

**Disposal Schedule  
for  
Criminal and Civil Jurisdiction  
Records of the Supreme Court of  
Tasmania**

**Disposal Authorisation No. 2185**

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## **INTRODUCTION**

### **Archives legislation**

The *Archives Act 1983* stipulates that State and local government organisations, must not dispose of **records of any type or format** without the written approval of the State Archivist. Disposal of records involves their destruction, their removal from the custody of their creating Agency, or their transfer to the Tasmanian Archive & Heritage Office.

### **Schedule elements and arrangement**

The administrative functions covered by this schedule are arranged in alphabetical order as function headings. The activities performed under each function are listed in alphabetical order within each function.

- **Reference**

All function and activity headings and disposal classes are allocated a reference number. These reference numbers are used, in conjunction with the schedule number, to identify records in the Tasmanian Archive & Heritage Office disposal documentation. These numbers can also be used by agencies, in the same way, to indicate disposal authorisation in their records control systems, where the records have been registered in these systems.

- **Disposal classes**

The groups of records that document, and are derived from, the performance of the functions and activities are listed as disposal classes under each function/activity set.

It should be noted that Disposal Classes have been described in functional terms irrespective of the format or medium in which the records were created.

- **Status**

All disposal classes have either 'PERMANENT' or 'TEMPORARY' status. Records identified as 'PERMANENT' are those that will be transferred to the Archives Office to be retained as State archives. 'TEMPORARY' records are those that can be destroyed under the authority of this schedule.

- **Disposal action**

All temporary records identified in this schedule will have a disposal action which specifies the length of time for which the record must be retained before it can be destroyed under this authorisation.

### **Review of the schedule**

It is the responsibility of agencies to monitor administrative, legal or regulatory changes which may result in the need to alter disposal class descriptions or disposal actions for records covered by this schedule. When this occurs, this schedule should not be used to dispose of those records and the State Archivist should be informed of the need to revise the schedule. If necessary, the procedures for the disposal of unscheduled records can be used in the interim. Reviews may also be initiated by the Tasmanian Archive & Heritage Office.

### **Contacts**

Any enquiries relating to this schedule should be directed in writing to the Tasmanian Archive & Heritage Office, 91 Murray Street, Hobart, email [GRK@education.tas.gov.au](mailto:GRK@education.tas.gov.au), phone 03 6165 5581

**TASMANIAN ARCHIVE & HERITAGE OFFICE**

**DISPOSAL AUTHORISATION No. 2185**

**Title:** Disposal Schedule for Criminal and Civil Jurisdiction Records of the Supreme Court of Tasmania

**Authorisation:**

Under Section 20 (2) (b) of the *Archives Act 1983*, I hereby authorise 'relevant authorities' (as defined in Section 3 of that Act) to manage the disposal of the records described in this schedule in accordance with the procedures specified herein.

Ross Latham  
State Archivist

**Document Development History**

**Build Status**

Version	Date	Author	Reason	Sections
2.0	22-07-2015	Christine Woods	Template	All
1.0	06-07-2004	TAHO	Initial Release	All

**Amendments in this Release**

Section Title	Section Number	Amendment Summary
All	All	Document imported into new template

## **INTERPRETATION**

### **Definitions**

**Permanent records** are those that will be transferred to the Tasmanian Archive & Heritage Office to be retained as State Archives. The *Archives Act 1983* establishes 25 years as the maximum required timeframe for the transfer of permanent records to the Tasmanian Archive & Heritage Office unless an extension of time has been approved by the State Archivist.

**Temporary records** are those that can be destroyed under the authority of this schedule after a minimum retention period, or once certain requirements have been met.

### **Coverage**

This schedule covers functional records of the Supreme Court.

This schedule **does not cover pre-1960 records**. The disposal of those records should be managed according to the procedures for unscheduled records.

The *Disposal Schedule for Short-term Value Records - DA No. 2158* covers the disposal of short-term value records which are created by most agencies. These documents are usually of a trivial nature or of such short-term value that they do not support or contribute to the business functions of the agency.

