



Australian Government

National Archives of Australia

Records Authority

2020/00476127

**Coal Mining Industry Long Service
Leave Fund and Scheme
Management**

Coal Mining Industry (Long Service Leave
Funding) Corporation

2021



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INTRODUCTION

The Coal Mining Industry (Long Service Leave Funding) Corporation (Coal LSL) 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 COAL MINING INDUSTRY LONG SERVICE LEAVE FUND AND SCHEME MANAGEMENT. It represents a significant commitment on behalf of Coal LSL to understand, create and manage the records of its activities.

This authority is based on the identification and analysis of the business of Coal LSL. 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 Coal LSL 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 Coal LSL 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:
 - AFDA Express Version 2 issued by the National Archives to cover business processes and records common to Australian Government agencies; 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 Express Version 2. 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 Coal LSL 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 Coal LSL 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 Coal LSL 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' class 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 Coal LSL 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 2020/00476127

Notice of authorisation

Person to whom notice of authorisation is given:

Ms Darlene Perks
Chief Executive Officer
Level 3, 18 Honeysuckle Drive,
Newcastle, NSW 2300

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 the function of Coal Mining Industry Long Service Leave Fund and Scheme Management.

Authority

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.

This document has been authorised through a digital workflow (R629742021).

Authorising Officer	Date of issue
 Jason McGuire A/g Assistant Director-General, Government Data & Policy National Archives of Australia	22 July 2021

COAL MINING INDUSTRY LONG SERVICE LEAVE FUND AND SCHEME MANAGEMENT

The core business of regulating and managing long service leave entitlements on behalf of eligible employees and employers in the Australian coal mining industry. This includes maintaining the long service leave fund (the Fund) and administering the long service leave scheme to connect employers and employees with long service leave.

The **core activities** include:

- developing and reviewing policies, rules, strategies, procedures and guidelines that provide the framework for maintaining the Fund and administering the long service leave scheme;
- maintaining the Fund, i.e. managing and administering the investment of the Fund's assets to ensure funds are sufficient to finance the cost of reimbursements of long service leave, including:
 - seeking and receiving actuarial advice to assess and advise on the amount of levy that will be sufficient to meet the estimated liability for future reimbursements of long service leave; and
 - advising the Minister on the rates of payroll levy that should be imposed on employers.
- administering and regulating the long service leave scheme, including:
 - engaging and registering employers;
 - recording and keeping up to date employee service history and employer account records including the personal and contact details of employers and employees and any authorised representatives or beneficiaries;
 - collecting and processing employer levies and payments, including any necessary adjustments and refunds, and recovery of, or leniency requests for the payment of, historical levies or debts;
 - processing employee long service leave requests and associated reimbursements to employers or employees;
 - reviewing and approving or refusing waiver agreements between employees and employers to waive long service leave accruals;
 - monitoring employer compliance with scheme obligations and requirements through the review of employer levy advices and audits, or investigating missing service claims or complaints made by employers or employees, and taking necessary enforcement actions in response to identified compliance failures or breaches; and
 - deregistering and/or closing employer or employee accounts.

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

- establishing, managing and participating in committees, meetings or similar working groups;
- delegating powers and authorising actions;
- engaging with stakeholders (e.g. government, industry associations, employee groups);
- handling enquiries from employers or employees concerning their accounts;
- developing educational resources and delivering information sessions to inform and promote awareness of obligations, requirements and entitlements under the scheme;
- making routine arrangements for trips or visits to employees or employers, or for meetings; and
- developing and reviewing operational policies, procedures, plans, reports and programs in relation to core business.

Cross references to AFDA Express Version 2 Records Authority

For managing relationships with the media, government and government organisations, industry bodies or broader community, including media releases and media monitoring, addresses and speeches made by the agency head, or other senior officers, and organising or attending external events, use EXTERNAL RELATIONS.

For submissions to the Minister or government, including contributions to government inquiries, use EXTERNAL RELATIONS.

For reports to or from the Minister or government in relation to the performance of the Corporation (e.g. annual reports) or other functional responsibilities, use EXTERNAL RELATIONS.

For financial transactions associated with the receipt or payment of monies to or from employers or employees (in or out of the Fund), including invoices, remittances, receipts, reconciliations, and reconciliation registers, use FINANCIAL MANAGEMENT.

For legal advice sought or given in relation to the interpretation of legislation or escalated matters, use LEGAL SERVICES.

For all aspects of training (internal or external) available to staff, use PERSONNEL MANAGEMENT.

For managing the acquisition of goods and services, including tendering and contracting-out arrangements for Fund custodians, asset consultants, investment managers, actuaries, or similar service providers, use PROCUREMENT.

For corporate governance agreements applying to the Corporation as a whole, agreements or contracts relating to the outsourcing of the administration of the long service leave scheme, for internal and external audits, including on the management of the Fund, and for committees overseeing general activities (e.g. audit and risk committees), use STRATEGIC MANAGEMENT.

For the management of the Corporation's information holdings, and the technical maintenance and management of platforms and systems such as the website, client management systems and the self-service portal, use TECHNOLOGY AND INFORMATION MANAGEMENT.

Cross references to other records authorities

For the functions of the Board of Directors, including the management and meetings of the Board, appointment and separations of Board members, remunerations and allowances, and leave of absence, use General Records Authority 27 – GOVERNING BODIES.

