



Public Record Office Standard

PROS 92/05

Authority

Records Disposal Schedule for Records of Magistrates' Courts – 01 September 1990 Onwards

| | | |
|--------------------|---|------------------------------|
| 92/05 | Issue Date: 09/10/92 | Finish Date: 91/10/02 |
| Variation 1 | Effect Date: 09/10/02 Extension of Authority to 31/12/03 | Finish Date: 31/12/03 |
| Variation 2 | Effect Date: 26/03/04 Extension of Authority to 31/12/05 | Finish Date: 31/12/05 |
| Variation 3 | Effect Date: 13/08/04 Inclusion of new classes 1.4.3 and 5.4.0 | Finish Date: 31/12/05 |
| Variation 4 | Effect Date: 30/06/06 Extension of Authority to 30/06/07 | Finish Date: 30/06/07 |
| Variation 5 | Effect Date: 30/06/07 Extension of Authority to 30/06/08 | Finish Date: 30/06/08 |
| Variation 6 | Effect Date: 27/06/08 Extension of Authority to 30/06/09 | Finish Date: 30/6/09 |
| Variation 7 | Effect Date: 10/07/09 Extension of Authority to 31/12/09 | Finish Date: 31/12/09 |

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PUBLIC RECORDS ACT 1973
(Section 12)

RECORDS DISPOSAL SCHEDULE FOR MAGISTRATES' COURT RECORDS

Public Record Office Victoria Standard (PROS) 92/05

Variation 1:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Magistrates' Court records, issued as Public Record Office Standard (PROS) 92/05 on 9/10/1992, as follows:

To extend the application of the Standard until the 31 December 2003.

This Variation has effect from 9 October 2002.

[Signed]

Ross Gibbs
Keeper of Public Records

Date of issue: 3 December 2002

Public Record Office Standard 92/05
Variation 1

Public Records Act 1973

(Section 12)

Retention & Disposal Authority for Magistrates' Court Records

Public Record Office Standard (PROS) 92/05

Variation 2:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Magistrates' Court records, issued as Public Record Office Standard (PROS) 92/05 on 9/10/1992, as follows:

To extend the application of the Authority until the 31 December 2005.

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Keeper of Public Records

Date of issue: 26 March 2004

Public Records Act 1973

(Section 12)

General Retention and Disposal Authority for Magistrates' Courts Records Post-01/09/1990

Public Record Office Standard (PROS) 92/05

Variation 3:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Magistrates' Courts records Post-01/09/1990, issued as Public Record Office Standard (PROS) 92/05 on 9/10/1992, as follows:

Insertion of new classes:

1.4.3 Civil Orders, Warrants and Decisions sheets with a sentence "Temporary Destroy 10 years after action complete."

5.4.0 Crimes (Family Violence) Files with a sentence "Temporary Destroy 5 years after action complete."

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Keeper of Public Records

Date of Issue: **16 August 2004**

Public Records Act 1973

(Section 12)

General Retention and Disposal Authority for Magistrates' Courts Records Post-01/09/1990

Public Record Office Standard (PROS) 92/05

Variation 4:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Magistrates' Courts records Post-01/09/1990, issued as Public Record Office Standard (PROS) 92/05 on 9/10/1992, as follows:

Extension of the application of the Authority until 30/6/2007

This Variation shall have effect from its date of issue.

[Signed]

David Brown

Date of issue: 30 June 2006

Acting Director and Keeper of Public Records

Public Records Act 1973

(Section 12)

General Retention and Disposal Authority for Magistrates' Courts Records Post-01/09/1990

Public Record Office Standard (PROS) 92/05

Variation 5:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Magistrates' Courts records Post-01/09/1990, issued as Public Record Office Standard (PROS) 92/05 on 9/10/1992, as follows:

Extension of the application of the Authority until 30/6/2008.

This Variation shall have effect from 30/6/2007

[Signed]

David Brown

Date of issue: 4 September 2007

Acting Director and Keeper of Public Records

Public Records Act 1973

(Section 12)

General Retention and Disposal Authority for Magistrates' Courts Records Post-01/09/1990

Public Record Office Standard (PROS) 92/05

Variation 6:

In accordance with section 12 of the *Public Records Act* 1973 (as amended), I hereby vary the Standard applying to the Magistrates' Courts records Post-01/09/1990, issued as Public Record Office Standard (PROS) 92/05 on 9/10/1992, as follows:

Extension of the application of the Authority until 30/6/2009.