Records not covered by these schedules, or other authorised disposal schedules, should be disposed of according to the current Tasmanian Archive & Heritage Office procedures for unscheduled records.

### **Preservation of records**

Section 10 (1) (a) of the *Archives Act 1983* requires agencies to preserve records until they are dealt with under the Act. This places a statutory obligation on agencies to ensure that all records, regardless of format, remain accessible while they are in the custody of the agency.

### **Permanent records**

All disposal classes of records identified as having 'PERMANENT' status in this schedule should be transferred to the Archives Office 25 years after the date of creation. Agencies may make application to the Tasmanian Archive & Heritage Office for earlier transfer of particular groups of records and the Tasmanian Archive & Heritage Office may also initiate an earlier transfer arrangement.

Records for transfer should be arranged and described in accordance with any instruction provided by the Tasmanian Archive & Heritage Office.

### **Temporary records**

All records identified as having 'TEMPORARY' status in this schedule will have a disposal action which is the authorised date for destruction. These disposal actions specify minimum retention periods. Temporary records can be kept as long as the agency wishes following the expiration of the specified period, but the provisions of the *Archives Act 1983* regarding their proper care and custody will still apply to them.

Frequently the disposal actions will refer to '**after action completed**' which means after completion of the transaction to which the records relate. The disposal action '**destroy when reference ceases**' authorises the destruction of records when all business needs to refer to the records have ceased.

### **Destruction of records**

The destruction method chosen for records authorised for destruction in this schedule should be appropriate to the medium in which the record exists. It is the responsibility of the agency to ensure that the identified records are actually destroyed, and that this process is confidential and secure. The following issues should be considered before destruction of any documents.

### **Right to Information**

Right to Information legislation prescribe rights and processes for access to documents held by government agencies. If a request for access under the legislation has been lodged, all records relevant to the request, regardless of whether they are due for destruction, must be identified and preserved until action on the request and any subsequent reviews are completed.

### **Personal Information Protection**

Personal Information Protection legislation provides appropriate safeguards for government agencies in collecting and handling individual's personal information, creating statutory obligations and a right to make a privacy complaint. If an application is in progress, all records relevant to the application must be identified and preserved until the action and any subsequent actions are completed.

### **Other investigations or inquiries**

If an investigation or inquiry is in progress, all records relevant to the investigation or inquiry must be identified and preserved until the action and any subsequent actions are completed.

### **Records relating to indigenous people**

Key recommendations of the Bringing Them Home Report 1997 relate to the need for the identification, preservation, indexing, management and access to records relating to Indigenous individuals, families and/or communities in accordance with established privacy principles.

Records relating to indigenous families and communities or which document links between indigenous people and localities are not to be destroyed and should be the subject of consultation with the Tasmanian Archive & Heritage Office.

### **Native title**

If a native title claim is in progress, all documents relevant to the claim must be identified and preserved until the action and any subsequent actions are completed.

### **Registration of destruction**

Central to the accountability process built into the disposal schedules is the requirement that agencies maintain a *Register of Records Destroyed*. It is important to recognise that the formal evidential record of destruction is contained in this registration process. The register is to be made available to the State Archivist (or his nominee) on request.

The register must be clearly identified as the *Register of Records Destroyed* (under Section 20 (2) (b) of the *Archives Act 1983*) and should include the name of the agency. The register can be the same used for registering destructions authorised under other disposal schedules. A sample format indicating the required elements for the register and related procedures are available on the Tasmanian Archive & Heritage Office website.

<b>01.00.00</b>	<b>STATE CRIMINAL MATTERS LODGED AT FIRST INSTANCE</b> Matters lodged in the Supreme Court as a result of committal proceedings in the Magistrates Court, the lodgement of an ex-officio indictment in the Supreme Court or as a result of an appeal process.	
<b>01.01.00</b>	<b>Control Records</b>	
01.01.01	'Criminal' indexes and registers of persons committed or indicted to appear before the Supreme Court, recording file number and details of the crimes, accused, trial and outcome.	PERMANENT
01.01.02	Court minute records detailing the conduct of criminal proceedings in Court. These may include: <ul style="list-style-type: none"> <li>• Court minute books</li> </ul>	PERMANENT
01.01.03	Judges' chamber records detailing the conduct of criminal proceedings in Chambers. These may include: <ul style="list-style-type: none"> <li>• Judges chamber minute books</li> </ul>	PERMANENT
<b>01.02.00</b>	<b>Indictments and Orders</b>	
01.02.01	Complaints received by the Supreme Court from the Magistrates Court specifying the name of the accused and the crimes with which he or she is charged where no indictment was subsequently received.	PERMANENT
01.02.02	Original indictments received by the Supreme Court specifying the name of the accused and the crimes with which he or she is charged.	PERMANENT
01.02.03	Final Orders made by the Supreme Court, including comments on passing sentence.	PERMANENT



