

Retention and Disposal Authority for Records of Victorian Legal Services Board and Commissioner

Authority number: PROS 23/02



PROS 23/02

**Retention and Disposal Authority for Records of
Victorian Legal Services Board and Commissioner**

Issued Date: 28/06/2023

Retention and Disposal Authority for Records of Victorian Legal Services Board and Commissioner

Authority number: PROS 23/02

INTRODUCTION

Context

This Authority authorises the disposal of records of functions performed by the Victorian Legal Services Board and Commissioner. It replaces the previous Retention and Disposal Authority for Records of the Legal Services Board (PROS 09/02) and Retention and Disposal Authority for Records of the Legal Services Commissioner (PROS 08/11).

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Retention and Disposal Authority for Records of Victorian Legal Services Board and Commissioner

Authority number: PROS 23/02

Retention and Disposal Authority for Records of Victorian Legal Services Board and Commissioner

Retention and Disposal Authority No	PROS 23/02
Scope	This RDA authorises the disposal of records of functions performed by the Victorian Legal Services Board and Commissioner.
Status	Issued by Keeper
Issue Date	28/06/2023

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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 Services Board and Commissioner. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[Approved]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 28/06/2023

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Authority number: PROS 23/02

No	Function/Activity	Description	Status	Disposal Action
1	LEGAL PROFESSION RULES DEVELOPMENT	<p>The function of contributing to the development of rules about legal practice to be adhered to by legal practitioners. Legal Profession Uniform Rules are made by the Legal Services Council.</p> <p>Includes the management of development and consultation processes.</p> <p>See <i>PROS 07/01 General Retention and Disposal Authority for Common Administrative Functions</i> for policy development.</p>		
1.1		Records that document the Victorian Legal Services Board and Commissioner’s contribution to the development of legal profession rules made by the Legal Services Council, including records created in the formation such as strategic planning, submissions, major consultation summaries and drafts with significant changes.	Permanent	Retain as State Archives, Transfer to PROV
1.2		Records that document Victorian Legal Services Board and Commissioner’s contribution to the development of legal profession rules that are not made by the Legal Services Council as well as working papers created in the development of legal profession rules. Includes drafts that contain minor changes only.	Temporary	Destroy after administrative use has concluded.

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No	Function/Activity	Description	Status	Disposal Action
<i>LEGAL PROVIDER REGULATION</i>				
2	LEGAL PROVIDER REGULATION	The regulation of practitioners, practices and other providers of legal services to ensure compliance with legal profession rules and regulations, and to protect the interests of consumers.		
2.1	Registration of Legal Practitioners and Practices	The registration of legal practitioners and practices. Includes the issue and management of practising certificates for practitioners and the registration of law practices, barrister's clerks and non-legal directors of Incorporated Legal Practices. Also includes exemptions from conditions and / or requirements of a certificate or registration.		
2.1.1		<p>The summary record of all</p> <ul style="list-style-type: none"> • legal practitioners holding practising certificates, • unsuccessful applicants for practising certificates, and • all registered law practices including incorporated legal practices, multi-disciplinary partnerships and community legal centres. <p>Details for each legal practitioner or applicant include name, date of birth, date of admission to the legal profession, address for service, any conditions imposed on the practitioner's local practising certificate, and whether or not the practitioner is a barrister. Includes the details of certificates that are</p>	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Activity	Description	Status	Disposal Action
<i>LEGAL PROVIDER REGULATION - Registration of Legal Practitioners and Practices</i>				
		<p>refused, cancelled or suspended and the reasons why these decisions were made.</p> <p>For practitioners who are an employee of a law practice, the name of the law practice is recorded. For sole practitioners, the business name under which the practitioner carries out business is recorded.</p> <p>Details recorded for each incorporated legal practice and multi-disciplinary partnership include the organisation's name (including any business name) and the name of each partner or director for the organisation.</p> <p>Details recorded for each community legal centre include centre name and address and the name of each supervised legal practice director and any other details as prescribed by governing regulations.</p>		
2.1.2		<p>Records which detail the granting renewal and management of practising certificates for local lawyers and registered foreign lawyers. Includes the application and supporting records and decision, requests to change practitioner details and notifications from practitioners including notifications of the completion of the Supervised Legal Practice period.</p> <p>Also includes any investigations into whether the applicant is a fit and proper person to hold a</p>	Temporary	Destroy 30 years after certificate expires.