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date of issue: 27 June 2008

Director and Keeper of Public Records

Public Records Act 1973

(Section 12)

General Retention and Disposal Authority for Magistrates' Courts Records Post-01/09/1990

Public Record Office Standard (PROS) 92/05

Variation 7:

In accordance with section 12 of the *Public Records Act* 1973 (as amended), I hereby vary the Standard applying to the Magistrates' Courts records Post-01/09/1990, issued as Public Record Office Standard (PROS) 92/05 on 9/10/1992, as follows:

Extension of the application of the Standard until 31/12/2009.

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date of issue: 10 July 2009

Director and Keeper of Public Records

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PART ONE

ESTABLISHMENT OF A RECORDS MANAGEMENT STANDARD

1.0.0 SCOPE OF THE STANDARD

In accordance with section 12 of the *Public Records Act 1973*, I hereby establish a Standard for the efficient management of the records which are described in the attached Disposal Schedule for the **Magistrates' Courts**.

Records described in the Disposal Schedule may be disposed of in accordance with its provisions.

Records sentenced for destruction in accordance with this Schedule may be destroyed without further authorisation in accordance with this Standard.

Notification of records destroyed in accordance with this Schedule shall be made to the Public Record Office Victoria.

2.0.0 DURATION OF THE STANDARD

This Standard shall apply for ten years from its date of issue unless revoked sooner.

3.0.0 VARIATION OF THE STANDARD

This Standard may be varied by the Keeper of Public Records.

4.0.0 CONCURRENCE OF PUBLIC OFFICE

This Schedule has the concurrence of the Attorney-General's Department.

| | | |
|-----------|-------------------------------------|----------------|
| JA Gidley | (Signature) (Name) (Position) | Date: 20/10/92 |
|-----------|-------------------------------------|----------------|

and the concurrence of the Auditor-General

| | | |
|-----------------------------------|-------------------------------------|----------------|
| Neville Eyre Director of Audit | (Signature) (Name) (Position) | Date: 07/10/92 |
|-----------------------------------|-------------------------------------|----------------|

5.0.0 SIGNATURE OF THE KEEPER OF PUBLIC RECORDS

| | | |
|---|-------------|------------------------|
| Ross Gibbs Director, Archival Heritage Keeper of Public Records | (Signature) | Date of Issue: 9/10/92 |
|---|-------------|------------------------|

PART TWO

INTRODUCTION TO THE SCHEDULE

1.0.0 SCOPE OF THIS DISPOSAL SCHEDULE

This Disposal Schedule is a Standard issued under section 12 of the *Public Records Act 1973*. It has been issued by the Public Record Office Victoria in consultation with the **Magistrates' Courts**.

2.0.0 OBJECTIVES OF THIS DISPOSAL SCHEDULE

The aims of this Schedule are to:

- identify records which are worth preserving permanently as part of Victoria's archival heritage
- prevent the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration
- authorise the destruction of those records not required permanently after specified periods.

3.0.0 USE OF OTHER DISPOSAL SCHEDULES

In applying the disposal sentences set out in this Schedule, reference should be made to other current Disposal Schedules where applicable. Where there is conflict between two Disposal Schedules, consult the Public Record Office Victoria.

4.0.0 HOW TO USE THE SCHEDULE

4.1.0 Transfer of Records to the Public Record Office Victoria

Agencies wishing to transfer permanent records to archival custody should contact the Public Record Office Victoria for further advice.

4.2.0 Destruction of Records Identified in the Schedule

When records identified as temporary in the Schedule are destroyed, notify the Public Record Office Victoria by completing and forwarding the form *PRO 29 Notification of Destruction of Public Records*. For records not covered by a Schedule contact the Public Record Office Victoria for further advice.

5.0.0 REVIEWING THE SCHEDULE

This Schedule prescribes minimum and permanent retention periods. Periods may not be shortened without the approval of the Keeper of Public Records. If you think there is a need to alter a retention period please contact the Public Record Office Victoria.

