register and identify warrants issued - includes date of issue, Magistrate who issued, name of law enforcement officer primarily responsible, related offence enforcement period, variations. This Class includes warrant registers. • interim orders made in both summary and indictable cases; • infringement orders, made in a lodgeable infringement offence matter; • registration and orders made in infringement matters includes traffic, parking, public inebriation. 	Temporary	Destroy 20 years after last action.
1.3	<p>Records documenting:</p> <ul style="list-style-type: none"> • execution copy of charge sheet, case history, appeal, bail and service information; • issue copy of originating process (charge sheets) by which a case commences; • applications for remand and arrest warrants, seize property, surveillance, firearms and other miscellaneous warrants (including unsuccessful applications); • any other documentation filed in a criminal proceeding (excluding records described in 1.2 above). 	Temporary	Destroy 7 years after last action.

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No	Function/Description	Status	Disposal Action
<i>CIVIL JURISDICTION</i>			
2.0	<p>CIVIL JURISDICTION</p> <p>The Magistrates' Court has jurisdiction to hear and determine civil matters.</p> <p>This includes activities concerned with the Court's responsibility to hear civil cases involving matter such as debt and damages claims, WorkCover and Industrial Division matters and interstate judgements enforced in Victoria.</p> <p>This also includes activities concerned with the Federal Jurisdiction, primarily in relation to civil, human rights and residential tenancy matters.</p> <p>The Magistrates' Court can hear and determine any cause of action for damages or debt within the jurisdictional limit (or exceeding this limit by the consent of all parties).</p> <p>Includes case management from registration through to hearing and final determination, including cases appealed to a higher court.</p> <p>Includes matters heard in the Courts of Petty Sessions.</p> <p>This function does not include matter relating to family law, see section 4.0</p>		
2.1	<p>Records documenting:</p> <ul style="list-style-type: none"> • Case files relating to the hearing and assessment of claims for compensation for workplace injuries. Includes interim and final orders. 	Temporary	Destroy 75 years after final order made.
2.2	<p>Records documenting:</p> <ul style="list-style-type: none"> • registration of each individual case heard or administered by the civil and federal jurisdictions of the Magistrates' Court. Records will include the names of the complainant and defendant, brief summary of the nature and monetary value of the case, date complaint was lodged, date of hearing; includes hard copy registers and indices and the registration data contained in any electronic case management system • interim and final orders made for civil cases (excluding claims for workers compensation as described in class 2.1); 	Temporary	Destroy 25 years after final order or appeal period has expired.

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No	Function/Description	Status	Disposal Action
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CIVIL JURISDICTION

	<ul style="list-style-type: none"> • decision sheets (excluding claims for workers compensation as described in class 2.1); • case records for civil cases (excluding claims for workers compensation as described in class 2.1). Includes complaints, counterclaims, third party notice and defence notices; • proceedings for the recovery of monies when a debtor has not complied with a civil order. Includes forms for summons of oral examination, attachment of earnings, attachment of debt, warrant to seize property and instalment order applications. Also includes notices, affidavit information and correspondence • proceedings for the recovery of the possession of property. Includes forms for summons of oral examination, attachment of earnings, attachment of debt, warrant to seize property and instalment order applications. Also includes notices, affidavit information and correspondence • proceedings for the recovery of the possession of property. Includes forms for warrant of possession, subsequent applications (to cancel/extend), executed copies of warrants, and correspondence. 		
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No	Function/Description	Status	Disposal Action
<i>MUNICIPAL ELECTORAL TRIBUNAL</i>			
3.0	<p>MUNICIPAL ELECTORAL TRIBUNAL</p> <p>The management of proceedings within the Municipal Electoral Tribunal from case registration through to hearing and final determination.</p> <p>Includes hearing of disputes arising from local government elections by the Municipal Electoral Tribunal, as constituted under the <i>Local Government Act 1989</i>.</p>		
3.1	<p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> • registration of each individual proceeding heard or administered by the Municipal Electoral Tribunal; includes hard copy registers, indices and the registration data contained in any electronic case management system; • official record of the final order of a proceeding. 	Permanent	Retain as State Archives, Transfer to PROV
3.2	<p>Records documenting:</p> <ul style="list-style-type: none"> • interim orders; • assessment of applications arising from Local Government Election disputes, excluding the final judgement of the Court. 	Temporary	Destroy 5 years after last action.