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No	Function/Activity	Description	Status	Disposal Action
<i>LEGAL PROVIDER REGULATION - Registration of Legal Practitioners and Practices</i>				
		<p>certificate. An investigation can be triggered by a "show cause" event, which is defined as being:</p> <ul style="list-style-type: none"> • bankruptcy • debtors or creditors petition presented to the court • a criminal offence, or • a tax offence <p>The Board may also take into account a wider range of matters—i.e. "suitability investigations"—in determining whether someone is suitable to hold a practising certificate including whether someone is of good fame or character.</p> <p>See 2.3.Enforcement, Investigations and Prosecutions Activities for the investigation of any alleged offences committed by practitioners whilst holding a practising certificate.</p> <p>See 2.3.Enforcement, Investigations and Prosecutions Activities--2.3.5. for show cause investigations that lead to the cancellation of a practising certificate.</p>		
2.1.3		Records of unsuccessful applications for practising certificates where the applicant meets the academic and practical training criteria however the Board	Temporary	Destroy 50 years after the date of decision.

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No	Function/Activity	Description	Status	Disposal Action
<i>LEGAL PROVIDER REGULATION - Registration of Legal Practitioners and Practices</i>				
		makes a judgement that the applicant is not a fit and proper person to hold a practising certificate.		
2.1.4		Records prepared for hearings of appeals at Victorian Civil & Administrative Tribunal (VCAT) against refusals of applications for practising certificates or against decisions to suspend or vary the conditions of a practising certificate. <i>See Legal Services Board and Commissioner</i> 2.LEGAL PROVIDER REGULATION-- 2.3.Enforcement, Investigations and Prosecutions Activities--2.3.5. for hearings of appeals against the cancellation of certificates.	Temporary	Destroy 50 years after date of decision.
2.1.5		Records of applications for practising certificates that are unsuccessful because the applicant has not been admitted to the Supreme Court as a lawyer.	Temporary	Destroy 12 months after date of application.
2.1.6		Records that detail the notification to the Board of the organisations intention to commence or terminate the provision of legal services. Includes the notification of the establishment or termination of Incorporated Legal Practices (ILPs), Unincorporated Legal Practices (ULPs) and community legal centres. Also includes the notification and approval of directors or partners who are not registered legal practitioners.	Temporary	Destroy 7 years after the organisation ceases operations.

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No	Function/Activity	Description	Status	Disposal Action
<i>LEGAL PROVIDER REGULATION - Registration of Legal Practitioners and Practices</i>				
		<p>An incorporated legal practice is a corporation that engages in legal practice but may also provide services that are not legal services.</p> <p>An unincorporated legal practice is partnership between one or more Australian legal practitioners where the other partners are from other disciplines e.g. accountancy. The partnership will therefore provide a variety of services e.g. legal and accountancy services. This type of practice was known as a multi-disciplinary partnership in previous legislation.</p> <p>See 2.1.Registration of Legal Practitioners and Practices--2.1.1. for the summary management of law practices.</p>		
2.1.7		Records that detail the approval of Barrister's clerks who are employed by barristers to manage their affairs as well as receive and handle trust money and keep trust records on their behalf. Includes the application, supporting records and notifications as part of approval and cessation.	Temporary	Destroy 7 years after closure of trust account.
2.1.8		Records of the issue of exemptions from certificate or regulatory requirements. Includes exemptions from having to complete Supervised Legal Practice requirements, having to obtain professional indemnity insurance and having to meet compulsory professional development (CPD) requirements.	Temporary	Destroy 7 years after exemption expires or ceases to have effect.