6.0.0 FURTHER INFORMATION

6.1.0 Public Record Office Victoria Standards

Further information relating to the disposal of records is set out in a number of Public Record Office Victoria Standards. Some Standards are relevant to particular public offices or groups of public offices. Others relate to all public offices. These include PROS 95/6, *Disposal of Public Records* which describes procedures for the efficient management and authorised disposal of public records.


Your office will be notified of any relevant General Standards applicable to it as they are issued in the future.

6.2.0 Contact Public Record Office Victoria

In addition to General and other Standards, there are a number of Public Record Office Victoria guidelines and brochures available.

You can obtain these publications, supplies of relevant forms, and answers to any enquiries you may have, by contacting

Public Record Office Victoria
Record Services
PO Box 2100
NORTH MELBOURNE VIC 3051

 (03) 9348 5600
Fax (03) 9348 5656
E-mail: prov.agency.queries@prov.vic.gov.au

PART THREE
THE DISPOSAL SCHEDULE

EXPLANATION OF DISPOSAL SCHEDULE HEADINGS

The Disposal Schedule comprises:

REFERENCE NUMBER

The class number or entry reference number provides citation and ease of reference.

CLASS

The unique title or name 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.

The Schedule provides notes which define each disposal class in terms of related functions or activities, information content, format, related legislative provisions and departmental instructions.

The Schedule may also include instructions or guidelines relating to culling, sentencing and sampling provisions, information on duplication of record content in other classes, and cross-references to other entries in the Schedule.

STATUS AND SENTENCE

This entry provides the archival status of each class being either permanent or temporary. In relation to temporary classes the entry also provides a retention period or sentence specifying how long the records should be kept prior to destruction, and the activity, transaction or event to which the retention period or sentence should be tied.

CUSTODY

This entry provides the custody arrangements for each class in terms of whether it is to be retained by the public office or transferred to the Public Record Office Victoria.

The agency may transfer records **not identified as permanent** in this or other Schedules to an Approved Public Record Office Victoria Storage Supplier pending final disposal action. For further information on APROSS facilities please contact the Public Record Office Victoria, Tel: 9348 5600.

SCHEDULE

SECTION ONE: CIVIL RECORDS

Where disposal is linked to audit, audit may be carried out by either the Office of the Auditor-General or the Internal Audit Unit of the Attorney-General's Department.

This Schedule only covers records created since 1 September 1990.

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|---|---|---|
| | | STATUS | CUSTODY |
| 1.1.0 | Register of Civil Cases <i>Magistrates' Courts Act, 1989, S18(1)</i> | | |
| 1.1.1 | Pre 'Courtlink' Register of Civil Cases Complaints in loose leaf format containing summary information about each Magistrates' Court civil case and either annotated with the Magistrate's signed order or with a decision sheet, signed by the Magistrate, attached. For records relating to Infant Investment Orders see section 1.5.0 | PERMANENT | Transfer to PROV 15 years after order made |
| 1.1.2 | Post 'Courtlink' Manual Register of Civil Cases Complaints in looseleaf format containing summary information about each Magistrates' Court civil case and either annotated with the Magistrate's signed order or with a decision sheet, signed by the Magistrate, attached. For records relating to Infant Investment Orders see section 1.5.0. | TO BE FINALISED (The status of this class is dependent upon resolution of the disposal status of class 1.2.0 'Courtlink' Computerised Case Management System for Civil Cases.) | Hold in agency pending resolution of disposal status. |

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|---|---|---|
| | | STATUS | CUSTODY |
| 1.2.0 | <p>'Courtlink' Computerised Case Management System for Civil Cases Magistrates' Court General Regulations, 1990, <i>Regulation 301(b)</i>.</p> <p>Includes all elements of data stored in 'Courtlink' civil system</p> | <p>TO BE FINALISED Until further disposal planning work is undertaken, all data stored in 'Courtlink' must be considered permanent and cannot be deleted or removed from online access.</p> | <p>To be maintained by Attorney-General's Department pending resolution of disposal status.</p> |
| 1.3.0 | <p>Original Complaints Includes the initiating document lodged at the court to commence a case.</p> <p>Where original complaints are filed with other case papers sentence according to 1.4.0.</p> <p>Where original complaints have decision sheets attached to them or orders annotated on them, sentence according to 1.1.1 or 1.1.2.</p> | <p>TEMPORARY Destroy 5 years after issue or 2 years after audit, whichever is the longer period, provided that the requirements of section 20(2) of the <i>Magistrates' Courts Act, 1989</i> are fulfilled.</p> | <p>Hold in agency pending destruction.</p> |