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No	Function/Description	Status	Disposal Action
<i>FAMILY LAW</i>			
4.0	<p>FAMILY LAW</p> <p>The Magistrates' Court (and predecessor courts) jurisdiction to hear and determine matters in the Family Law division under a range of Acts including, but not limited to, the;</p> <ul style="list-style-type: none"> • <i>Family Law Act 1975</i> - Matters regarding maintenance, custody, guardianship and access; • <i>Marriage Act 1958</i> - Matters regarding marriage of underage persons; • <i>Registration of Births, Deaths and Marriages (Amendment) Act 1985</i> - Matters regarding change of name; • <i>Maintenance Act 1965</i>; • <i>Property Law Act 1958</i> - Matters regarding property interests of de facto partners. <p>Includes applications regarding child contact, child's place of residence, specific parenting issues, property, change of name, marriage, child maintenance and support, in addition to child recovery orders and marriage of minor applications.</p> <p>Includes the management of cases from registration through to hearing and final determination.</p>		
4.1	<p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> • registration of each individual case heard or administered by the Family Law jurisdiction of the Magistrates' Court; includes hard copy registers and indices and the registration data contained in any electronic case management system; • official judgement given and orders made; including records parenting orders, consent orders, recovery orders (if a child has been taken or not returned as set out by a parenting order); • interstate and overseas orders registered in Victoria for enforcement; • case records including applications, correspondence, affidavits, certificates issued overseas, declarations regarding the following matters: - adoption, custody, 	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Description	Status	Disposal Action
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FAMILY LAW

	guardianship, child access paternity; change of name; property interests; marriage of under-age persons.		
4.2	<p>Records documenting:</p> <ul style="list-style-type: none"> • records of monies paid into the court by instalment for maintenance orders under the <i>Family Law Act 1975</i>; includes maintenance cards and ledgers; • maintenance payments. 	Temporary	Destroy 25 years after last action.

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No	Function/Description	Status	Disposal Action
<i>FAMILY VIOLENCE/INTERVENTION ORDERS</i>			
5.0	<p>FAMILY VIOLENCE/INTERVENTION ORDERS</p> <p>The Magistrates' Court jurisdiction to hear and determine matters pursuant to the <i>Family Violence Protection Act 2008, Personal Safety Intervention Orders Act 2010</i> and predecessor Acts.</p> <p>Includes intervention order applications and related proceedings in the Magistrates' Court. Includes applications to extend, vary or revoke intervention orders and any other action relating to these proceedings.</p> <p>Includes the management of cases from registration through to hearing and final determination.</p>		
5.1	<p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> • registration of each individual case relating to family violence, personal safety or intervention order hearings. Includes hard copy registration and registration data contained in any electronic case management system; • official decisions made for an intervention order proceeding. Includes date, place of hearing, orders, conditions of order, presiding Magistrate, party names, addresses and dates of birth; • affidavit or certificate of service of a final order; • interstate orders registered in Victoria. 	Permanent	Retain as State Archives, Transfer to PROV
5.2	<p>Records documenting:</p> <ul style="list-style-type: none"> • applications for Intervention Orders relating to personal safety and/or family violence complaints; • complaints, notices, affidavit information, correspondence, warrant information or any other documentation filed in these proceedings. 	Temporary	Destroy 25 years after last action.

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No	Function/Description	Status	Disposal Action
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LICENSING

6.0	<p>LICENSING</p> <p>The Magistrates' Courts jurisdiction to hear and determine applications for licences for commercial agents or commercial sub-agents under the <i>Private Agents Act 1966</i> and the <i>Hawkers and Pedlars Act 1958</i>.</p> <p>Commercial agents or commercial sub agents are persons that may ascertain the whereabouts of or repossess any goods or chattels which are the subject of a hire purchase agreement or a bill of sale, collect or request payment of debts.</p> <p>[For licensing no longer within the Court's jurisdiction see Section 9.0 Legacy Records]</p>		
6.1	<p>Records documenting:</p> <ul style="list-style-type: none"> • the registration of each licensing application heard at the Magistrates' Court. Includes hard copy registers, indices and the registration data contained in any electronic case management system; • the official court record of orders relating to licensing applications and renewals made pursuant to the <i>Private Agents Act 1966</i> and the <i>Hawkers and Pedlars Act 1958</i>; • successful and unsuccessful applications for licenses or license renewal; includes objections, police reports and records of fidelity bonds. <p>[For licensing relating to other Acts and matters conducted by the Courts of Petty Sessions see Section 9.0 Legacy Records].</p>	Temporary	Destroy 7 years after last action.

