



Australian Government



**NATIONAL
ARCHIVES
OF AUSTRALIA**

Records Authority

Medibank Private Limited

*Transfer of custody and ownership of records of
Medibank Private Limited*

2014

Change History

Each entry in this table has been authorised under the *Archives Act 1983*.

Authorisations are not part of this document and can be viewed in the respective Records Authority (as issued). Please contact the National Archives' Agency Service Centre for further information.

Date	Changes
21 November 2014	2014/00635509 issued to Medibank Private Limited: HEALTH INSURANCE & COMPLEMENTARY SERVICES – classes 61689, 61690 and 61691; and an unissued [Draft class] included for information only.
19 December 2014	2014/00670703 issued to Department of Finance and Medibank Private Limited: HEALTH INSURANCE & COMPLEMENTARY SERVICES – class 61719.
19 December 2014	The compilation of 2014/00635509 and 2014/00670703 has resulted in the following changes: <ul style="list-style-type: none"><li data-bbox="651 1025 1418 1115">• HEALTH INSURANCE & COMPLEMENTARY SERVICES – class 61719 replaced the unissued [Draft class] in 2014/00635509.<li data-bbox="651 1149 1418 1238">• HEALTH INSURANCE & COMPLEMENTARY SERVICES – 61719 replaced the reference to the [Draft class] in class 61691.

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CONTENTS

INTRODUCTION _____ **4**

APPLICATION OF THIS AUTHORITY _____ **4**

CONTACT INFORMATION _____ **5**

HEALTH INSURANCE & COMPLEMENTARY SERVICES _____ **6**

INTRODUCTION

This authority gives permission under the *Archives Act 1983* to transfer the custody and ownership of certain records to Medibank Private Limited and those of its Related Bodies Corporate which are Commonwealth Institutions or which possess or control Commonwealth records (MPL).

This Records Authority has been developed to address the records custody and ownership issues arising from the privatisation of MPL through the sale of the company via a public float. In particular, the authority will ensure that the records of MPL identified as being of archival value will remain the property of the Australian Government. The authority will also seek to ensure that the Australian Government retains ownership of those records identified as being of long term evidential value to the Commonwealth or supporting long term rights and entitlements obligations, to the extent that any such rights or obligations exist immediately prior to MPL's privatisation.

APPLICATION OF THIS AUTHORITY

1. This Authority is to be used to determine the custody and ownership of Commonwealth records.
2. This Authority should be used in conjunction with general records authorities:
 - AFDA Express which covers administrative business processes and records common to many Australian Government agencies;
 - General Records Authority 27 – Governing Bodies;
 - General Records Authority 28 – Grant Management; and
 - General Records Authority 34 – Establishing & winding up entities & companies.
3. This Authority does not authorise the transfer to MPL of any records classified as 'Retain as national archives' in the Administrative Functions Disposal Authority (AFDA) or AFDA Express, General Records Authority 27 – Governing Bodies, General Records Authority 28 – Grant Management, or General Records Authority 34 – Establishing & winding up entities & companies.
4. Where ownership of records is not to be transferred to MPL, MPL will use reasonable endeavours to transfer the records appropriately to the care of the National Archives within 12 months of the date of privatisation, or as soon as reasonably practicable.
5. Records identified as national archives in the care of MPL are not to be destroyed, altered, or otherwise disposed of prior to transfer to the National Archives without written approval of the National Archives and the responsible Commonwealth Department.
6. Good quality digital copies of records identified as national archives may be supplied to the National Archives. Please refer to National Archives of Australia guidance on *Digitising accumulated physical records* and *Scanning specifications*.
7. If circumstances give rise to the identification of national archives following the sale of MPL, these may be identified from time to time and agreed between the National Archives, the responsible Commonwealth Department and MPL and transferred to the National Archives.
8. 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*.
9. Those records not transferred to MPL, that are not required to be retained as national archives, will be held by the relevant portfolio Department on behalf of the Australian Government until such time as they can be disposed of in accordance with an authorised records authority. Responsibility for retaining, managing and ultimately disposing of these records will rest with the responsible Commonwealth Department.
10. In some circumstances, it may be necessary for the relevant Commonwealth agency to enter into contractual arrangements with the body taking custody and ownership of the records to ensure that the ongoing needs of the Commonwealth are protected. The contract may include clauses to:
 - ensure that the records are appropriately managed and maintained;

- protect the security of the records;
- provide for reasonable access to the records by the Commonwealth and its authorised agents;
- recover records at the completion of the contract, or at any other reasonable time;
- ensure compliance with the provisions of the *Privacy Act 1988* as if the custodian was the 'Record Keeper' in accordance with that Act;
- prevent unauthorised disclosure of information, in accordance with the provisions of the *Crimes Act 1914* and any legislation relevant to your agency; and
- limit the use of the records to legitimate purposes under the terms of the contract.