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|---|--|--|
| | | STATUS | CUSTODY |
| 1.4.0 | <p>Civil Case Filing (Civil Process) This class is subject to a sampling provision. Before taking any disposal action, refer to Appendix 2, sampling provision number 1.</p> <p>Includes notices, affidavits, correspondence, warrants and other enforcement records.</p> <p>Does not include original Magistrate's order.</p> <p>Does not include files relating to cases where an appeal is lodged to a higher court. In these cases the file becomes part of the record of that court.</p> <p>For records relating to Infant Investment Orders see section 1.5.0.</p> <p>Disposal Notes: Where the order is filed with other case papers and not kept as a separate register it will be necessary to cull each file to segregate the complaint/decision sheet upon which the Magistrate's order is annotated. This document should be sentenced according to 1.1.1 or 1.1.2.</p> | | |
| 1.4.1 | <p>Civil Case Filing Excluding Sample</p> <p>See class 1.4.2</p> | <p>TEMPORARY Destroy 5 years after order made or 2 years after audit, whichever is the longer period.</p> | <p>Hold in agency pending destruction.</p> |
| 1.4.2 | <p>Sample of Civil Case Filing Refers to a sample of civil case filing taken in accordance with Appendix 2, sampling provision number 1.</p> | <p>PERMANENT</p> | <p>Transfer to PROV 15 years after order made.</p> |
| 1.4.3 | <p>Civil Orders, Warrants and Decision Sheets Relates to Civil Orders, Warrants and Decision Sheets filed manually which duplicate information contained on the Courtlink system.</p> | <p>TEMPORARY Destroy 10 years after action complete</p> | <p>Hold in agency or APROSS pending destruction.</p> |

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|---|---|-------------------------------------|
| | | STATUS | CUSTODY |
| 1.5.0 | <p>Orders and Case Papers relating to Infant Investment Cases Refers to all court documents relating to orders where an 'Infant Investment' forms part of the order.</p> | TEMPORARY Retain until all monies paid out of the court then destroy 2 years after the next audit, or retain for a total of 15 years after the order made, whichever is the longer period. | Hold in agency pending destruction. |
| 1.6.0 | <p>Registration of Judgements Records Refers to records relating to interstate and intrastate judgements registered for enforcement. Includes orders of the:</p> <ul style="list-style-type: none"> • Small Claims Tribunal • Residential Tenancies Tribunal • Crimes Compensation Tribunal • Accident Compensation Tribunal | | |
| 1.6.1 | <p>Registration of Judgements Registers Includes registers of interstate and intrastate judgements in manual or electronic form.</p> <p>If 'Courtlink' is used to register judgements, sentence according to 1.2.0.</p> | TEMPORARY Destroy 15 years after registration. | Hold in agency pending destruction. |
| 1.6.2 | Registration of Interstate Judgements Files | TEMPORARY Destroy 15 years after registration. | Hold in agency pending destruction. |
| 1.6.3 | Registration of Intrastate Judgements Files | TEMPORARY Destroy 5 years after registration. | Hold in agency pending destruction. |
| 1.7.0 | <p>Listings Diaries Includes diaries and daily court lists used to schedule civil cases.</p> | TEMPORARY Destroy 2 years after last hearing date. | Hold in agency pending destruction. |

SCHEDULE

SECTION TWO: CRIMINAL RECORDS

Where disposal is linked to audit, audit may be carried out by either the Office of the Auditor-General or the Internal Audit Unit of the Attorney-General's Department.

This Schedule only covers records created since 1 September 1990.

