



Public Record Office Standard

PROS 09/04

Authority

Retention & Disposal Authority for Records of the Children's Court

Version 2009

09/04

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A Victorian Government initiative



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Under section 12 of the Public Records Act 1973, the Keeper of Public Records is responsible for the establishment of standards for the efficient management of public records and for assisting public offices to apply those standards to records under their control. Officers in charge of public offices are responsible under section 13 of the *Act* for carrying out, with the advice and assistance of the Keeper, a program of records management in accordance with the standards established under section 12 of the *Act*.

1 Introduction

1.1 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.

1.2 Context of this Authority

1.2.1 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.

1.2.2 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.

1.2.3 Destruction of records identified in the Authority

In accordance with Public Record Office Standard PROS 97/003 *Destruction of Public Records* public offices must notify PROV of the destruction of records made under a valid Authority. To notify PROV, complete and forward the form *PRO 29 Notification of Destruction of Public Records*, available at: www.prov.vic.gov.au.

1.2.4 The Crimes (Document Destruction) Act 2006

It is an offence under *The Crimes (Document Destruction) Act 2006* for individuals or organisations to destroy documents that they know are reasonably likely to be required in a future legal proceeding, with the intention of keeping the documents out of

evidence. Destroying records however in accordance with a valid Authority is lawful as long as the requirements under *The Crimes (Document Destruction) Act 2006* are met.

PROV strongly advises that all agencies familiarise themselves with the requirements under the *Crimes (Document Destruction) Act 2006* and *Evidence (Document Unavailability) Act 2006*, and PROV's *Advice to Agencies 18: Document Destruction and Litigation Evidence*.

1.2.5 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.

1.3 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.

1.4 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 agency may transfer records **not identified as permanent in this or any other Authority** to an Approved Public Record Office Victoria Storage Supplier (APROSS) pending final records action.

2 Concurrence of Public Office

This Authority has the concurrence of:

Signature: [Signed]

Name: Paul D Grant

Date: 31 July 2009

Position: President of Children's Court

3 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 Children's Court.

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
Director & Keeper of Public Records

Date of Issue: 26 August 2009

4 Acknowledgments

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


Leanne de Morton – Principal Registrar, Children's Court of Victoria

Sue Higgs – Project Manager, Children's Court of Victoria

5 Further Information

You can obtain relevant publications, supplies of relevant forms, and answers to any enquiries you may have by first contacting your agency's records manager or the Public Record Office Victoria:

Public Record Office Victoria

 (03) 9348 5600

e-mail: prov.agency.queries@prov.vic.gov.au

web: www.prov.vic.gov.au

6. Retention & Disposal Authority

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.0.0	<p>CASE MANAGEMENT</p> <p>The management of cases within the jurisdiction of the Children's Court from registration through hearing and final outcome. Includes cases within the Family Division, the Criminal Division, the Koori Court (Criminal Division) and the Neighbourhood Justice Division.</p>		
1.1.0	<p>Registration and Control</p> <p>The activities related to the registration and management of cases heard by the Court.</p>		
1.1.1	<p>Case Registration</p> <p>The records that uniquely identify each individual case heard or administered by the Children's Court. Includes hard copy registers and the registration data contained in any electronic case management system.</p> <p>Data contained in case registration records may include names of parties, type of action and outcome of Court hearing.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer to PROV when administrative use has concluded. Electronic records are to be transferred in VERS format.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.1.2	<p>Case Hearing Scheduling</p> <p>The records documenting the scheduling of cases heard in the Children's Court. Includes case listings and records relating to the allocation of judge/magistrates to cases.</p> <p>Includes the associated data contained in any electronic case management system.</p>	<p>Temporary</p> <p>Destroy 2 years after last action.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
1.2.0	<p>Family Division</p> <p>The activities associated with the Children's Court responsibilities under the <i>Children, Youth and Families Act 2005</i>. Applications heard by this Division relate to child protection, permanent care and irreconcilable differences.</p> <p>Includes applications for Search Warrants for the apprehension of children under the <i>Children, Youth and Families Act 2005</i>.</p> <p>Includes applications for Intervention Orders under the <i>Family Violence Protection Act 2008</i> and the <i>Stalking Intervention Orders Act 2008</i>, including those heard within the Neighbourhood Justice Division because they arise within a particular municipal district.</p>		

