

**Retention and Disposal Authority for Records of the Victorian
Legal Admissions Board**

Authority number: PROS 23/09



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**Retention and Disposal
Authority for Records of the
Victorian Legal Admissions
Board**

Status Date: 13/11/2023

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| Retention and Disposal Authority No | PROS 23/09 |
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| Scope | This RDA authorises the disposal of records documenting the legal admissions functions performed by the Victorian Legal Admissions Board. Includes records of its predecessor bodies such as the Board of Legal Examiners and the Council of Legal Education. |
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| Status | Issued by Keeper |
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| Issue Date | 13 November 2023 |
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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 - *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*.

Under PROS 22/04 Disposal Standard, authorisation to destroy public records is WITHDRAWN and NOT GIVEN (even if specified in an RDA or other authorised disposal instrument) if:

- it is reasonably likely that they will be needed in a current or future legal proceeding. This includes any civil or criminal proceeding or an inquiry where evidence may be given before a court or person acting judicially such as a Royal Commission or Board of Inquiry
- they are required for meeting any Freedom of Information (FOI) applications which are not finalised
- they are required for audits or investigations which are not yet finalised; and/or
- they are subject to disposal freezes applied by government or by the organisation.

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

PROS 22/04 Disposal Standard authorises the destruction of some public records under Normal Administrative Practice (NAP) principles. Low value facilitative records described below are authorised for destruction by *PROS 22/04* under NAP principles:

- working documents, such as notes or calculations, used to assist in the preparation of other records
- minor drafts and transitory documents, where the content is reproduced elsewhere, and the information will not be needed to show how the work has progressed or actions approved
- minor updates of content, such as those in databases, which will not be needed to show actions, decisions, or approvals
- communications for the purpose of making minor arrangements
- duplicate copies.

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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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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 Victorian Legal Admissions Board. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[Approved]

Lara Pasquale, Acting Keeper of Public Records
Date of Issue: 13/11/2023

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| No | Function/Description | Status | Disposal Action |
|-----|---|-----------|---|
| 1.0 | <p>LEGAL PROFESSION ADMISSION</p> <p>The functions associated with the admission of lawyers in Victoria, carried out in accordance with legislation. Includes regulating entry, determining the eligibility of applicants and issuing Compliance Certificates for admission.</p> | | |
| 1.1 | Records documenting successful applications for admission to the legal profession prior to 1996. Includes those seeking admission from interstate and overseas jurisdictions. | Permanent | Retain as State Archives, Transfer to PROV. |
| 1.2 | Records documenting successful applications for admission to the legal profession approved during and after 1996. Includes those seeking admission from interstate and overseas jurisdictions. | Temporary | Destroy 75 years after application approved. |
| 1.3 | Records documenting unsuccessful applications for admission to the legal profession. | Temporary | Destroy 15 years after application has been withdrawn or refused. |

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PUBLIC NOTARY APPOINTMENT

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| 2.0 | <p>PUBLIC NOTARY APPOINTMENT</p> <p>The functions associated with the appointment of public notaries who are senior lawyers responsible for certifying and attesting documents intended for use anywhere in the world, often in embassies. They are lawyers of at least five years standing and must have completed a course of study related to notarial practice.</p> | | |
| 2.1 | Records documenting successful applications to become a public notary. | Temporary | Destroy 75 years after application approved. |
| 2.2 | Records documenting unsuccessful applications to become a public notary. | Temporary | Destroy 15 years after application has been withdrawn or refused. |