



Australian Government

National Archives of Australia

Records Authority

2010/00565917

**Seafarers Safety, Rehabilitation and
Compensation Authority**

1 February 2011

CONTENTS

INTRODUCTION	3
APPLICATION OF THIS AUTHORITY	3
CONTACT INFORMATION	4
AUTHORISATION	5
CLASSES	6
SEAFARERS SAFETY, REHABILITATION AND COMPENSATION MANAGEMENT	6

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INTRODUCTION

The Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority) and the National Archives of Australia have developed this Records Authority to set out the requirements for keeping or destroying records for the core business areas of Seafarers Safety, Rehabilitation and Compensation Management. It represents a significant commitment on behalf of the Seacare Authority to understand, create and manage the records of its activities.

This Authority is based on the identification and analysis of the business of the Seacare Authority. It takes into account the agency's legal and organisational records management requirements, and the interests of stakeholders, the agency and the National Archives of Australia.

The 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 Authority gives the Seacare Authority 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, and are approved by the National Archives of Australia on the basis of information provided by the agency.

As changes in circumstances may affect future records management requirements, the periodic review of this Authority is recommended. All amendments must be approved by the National Archives.

APPLICATION OF THIS AUTHORITY

1. This Authority is to be used to sentence records. Sentencing involves the examination of records in order to identify the individual disposal class to which they belong. This process enables sentencers to determine how long records need to be kept. Advice on sentencing is available from the National Archives.
2. This Authority should be used in conjunction with general records authorities such as:
 - the Administrative Functions Disposal Authority (AFDA) and/or AFDA Express issued by the National Archives to cover business processes and records common to Australian Government agencies;
 - encrypted records; and
 - source records that have been copied.
3. The Normal Administrative Practice (NAP) provision of the Archives Act 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 Authority but can be used as a tool to assist in identifying records for destruction together with an agency's Record Authority or Authorities, and with AFDA and AFDA Express. 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
4. Where the method of recording information changes (for example from a manual system to an electronic system, or when information is migrated from one system to a new system) this 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 Authority. The Seacare Authority will 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.

5. In general, retention requirements indicate a minimum period for retention. The Seacare Authority may extend minimum retention periods if it considers that there is an administrative need to do so, without further reference to the National Archives. Where the Seacare Authority believes that its accountability will be substantially compromised because a retention period or periods are not adequate, it should contact the National Archives for review of the retention period.
6. 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. The determination of Commonwealth records as archival resources of the Commonwealth obliges agencies to transfer the records to the 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.
7. From time to time the National Archives will place a freeze on some groups of records relating to a particular topic or event which has gained prominence or provokes controversy. While the freeze is in place no records relating to the topic or event may be destroyed. Further information about disposal freezes and whether they affect the application of this Authority is available from the National Archives website at www.naa.gov.au
8. Records which relate to any current or pending legal action, or are subject to a request for access under the *Archives Act 1983* or any other relevant Act must not be destroyed until the action has been completed.
9. 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.
10. Appropriate arrangements should 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.
11. Advice on how to use this Authority is available from the Seacare Authority records 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.

Queen Victoria Terrace
Parkes ACT 2600
PO Box 7425

Canberra Mail Centre ACT 2610

Tel: (02) 6212 3610

Fax: (02) 6212 3989

Email: recordkeeping@naa.gov.au

Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2010/00565917

Person to whom notice of authorisation is given:

Mr David Sterrett
Chairperson
Seafarers Safety, Rehabilitation and Compensation Authority
1st Floor, 14 Moore Street
Canberra ACT 2601

Purpose:

Authorises arrangements for the disposal of records in accordance with section 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 core business records relating to Seafarers Safety, Rehabilitation and Compensation Management.

This authority will apply only with the consent of the agency currently responsible for the business documented in the records described.

Authorising Officer

Date of issue:



1/02/2011.

Ross Gibbs
Director-General
National Archives of Australia

SEAFARERS SAFETY, REHABILITATION AND COMPENSATION MANAGEMENT

The core business of assisting the Australian maritime industry to minimise the human and financial costs of workplace injury. Includes ensuring obligations to defined maritime workers are upheld under rehabilitation, compensation and occupational health and safety legislation.