You should seek specific legal advice on these matters.

11. Advice on how to use this Authority is available from MPL and Department of Finance records managers. 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 the National Archives' Agency Service Centre.

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HEALTH INSURANCE & COMPLEMENTARY SERVICES

Class no	Description of records	Disposal action
61689	<p>The following significant records documenting:</p> <ul style="list-style-type: none"> • developing, implementing and reviewing high-level policies, plans, methodologies, strategies, initiatives, frameworks, and standards (eg pricing policies, customer management policies, Indigenous Reconciliation Action Plan). Includes final versions, major drafts, stakeholder consultations, and supporting reports and research; • developing, implementing and reviewing major programs and projects to support the core business (eg Medibank Community Fund, Anywhere Healthcare). Includes final versions, major drafts, outcomes, project plans, stakeholder consultations, and supporting reports and research; • privatisation of the organisation, including the process of transition from not-for-profit status, the original incorporation of the company and the sale to the public through the initial public offering process. Includes developing investor prospectus, application/approval to list with the stock exchange, outcomes of initial offering, supporting research, advice from consultants, related correspondence and reports; • register of shareholders and register of debenture holders; • designing and developing insurance and complementary services products (eg developing individual health insurance products). Includes proposals, briefs, concept designs, actuarial assessments, supporting research, assessment, prototype testing, and refinements; • providing and receiving high-level advice involving major stakeholders. Includes final versions of advice, position papers, opinions and briefings; • developing major marketing, branding and educational campaigns that promote policies, programs, projects and products, or that raise awareness of and boost long-term community health and wellbeing outcomes and initiatives (eg Generation Better). Includes final versions of marketing and educational material (eg print, radio and television advertisements) and supporting documentation; • significant summary records supporting the core business, such as those consolidating information on Members' Choice or networks of preferred service providers; • developing national, sector-wide and high-level internal and external reports. Includes final versions, major drafts, stakeholder consultation and supporting research; • developing premium approval submissions for Departmental approval. Includes final submission, financial analysis reports, supporting research, appeals of decisions, and outcome; • high-level internal and external committees and other bodies where MPL provides the secretariat, is the Australian Government's main representative, or plays a prominent or central role. Includes establishment documentation, agenda, final versions of minutes, reports and tabled papers; • outcomes of major research and analysis undertaken or commissioned by MPL to support the core business (eg major market research). Includes final research reports, research findings, statistical analysis, data models and research datasets; • litigation matters between MPL and the national consumer protection and 	<p>Commonwealth to retain ownership. Retain as national archives.</p> <p>Transfer custody to the National Archives of Australia. Also actionable by provision of good quality digital copies to the National Archives of Australia.</p> <p>Access to be granted by agreement with the Commonwealth Department.</p>

