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National Archives of Australia

AFDA Express Version 2

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Compensation

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INTRODUCTION

The National Archives of Australia (National Archives) has developed this records authority to set out the requirements for keeping or destroying records for the general administrative function of Compensation.

This records authority is based on the identification and analysis of the Compensation function. The records authority sets out those records that need to be retained as national archives and specifies the minimum length of time that temporary records need to be kept. This records authority gives agencies permission under the *Archives Act 1983*, for the destruction of the temporary records described after the minimum retention period has expired. Retention periods for these temporary records are based on: an assessment of business needs; broader organisational accountability requirements; and community expectations.

As changes in circumstances may affect future records management requirements, this authority may occasionally be amended by the addition of new classes and the variation of existing classes. The National Archives will notify agencies of any such changes.

APPLICATION OF THIS AUTHORITY

1. This authority supersedes:
 - classes 20926-20934, 1090-1094, 1096-1100, 1103-1104, 1106-1111, 1112-1113 in COMPENSATION function of the *Administrative Functions Disposal Authority (2010)*; and
 - classes 20253-20255 in the COMPENSATION function of *AFDA Express (March 2010)*.

The superseded records classes cannot be used to sentence records after the date of issue of this authority.
2. This authority should be used in conjunction with record authorities issued to agencies for their core business and other General Records Authorities issued by the National Archives.
3. This records authority is to be used to determine how long records must be kept. Records are matched to the relevant core business and records class in the records authority:
 - Where the minimum retention period has expired and the records are not needed for agency business they should be destroyed as authorised in this records authority.
 - Records that have not reached the minimum retention period must be kept until they do.
 - Records that are identified as Retain as National Archives (RNA) are to be transferred to the National Archives for preservation.
4. The Normal Administrative Practice (NAP) provision of the *Archives Act 1983* gives agencies permission to destroy certain records without formal authorisation. This usually occurs where records are duplicated, facilitative or for short-term use only. NAP does not replace arrangements agreed to in this records authority but can be used as a tool to assist in identifying records for destruction together with this records authority and with records authorities specifically issued to an agency. The National Archives recommends that agencies develop and implement a Normal Administrative Practice policy. Advice and guidance on destroying records as a normal administrative practice and on how to develop an agency NAP policy is available from the National Archives' website at www.naa.gov.au.
5. Records that are reasonably likely to be needed as evidence in a current or future judicial proceeding or are subject to a request for access under the *Archives Act 1983*, the *Freedom of Information Act 1982* or any other relevant act must not be destroyed until the action has been completed.
6. Records subject to a disposal freeze must not be destroyed until the freeze has been lifted. Further information about disposal freezes and whether they affect the application of this records authority is available from the National Archives website at www.naa.gov.au.
7. Where the method of recording information changes (for example from a manual system to a digital system, or when information is migrated from one system to a new system) this records

authority can still be applied, providing the records document the same core business. The information must be accessible for the period of time prescribed in this records authority. There is a need to maintain continuing access to the information, including digital information, for the periods prescribed in this records authority or until the information is transferred into the custody of the National Archives.

8. In general retention requirements indicate a minimum period for retention. Agencies may extend minimum retention periods if there is an administrative need to do so, without further reference to the National Archives. Where an agency believes that its accountability will be substantially compromised because a retention period is not adequate, please contact the National Archives for review of the retention period.
9. Records coming within 'retain as national archives' classes in this authority have been determined to be part of the archival resources of the Commonwealth under section 3C of the *Archives Act 1983*. The determination of Commonwealth records as archival resources of the Commonwealth obliges agencies to transfer the records to the National Archives when they cease to be current and, in any event, within 15 years of the records coming into existence, under section 27 of the *Archives Act 1983*.
10. Records in the care of agencies should be appropriately stored, managed and preserved. Agencies need to meet this obligation to ensure that the records remain authentic and accessible over time. Under Section 31 of the *Archives Act 1983*, access arrangements are required for records that become available for public access including those records that remain in agency custody.
11. Appropriate arrangements must be made with the National Archives when records are to be transferred into custody. The National Archives accepts for transfer only those records designated as national archives, and in line with an approved transfer schedule.
12. Advice on how to use this authority is available from your agency's information manager. If there are problems with the application of the authority that cannot be resolved, please contact the National Archives.

CONTACT INFORMATION

For assistance with this authority or for advice on other records management matters, please contact National Archives' [Agency Service Centre](#).