<p><b>01.03.00</b></p>	<p><b>Records of Criminal Cases Lodged in the Court.</b></p> <p>Records may include:</p> <ul style="list-style-type: none"> <li>• Complaints and Indictments</li> <li>• Order of Committal</li> <li>• Record of Proceedings in Lower Court</li> <li>• Exhibit List</li> <li>• Judge’s Papers containing: <ul style="list-style-type: none"> <li>○ index</li> <li>○ proofs and or/statutory declarations</li> <li>○ depositions</li> <li>○ copies of paper-based exhibits</li> <li>○ statements</li> <li>○ record of interview</li> <li>○ transcript of interview</li> <li>○ fact form</li> <li>○ antecedent report</li> <li>○ record of convictions</li> </ul> </li> </ul> <p><b>MAJOR CRIMES</b> include:</p> <ul style="list-style-type: none"> <li>• Murder</li> <li>• Attempted Murder</li> <li>• Failure to Report a Killing</li> <li>• Manslaughter (including Motor Manslaughter)</li> <li>• Causing Death by Dangerous Driving</li> <li>• Rape</li> <li>• Incest</li> <li>• Maintaining a Sexual Relationship with a Young Person</li> <li>• Robbery</li> <li>• Aggravated robbery</li> </ul>	<ul style="list-style-type: none"> <li>• Photographs</li> <li>• Plan</li> <li>• File Cover</li> <li>• File notes and correspondence</li> <li>• Internal memoranda</li> <li>• Bail materials</li> <li>• Summonses and subpoenas</li> <li>• Affidavits of Service</li> <li>• Exhibits</li> <li>• Reports</li> <li>• Comments on passing sentence</li> <li>• Memorandum of Sentence</li> <li>• Memorandum to Gaoler</li> <li>• Transcript of proceedings</li> </ul> <ul style="list-style-type: none"> <li>• Armed Robbery</li> <li>• Aggravated Armed Robbery</li> <li>• Arson</li> <li>• Major Fraud and offences of dishonesty involving money and/or goods with a value of in excess of \$20 000 including:</li> <li>• Stealing</li> <li>• Obtaining goods by false pretences</li> <li>• Dishonestly acquiring a financial advantage</li> <li>• Forgery</li> <li>• Uttering</li> </ul>
<p>01.03.01</p>	<p>Records of cases on charges for major crimes as detailed in 01.03.00.</p>	<p>PERMANENT</p>
<p>01.03.02</p>	<p>Records of cases selected by a Judge or Registrar to be exceptional or as setting a precedent.</p>	<p>PERMANENT</p>
<p>01.03.03</p>	<p>Records of finalised cases on sexual crimes and crimes of violence <u>not</u> covered in 01.03.01 or 01.03.02</p>	<p>TEMPORARY Destroy 30 years after case is finalised</p>
<p>01.03.04</p>	<p>Records of finalised cases on charges <u>not</u> covered in 01.03.01, 01.03.02 or 01.03.03.</p>	<p>TEMPORARY Destroy 10 years after case is finalised</p>
<p>01.03.05</p>	<p>Records of cases on charges where the matter has <u>not</u> been finalised and is <u>not</u> covered by 01.03.01 or 01.03.02.</p>	<p>TEMPORARY Destroy 50 years after last action.</p>

