

**Retention and Disposal Authority for Records of the Children's Court**

Authority number: PROS 09/04 VAR 4



PROS 09/04 VAR 4

**Retention and Disposal Authority for Records of  
the Children's Court**

Status Date: 02/01/2024

## **Retention and Disposal Authority for Records of the Children's Court**

**Authority number: PROS 09/04 VAR 4**

### **Variation 1**

**Public Records Act 1973 (Section 12)**

**Retention & Disposal Authority for the Children's Court (PROS 09/04)**

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of the Children's Court, issued as Public Record Office Standard (PROS 09/04) on 26/08/2009, as follows:

Extension of the application of the Authority until varied or revoked

#### **Class No - Description**

1.2.0 - Stalking Intervention Orders Act 2008 (repealed) replaced with Personal Safety Intervention Order Act 2010

1.2.2 - Disposal Action Status changed from Temporary 99 year retention, to Permanent retention

1.3.0 - 'Child homicide' added to list of Criminal charges not dealt with

This variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Director and Keeper of Public Records

Date of issue: 19/12/2016

## **Retention and Disposal Authority for Records of the Children's Court**

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### **Variation 2**

**Public Records Act 1973 (Section 12)**

**Retention & Disposal Authority for the Office of the Children's Court (PROS 09/04)**

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of the Children's Court, issued as Public Record Office Standard (PROS 09/04) on 26/08/2009, as follows:

### **Extension of the application of the Authority until 30/06/2021**

This variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Director and Keeper of Public Records

Date: 19/11/2018

## **Retention and Disposal Authority for Records of the Children's Court**

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### **Variation 3**

**Public Records Act 1973 (Section 12)**

**Retention & Disposal Authority for the Office of the Children's Court (PROS 09/04)**

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of the Children's Court, issued as Public Record Office Standard (PROS 09/04) on 26/08/2009, as follows:

### **Extension of the application of the Authority until 30/06/2024**

This variation shall have effect from its date of issue.

[Approved]

Justine Heazlewood

Director and Keeper of Public Records

Date: 15/02/2021

## **Retention and Disposal Authority for Records of the Children's Court**

**Authority number: PROS 09/04 VAR 4**

### **Variation 4**

**Public Records Act 1973 (Section 12)**

**Retention & Disposal Authority for the Office of the Children's Court (PROS 09/04)**

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of the Children's Court, issued as Public Record Office Standard (PROS 09/04) on 26/08/2009, as follows:

**Extension of the application of the Authority indefinitely.**

This variation shall have effect from its date of issue.

[Approved]

Justine Heazlewood

Director and Keeper of Public Records

Date: 02/01/2024

## Retention and Disposal Authority for Records of the Children's Court

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## Retention and Disposal Authority for Records of the Children's Court

Authority number: PROS 09/04 VAR 4

## Retention and Disposal Authority for Records of the Children's Court

<b>Retention and Disposal Authority No</b>	PROS 09/04 VAR 4
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<b>Scope</b>	This RDA authorises the disposal of records created by the Children's Court of Victoria.
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<b>Status</b>	Issued by Keeper
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<b>Issue Date</b>	02/01/2024
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## Retention and Disposal Authority for Records of the Children's Court

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List of Functions and Activities covered

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# Retention and Disposal Authority for Records of the Children's Court

Authority number: PROS 09/04 VAR 4

## Introduction

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### 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](http://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
- periodic backups of records, information, data, software and settings for recovery in case of technical failure and/or catastrophe and are duplicate copies of official business records/data that is held elsewhere on a managed system.

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### **Transfer of records to Public Record Office Victoria**

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

### **Use of Other Authorities**

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

### **Explanation of Authority Headings**

#### **Class Number**

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

#### **Description**

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

#### **Status**

This entry provides the archival status of each class - either permanent or temporary.

#### **Custody**

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria. Permanent records must be managed and transferred in accordance with PROV Standards.