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Authority number: PROS 21/01 VAR 3

No	Function/Description	Status	Disposal Action
<i>COURT ADMINISTRATION</i>			
7.0	<p>COURT ADMINISTRATION</p> <p>The development and administration of Court practices and procedures, including activities conducted under legislation concerning the Magistrates' Court Rules and the administration of the Court.</p> <p>Includes the management of committees concerned with the interpretation, review and administration of the <i>Magistrates' Court Act 1989</i> and the operation of the Court.</p> <p>[For records of all other committees, use PROS 07/01 General Retention and Disposal Authority for Records of Common Administrative Functions].</p> <p>[For records relating to the operations of the cash office of the Court including Kalamazoo sheets recording inward and outward transactions, daily summary cashbooks for the Trust account, receipts and reconciliations see PROS 07/01 General Retention and Disposal Authority for Records of Common Administrative Functions, 5.1.0 Accounting].</p>		
7.1	<p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> • master set of minutes and agenda of Council of Magistrates' meetings and Executive Committee of the Council of Magistrates' meetings; • master set of the Chief Magistrate's Practice Directions and Principal Register Practice Directions. 	Permanent	Retain as State Archives, Transfer to PROV
7.2	<p>Records documenting:</p> <ul style="list-style-type: none"> • Video and audio recordings of proceedings within the Magistrates' Court and Victims of Crime Tribunal. 	Temporary	Destroy 2 years after appeal period expires or otherwise ordered by a judge.
7.3	<p>Records documenting:</p> <ul style="list-style-type: none"> • scheduling of cases heard in the court, daily court listings, listing diaries, courtroom bookings and records related to the allocation of Magistrates' to cases 	Temporary	Destroy 1 year after last action.

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No	Function/Description	Status	Disposal Action
<i>PROGRAMS & SERVICES</i>			
8.0	<p>PROGRAMS & SERVICES</p> <p>Support programs and services for accused, applicants and respondents with the aim of reducing re-offending, improving safety and increasing confidence in and access to the justice system.</p> <p>Includes but is not limited to assistance relating to drug and alcohol dependency, homelessness, mental health, disability, acquired brain injury, legal services, young offenders and Koori specific needs.</p> <p>Includes programs and services delivered through the Drug Court and Neighbourhood Justice Centre (NJC) in collaboration with community support and welfare agencies.</p>		
8.1	<p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> • the establishment, review and monitoring of programs and services, including the content, audience, and delivery mechanisms of the program; • the nomination and selection of members of the community to participate as role models, advocates, mentors and/or champions e.g. Koori elders for participation in Koori diversion and liaison programs. 	Permanent	Retain as State Archives, Transfer to PROV
8.2	<p>Records documenting the case records of all program clients:</p> <ul style="list-style-type: none"> • registration of each individual client's involvement with the support program or service. Includes registration/initiation data contained in any electronic or computerised case management system; • key demographic data, needs assessments, risk assessments, referrals, case plans, case notes and summary of the advice provided; • reports provided by medical specialists, psychologists, drug and alcohol services and other community service providers. 	Temporary	Destroy 30 years after action completed.