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LEGAL PROVIDER REGULATION - Monitoring

2.2	Monitoring	The monitoring of compliance by law practices and legal practitioners against legal profession rules, regulations and legislation.		
2.2.1		<p>Audits of law practices against legal profession rules, regulations or legislation. Includes auditing of the management of legal services by the practice, including the supervision of employees and officers providing legal services. Includes audits of incorporated and unincorporated legal practices.</p> <p>See 2.3.Enforcement, Investigations and Prosecutions Activities for audits that lead to investigations.</p>	Temporary	Destroy 7 years after completion of audit.
2.2.2		<p>Records on the auditing of practitioners to verify compliance with Continuing Professional Development (CPD) Rules.</p> <p>Practitioners are required to undertake a certain amount of CPD activities to keep their knowledge and skills current and to ensure ongoing competence.</p>	Temporary	Destroy 7 years after date of audit.
2.3	Enforcement, Investigations and Prosecutions Activities	Activities concerning existing certificate holders that are designed to ensure compliance with rules and regulations. Includes the investigation and prosecution of offences against legal profession legislation. Also includes the making of applications to courts to prevent practitioners or practices from practising or operating.		

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LEGAL PROVIDER REGULATION - Enforcement, Investigations and Prosecutions Activities

		See 2.1.Registration of Legal Practitioners and Practices for investigations concerning "show cause" or "suitability" events that are declared by applicants applying for new certificates or by existing certificate holders and don't result in certificate cancellation.		
2.3.1		The summary record of all disciplinary actions taken against legal practitioners. Includes the full name and address for service of the person against whom the disciplinary action was taken, particulars of the disciplinary action taken and any other particulars that are prescribed by legal practice regulations.	Permanent	Retain as State Archives, Transfer to PROV
2.3.2		Records of the cancellation of practising certificates. Includes any investigations into show cause or suitability matters that ultimately lead to the certificate being cancelled. A "show cause" or "suitability" investigation may or may not relate to or follow on from the investigation and prosecution of an offence against legal profession legislation. Also includes notices that explain the Board's proposed decision, the reasons behind it and the consideration of any submissions by the practitioner and the final decision. Includes records relating to any appeals against decisions to cancel practising certificates.	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Activity	Description	Status	Disposal Action
<i>LEGAL PROVIDER REGULATION - Enforcement, Investigations and Prosecutions Activities</i>				
		See 2.1.Registration of Legal Practitioners and Practices--2.1.2. for processes related to the variation or suspension of practising certificates.		
2.3.3		<p>Records of the investigation of offences against legal profession legislation that lead to the cancellation of a practising certificates or result in applications to VCAT or courts to</p> <ul style="list-style-type: none"> • disqualify practitioners or non-legal associates; • ban law practices; • prohibit practitioners from being a partner in a business that provides legal services; • have practitioners struck off the Supreme Court Roll; or • prosecute individuals for engaging in legal practice when not entitled. <p>Includes investigation briefs, gathering of evidence, reporting to the Board and any recommendations regarding prosecution. Includes records of prosecution if prosecution occurs.</p> <p>Also includes any applications to VCAT and courts that are not connected with offences against legal professional legislation.</p>	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Activity	Description	Status	Disposal Action
<i>LEGAL PROVIDER REGULATION - Enforcement, Investigations and Prosecutions Activities</i>				
2.3.4		<p>Records that detail the investigation of offences against legal professional legislation that lead to disciplinary measures such as reprimands, fines or the suspension (but not cancellation) of registration or variation of certificate conditions.</p> <p>Includes investigation briefs, gathering of evidence, reporting to the Board and any recommendations regarding prosecution. Includes records of prosecution if prosecution occurs.</p>	Temporary	Destroy 30 years after last action.
2.3.5		<p>Records that detail the investigation of offences against legal professional legislation where no wrongdoing is found to have occurred. Includes investigation briefs, gathering of evidence, reporting to the Board and any recommendations regarding prosecution.</p>	Temporary	Destroy 7 years after conclusion of investigation.
3	TRUST ACCOUNT ADMINISTRATION	<p>Activities related to the administration of Trust Accounts held by law practices or approved clerks. Trust accounts are monitored to ensure compliance with legislation, legal profession rules and regulations, and to protect the interests of consumers. Includes the receipt of notifications of the establishment or closure of General or Statutory Deposit Trust Accounts, reporting to the Board by Trust Account holders and the investigation of any account deficiencies or irregularities.</p>		