Classes

Class no	Description of records	Disposal action
62863	<p>Records documenting:</p> <ul style="list-style-type: none"> development and review of high-level policies, rules, strategies, plans, procedures, guidelines (or similar documents) that provide the framework and/or strategic direction for managing the Fund and scheme (e.g. Investment Policy and Strategic Investment Allocation Guidelines, Employer Reimbursement Rules); investigations and enforcement actions taken in response to identified compliance failures or breaches, including those associated with individual employee entitlements, and where the matter is: highly controversial or considered to be of major public interest; results in the laying of significant civil or criminal penalties; or leads to 	Retain as national archives

Class no	Description of records	Disposal action
	<p>significant changes to legislation, industry practices, or long service scheme policy or rules. Includes:</p> <ul style="list-style-type: none"> ○ complaints or notifications initiating the investigation; ○ investigation reports; ○ referrals to external bodies; ○ legal advice and briefs; ○ notices to produce information; ○ evidence received; ○ decisions to proceed to litigation ○ applications and supporting documents filed with the court; ○ court orders; ○ records of appeals; and ○ final settlement of matters. <p><i>[For all other investigations and enforcement actions, use class 62865]</i></p> <ul style="list-style-type: none"> ● summary records consolidating information on employees registered in the scheme, such as information identifying employee: <ul style="list-style-type: none"> ○ name and date of birth; ○ dates of account registration and deregistration or closure; ○ summary of service history; ○ long service requests and/or reimbursement claims made; and ○ complaints lodged. ● summary records consolidating information on employers registered in the scheme, such as information identifying employer: <ul style="list-style-type: none"> ○ name and details, including company and/or business registration identifiers; ○ dates of account registration and deregistration or closure; ○ levies paid and the outcome of leniency requests for historical levies or debts; ○ investigations conducted and enforcement actions taken; and ○ complaints lodged. ● high-level advice and reports prepared for, or received from, major stakeholders in relation to the core business (e.g. advice to relevant Minister on the rates of payroll levy that should be imposed on employers); ● high-level internal and external, committees (e.g. Investment Committee), meetings, or similar bodies 	

Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> ○ set up to determine scheme policy, rules or strategy, and/or make decisions in relation to significant matters impacting the core business; ○ where the Corporation provides the chair or secretariat, or is the Australian Government's main representative. <p>Includes terms of reference and meeting minutes, supporting documentation such as briefing notes and discussion papers, associated reports, and resolutions; and</p> <ul style="list-style-type: none"> • high-level delegations of authority and authorisations, such as those authorised by the Minister or Directors, concerning the exercise of the Corporation's legislative powers or functions. 	
62864	<p>Records documenting:</p> <ul style="list-style-type: none"> • management of accounts for individual employees eligible, or potentially eligible, for long service leave entitlements under the scheme. Includes: <ul style="list-style-type: none"> ○ personal and contact details for employees, their beneficiaries or authorised representatives, and notifications of updates to those details; ○ employee long service leave requests, including applications received, notes from internal assessments to validate service history, notifications granting or refusing leave, and requests to cancel leave applications; ○ service history records of employees, including manual calculations verifying employee entitlement balances, and notes recording decisions to update service history records (i.e. in response to missing service investigations or identified data errors); ○ receipt and response to requests to investigate missing service not reflected in an employee's statements of service, including applications and supporting evidence, requests for further information, correspondence with employees, notes and reports from internal assessments, notifications of outcomes, and records relating to appeals to review decisions; ○ waiver agreements made between employees and employers, including agreement variations, and notices of Board decisions to approve or refuse agreements; ○ reimbursement claims in respect of untaken long service leave where the employer is insolvent, wound up or ceases to exist; 	<p>Destroy 110 years after date of birth of employee or 30 years after all employee entitlements have been paid out, whichever is the longer</p>

Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> ○ complaints or issues lodged by employees about their account, including records of investigations, referrals and outcomes; and ○ requests for, and records relating to, the deregistration and/or closure of employee accounts. <p><i>[For routine records relating to the management of individual employees' accounts, use class 62866]</i></p>	
62865	<p>Records documenting:</p> <ul style="list-style-type: none"> ● management of accounts for individual employers, and monitoring their compliance with scheme obligations and requirements. Includes: <ul style="list-style-type: none"> ○ correspondence and notes from initial engagement interactions and meetings with employers; ○ registration forms and supporting documentation to register employers into the scheme; ○ personal and contact details for employers and/or their authorised representatives; ○ requests for leniency for the payment of historical levies or debts, including submissions and Board approvals or refusals; ○ receipt and processing of levies and payments. Includes reviewing levy advices submitted by employers and issuing advices relating to penalty or interest payments owing, levy adjustments, and refunds for overpaid levies; ○ notifications to employers validating long service leave applications and subsequent reimbursement claims for long service leave payments made by employers to employees; ○ receipt and review of employer audit reports, including liaison with employers to address compliance issues; ○ liaison with employers to support investigations into employee missing service not reflected in their statements of service, including records of any appeals made by employers; ○ investigations and enforcement actions, (e.g. imposing penalties, litigation) taken in response to identified compliance failures or breaches, other than those covered in class 62863; and ○ requests for, and records relating to, the deregistration and/or closure of employer accounts. <p><i>[For routine records relating to the management of individual employers' accounts, use class 62866]</i></p>	Destroy 50 years after employer is insolvent, wound up, or ceases to exist

Class no	Description of records	Disposal action
62866	Records documenting: <ul style="list-style-type: none"><li data-bbox="464 327 979 394">• routine operational administrative tasks supporting the core business; and<li data-bbox="464 427 1102 488">• core business activities, other than those covered in classes 62863 to 62865.	Destroy 10 years after last action