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No	Function/Description	Status	Disposal Action
<i>LEGACY RECORDS</i>			
9.0	<p>LEGACY RECORDS</p> <p>This section authorises the disposal of records that are no longer created by the Magistrates' Court and its predecessors, including the Court of Petty Sessions, Police Magistrate, Court of Mines and Licensing Courts.</p> <p>Includes records in obsolete recordkeeping formats and/or records which document actions which no longer fall within the Court's jurisdiction.</p> <p>This section does not cover records that document functions that are continuing and are created in modern systems, e.g. Court of Petty Session Registers. Please refer to the applicable class in functions 1-8 of this RDA.</p>		
9.1	<p>Records of continuing value:</p> <ul style="list-style-type: none"> • Cause List Books recording all decisions and orders made by the Courts of Petty Sessions, typically record criminal, civil and licensing matters in the one record as they arose (NB: if civil and/or licensing matters are listed in separate Cause List Books use class 9.2 for civil and licensing matters). • Court of Insolvency Register (created prior to 1 January 1929) which record applications for an Order of Sequestration and related court orders. Includes details of the insolvent or debtor, date of filing the application and the granting of the Certificate of Discharge. • Court of Petty Sessions Register documenting cases from all of the various jurisdictions in the one sequence of volumes. • Liquor Licensing Register created prior to 1968 • Mining Records (created prior to 6 November 1991). Records of the issuing of Miner's rights under the <i>Mines Act 1958</i> and earlier legislation such as receipt stubs. Includes Court of Mines Warden's and Registrar's registers of applications, agreements, claims and leases. • Non-Liquor Licensing Register - records created prior to 1968 (<i>Hawkers Act 1958</i>). Auctioneers, carriers, collectors, hawkers, real estate agents, stage coach operators, slaughterers 	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Description	Status	Disposal Action
<i>LEGACY RECORDS</i>			
	<ul style="list-style-type: none"> • Register of Invalid and Old Age Pension Claims records documenting the actions taken by clerks of courts delegated to them by Commonwealth invalid and old age pension acts from 1908. Clerks were to act as a Registrar of Pensions to assess pension claims. • Register of Protection Certificates Granted for Unemployed Occupiers and Farmers • Register of War Pension Claims records documenting claims received by clerks in non-metropolitan areas to receive applications and forward to Deputy Commissioner of Pensions under the provisions of Commonwealth War Pensions Acts 1914 and 1915 • Special Complaints Register for the redress of civil complaints where the Court determined the appropriate amount of redress and operated with a higher jurisdictional limit. 		
9.2	<p>Records documenting:</p> <ul style="list-style-type: none"> • Infant Investment case records - claims for money or damages brought by a litigation guardian, where the party is a minor or is under a disability, pursuant to the Rules of the Court. Includes complaints, notices, affidavit information, correspondence and any other documentation filed prior to the making of a final order. 	Temporary	Destroy 2 years after all monies paid out of the case and case audited OR 15 years after the order made, whichever is the longer period.
9.3	<p>Records of medium term value documenting:</p> <ul style="list-style-type: none"> • Alternative Procedure Register • Case Files substituting as a register - bundled case files annotated by Magistrate with decision and bundled as a substitute register • Cause List Books - where the Cause List Books record only civil and/or licensing matters (typically only created by the largest and busiest courts).[For Cause List Books combining all matters, see class 9.1]. 	Temporary	Destroy 15 years after last action.

Retention and Disposal Authority for Records of the Magistrates' Court

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No	Function/Description	Status	Disposal Action
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LEGACY RECORDS

	<ul style="list-style-type: none"> • Default Register - record claims for debt falling within the ordinary jurisdiction of the Courts of Petty Sessions. • Fraud Register - recording of continued non-payment of penalty by those persons who were thought to have the means to pay, charged with fraud under the <i>Imprisonment of Fraudulent Debtors Act 1958</i>. • Liquor Licensing Register post 1968 • Non-Liquor Licensing Registers - post 1968. Applications for a license or permit for Auctioneers, Sheep Carriers and licenses issued under the <i>Hawkers and Pedlars Act 1958</i>. Includes temporary licenses and license renewals. • Ordinary Register - register of claims for debt within the jurisdiction of the Courts of Petty Sessions, record redress of civil complaints where the Court was empowered to determine cases for damage or debts where the precise amount of the claim could be determined according to some objective scale, i.e. recovery of debt for goods delivered. • Outstanding Penalties Register • PERIN Court Register - (created prior to 1 July 2006) register of unpaid infringement matters, such as parking, driving, littering and other on the spot penalties. • PERIN Court Certificates - for registration of infringement penalties (created prior to 1 July 2006). • Registration of Judgement Records - interstate and intrastate judgements registered for enforcement, includes orders of the Small Claims Tribunal, Residential Tenancies Tribunal, Crimes Compensation Tribunal, Accident Compensation Tribunal. • Summons Register • Summons for Oral Examination Register 		
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Retention and Disposal Authority for Records of the Magistrates' Court

Authority number: PROS 21/01 VAR 3

No	Function/Description	Status	Disposal Action
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LEGACY RECORDS

9.4	<p>Records of short term value documenting:</p> <ul style="list-style-type: none"> • Alternative Procedure Case Files - (created prior to 31 December 1991) includes sworn statements, notices, affidavits, warrants and other enforcement documentation. • Fidelity bonds - paid in relation to the issue of licenses. • License books and license stubs - complete and incomplete licensing stub books for licenses issued after 1956. • Listing Diaries • PERIN Court Manual Proceedings - (created prior to 1 July 2006) includes correspondence received and forms lodged concerned PERIN cases, applications for revocation/withdrawal or non-registration of a penalty. • Security books - records documenting securities given as a surety by a third party to allow time for an individual to raise funds to pay an outstanding order • Visiting Magistrates Book - Court copy of Prisoner's Personal Application to the visiting Magistrate, where prisoners may express complaints about unfair treatment or poor conditions experienced while in custody. 	Temporary	Destroy 5 years after last action.
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