<b>02.00.00</b>	<b>STATE CRIMINAL MATTERS LODGED IN THE COURT OF CRIMINAL APPEAL</b> Matters initiated by appellants seeking to appeal decisions of a single judge and jury at the Supreme Court of Tasmania. The appeals are lodged into a jurisdiction known as the Court of Criminal Appeal of the Supreme Court of Tasmania.	
<b>02.01.00</b>	<b>Records of Cases Lodged in the Court</b> Records may include: <ul style="list-style-type: none"> <li>• Notice of Appeal</li> <li>• Appeal Books <ul style="list-style-type: none"> <li>Notice of Appeal</li> <li>Indictment</li> <li>Copy of Exhibits</li> <li>Memorandum to Jury</li> <li>Summing Up</li> <li>Transcript</li> </ul> </li> <li>• Correspondence with DPP and appellant and/or their counsel</li> <li>• Submissions of appellant</li> <li>• Submissions of respondent</li> <li>• List of Authorities</li> <li>• Copy of cases relied upon</li> <li>• Orders</li> </ul>	
02.01.01	Records of cases for appeal matters involving <u>Major Crimes</u> as detailed in 01.03.00.	PERMANENT
02.01.02	Records of cases for appeal matters selected by a Judge or Registrar to be exceptional or as setting a precedent.	PERMANENT
02.01.03	Records of finalised cases for appeal matters involving Sexual Crimes and Crimes of Violence <u>not</u> covered in 01.03.01.	TEMPORARY Destroy 30 years after case is finalised.
02.01.04	Records of finalised cases for appeal matters <u>not</u> covered in 02.01.01, 02.01.02 or 02.01.03.	TEMPORARY Destroy 10 years after case is finalised.
02.01.05	Records of cases where the matter has <u>not</u> been finalised and is <u>not</u> covered by 02.01.01 or 02.01.02.	TEMPORARY Destroy 50 years after last action.

<b>03.00.00</b>	<b>STATE CRIMINAL MATTERS LODGED ON APPEAL TO A JUDGE</b>	
	Matters lodged by appellants seeking to appeal decisions of Magistrates. They are heard by the Supreme Court constituted by a single judge.	
<b>03.01.00</b>	<b>Records of Cases Lodged on Appeal from other Courts and Tribunals.</b>	
	Records may include: <ul style="list-style-type: none"> <li>• Notice of Motion to Review or Appeal</li> <li>• Affidavit of Service</li> <li>• Originating Application</li> <li>• File Cover</li> <li>• Correspondence</li> <li>• File notes</li> <li>• Transcript</li> <li>• Judge's Notes</li> <li>• Orders</li> </ul>	
03.01.01	Records of cases for appeals from other Courts and Tribunals selected by a Judge or Registrar to be exceptional or as setting a precedent.	PERMANENT
03.01.02	Records of finalised cases for appeals from other Courts and Tribunals <u>not</u> covered by 03.01.01	TEMPORARY Destroy 5 years after case finalised.
03.01.03	Records of cases for appeals from other Courts and Tribunals that have <u>not</u> been finalised and are <u>not</u> covered by 03.01.01.	TEMPORARY Destroy 50 years after last action.
<b>04.00.00</b>	<b>STATE CIVIL MATTERS LODGED AT FIRST INSTANCE</b>	
<b>04.01.00</b>	<b>Control Records</b>	
04.01.01	Civil indexes and registers of matters coming before the Supreme Court, recording file number and details of the parties, nature of the action and outcome.	PERMANENT
04.01.02	Court minute records detailing the conduct of civil proceedings in Court. These may include: <ul style="list-style-type: none"> <li>• Court minute books.</li> </ul>	PERMANENT
04.01.03	Judges' chamber records detailing the conduct of civil proceedings in Chambers. These may include: <ul style="list-style-type: none"> <li>• Judges' chamber minute books.</li> </ul>	PERMANENT
<b>04.02.00</b>	<b>Original Judgments and Orders</b>	
	Judgments and Orders made by the Supreme Court in relation to matters arising under its civil jurisdiction.	
04.02.01	Original judgments and orders.	PERMANENT