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No	Function/Activity	Description	Status	Disposal Action
<i>TRUST ACCOUNT ADMINISTRATION - Management of Trust Accounts</i>				
3.1	Management of Trust Accounts	<p>The management of general trust accounts and statutory deposit accounts. Includes the opening and closing of accounts, the monitoring of account balances and transactions. Also includes the granting of exemptions from having to meet Statutory Deposit Account requirements.</p> <p>Law practices or approved clerks are required to establish a General Trust Account with an Authorised Deposit Taking Institution (Institution authorised by the Board to hold trust money accounts) for the holding of trust money. They are also required to deposit a certain amount in a Statutory Deposit Account (SDA). (This amount is determined by the Board using a set formula).</p> <p><i>See PROS 07/01 General Retention and Disposal Authority for Common Administrative Functions for the making of Board arrangements with approved deposit taking institutions and for the management of trust accounts.</i></p>		
3.1.1		Records of notifications received from law practices or approved clerks concerning the establishment or closure of general trust accounts with approved authorised deposit-taking institutions (ADIs).	Temporary	Destroy 7 years after closure of trust account.
3.1.2		Statements of balances, transactions and deficiencies for General and Statutory Deposit Trust Accounts.	Temporary	Destroy 7 years after date of statement.

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No	Function/Activity	Description	Status	Disposal Action
<i>TRUST ACCOUNT ADMINISTRATION - Management of Trust Accounts</i>				
3.1.3		Records of exemptions concerning trust accounts. Includes exemptions from statutory deposit provisions from trust account signatory provisions.	Temporary	Destroy 7 years after exemption ceases.
3.2	Trust Account Examinations and Investigations	The conduct of external examinations and the investigation of possible offences concerning trust money and trust accounts. Includes annual examination reports and reports that are submitted when a practice or clerk ceases to be authorised to receive trust money. Also includes statutory declarations from clerks and practices that did not hold trust money during the previous year.		
3.2.1		Reports on the external examination of trust accounts that reveal deficiencies or potential offences and lead to investigations. Includes records of investigations and information obtained under compulsory powers. Also includes records of applications to obtain Search Warrants in order to enable to enable an inspector to enter certain premises in the course of trust account investigations.	Temporary	Destroy 30 years after investigation concluded.
3.2.2		Reports on the external examination of trust accounts that do not reveal deficiencies or potential offences and do not lead to investigations. Includes statutory declarations from clerks and practices that did not hold trust money during the previous year.	Temporary	Destroy 7 years after date of reporting.

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No	Function/Activity	Description	Status	Disposal Action
<i>TRUST ACCOUNT ADMINISTRATION - Trust Account Examinations and Investigations</i>				
3.2.3		Records of the approval of individuals to act as external examiners of trust accounts. Includes any external auditor requirement exemptions.	Temporary	Destroy 7 years after approval ceases.
3.3	External Interventions	<p>The management of interventions into law practices where</p> <ul style="list-style-type: none"> • a legal practitioner or practice has ceased to provide legal services; or • the Board believes that offences, irregularities, breaches or problems are occurring concerning a practitioner or practice; <p>and outside intervention is required in order to safeguard the interests of consumers.</p> <p>Includes the appointment of trust account supervisors, managers and / or cases where the Supreme Court appoints a receiver for a law practice.</p>		
3.3.1		<p>Records relating to the appointment of receivers.</p> <p>Includes court applications, the notice of appointment, appointment conditions, term of appointment, resulting reports on interventions made, and the records of the termination of appointment.</p>	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Activity	Description	Status	Disposal Action
<i>TRUST ACCOUNT ADMINISTRATION - External Interventions</i>				
3.3.2		Records relating to the appointment of trust account supervisors and managers. Includes the notice of appointment, appointment conditions, term of appointment, resulting reports on interventions made, and the records of the termination of appointment.	Temporary	Destroy 50 years after the conclusion of appointment.
3.4	Fidelity Fund Investigation and Determination of Claims	The investigation and determination of claims against the Fidelity Fund. The Fidelity Fund is maintained to compensate claimants where a law practice or approved clerk has defaulted with trust money or property they hold on behalf of that client.		
3.4.1		Summary record of Fidelity Fund Claims. Includes claim ID, claimants name and address and practitioner details, result of claim and amount being claimed, the date of claim, date of default, the date that the claim form received and public notice published as well as details of the defaulting entity / practitioner.	Permanent	Retain as State Archives, Transfer to PROV
3.4.2		Records of investigations of claims against the Fidelity Fund that are rejected or partially allowed and are subsequently appealed. Includes the receipt and advertising of a claim, the collection and investigation of evidence, claim reporting, and	Temporary	Destroy 30 years after appeal concluded.