AUTHORISATION

RECORDS AUTHORITY 2019/00252422

Person to whom notice of authorisation is given:

Heads of Commonwealth institutions under the *Archives Act 1983*.

Purpose:

Authorises arrangements for the disposal of records in accordance with paragraph 24(2)(b) of the *Archives Act 1983*.

Determines records classed as 'Retain as national archives' in this records authority to be part of the archival resources of the Commonwealth under section 3C of the *Archives Act 1983*.

Application:

All records relating to the following general administrative business area: Compensation.

This authority gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. This authority will apply only if these actions take place with the consent of the agency responsible for the administrative business documented in the records.

Authorised by

Linda Macfarlane
Assistant Director-General (Acting)
National Archives of Australia

Date of issue:

28 June 2019

COMPENSATION

The function of providing compensation to personnel and visitors injured while proceeding to or from work, during working hours or while undertaking work activities, or on the organisation's premises. Includes the rehabilitation of injured workers, provision of professional indemnity insurance and compensation for damage to property where such damage is claimed as the organisation's responsibility. This function excludes Defence military personnel.

Note: Records of all current and finalised asbestos-related claims for compensation must be transferred to the central agency with legislative responsibility for the management of asbestos liability in the Commonwealth (currently Comcare) under the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*.

The **core activities** include:

- obtaining and managing insurance policies, including policies for compensation insurance and professional indemnity insurance. Includes undertaking the application process, policy renewals and managing premium payments;
- establishing and managing arrangements for an agency to self-insure and/or manage its own compensation liabilities. Includes undertaking the relevant application and accreditation processes;
- managing compensation claim cases, including claims submitted for personal injury, death, and loss or damage to personal property, and professional indemnity. Includes assessing claims, making determinations and negotiating and establishing compensation and rehabilitation related agreements with claimants (eg return to work plan agreements). Includes compensation claims for support, redress and remedial action relating to alleged or actual incidents of child sexual abuse;
- managing appeals and reviews of agency decisions, including reviews of compensation claim outcomes;
- managing rehabilitation activities in connection with compensation claims, including supporting the return to work process; and
- administering payments for any compensation and rehabilitation activity.

The performance of the function is supported by **general activities** such as:

- developing, implementing and reviewing policies and procedures;
- providing and receiving advice;
- planning, conducting and facilitating audits;
- delegating powers and authorising actions;
- negotiating, establishing, managing and reviewing agreements and contracts supporting the compensation function, including memoranda of understanding;
- establishing, managing and participating in committees and meetings;
- fulfilling compliance requirements, including fiscal, legal, regulatory and quality standards and requirements;
- planning and reporting;
- evaluating and reviewing; and
- identifying, assessing and managing risks.

Cross references to the AFDA Express records authority

For managing the acquisition of goods and services to support the compensation function, including tendering and contracting-out arrangements, use PROCUREMENT.

For managing financial transactions supporting insurance activities and compensation payments for claims, use FINANCIAL MANAGEMENT.

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For records relating to establishing and implementing preventative health and safety measures, use WORK HEALTH AND SAFETY.

For copies of accident/incident reports submitted by an employee that are retained on individual personnel files, use PERSONNEL MANAGEMENT.

For legal advice obtained in support of the compensation function that does not relate to a specific compensation case, use LEGAL SERVICES.

For rehabilitation of employees who have been injured but have not lodged a compensation claim, use PERSONNEL MANAGEMENT.

For insurance claims made for loss or damage to property resulting from relocation of employees' personal effects, use PERSONNEL MANAGEMENT.

For developing and executing contracts under seal or deeds, including signed joint venture contracts under seal, deeds of release and deeds of indemnity, use CONTRACTS UNDER SEAL/DEEDS.

Cross references to other records authorities

For compensation claims made by governing body members, including claims against professional indemnity insurance, use GOVERNING BODIES.

For records relating to children's welfare and other case records where the child is under the care or custody of a Commonwealth Institution, use CHILD SEXUAL ABUSE INCIDENTS AND ALLEGATIONS.