<p><b>04.03.00</b></p>	<p><b>Records relating to Matters commenced by Writ</b>  Matters commenced by the filing of a writ as defined in the Supreme Court Civil Procedure Act and the Supreme Court Rules. Includes matters relating to the seeking of damages from the other party or parties.</p> <p>Records may include:</p> <ul style="list-style-type: none"> <li>• Writ</li> <li>• Statement of Claim</li> <li>• Defence</li> <li>• Interrogatories</li> <li>• Affidavits</li> <li>• Interlocutory Applications</li> <li>• Statements</li> <li>• Reports</li> <li>• Subpoenas</li> <li>• Notices</li> <li>• Orders</li> <li>• Certificate of Readiness</li> <li>• Memoranda</li> <li>• Proofs of Evidence</li> <li>• Offers of Compromise</li> <li>• Applications to Extend Time</li> <li>• Judgment</li> <li>• Bill of Costs</li> <li>• Certificate of Taxation</li> <li>• Receipts</li> <li>• Correspondence</li> <li>• File Notes</li> </ul>	
<p>04.03.01</p>	<p>Records of cases for matters commenced by Writ selected by a Judge or Registrar to be exceptional or as setting a precedent.</p>	<p>PERMANENT</p>
<p>04.03.02</p>	<p>Records of cases for matters commenced by Writ that are <u>not</u> covered by 04.03.01.</p>	<p>TEMPORARY  Destroy 15 years after last action.</p>
<p><b>04.04.00</b></p>	<p><b>Records Relating to Matters Commenced by Application or Summons</b>  Matters commenced by application or summons as defined in the <i>Supreme Court Civil Procedure Act</i> and the Supreme Court Rules.</p> <p>Records may include:</p> <ul style="list-style-type: none"> <li>• Originating Application or Summons</li> <li>• Statement of Claim</li> <li>• Interrogatories</li> <li>• Affidavits</li> <li>• Applications</li> <li>• Particulars of claim</li> <li>• Statements</li> <li>• Reports</li> <li>• Subpoenas</li> <li>• Notices</li> <li>• Orders</li> <li>• Certificate of Readiness</li> <li>• Proofs of Evidence</li> <li>• Offers of Compromise</li> <li>• Defence</li> <li>• Judgments</li> <li>• Bill of Costs</li> <li>• Certificate of Taxation</li> <li>• Receipts</li> <li>• Correspondence</li> <li>• Memoranda</li> </ul>	
<p>04.04.01</p>	<p>Records of cases for matters commenced by Application or Summons.</p>	<p>PERMANENT</p>

<b>05.00.00</b>	<b>STATE CIVIL MATTERS LODGED ON APPEAL TO THE COURT OF APPEAL</b>	
<b>05.01.00</b>	<b>Records of Appeals</b>	
	Records may include: <ul style="list-style-type: none"> <li>• Notice of Appeal</li> <li>• Appeal Book</li> <li>• Correspondence with parties and counsel</li> <li>• Transcript</li> <li>• Submissions</li> <li>• Lists of Authorities</li> <li>• Cases</li> </ul>	
05.01.01	Records of cases for matters that are selected by a judge or Registrar to be exceptional or as setting a precedent.	PERMANENT
05.01.02	Records of cases on appeal for matters that are <u>not</u> covered by 05.01.01.	TEMPORARY Destroy 15 years after last action.
<b>06.00.00</b>	<b>STATE CIVIL MATTERS LODGED ON APPEAL TO A JUDGE</b>	
<b>06.01.00</b>	<b>Records of Cases on Appeal</b>	
	Records may include: <ul style="list-style-type: none"> <li>• Notice of Appeal</li> <li>• Appeal Book</li> <li>• Correspondence with parties and counsel</li> <li>• Transcript</li> <li>• Submissions</li> <li>• Lists of Authorities</li> <li>• Cases</li> <li>• Orders</li> </ul>	
06.01.01	Records of cases lodged on appeal from Other Courts and Tribunals selected by a Judge or Registrar to be exceptional or as setting a precedent.	PERMANENT
06.01.02	Records of cases lodged on appeal from Other Courts and Tribunals that are <u>not</u> covered by 06.01.01.	TEMPORARY Destroy 15 years after last action.