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|---|---|--|
| | | STATUS | CUSTODY |
| 2.1.0 | Register of Criminal Cases <i>Magistrates' Courts Act, 1989, s18 (1)</i> | | |
| 2.1.1 | Manual (Pre 'Courtlink') Register of Criminal Cases Originating process in bound or looseleaf format containing summary information about each case including the Magistrate's signed judgement. | PERMANENT | Transfer to PROV 15 years after order made. |
| 2.1.2 | Computerised ('Courtlink') Register of Criminal Cases <i>Magistrates' Court General Regulations, 1990, Regulation 301(b).</i> Includes all elements of data stored in 'Courtlink' criminal system. | TO BE FINALISED Until further disposal planning work is undertaken, all data stored in 'Courtlink' must be considered permanent and cannot be removed from online access. | To be maintained by the Attorney-General's Department pending resolution of disposal status. |
| 2.2.0 | Original Process <i>Magistrates' Courts Act, 1989, s20(2).</i> Includes the original copy of process issued by the court by which a case commences: warrant to arrest and summons to answer a charge. Where original process is filed with other case document (ie on a case file) sentence according to 2.3.0. | TEMPORARY Destroy 5 years after issue or 2 years after audit, whichever is the longer period, provided that the requirements of section 20(2) of the <i>Magistrates' Courts Act, 1989</i> are fulfilled. | Hold in agency pending destruction. |

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|---|--|--|
| | | STATUS | CUSTODY |
| 2.3.0 | <p>Criminal Case Files This class is subject to a sampling provision. Before taking any disposal action refer to Appendix 2, sampling provision number 2.</p> <p>Includes informations, applications, warrants, appeals, briefs, bail documents, and affidavits of service.</p> <p>Does not include original Magistrate's order.</p> <p>Does not include files relating to cases where an appeal is lodged to a higher court. In such cases the file becomes a part of the record of that court.</p> <p>Disposal notes: Where (prior to the introduction of 'Courtlink') the order is filed with other case papers and not kept as a separate register it will be necessary to cull each file to segregate the summons/warrant upon which the Magistrate's order is annotated. This document should be sentenced according to 2.1.1.</p> | | |
| 2.3.1 | <p>Criminal Case Files Excluding Sample See class 2.3.2.</p> | <p>TEMPORARY Destroy 5 years after order made or 2 years after audit, whichever is the longer period.</p> | <p>Hold in agency pending destruction.</p> |
| 2.3.2 | <p>Sample of Criminal Case Filing Refers to a sample of Criminal Case Files taken in accordance with Appendix 2, sampling provision number 2.</p> | <p>PERMANENT</p> | <p>Transfer to PROV 15 years after order made.</p> |
| 2.4.0 | <p>Alternative Procedure Records <i>Magistrates' Courts Act, 1989, s52.</i></p> <p>Refers to records created under Alternative Procedure as set out in Schedule 3 of the Magistrates' Courts Act (created up to about September 1991).</p> | | |

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|---|--|-------------------------------------|
| | | STATUS | CUSTODY |
| 2.4.1 | Alternative Procedure Registers Bound or looseleaf registers containing summary information about each case and including the court order. | TEMPORARY Destroy 15 years after order made, provided that the requirements of section 18(1) of the <i>Magistrates' Courts Act, 1989</i> are met. | Hold in agency pending destruction. |
| 2.4.2 | Alternative Procedure Files May include informations, sworn statements, notices, affidavits, warrants and other enforcement documentation, correspondence and associated documents. | TEMPORARY Destroy 5 years after order made or 2 years after audit, whichever is the longer period. | Hold in agency pending destruction. |
| 2.5.0 | Listing Diaries Includes diaries and daily court lists used to schedule criminal cases. | TEMPORARY Destroy 2 years after last hearing date. | Hold in agency pending destruction. |

SCHEDULE

SECTION THREE: FINANCIAL RECORDS

Where disposal is linked to audit, audit may be carried out by either the Office of the Auditor-General or the Internal Audit Unit of the Attorney-General's Department.

