



Australian Government

National Archives of Australia

Records Authority

2017/00492481

Specialist Medical Review Council
Review of Statements of Principles

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2018



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CONTENTS

INTRODUCTION	4
APPLICATION OF THIS AUTHORITY	4
CONTACT INFORMATION	5
AUTHORISATION	6
REVIEW OF STATEMENTS OF PRINCIPLES	7

INTRODUCTION

The Specialist Medical Review Council (SMRC) 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 Review of Statements of Principles. It represents a significant commitment on behalf of SMRC to understand, create and manage the records of its activities.

This authority is based on the identification and analysis of the business of SMRC. It takes into account the agency's legal and organisational information management requirements, and the interests of stakeholders, the agency and the National Archives.

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 SMRC 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 on the basis of information provided by the agency.

As changes in circumstances may affect future information 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 determine how long records must be kept. Records are matched to the relevant core business and records class in the authority.
 - Where the minimum retention period has expired and the records are not needed for SMRC business they should be destroyed as authorised in this 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' are to be transferred to the National Archives for preservation.
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;
 - Governing Bodies (GRA 27) – general records authority for keeping, destroying and transferring day-to-day administration and operational records of an agency's governing body; and
 - General Records Authority (31) - Destruction of source or original records after digitisation, conversion or migration (2015).
3. 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 authority but can be used as a tool to assist in identifying records for destruction together with an agency's records authority or authorities, and with AFDA and AFDA Express. The National Archives recommends that agencies develop and implement a NAP policy. Advice and guidance on destroying records as a normal administrative practice and on how to develop a NAP policy is available from the National Archives' website at www.naa.gov.au.
4. 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.
5. 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 authority is available from the National Archives website at www.naa.gov.au.
6. Where the method of recording information changes (for example from an analogue system to a

digital 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 SMRC 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.

7. In general, retention requirements indicate a minimum period for retention. The SMRC 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 SMRC 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.
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. 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. Records created digitally after 1 January 2016 can be transferred in digital formats only.
11. Advice on how to use this authority is available from the SMRC 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 information management matters, please contact National Archives' [Agency Service Centre](#).

AUTHORISATION

RECORDS AUTHORITY 2017/00492481

**Person to whom notice of
authorisation is given:**

Jan Bowman
Registrar
Specialist Medical Review Council
GPO Box 965
Brisbane QLD 4001

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 Review of Statements of Principles.

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 with the consent of the agency currently responsible for the business documented in the records described.

Authorising Officer

Teresa Ward
Assistant Director- General
National Archives of Australia

Date of issue:

16 April 2018

REVIEW OF STATEMENTS OF PRINCIPLES

The core business of reviewing decisions made under relevant legislation in respect to:

- the contents of a Statement of Principles (SOP) or;
- a decision not to issue a SOP or;
- a decision not to amend a SOP or;
- a decision not to carry out an investigation

in accordance with legislative requirements concerning the determination of liability for military service-related claims.

SOPs are disallowable instruments based on sound medical-scientific evidence and setting out what factors must exist to establish a connection between service and a medical condition. They are used to determine liability for claims for compensation. At the time of issue of this Records Authority SOPs are determined by the Repatriation Medical Authority.

Reviews of a decision concerning a SOP are made on application from an eligible person or organisation where they disagree with a decision relating to a SOP. For each review, a separate Review Council is appointed, consisting of up to a maximum of five members, including a Presiding Councillor. These members must have an appropriate level of expertise to consider the condition or disease in question. Once a Review Council is established it is a legal entity for the duration of the review and at the end of the review, it is defunct.

The **core activities** of managing review processes include:

- responding to requests for review (letters to applicants);
- appointment of members to Review Councils;
- preparation of documentation concerning decisions to undertake a review, including liaison with the Convenor and meetings;
- preparation of documentation concerning decisions declining to undertake a review;
- obtaining available information and sound medical-scientific evidence (SMSE);
- preparation of documentation to inform the determination of reviews;
- making decisions in relation to reviews of SOPs (including Declarations and Statements of Reasons for the decision);
- preparation of documentation in response to correspondence about reviews;
- routine liaison with key stakeholders (Commissions, Ex-Service Organisations and Minister);
- determination and evaluation of relevant SMSE;
- determination of scope of reviews; and
- preparation and communication of any directions to add or amend SOPs and any directions or recommendations to conduct new investigations.

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

- development of policies, procedures and guidelines to support the review of SOPs;
- receiving and providing advice and other forms of information, including advice relating to Statements of Principles;
- registration, gazettal and publication of Declarations and Statements of Reasons;
- managing and participating in internal and external committees and meetings; and
- managing public enquiries.

Cross references to AFDA Express Records Authority

For financial transactions, including the payment of applicant expenses where eligible, use FINANCIAL MANAGEMENT.

For advice, briefs, liaison and submissions to the portfolio Minister, use GOVERNMENT RELATIONS.

REVIEW OF STATEMENTS OF PRINCIPLES

For liaison with legal advisors and legal advice, use LEGAL SERVICES.

For the management of personnel supporting the Council, use PERSONNEL.

For the engagement and management of contractors (e.g. medical science writers) use PROCUREMENT.

Cross references to other records authorities

For day-to-day administration and operational records of the SMRC such as providing secretariat and administrative support, minutes of meetings, arrangements for travel, leave entitlements, allowances, remunerations and Convenor and Councillor appointments and separation records, use General Records Authority 27 – GOVERNING BODIES.

Class no	Description of records	Disposal action
62416	<p>Records documenting:</p> <ul style="list-style-type: none"> • reviews of decisions in respect to Statements of Principles (SOP), specifically: <ul style="list-style-type: none"> ○ the contents of a SOP; ○ a decision not to issue a SOP; ○ a decision not to amend a SOP; and ○ a decision not to carry out an investigation under relevant legislation, (currently section 196C (4) of the Veterans' Entitlements Act 1986). <p>Review records include those documenting eligible applications for review, establishment of Review Councils and members, decisions of a Review Council, including agenda, supporting papers and minutes, final Declarations and Statements of Reasons, initial application for review, sound medical-scientific evidence (SMSE), as well as its determination and evaluation, submissions and advice, including written, oral (transcripts), audio, and determination of scope of reviews;</p> <ul style="list-style-type: none"> • summary records supporting the core business, such as registers consolidating information on reviews or registers of Review Council members; and • final version of policies, procedures and guidelines to support the review of Statements of Principles and decisions to undertake or decline a review (e.g. Members' Handbook, Guidelines for Submissions). 	Retain as national archives
62417	<p>Records documenting:</p> <ul style="list-style-type: none"> • reviews of decisions in respect to SOPs, other than those covered in class 62416 such as ineligible applications, preparation and publication of Declarations and Statements of Reasons with the Federal Register of Legislation; and • routine operational administrative tasks supporting the core business, such as, liaison with the Convenor on operational matters, and routine liaison with key stakeholders (Commissions, Ex-Service Organisations). 	Destroy 7 years after action completed