Class no	Description of records	Disposal action
62640	<p>Records documenting:</p> <ul style="list-style-type: none"> compensation claim cases for support, redress and remedial action relating to alleged or actual incidents of child sexual abuse involving the organisation or the organisation's workforce, visitors and members of the general public. Includes initial claim, accident/incident reports (copies), evidence collected, medical reports, reviews, correspondence, progress and assessment reports, case specific litigation records and legal advice, mediation, determinations and settlement, appeals, agreements (including deeds of release, deeds of indemnity and similar contracts under seal), and records of support, rehabilitation (eg counselling; treatment), redress and remedial action. <p><i>[For case records of investigations into child sexual abuse incidents and allegations relating to members of the organisation's workforce, including employees and volunteer workers, use PERSONNEL MANAGEMENT.</i></p> <p><i>For work health and safety investigations, reports and other actions taken to address child sexual abuse disclosures, allegations or complaints that involve the organisation or members of the organisation's workforce, including employees and volunteer workers, contractors, visitors and members of the general public, use WORK HEALTH & SAFETY.</i></p> <p><i>For legal advice received that is not specific to a case, use LEGAL SERVICES.</i></p> <p><i>For original accident/incident reports involving employees and/or members of the public, use WORK HEALTH & SAFETY.]</i></p> <ul style="list-style-type: none"> developing and reviewing policies, procedures, plans and strategies for addressing compensation claims and rehabilitation, redress and remedial action activities relating to child sexual abuse allegations and incidents in agencies that provide care for or services to children (eg residential care, 	Retain as national archives

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Class no	Description of records	Disposal action
	<p>welfare services, training or other educational services) as part of their business activities, including under contractual or outsourcing arrangements. Includes final versions, major drafts, supporting research and results of stakeholder consultations;</p> <ul style="list-style-type: none"> • major internal reviews relating to the process of handling compensation claims and rehabilitation, redress and remedial action activities relating to child sexual abuse incidents and allegations involving employees, contractors, volunteer workers, visitors and members of the general public. Includes final review report, major drafts, recommendations, stakeholder consultations and supporting research; and • receipt or provision of high-level advice relating to child sexual abuse incidents and allegations involving employees, contractors, volunteer workers, visitors and members of the general public provided as part of compensation claims and rehabilitation, redress and remedial action activities. <p><i>[For advice, briefs and submissions to the portfolio Minister on agency compensation and rehabilitation, redress and remedial action activities relating to child sexual abuse incidents and allegations, use EXTERNAL RELATIONS.]</i></p>	
62608	<p>Records documenting:</p> <ul style="list-style-type: none"> • cases where a compensation claim has been submitted by an employee or on behalf of an employee for personal injury, death, or loss or damage to personal property of the employee (ie compensation case files). Covers claims made under safety, rehabilitation and compensation legislation. Excludes compensation claims documenting child sexual abuse incidents and allegations. Includes: <ul style="list-style-type: none"> ○ accident/incident reports (copies) and associated papers such as witness statements; ○ claims; ○ determinations; ○ correspondence and notes of meetings and conversations with the lead agency (currently Comcare) and claimant; ○ appointment of a case manager or rehabilitation provider; ○ rehabilitation records, including return to work plan; ○ progress reports; ○ assessment reports; ○ medical reports and certificates; ○ claim reviews; ○ appeal records (including reconsideration and appeals to external bodies, such as the Administrative Appeals Tribunal); ○ agreements entered into by the parties; and ○ legal records documenting any legal advice received in relation to a case and action taken. <p><i>[For compensation claims submitted by members of the public, where the claimant was over the age of 18 at the time of the incident or accident, use class 62611.]</i></p>	<p>Destroy 75 years after date of birth of employee or 7 years after last action, whichever is longest. If date of birth is unknown assume the person was 15 at the time of the incident or accident</p>