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.2.1	<p>Family Division – Orders Made The record of orders made in the Family Division of the Children's Court, including interim and final orders made by the Court (including suppression orders). Also includes interstate orders transferred to Victoria for registration.</p> <p>[For case records of a Family Division case, use 1.2.2] [For case registration records, use 1.1.1]</p>	<p>Permanent Retain as State Archives.</p>	<p>Transfer to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.</p>
1.2.2	<p>Family Division - Case Records Family Division Case Records including original application(s), reports tendered to the Court in support of and in objection to the application(s), notations, minutes of proposed orders, consent orders (if any) signed by parties, subpoenas for witnesses and documents, written judgments, correspondence.</p> <p>[For case registration records, use 1.1.1]</p>	<p>Temporary Destroy 99 years after case concluded.</p>	<p>Transfer to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.</p>
1.2.3	<p>Family Division - Originating Process The issue copy of originating process by which a case commences.</p>	<p>TEMPORARY Destroy 5 years after issue</p>	<p>Hold in agency pending destruction. Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.2.4	<p>Search Warrants - Case Records Search warrants issued by the Court for the apprehension of children if a child is in need of protection, if a child fails to appear at Court, or if certain Court orders are breached.</p> <p>Includes search warrant application with affidavit in support, correspondence and original search warrant.</p> <p>[For case registration records, use 1.1.1]</p>	<p>Temporary Destroy 5 years after last action.</p>	<p>Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>
1.2.5	<p>Intervention Orders - Case Records Applications for Intervention Orders relating to stalking and/or family violence complaints.</p> <p>Includes all originating complaint(s)/application(s), affidavits, warrants, correspondence and suppression orders.</p> <p>[For case registration records, use 1.1.1]</p>	<p>Temporary Destroy 5 years after last action.</p>	<p>Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.3.0	<p>Criminal Division The activities concerned with the Children's Court's responsibilities to hear charges against children and young persons aged 10 years or above but under the age of 18 years at the time of the alleged commission of the offence; excluding any person who is of or above the age of 19 years when a proceeding is commenced.</p> <p>The Criminal Division may deal with all charges except murder, attempted murder, manslaughter, arson causing death and culpable driving causing death.</p> <p>Includes criminal cases heard within the Neighbourhood Justice Division and criminal cases heard within the Koori Court (Criminal Division). The Koori Court hears matters relating to criminal offending by Koori children and young persons (other than sexual offences).</p>		
1.3.1	<p>Criminal Cases – Orders Made The official record of the charges upon which a child or young person is brought before the Court and the Court's decision of the outcome of a criminal proceeding. Includes the date and place of hearing, the presiding Magistrate or Judge, name, age and date of birth of the child or young person, offences and sentence.</p> <p>[For case records of a criminal case, use 1.3.2] [For case registration records, use 1.1.1]</p>	<p>Permanent Retain as State Archives.</p>	<p>Transfer to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.3.2	<p>Criminal Division - Case Records Criminal Division Case Records including original originating process (charge sheets), affidavits, warrants, bail bonds, correspondence, reports and suppression orders.</p> <p>Includes any additional Case Records maintained by the Koori Court (Criminal Division).</p> <p>[For case registration records, use 1.1.1]</p>	<p>Temporary Destroy 5 years after last action.</p>	<p>Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</p>
1.3.3	<p>Criminal Division - Originating Process The issue copy of originating process (charge sheets) by which a case commences.</p>	<p>Temporary Destroy 5 years after issue</p>	<p>Hold in agency pending destruction. Electronic records should be maintained in readable format pending destruction.</p>
1.4.0	<p>Children's Court Clinic The activities associated with the Children's Court Clinic's functions under the <i>Children, Youth and Families Act 2005</i>.</p> <p>These functions include making clinical assessments of children, submitting reports to courts and other bodies and providing clinical services to children and their families.</p>		

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.4.1	Children's Court Clinic – Index Index recording details of each child/family referred to the Children's Court Clinic.	Permanent Retain as State Archives.	Transfer to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.
1.4.2	Children's Court Clinic - Case Records Children's Court Clinic Case Records including Court referral details and contact information, family histories and information about family structure, original notes of clinician, results of clinical testing, details of treatment provided, correspondence and Court reports.	Permanent Retain as State Archives.	Transfer to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.
2.0.0	COURT ADMINISTRATION The function associated with the administration of the Court, including those activities legislated by the <i>Children, Youth and Families Act 2005</i> concerning the operation of the Act and the administration of the Court.		
2.1.0	Judicial Proceedings Support Activities associated with support of Court proceedings and practice. Includes activities carried out by persons acting judicially, the Registrar, Court staff, Court researchers, external bodies and outsourced private contractors.		

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
2.1.1	Judicial Practice Directions A master set of Judicial Practice Directions. Practice Directions are issued by the President of the Children's Court and supplement the procedures set out in the <i>Children, Youth and Families Act 2005</i> .	Permanent Retain as State Archives.	Transfer to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.
2.1.2	Registrar Practice Directions A master set of Registrar Practice Directions issued with the authority of the Principal Registrar of the Children's Court.	Permanent Retain as State Archives.	Transfer to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.
2.1.3	Audio and visual recordings of Court proceedings Audio and visual recordings of Court proceedings made by Court staff.	Temporary Destroy 12 months after date of hearing.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

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