This Schedule only covers records created since 1 September 1990.

| REF NO. | CLASS | DISPOSAL ACTION | |
|--------------|---|---|-------------------------------------|
| | | STATUS | CUSTODY |
| 3.1.0 | Bank Accounts Records For bank reconciliations and lists/registers of unclaimed cheques refer to section 3.2.0. | | |
| 3.1.1 | Bank Pay-in Records Includes bank deposit slips/books/butts, statements of deposit, bank deposit summary sheets. | TEMPORARY Destroy 2 years after audit. | Hold in agency pending destruction. |
| 3.1.2 | Bank Statements and Bank Certificates of Balance | TEMPORARY Destroy 2 years after audit. | Hold in agency pending destruction. |
| 3.1.3 | Cheques and Cheque Listings Includes cheque books/butts for all accounts, cancelled cheques, stoppage of cheque payments notices and associated documents, manual, accounting machine or ADP listings of cheques drawn for payment. | TEMPORARY Destroy 2 years after audit. | Hold in agency pending destruction. |
| 3.2.0 | Cash Books and Trust Books Includes books and 'Kalamazoo' sheets recording inward and outward transactions and daily summary cashbooks for the Trust Account. May be generated by manual, machine or EDP systems. Also includes bank reconciliations and lists of unclaimed cheques recorded in cash/Trust books. | TEMPORARY Destroy 2 years after audit. | Hold in agency pending destruction. |
| 3.3.0 | Debtor Records Classes in section 3.3.0 do not include payment history information stored in 'Courtlink': refer to section 2.1.2. | | |

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|---|---|--|
| | | STATUS | CUSTODY |
| 3.3.1 | <p>Cards/Ledgers Recording Payment of Monies Into the Court in Full Payment or by Instalment Includes adjustment cards/ledgers, bail cards/ledgers, and instalment cards/ledgers.</p> <p>Does not include instalment cards/ledgers for the payment of maintenance orders made under the <i>Family Law Act, 1975</i>: refer to section 3.3.2.</p> | <p>TEMPORARY Retain until payment complete, then destroy 2 years after next audit.</p> | <p>Hold in agency pending destruction.</p> |
| 3.3.2 | <p>Maintenance Cards/Ledgers Includes particulars of monies paid into the court by instalment for maintenance orders under the <i>Family Law Act, 1975</i>.</p> | <p>TEMPORARY Retain until payment complete/order expired, then retain for a further 10 years, then destroy.</p> | <p>Hold in agency pending destruction.</p> |
| 3.4.0 | <p>Receipts Includes loose receipts, receipt books and butts.</p> | <p>TEMPORARY Destroy 2 years after audit.</p> | <p>Hold in agency pending destruction.</p> |
| 3.5.0 | <p>Reconciliations Includes Attorney-General's Department Advance Account reconciliations. For bank reconciliations refer to section 3.2.0.</p> | <p>TEMPORARY Destroy 2 years after audit.</p> | <p>Hold in agency pending destruction.</p> |
| 3.6.0 | <p>Revenue Returns Includes returns to the Attorney-General's Department for the Revenue Account.</p> | <p>TEMPORARY Destroy 2 years after audit.</p> | <p>Hold in agency pending destruction.</p> |
| 3.7.0 | Remittance Records | | |
| 3.7.1 | <p>Correspondence Refers only to correspondence which is received as a covering letter with a cheque or other such payment into the court.</p> | <p>TEMPORARY Destroy 6 months after receipt.</p> | <p>Hold in agency pending destruction.</p> |
| 3.7.2 | <p>Remittance/Mail Books/Sheets Listings of payments into the court by mail.</p> | <p>TEMPORARY Destroy 2 years after audit.</p> | <p>Hold in agency pending destruction.</p> |

SCHEDULE

SECTION FOUR: LICENSING RECORDS

This section applies to records pertaining to licences issued under the *Private Agents' Act 1966* (amended by the *Private Agents' (Amendment) Act 1990*) and the *Hawkers and Pedlars Act 1958*.

Where disposal is linked to audit, audit may be carried out by either the Office of the Auditor-General or the Internal Audit Unit of the Attorney-General's Department.

This Schedule only covers records created since 1 September 1990.