HEALTH INSURANCE & COMPLEMENTARY SERVICES

Class no	Description of records	Disposal action
	<p>competition regulator (currently Australian Competition and Consumer Commission) or State and Territory consumer protection agencies. Includes briefs, submissions, documents lodged as evidence, and court outcomes;</p> <ul style="list-style-type: none"> • receipt or provision of significant legal advice relating to the interpretation of legislation that significantly impacts, or is closely related to, MPL or its core business activities. Includes instructions to the providers, correspondence, drafts and final advice; • national and high-level reviews, including strategic reviews and major internal reviews, including those resulting in substantial restructures (eg closer integration of Medibank Health Solutions in 2014). Includes final review reports, major drafts, recommendations, stakeholder consultations, submissions, and supporting research; • final versions of significant agreements and contracts and supporting documents, that: relate to substantial funding agreements or the establishment of partnerships, major client relationships and cooperative arrangements with other governments, agencies and organisations; are controversial, of public interest or ground-breaking in nature; or have substantial implications for the conduct of the organisation's business (eg hospital purchaser provider agreements, Australian Defence Force Health Service Contract). Includes significant joint venture agreements and Memoranda of Understanding; • master versions of MPL publications produced to support the core business; • final versions of speeches presented by the MPL head, members of the Board or senior MPL staff; and • final versions of unpublished proceedings, reports, presentations and papers from conferences, seminars and workshops hosted by MPL. <p>The following records identified for retention as national archives in General Records Authorities:</p> <ul style="list-style-type: none"> • AFDA Express (2010), as per classes 20257, 20271, 20318, 20329, 20340, 20343, 20439, 20444, 20449 and 61224; • General Records Authority No 27: Governing Bodies 2010/001828807, as per class 21579; • General Records Authority No 28: Grant Management 2010/00389422, as per class 21867; and • <i>General Records Authority No 34: Establishing & winding up entities & companies</i> 2014/00444390, as per class 61651. <p><i>NOTE: refer to facilitative copy of General Records Authority classes for a full description.</i></p>	
61719	<p>The following records regulated by Cabinet Handbook instructions:</p> <ul style="list-style-type: none"> • Cabinet documents; and • notes made by agency officials attending Cabinet or Cabinet committee meetings other than official notetakers. <p>Employment records of all current and former MPL staff who were employed prior to 1 May 1998 (ie prior to MPL's legal separation from the Health</p>	<p>Commonwealth to retain ownership.</p> <p>Transfer custody to Commonwealth Department.</p>

HEALTH INSURANCE & COMPLEMENTARY SERVICES

Class no	Description of records	Disposal action
	<p>Insurance Commission). Includes employment records of ongoing/permanent and non-ongoing/temporary staff, SES employees and Heads of Agencies, kept in a consolidated format (as 'Personal files') or as separate records. Includes:</p> <ul style="list-style-type: none"> ○ letters of appointments/ promotions and conditions of engagement and acceptance letters; ○ agreements with individual employees (eg Australian Workplace Agreements); ○ details of assigned duties (initial/subsequent variations including higher duties); ○ probation and increment reports; ○ medical examinations and health declarations; ○ accident records; ○ identity records (eg birth certificates, qualifications); ○ declarations of any conflict of interest; ○ official secrets declarations; ○ investigations of misconduct where allegations are proved unfounded and the employee has requested the records be retained; ○ details of long service leave, parental leave, military leave and leave without pay; ○ details of redeployments, classification reductions; ○ salary payments (pay history records) including superannuation deductions and agency contributions, recovery of overpayments, deductions to satisfy a judgment debt; and ○ separation records. <p>The following Occupational Health and Safety (OH&S) and compensation records connected with current and former MPL staff who were employed prior to 1 May 1998 (ie prior to MPL's legal separation from the Health Insurance Commission):</p> <ul style="list-style-type: none"> ● Records of cases where a compensation claim has been submitted by an employee for personal injury, death, or loss or damage to personal property. Includes: <ul style="list-style-type: none"> ○ accident 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; ○ return to work plans; ○ progress reports; ○ assessment reports; ○ medical reports and certificates; ○ claim reviews; ○ appeal records (including reconsideration and appeals to Administrative Appeals Tribunal); ○ agreements entered into by the parties; and ○ legal records documenting any legal advice received and action 	

HEALTH INSURANCE & COMPLEMENTARY SERVICES

Class no	Description of records	Disposal action
	<p>taken in relation to the case.</p> <ul style="list-style-type: none"> • Records documenting potential employee exposure to hazardous substances, including asbestos, or records detailing that an employee was located at places identified as containing hazardous substances. • Records documenting an OH&S inspection following a major accident. Includes accident records for death, serious personal injury, dangerous occurrences and incapacity to employees and members of the public, and related accident registers. 	
61690	<p>Records identified as being subject to the following disposal freezes issued by the National Archives:</p> <ul style="list-style-type: none"> • Notice of Disposal Freeze: Post Cornwell Superannuation Case Litigation – Processing of additional claims (2010), and • Notice of Disposal Freeze: Records related to institutional responses to child sexual abuse (2013). 	Commonwealth to retain ownership
61691	<p>Records documenting health insurance and complementary services activities and supporting administrative tasks, other than those records covered in classes 61689, 61690 and 61719.</p>	Transfer custody and ownership to MPL