The core tasks associated with seafarer occupational health and safety, rehabilitation and compensation management include:

- management and administration of the maritime workers' compensation and rehabilitation scheme, including administration of employer applications for exemption from the legislation and ensuring employer compliance with the relevant legislation;
- recommendations to the Portfolio Minister or Director of Public Prosecutions for prosecution following an alleged breach of legislative requirements;
- management and determination of compensation claims for maritime workers where the employer is unable to provide compensation or rehabilitation under relevant legislation or the employee is an industry trainee;
- management of beneficiary trust accounts;
- developing policies and strategies to support the occupational health and safety of seafarers;
- providing advice to employers and seafarers on obligations and rights under the legislation;
- promoting best practice management of workers' compensation, rehabilitation and safety;
- management and administration of the Seafarers Safety Net Fund (or its equivalent); and
- accreditation of industry specific training courses, including health and safety representative training courses.

The performance of the core business is supported by administrative tasks such as:

- providing administrative support to the Seacare Authority (or its equivalent) and its members, including travel arrangements, entitlements (remuneration) etc;
- meetings of the Seacare Authority (or its equivalent);
- providing routine advice to the Portfolio Minister on matters relating to the agency's functions and powers;
- liaison with external stakeholders, including government agencies, employer organisations, unions and other interested parties;
- coordinating agency sponsored safety awards, conferences and forums; and
- collection, interpretation and reporting of data relating to seafarer safety, compensation and rehabilitation.

For tasks associated with arranging and managing award ceremonies, conferences and forums, use AFDA – COMMUNITY RELATIONS.

For preparing, developing and reviewing seafarer safety, compensation and rehabilitation legislation and legislative instruments (including regulations and codes of practices), use AFDA – GOVERNMENT RELATIONS.

For the production and distribution of agency publications (eg Seafarer Notices), use AFDA – PUBLICATION.

For managing acquisition, tendering and contracting-out arrangements, use AFDA – PROCUREMENT.

For the provision of legal advice or the management of a matter before a court or tribunal, use AFDA – LEGAL SERVICES.

Class No	Description of records	Disposal action
21787	<p>The following significant records documenting:</p> <ul style="list-style-type: none">• Seacare Authority (or its equivalent) meetings, decisions and actions, as well as establishment and membership; and• final versions of policies and strategies supporting the administration and operation of the Seacare Authority (or its equivalent), including compliance and enforcement policies.	Retain as national archives

SEAFARERS SAFETY, REHABILITATION AND COMPENSATION MANAGEMENT

Class No	Description of records	Disposal action
21788	<p>Records documenting tasks associated with operation and administration of the Seafarers Safety Net Fund (or its equivalent). Includes:</p> <ul style="list-style-type: none">• calculation of estimates for levies payable;• evidence of payment of levies by an employer in compliance with legislative obligations;• agreements relating to management of the Seafarers Safety Net Fund (or its equivalent) between the Seacare Authority (or its equivalent) and other relevant parties;• advice to Minister regarding levies and collection of same;• financial statements;• evidence of indemnity insurance held by the Seacare Authority (or its equivalent) for the Seafarers Safety Net Fund (or its equivalent); and• procedures for collection of levies. <p><i>[For management of claims payable by the Seafarers Safety Net Fund, use SEAFARERS SAFETY, REHABILITATION AND COMPENSATION MANAGEMENT – Class 21792.</i></p> <p><i>[For other advice provided to the Portfolio Minister, use AFDA – GOVERNMENT RELATIONS].</i></p>	Destroy 80 years after last action
21789	<p>Records associated with ensuring compliance of maritime employers with relevant legislative requirements with regard to appropriate insurance and indemnity coverage for defined seafarers. Includes:</p> <ul style="list-style-type: none">• evidence of current protection and indemnity through an authorised insurer;• evidence of a current insurance policy;• evidence of a renewed insurance policy;• notification of becoming a member of a protection and indemnity association;• notification of renewal of membership of a protection and indemnity association;• requests for evidence of a current insurance policy; and• correspondence with employers.	Destroy 80 years after last action
21790	<p>Records documenting the administration of applications for exemption from seafarer safety, rehabilitation and compensation legislation. Includes:</p> <ul style="list-style-type: none">• applications by employers for exemption and related documents, including reports submitted to the agency;• correspondence with employers regarding applications for exemption;• records documenting the agency's consideration of applications; and• records of notification (approval) of exemption.	Destroy 80 years after date of exemption approval