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### Concurrence of Public Office

This Authority has the concurrence of:

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Signature: [signed]

Name: Paul D Grant

Position: President of Children's Court

Date: 31/07/2009

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

[signed]

**Justine Heazlewood**, Keeper of Public Records

Date of Issue: 26/08/2009

## Retention and Disposal Authority for Records of the Children's Court

Authority number: PROS 09/04 VAR 4

No	Function/Activity	Description	Status	Disposal Action
1	<b>CASE MANAGEMENT</b>	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.		
1.1	<b>Registration and Control</b>	The activities related to the registration and management of cases heard by the Court.		
1.1.1	<b>Case Registration</b>	<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>	Permanent	Retain as State archives
1.1.2	<b>Case Hearing Scheduling</b>	<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>	Temporary	Destroy 2 years after last action.
1.2	<b>Family Division</b>	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		

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Family Division</i>				
		<p>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>Personal Safety Intervention Order Act 2010</i>, including those heard within the Neighbourhood Justice Division because they arise within a particular municipal district.</p>		
1.2.1	<b>Family Division - Orders Made</b>	<p>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).</p> <p>Also includes interstate orders transferred to Victoria for registration.</p> <p>[For case records of a Family Division case, use 1.2.2]</p> <p>[For case registration records, use 1.1.1]</p>	Permanent	Retain as State archives
1.2.2	<b>Family Division - Case Records</b>	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	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Family Division</i>				
		<p>for witnesses and documents, written judgments, correspondence.</p> <p>[For case registration records, use 1.1.1]</p>		
1.2.3	<b>Family Division - Originating Process</b>	The issue copy of originating process by which a case commences.	Temporary	Destroy 5 years after after issue.
1.2.4	<b>Search Warrants - Case Records</b>	<p>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>	Temporary	Destroy 5 years after last action.
1.2.5	<b>Intervention Orders - Case Records</b>	<p>Applications for Intervention Orders relating to stalking and/or family violence complaints. Includes all originating complaint(s)/application(s), affidavits, warrants, correspondence and suppression orders.</p> <p>[For case registration records, use 1.1.1]</p>	Temporary	Destroy 5 years after last action.
1.3	<b>Criminal Division</b>	The activities concerned with the Children's Courts 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.		

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Criminal Division</i>				
		<p>The Criminal Division may deal with all charges except murder, attempted murder, manslaughter, child homicide, 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	<b>Criminal Cases Orders Made</b>	<p>The official record of the charges upon which a child or young person is brought before the Court and the Courts decision of the outcome of a criminal proceeding.</p> <p>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]</p> <p>[For case registration records, use 1.1.1]</p>	Permanent	Retain as State archives
1.3.2	<b>Criminal Division - Case Records</b>	<p>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</p>	Temporary	Destroy 5 years after last action.

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No	Function/Activity	Description	Status	Disposal Action
<i>CASE MANAGEMENT - Criminal Division</i>				
		the Koori Court (Criminal Division).  [For case registration records, use 1.1.1]		
1.3.3	<b>Criminal Division - Originating Process</b>	The issue copy of originating process (charge sheets) by which a case commences.	Temporary	Destroy 5 years after issue.
1.4	<b>Children's Court Clinic</b>	The activities associated with the Children's Court Clinics functions under the <i>Children, Youth and Families Act 2005</i> .  These functions include making clinical assessments of children, submitting reports to courts and other bodies and providing clinical services to children and their families.		
1.4.1	<b>Childrens Court Clinic - Index</b>	Index recording details of each child/family referred to the Children's Court Clinic.	Permanent	Retain as State archives
1.4.2	<b>Childrens Court Clinic - Case Records</b>	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
2	<b>COURT ADMINISTRATION</b>	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.		

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No	Function/Activity	Description	Status	Disposal Action
<i>COURT ADMINISTRATION - Judicial Proceedings Support</i>				
2.1	<b>Judicial Proceedings Support</b>	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		
2.1.1	<b>Judicial Practice Directions</b>	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
2.1.2	<b>Registrar Practice Directions</b>	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
2.1.3	<b>Audio and visual recordings of Court proceedings</b>	Audio and visual recordings of Court proceedings made by Court staff.	Temporary	Destroy 1 year after date of hearing.