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|--|---|-------------------------------------|
| | | STATUS | CUSTODY |
| 4.1.0 | Licensing Registers Bound or looseleaf format containing summary information about licence applications and renewals. | TEMPORARY Destroy 5 years after last entry or 2 years after audit, whichever is the longer period. | Hold in agency pending destruction. |
| 4.2.0 | Application Files Includes documents in support of applications for licences or licence renewal. May include objections or Police reports. Does not include fidelity bonds for Commercial Agents' Licences. Refer to class 4.3.0. | TEMPORARY Destroy 2 years after audit. | Hold in agency pending destruction. |
| 4.3.0 | Fidelity Bonds Insurance bonds required for Commercial Agents' Licences under the <i>Private Agents' Act 1966</i> . Where Fidelity Bonds are filed with other application documents either cull files and sentence all documents except the bond according to 4.2.0 or sentence the entire file according to 4.3.0. | TEMPORARY Destroy 15 years after expiration of bond. | Hold in agency pending destruction. |
| 4.4.0 | Cards Includes licensee history cards and index cards. | TEMPORARY Destroy when reference ceases. | Hold in agency pending destruction. |
| 4.5.0 | Licence Books Includes court copies of priced licence forms for licences issued. | TEMPORARY Destroy 2 years after audit. | Hold in agency pending destruction. |
| 4.6.0 | Licence Renewal Advice Notices If the notice is receipted and is the only record of payment, sentence according to 3.4.0. | TEMPORARY Destroy 1 year after renewal application resolved. | Hold in agency pending destruction. |

SCHEDULE

SECTION FIVE: FAMILY LAW RECORDS

This section applies to records created under the following:

| | |
|---|--|
| <i>Family Law Act 1975</i> | Matters regarding maintenance, custody, guardianship, access. |
| <i>Child Support (Assessment) Act 1989</i> | Matters regarding appeals against and variations to maintenance assessment. |
| <i>Maintenance Act 1965</i> | Matters regarding change of name. |
| <i>Registration of Births, Deaths and Marriages (Amendment) Act 1985</i> | Matters regarding marriage of under age persons. |
| <i>Marriage Act 1958</i> | Matters regarding marriage of under age persons. |
| <i>Property Law Act 1958</i> | Matters regarding property interests of de facto partners. |
| <i>Crimes (Family Violence) Act 1987</i> | Matters regarding intervention orders. |

This Schedule only covers records created since 1 September 1990.

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|---|---|---|
| | | STATUS | CUSTODY |
| 5.1.0 | Case Files Includes applications, correspondence, affidavits, certificates, notices, declarations and various enforcement documents for cases under all of the above legislation. Includes interstate and overseas orders registered in Victoria for enforcement. | PERMANENT | Transfer to PROV 20 years after order made. |
| 5.2.0 | Indexes and Registers | | |
| 5.2.1 | Nominal Indexes to Case Files Includes cards, bound books, looseleaf systems for indexing cases by names of parties. | PERMANENT | Transfer to PROV 20 years after order made. |
| 5.2.2 | Informal Register Includes books used to allocate case numbers which do not include a name index to cases. | TEMPORARY Destroy when reference ceases. | Hold in agency pending destruction. |
| 5.3.0 | Listings Diaries Includes diaries and daily court lists used to schedule family law cases. | TEMPORARY Destroy 2 years after last hearing date. | Hold in agency pending destruction. |
| 5.4.0 | Crimes (Family Violence) Files Relates to Crimes (Family Violence) files that include applications and orders that duplicate information contained on the Courtlink system. | TEMPORARY Destroy 5 years after action complete | Hold in agency or APROSS pending destruction. |

SCHEDULE

SECTION SIX: COURT FUND RECORDS

Where disposal is linked to audit, audit may be carried out by either the Office of the Auditor-General or the Internal Audit Unit of the Attorney-General's Department.

This Schedule only covers records created since 1 September 1990.

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|---|---|---|
| | | STATUS | CUSTODY |
| 6.1.0 | <p>Applications/Application Files Where Money is Distributed to Individual Applicants This class is subject to a sampling provision. Before taking any disposal action refer to Appendix 2, sampling provision number 3.</p> <p>Includes applications by individuals for financial assistance and referrals from agencies.</p> | | |
| 6.1.1 | <p>Applications/Application Files Excluding Sample See class 6.1.2.</p> | TEMPORARY Destroy 2 years after audit. | Hold in agency pending destruction. |
| 6.1.2 | <p>Sample of Applications/Application Files Refers to a sample of Court Fund Applications/Application Files taken in accordance with Appendix 2, Sampling Provision number 3.</p> | PERMANENT | Transfer to PROV 5 years after action ceases. |
| 6.2.0 | <p>Cash Books Court Fund Cash Books should be sentenced according to class 3.2.0.</p> | | |

SCHEDULE

SECTION SEVEN: PERIN COURT RECORDS

This section refers to magnetic, electronic and paper records of the PERIN Magistrates' Court (established by regulation 402 of the *Magistrates' Court General Regulations 1990* (SR no. 170/1990)).

