

**Retention and Disposal Authority for Records of the Professional
Registration and Accreditation Function**

Authority number: PROS 19/02



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Professional Registration and
Accreditation Function**

Issued Date: 30/04/2019

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INTRODUCTION

Context

Context Description

The RDA for Records of the Professional Registration and Accreditation Functions was developed for use by Victoria Legal Admissions Board (VLAB), to provide disposal coverage for records related to registration and accreditation standards, and accreditation of legal academic courses and practical legal training providers.

The RDA was derived from PROS 18/01 RDA for Records of the National Registration and Accreditation Scheme for Health Practitioners. Its content is deliberately generic so that its scope can be expanded in future to cover additional agencies responsible for the regulation of professions. Although an attempt has been made to keep the appraisal notes reasonably generic to assist broader application much of the appraisal references the context of legal profession regulation.

The VLAB is a statutory body established under the Legal Profession Uniform Law to assess the eligibility and suitability of persons seeking admission as Australian lawyers. Admission of lawyers in Victoria is governed by the *Legal Profession Uniform Admission Rules 2015*. VLAB administers the appointment of public notaries in accordance with the *Public Notaries Act 2001*. VLAB is also responsible for the accreditation of academic law courses and practical legal training providers.

Under an Instrument of Delegation the VLAB established the Victorian Legal Admissions Committee (VLAC) to assess applicants for admission in Victoria and to grant Compliance Certificates under s19 of the Uniform Law. VLAC also has responsibility for determining applications for declarations of early assessment of suitability for a Compliance Certificate.

In addition, VLAB has an Academic Course Appraisal Committee, to assess legal academic courses, and a Practical Legal Training Committee, to assess practical legal training providers.

It is intended that VLAB will use function 1 and function 3 of this RDA, in conjunction with PROS 11/02 RDA for Records of the Supreme Court (specifically function 3 – Legal Profession Admission & Appointments), and PROS 07/01 RDA for Records of Common Administrative Functions (including policies that guide standards, codes, guidelines and procedures; board papers and deliberations).

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Scope	This RDA authorises the disposal of records of the Victorian Legal Admissions Board (functions 1 and 3 only).
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Status	Issued by Keeper
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Issue Date	30/04/2019
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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 10/13 *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*.

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 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.

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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 electronic records are to be transferred in VERS Encapsulated Object (VEO) format according to PROS 99/007 - Management of Electronic Records (Version 2). The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 11/01 *Storage*

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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.

[signed]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 30/04/2019

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No	Function/Description	Status	Disposal Action
1.0	<p>Registration and Accreditation Standards, Codes, Guidelines and Procedures</p> <p>The development and issue of:</p> <ul style="list-style-type: none"> • Registration standards • Codes, guidelines and procedures that provide guidance to the professions they regulate • Accreditation standards <p>For records of Accreditation of education and training providers, see 3.0.</p> <p>See <i>Records of Common Administrative Functions</i> for Board papers including summaries of consultation and records of Board consideration and decisions regarding standards, codes, guidelines and procedures.</p>		
1.1	<p>Final Approved</p> <p>Final approved:</p> <ul style="list-style-type: none"> • registration standards • codes, guidelines and procedures • accreditation standards. <p>These are released by the Board:</p> <ul style="list-style-type: none"> • for implementation to govern administrative processes for the registration, regulation, accreditation and monitoring of practitioners and training providers • for publication for access by the general public. 	Permanent	Retain as State Archives, Transfer to PROV
1.2	<p>Working Papers</p> <p>Drafts, background research, versions which were not approved and any other inputs to the development and approval of standards, codes and guidelines, and/or procedures.</p>	Temporary	Destroy 7 years after superseded or development ceased (where no version approved).

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No	Function/Description	Status	Disposal Action
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Practitioner Registration and Regulation

2.0	<p>Practitioner Registration and Regulation</p> <p>The registration and regulation of practitioners.</p> <p>Includes the assessment of eligibility for registration of practitioners, renewals of registration, notifications/complaints and their investigation, and compliance monitoring.</p>		
2.1	<p>Summary Record of Applications, Registrations and Regulatory Actions</p> <p>The summary record of applicants for registration and registered practitioners.</p> <p>Includes summary information regarding applications (including those that do not proceed), renewals, notifications, restrictions and compliance monitoring.</p> <p>The summary information consists of details about the applicant or practitioner (name, date of birth, unique identifier etc), and a high level description of the transactions taking place, and the outcomes, throughout the registration of the practitioner.</p> <p>Includes all categories of registration, including general, specialist, provisional, limited, non-practicing, and student categories.</p>	Permanent	Retain as State Archives, Transfer to PROV
2.2	<p>Applications, Registrations and Regulation of Practitioners</p> <p>Receipt and assessment of applications and renewals, including required supporting evidence, to register and regulate practitioners.</p> <p>Includes, but not limited to:</p> <ul style="list-style-type: none"> • supporting documents received as part of an application to register, or a renewal of registration • internal assessment and decision records • correspondence with applicants/practitioners • notifications and their investigation 	Temporary	Destroy 99 years after date of birth.

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Practitioner Registration and Regulation

	<ul style="list-style-type: none"> • decisions, including any submissions and appeals • ongoing monitoring and compliance • documents prepared for presentation to the Board on any matter concerning registration and/or regulation • documents prepared for presentation to a tribunal, or other external body, concerning registration and/or regulation • immediate action to suspend a practitioner • incomplete or withdrawn applications • applications that are refused. 		
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Accreditation

3.0	<p>Accreditation</p> <p>The assessment of applications from education providers for accreditation of their programs of study, and practical training providers, by an Accreditation Authority (appointed by a professional registration Board). Includes the ongoing monitoring of programs.</p> <p>For records of the development and approval of accreditation standards, see 1.0.</p> <p>See <i>Records of Common Administrative Functions</i> for records of Board deliberations and decisions regarding accredited programs of study put forward for approval.</p>		
3.1	<p>Summary Record of Program Accreditation and Monitoring</p> <p>The summary record of programs of study, and practical training providers, accredited and monitored by a board or appointed committee.</p> <p>The summary record includes the name of the education or practical training provider, the name of the program of study and the name/type of qualification obtained, and what type of registration may be applied for (if applicable for the profession).</p> <p>The summary record may also include checklists or summary notes of transactions, process steps completed or additional information requested by the Board.</p>	Temporary	Destroy 30 years after accreditation expires or is revoked.
3.2	<p>Program Assessment and Monitoring</p> <p>Records documenting the assessment and ongoing monitoring of an education provider and its programs of study, and practical training providers, to ensure they meet accreditation standards. Includes:</p> <ul style="list-style-type: none"> • records of initial expressions of interest • applications and supporting documentation • assessment reports • accreditation decisions including details of any conditions and/or specific monitoring 	Temporary	Destroy 15 years after accreditation expires.

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Accreditation

	<p>requirements</p> <ul style="list-style-type: none"> • responses by education providers to conditions, evaluation of those responses and decisions on removal of conditions • reporting to the Board on program accreditation and monitoring • the receipt of complaints or concerns regarding an accredited program, their investigation and resolution. 		
3.3	<p>Applications that are Unsuccessful, Incomplete or Withdrawn</p> <p>Applications that do not result in accreditation and/or approval of the program of study or practical training provider. Includes any supporting documentation received, any assessment reports, and any correspondence with the education and training provider.</p> <p>Includes any further submissions made by the education or training provider, and any appeal process entered into.</p> <p>Also includes applications that are incomplete or withdrawn by the applicant.</p>	Temporary	Destroy 7 years after action completed.