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Class no	Description of records	Disposal action
	<p><i>For compensation claims submitted by members of the public (other than compensation claims relating to child sexual abuse), where the claimant was under the age of 18 at the time of the incident of accident, use class 62662.</i></p> <p><i>For all compensation claims and support relating to child sexual abuse incidents and allegations, use class 62640.</i></p> <p><i>For records of all asbestos-related claims for compensation, transfer records to the central agency with legislative responsibility for the management of asbestos liability in the Commonwealth (currently Comcare) under the Asbestos-related Claims (Management of Commonwealth Liabilities) Act.</i></p> <p><i>For legal advice received that is not specific to a compensation case and litigation resulting from a case, use LEGAL SERVICES.</i></p> <p><i>For establishing and executing deeds of release and deeds of indemnity, and other similar agreements and contracts under seal, relating to the settlement of compensation cases, use CONTRACTS UNDER SEAL/DEEDS.</i></p> <p><i>For original accident/incident reports involving employees, use WORK HEALTH & SAFETY.]</i></p>	
62662	<p>Records documenting claims for compensation for personal injuries, death or loss or damage to personal property by members of the public aged under 18 years at the time of the incident or accident. Excludes compensation claims documenting child sexual abuse incidents and allegations. Includes initial claim, accident/incident reports (copies), evidence collected, medical reports, reviews, correspondence, progress and assessment reports, case specific legal advice, determinations and settlement, appeals, agreements, and records of support, rehabilitation, redress and remedial action.</p> <p><i>[For compensation claims submitted by members of the public, where the claimant was over the age of 18 at the time of the incident or accident, use class 62611.</i></p> <p><i>For compensation claims submitted by an employee or on behalf of an employee (other than compensation claims relating to child sexual abuse), use class 62608.</i></p> <p><i>For all compensation claims and support relating to child sexual abuse incidents and allegations, use class 62640.</i></p> <p><i>For records of all asbestos-related claims for compensation, transfer records to the central agency with legislative responsibility for the management of asbestos liability in the Commonwealth (currently Comcare) under the Asbestos-related Claims (Management of Commonwealth Liabilities) Act.</i></p> <p><i>For legal advice received that is not specific to a compensation case and litigation resulting from a case, use LEGAL SERVICES.</i></p> <p><i>For establishing and executing deeds of release and deeds of indemnity, and other similar agreements and contracts under seal, relating to the settlement of compensation cases, use CONTRACTS UNDER SEAL/DEEDS.</i></p> <p><i>For original accident/incident reports involving employees and/or members of the public, use WORK HEALTH & SAFETY.]</i></p>	Destroy when person reaches 25 years of age, or 7 years after last action, whichever is later

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Class no	Description of records	Disposal action
62609	<p>Records documenting:</p> <ul style="list-style-type: none"> annual insurance policy renewals and the management of premium payments. Includes salary statements, advice on premiums payable and any review of premiums levied by an insurance provider (eg Comcare and/or Comcover). <p><i>[For other records relating to the management of the agency's insurance arrangements, including insurance policies and obtaining a licence to self-insure, use class 62611.]</i></p>	Destroy 10 years after action completed
62610	<p>Records documenting:</p> <ul style="list-style-type: none"> receipt and provision of general compensation related advice, including the distribution of advice received from the lead agency responsible for the compensation function in the Commonwealth (currently Comcare) to managers and employees; <p><i>[For the provision or receipt of advice, including legal advice, relating to a specific compensation case (other than for compensation claims relating to child sexual abuse), use class 62608, 62611 or 62662.</i></p> <p><i>For the provision of advice, including legal advice, relating to a specific compensation case involving child sexual abuse, use class 62640.</i></p> <p><i>For legal advice obtained in support of the compensation function that does not relate to a specific compensation case, use LEGAL SERVICES.</i></p> <p><i>For high-level compensation related advice provided to external stakeholders, including advice relating to child sexual abuse incidents and allegations, use EXTERNAL RELATIONS.]</i></p> <ul style="list-style-type: none"> delegation of power to the agency to make determinations on compensation claims; and working papers documenting the development of agency procedures and reviews supporting the compensation function. Includes drafts and stakeholder feedback. <p><i>[For final versions or agency procedures and reviews supporting the compensation function, use classes 62640 and 62611.]</i></p>	Destroy 3 years after action completed
62611	<p>Records documenting:</p> <ul style="list-style-type: none"> routine operational administrative tasks supporting the function; and compensation activities, other than those covered in classes 62608 to 62610, 62640 and 62662. <p><i>[For compensation claims submitted by members of the public (other than compensation claims relating to child sexual abuse), where the claimant was under the age of 18 at the time of the incident of accident, use class 62662.</i></p> <p><i>For all compensation claims and support relating to child sexual abuse incidents and allegations, use class 62640.</i></p> <p><i>For records of all asbestos-related claims for compensation, transfer records to the central agency with legislative responsibility for the management of asbestos liability in the Commonwealth (currently Comcare) under the Asbestos-related Claims (Management of Commonwealth Liabilities) Act.</i></p>	Destroy 7 years after action completed

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Class no	Description of records	Disposal action
	<p><i>For legal advice received that is not specific to a compensation case and litigation resulting from a case, use LEGAL SERVICES.</i></p> <p><i>For establishing and executing deeds of release and deeds of indemnity, and other similar agreements and contracts under seal, relating to the settlement of compensation cases, use CONTRACTS UNDER SEAL/DEEDS.</i></p> <p><i>For original accident/incident reports involving employees and/or members of the public, use WORK HEALTH & SAFETY.]</i></p>	