Magistrates' Courts Act, 1989, Schedule 7.
Magistrates' Court General Regulations 1990, rules 1101–1107.

| REF NO. | CLASS | DISPOSAL ACTION | |
|---------|--|---|--|
| | | STATUS | CUSTODY |
| 7.1.0 | Magnetic Tapes Refers to tapes used for the transfer of infringement data from enforcement agencies to the PERIN mainframe. | TEMPORARY Erase tapes after data is transferred to mainframe and validated. | Attorney-General's Department. |
| 7.2.0 | PERIN Mainframe EDP system for registering PERIN cases and recording actions taken for the recovery of penalties. | TO BE FINALISED Until further disposal planning work is undertaken all electronic data relating to PERIN cases should be treated as permanent and cannot be deleted or removed from online access. | To be maintained by Attorney-General's Department pending resolution of disposal status. |
| 7.3.0 | Certificates for Registration of Infringement Penalties Refers to certificates in accordance with regulation 1107(2), <i>Magistrates' Court General Regulations 1990</i> . | TEMPORARY Destroy 15 years after lodgement. | Hold in agency pending destruction. |
| 7.4.0 | Manual Proceedings Records Includes correspondence received and forms lodged concerning PERIN cases. Includes forms for non-referral of an offence to Court, applications for revocation/withdrawal or non-registration of a penalty. Also includes correspondence received other than remittance correspondence. Does not include correspondence received accompanying payment. | TEMPORARY Destroy 5 years after receipt. | Hold in agency pending destruction. |
| 7.5.0 | Remittance Correspondence Includes correspondence accompanying payment of penalties. | TEMPORARY Destroy 2 weeks after receipt. | Hold in agency pending destruction. |

**APPENDIX 1
LIST OF MAGISTRATES' COURTS
ELIGIBLE TO USE THIS DISPOSAL SCHEDULE**

The Magistrates' Courts on this list are eligible to use the General Disposal Schedule for Magistrates' Courts Records. Courts of higher jurisdiction and specialist courts sitting at these localities are not eligible to use this Schedule.

| | |
|-----------------------------|--------------|
| Ararat | Melbourne |
| Bacchus Marsh | Melton |
| Bairnsdale | Mildura |
| Ballarat | Moe |
| Benalla | Moonee Ponds |
| Bendigo | Mordialloc |
| Box Hill | Mornington |
| Broadmeadows | Myrtleford |
| Brunswick | Nhill |
| Camberwell | Oakleigh |
| Casterton | Omeo |
| Castlemaine | Orbost |
| Cheltenham (Civil Registry) | |
| Cobram | Ouyen |
| Colac | Portland |
| Corryong | Prahran |
| Dandenong | Preston |
| Dromana | Ringwood |
| Echuca | Robinvale |
| Ferntree Gully | Sale |
| Frankston | Sandringham |
| Geelong | Seymour |
| Hamilton | Shepparton |
| Hawthorn East (PERIN Court) | Springvale |
| Heidelberg | Stawell |
| Hopetoun | St. Arnaud |
| Horsham | Sunshine |
| Kerang | Swan Hill |
| Korumburra | Wangaratta |
| Kyneton | Warrnambool |
| Lakes Entrance | Werribee |
| Lilydale | Williamstown |
| Mansfield | Wodonga |
| Maryborough | Wonthaggi |

APPENDIX 2

SAMPLING OF TEMPORARY CLASSES

Sampling Provision Number 1: Class 1.4.2 Sample of Civil Case Filing

To be finalised and issued as a variation to this Standard

Sampling Provision Number 2: Class 2.3.0 Sample of Criminal Case Files

To be finalised and issued as a variation to this Standard

Sampling Provision Number 3: Class 6.1.2 Sample of Court Fund Applications/Application Files

To be finalised and issued as a variation to this Standard