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No	Function/Activity	Description	Status	Disposal Action
<i>TRUST ACCOUNT ADMINISTRATION - Fidelity Fund Investigation and Determination of Claims</i>				
		recommendations as to whether the claim should be allowed. Also includes records of claimant appeal.		
3.4.3		Records of investigations of claims against the Fidelity Fund that are rejected or partially allowed and but are not subsequently appealed. Includes the receipt and advertising of a claim, the collection and investigation of evidence, claim reporting, and recommendations as to whether the claim should be allowed.	Temporary	Destroy 15 years after claim settled.
3.4.4		Records of investigations of claims against the Fidelity Fund that are allowed in full. Includes the receipt and advertising of a claim, the collection and investigation of evidence, claim reporting, and recommendations as to whether the claim should be allowed.	Temporary	Destroy 7 years after claim settled.
3.4.5		Records of the recovery of subrogated debt. Subrogation occurs when the Board seeks to recover money from practitioners whose fraudulent or dishonest dealings lead to their clients making successful Fidelity Fund claims.	Temporary	Destroy 7 years after debt settled or written off.
4	APPOINTMENTS AND APPROVALS	The appointment of individuals to the boards of outside organisations and the granting of approvals as prescribed by legal profession legislation.		

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No	Function/Activity	Description	Status	Disposal Action
<i>APPOINTMENTS AND APPROVALS</i>				
4.1	Appointments	<p>The appointment of individuals to the board of any organisation that is prescribed by legal profession legislation including:</p> <ul style="list-style-type: none"> • Victorian Legal Admissions Board • Legal Practitioners Liability Committee • Legal Costs Committee <p>Includes records documenting the appointment of individuals to the board of organisations prescribed by legal profession legislation.</p> <p>Also includes records of the consultation with organisations required to consult with the Legal Services Board on the appointments to their boards.</p> <p>See <i>PROS 07/01 General Retention and Disposal Authority for Common Administrative Functions</i> for records documenting the appointments to the Victorian Legal Services Board and the appointment of the Victorian Legal Services Commissioner.</p>	Temporary	Destroy 7 years after appointment ceases.
4.2	Approvals	Records documenting the granting of approvals as prescribed by legal profession legislation. Includes the approval of Legal Practitioner Liability Committee Insurance Policies.	Temporary	Destroy 7 years after approval ceases.

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No	Function/Activity	Description	Status	Disposal Action
<i>ADMINISTRATION OF EXTERNAL DELEGATIONS</i>				
5	ADMINISTRATION OF EXTERNAL DELEGATIONS	The monitoring and management of legislated functions that have been delegated to other organisations to perform under legal profession legislation. Includes functions that have been delegated to the Law Institute of Victoria and the Victorian Bar. Also includes the conduct of performance assessments and audits.		
5.1	External Delegations Summary Management	The summary management of all functions delegated. Includes reference to the legislation that is being delegated, a description of the function being delegated, the body to which the function is being delegated and the date of the delegation.	Permanent	Retain as State Archives, Transfer to PROV
5.2	External Delegations Monitoring	Records of the monitoring of organisations performing delegated functions.	Temporary	Destroy 7 years after date of audit.
6	ENQUIRIES AND COMPLAINTS MANAGEMENT	The management of enquiries and complaints made, which includes the management of complaints against legal practitioners and barristers, and disputes between law practices or legal practitioners and clients.		
6.1	Enquiries and Complaints Registration Summary Management	Summary records of all enquiries and complaints received by the Victorian Legal Services Commissioner. Summary information for formal complaints registered includes	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Activity	Description	Status	Disposal Action
<i>ENQUIRIES AND COMPLAINTS MANAGEMENT</i>				
		<ul style="list-style-type: none"> • the type of complaint, file number, name of complainant, name of respondent; • summary of assessment, dispute resolution and disciplinary outcomes; and • summary of the case. <p>Summary information for enquiries includes</p> <ul style="list-style-type: none"> • the type of enquiry, file number and summary of the enquiry; and • if provided, names of complainant and / or respondent. 		
6.2	Enquiries and Complaints	<p>Records documenting the receipt and response to enquiries that seek general information to determine whether grounds for a complaint can be made as well as the assessment and investigation of disciplinary complaints and resolution of consumer complaints.</p> <p>Includes</p> <ul style="list-style-type: none"> • complaints that contain both disciplinary allegations and disputes (mixed complaints); • determinations related to those complaints; • investigations that have been initiated on the Commissioner's own motion; 	Temporary	Destroy 7 years after last action.