SEAFARERS SAFETY, REHABILITATION AND COMPENSATION MANAGEMENT

Class No	Description of records	Disposal action
21791	<p>Records documenting the regulation of the maritime industry in accordance with seafarer safety, rehabilitation and compensation legislation. Includes:</p> <ul style="list-style-type: none">• ministerial recommendations to commence proceedings in the event of an alleged breach of the legislation;• correspondence and consultation with the Australian Maritime Safety Authority (or its equivalent) with respect to breaches of the legislation;• records documenting where the Seacare Authority (or its equivalent) seeks for an employer to comply with the legislation in regard to a safety event or claim for compensation;• employer information provided in compliance with the legislation in regard to a safety event or claim for compensation; and• development of compliance and enforcement policies.	Destroy 80 years after last action
21792	<p>Records documenting the management of seafarer compensation claims for fatality, injury, disease or permanent impairment under the Seafarers Safety Net Fund (or its equivalent). Includes:</p> <ul style="list-style-type: none">• claims for compensation;• medical certificates;• correspondence with medical practitioners;• correspondence with claimants' employers;• complaints from claimants or employers;• transactions providing evidence of payment of claims expenses, including invoices or receipts where available;• correspondence between claimant and the Seacare Authority (or its equivalent);• incident reports; and• matters relating to<ul style="list-style-type: none">○ pursuing actions against negligent third parties,○ defending actions for non-economic loss,○ general debt recovery.	Destroy 80 years from date of claim
21793	<p>Records relating to recommendations to the Portfolio Minister or Director of Public Prosecutions (DPP) with respect to action following alleged breaches of occupational health and safety, rehabilitation and compensation legislation. Includes:</p> <ul style="list-style-type: none">• records detailing recommendations to the Portfolio Minister or the DPP regarding possible breach of legislation;• correspondence with the Minister's Department or DPP;• investigation report(s);• evidence of an alleged breach, ie non-compliance by an employer with obligations to provide evidence of insurance coverage to the Seacare Authority (or its equivalent); and• legal advice to the effect where a breach of legislation is evident.	Destroy 80 years from last action

SEAFARERS SAFETY, REHABILITATION AND COMPENSATION MANAGEMENT

Class No	Description of records	Disposal action
21794	<p>Records relating to the management and administration of members appointed to the Seacare Authority (or its equivalent). Includes:</p> <ul style="list-style-type: none"> • records detailing remuneration of members; • contact details for members; • travel records; • records of meeting attendance history; • secretariat support to the Seacare Authority (or its equivalent); • correspondence with the Minister regarding appointments; • grants for leave of absence by either the Minister or Chairperson; and • records of termination of appointment. <p>Excludes records relating to considerations of, or decisions for, the appointment of members by the Minister.</p> <p>Excludes remuneration of members in any capacity that does not relate to the Seacare Authority (or its equivalent).</p>	<p>Destroy 75 years after date of birth of Authority member or 7 years after last action, whichever is later</p>
21795	<p>Records documenting the accreditation of industry specific training courses, including health and safety representative training courses. Includes:</p> <ul style="list-style-type: none"> • applications and related correspondence; • accreditation advisor reports; • recommendations to the Seacare Authority (or its equivalent) on approved providers; and • records of reviews and audits of accredited courses. 	<p>Destroy 30 years after date of accreditation</p>
21796	<p>Records documenting responses to requests for advice in relation to seafarers and employers rights, obligations and responsibilities under seafarer occupational health and safety, compensation and rehabilitation legislation. Includes:</p> <ul style="list-style-type: none"> • records of conversations held in the course of answering helpdesk queries; • correspondence in the form of email or letter requests from employees for information regarding handling of complaints with respect to worker's compensation; • records of promotion of operational standards of claims management and effective rehabilitation procedures by employers. Includes advice provided to employers detailing best practice claims management; and • advice provided to employers and seafarers on workers' compensation, rehabilitation and occupational health and safety. 	<p>Destroy 13 years after last action</p>
21797	<p>Records documenting beneficiary trust accounts, where Seacare is responsible for managing a trust account for the benefit of a claimant who is under a legal disability, or a descendant (beneficiary) of a deceased claimant. Includes:</p> <ul style="list-style-type: none"> • correspondence between the beneficiary's Guardian/Trustee and Seacare; • evidence of requests by the Guardian for reimbursement of costs associated with the beneficiary; • evidence of payment of accounts as a result of a request for reimbursement; and • tax declarations. 	<p>Destroy 7 years from date of final payment</p>

SEAFARERS SAFETY, REHABILITATION AND COMPENSATION MANAGEMENT

Class No	Description of records	Disposal action
21798	Records documenting: <ul style="list-style-type: none">• routine operational administrative tasks supporting the core business; and• routine Seafarers Safety, Rehabilitation and Compensation Management activities, other than those covered in classes 21787 - 21797.	Destroy 7 years after last action