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No	Function/Activity	Description	Status	Disposal Action
<i>DISCIPLINARY APPLICATIONS</i>				
		<ul style="list-style-type: none"> • records of the lodgement, assessment, investigation or resolution of complaint or dispute; • referrals to delegates and / or prescribed investigative bodies; and • outcomes of the assessment and / or conciliation process. <p><i>See Victorian Legal Services Board and Commissioner 7.DISCIPLINARY APPLICATIONS for a disciplinary complaint that results in a disciplinary application.</i></p>		
7	DISCIPLINARY APPLICATIONS	The function of managing disciplinary applications against legal practitioners and barristers. The Commissioner may apply to the Victorian Civil and Administrative Tribunal (VCAT) for an order against a practitioner.		
7.1	Disciplinary Applications Summary Management	<p>Summary record of all applications made to VCAT by the Commissioner.</p> <p>Includes summary of the application, VCAT orders, legal advices and the outcome.</p>	Permanent	Retain as State Archives, Transfer to PROV

Retention and Disposal Authority for Records of Victorian Legal Services Board and Commissioner

Authority number: PROS 23/02

No	Function/Activity	Description	Status	Disposal Action
<i>DISCIPLINARY APPLICATIONS</i>				
7.2	Disciplinary Applications	<p>Disciplinary applications made by the Commissioner to VCAT against a legal practitioner or barrister.</p> <p>Disciplinary application case records include the application, VCAT orders, legal advices and the outcome.</p>	Temporary	Destroy 7 years after last action.
8	MANAGEMENT OF RECORDS OF CLOSED LAW PRACTICES / PRACTITIONERS	<p>The function of managing records created by law practitioners who have ceased practicing and have handed over or abandoned their records to the Victorian Legal Services Board and Commissioner. Includes the provision of records to members of the public.</p>		
8.1	Child Sexual Abuse Allegations, Incidents or Disclosures	<p>Client or case records created by law practitioners who have ceased practicing that document allegations, incidents or disclosures of child sexual abuse involving individuals who are not members of staff from the Victorian Legal Services Board and Commissioner.</p> <p>Includes records of:</p> <ul style="list-style-type: none"> • Allegations • Disclosures • Any referral for investigation <p><i>See PROS 19/08 Retention and Disposal Authority for Records of Organisational response to child sexual</i></p>	Temporary	Destroy 99 years after action completed.

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Authority number: PROS 23/02

No	Function/Activity	Description	Status	Disposal Action
<i>MANAGEMENT OF RECORDS OF CLOSED LAW PRACTICES / PRACTITIONERS</i>				
		<i>abuse incidents and allegations</i> for records documenting allegations of child sexual abuse involving a Victorian Legal Services Board and Commissioner staff member.		
8.2	Client and Case Records of Closed Practitioners	<p>Client and Case records created by law practitioners who have ceased practicing. Includes records that have been acquired as a result of an External Intervention. Excludes any Wills associated with case records.</p> <p>See 2.3.Enforcement, Investigations and Prosecutions Activities for records required as evidence in compliance investigations of law practitioners.</p> <p>See 3.2.Trust Account Examinations and Investigations for records required as evidence in trust account investigations</p> <p>See 3.4.Fidelity Fund Investigation and Determination of Claims for records required as evidence in Fidelity Fund claims</p> <p>See 6.ENQUIRIES AND COMPLAINTS MANAGEMENT for records required as evidence in complain investigations against a law practitioner or barrister.</p>	Temporary	Destroy 7 years after law practitioner ceases practicing.

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Authority number: PROS 23/02

No	Function/Activity	Description	Status	Disposal Action
<i>MANAGEMENT OF RECORDS OF CLOSED LAW PRACTICES / PRACTITIONERS</i>				
		<p>See 8.1.Child Sexual Abuse allegations, incidents or disclosures for records that document child sexual abuse incidents, allegations or cases.</p> <p>See 8.3.Wills acquired from closed law practitioners / practices for Wills associated with case files.</p>		
8.3	Wills Acquired from Closed Practitioners	Wills acquired from law practitioners who have ceased practicing.	Temporary	Transfer after administrative use has concluded.
8.4	Summary of Closed Practitioner Records	<p>Summary of records acquired from law practitioners. Includes details of requests from the public to access records in custody.</p> <p>Summary includes name of practice, name of client, any known file numbers, matter and date.</p>	Temporary	Destroy after administrative use has concluded.
9	LEGACY RECORDS	<p>This section authorises the disposal of records that are no longer created by the Victorian Legal Services Board and Commissioner.</p> <p>Includes records documenting actions that no longer fall within the agency’s jurisdiction.</p> <p>This section does not cover records that document functions that are continuing. Please refer to the applicable classes in functions 1-8 of this RDA.</p>		

Retention and Disposal Authority for Records of Victorian Legal Services Board and Commissioner

Authority number: PROS 23/02

No	Function/Activity	Description	Status	Disposal Action
<i>LEGACY RECORDS - Development and approval of legal profession rules</i>				
9.1	Development and approval of legal profession rules	<p>The development and approval of Legal Profession Rules by the Victorian Legal Services Board. Includes the management of development and consultation processes.</p> <p>See 1.LEGAL PROFESSION RULES DEVELOPMENT--1.1. for records documenting the ongoing development of Legal Profession Uniform Rules approved by the Legal Services Council.</p>		
9.1.1		Records that document the development of legal profession rules approved by the Victorian Legal Services Board under previous legislation, including records created in the formation such as strategic planning, submissions, major consultation summaries and drafts with significant changes.	Permanent	Retain as State Archives, Transfer to PROV
9.1.2		Records that document the development of legal profession rules that were not approved by Victorian Legal Services Board under previous legislation.	Temporary	Destroy 10 years after last action.
9.1.3		Working papers created in the development of legal profession rules under previous legislation. Includes drafts that contain minor changes only.	Temporary	Destroy after administrative use has concluded.
9.2	Board Elections	The management of elections for practitioner elected members of the Victorian Legal Services Board.		

Retention and Disposal Authority for Records of Victorian Legal Services Board and Commissioner

Authority number: PROS 23/02

No	Function/Activity	Description	Status	Disposal Action
<i>LEGACY RECORDS - Board Elections</i>				
9.2.1		Records of the planning and arrangement of an election for the Legal Services Board. Includes any records that review the conduct of the election for future planning purposes.	Temporary	Destroy 10 years after conclusion of election.
9.2.2		Ballot papers, consolidated returns of votes received and other election records.	Temporary	Destroy 12 months after result declared.
9.3	Management of Competition Investigations	<p>The management of Competition Investigations that are initiated following a consumer dispute or complaint, following a referral from the Attorney-General, or by the Board itself.</p> <p>Investigations may concern issues of competition and deal with the effect of</p> <ul style="list-style-type: none"> • any Act, subordinate instrument or rule of law relating to legal practice; • the legal profession rules; or • any agreements, arrangements or understandings made by or involving a law practice or a legal practitioner in the course of, or in relation to, engaging in legal practice <p>on the provision of legal services.</p> <p>Includes inquiry establishment, consultation and reporting processes.</p>		

Retention and Disposal Authority for Records of Victorian Legal Services Board and Commissioner

Authority number: PROS 23/02

No	Function/Activity	Description	Status	Disposal Action
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LEGACY RECORDS - Management of Competition Investigations

9.3.1		Records of competition investigations. Includes records that lead to the establishment of an inquiry, records that detail consultation processes and reports submitted to the Attorney-General.	Permanent	Retain as State Archives, Transfer to PROV
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