

State Records Authority of New South Wales

Functional Retention and Disposal Authority: FA324

This authority covers records documenting the function of determining claims for compensation for dust diseases

Issued to Workers' Compensation Dust Diseases Board

This functional retention and disposal authority is approved under section 21(2)c of the *State Records Act 1998* following prior approval by the Board of the State Records Authority of New South Wales in accordance with section 21(3) of the Act.

State Records Authority of New South Wales
Functional Retention and Disposal Authority

Authority no FA324

SR file no 04/0487

Scope

This functional retention and disposal authority covers records documenting the function of determining claims for compensation for dust diseases 1920+.

Public office

Workers' Compensation Dust Diseases Board

Approval date

Jenni Stapleton
A/Director
State Records Authority of New South Wales

28/06/2012
Date

About the Functional Retention and Disposal Authority

Purpose of the authority

The purpose of this functional retention and disposal authority is to identify those records created and maintained by NSW public offices which are required as State archives and to provide approval for the destruction of certain other records created and maintained by NSW public offices, after minimum retention periods have been met.

The approval for disposal given by this authority is given under the provisions of the *State Records Act 1998* only and does not override any other obligations of an organisation to retain records.

The retention and disposal of State records

The records retention and disposal practices outlined in this authority are approved under section 21(2)(c) of the *State Records Act 1998 (NSW)*. Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of State Records with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Records does not disapprove. Advice on the State Records Act can be obtained from State Records.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. The State Records Authority ('State Records') reviews and approves organisations' retention and disposal authorities under the State Records Act.

This authority is the product of an appraisal process conducted in accordance with State Records' *Standard on the appraisal and disposal of State records*. It is the duty of a public office, in submitting a draft functional retention and disposal authority for approval, to disclose to State Records any information which affects the retention of the records covered by the authority.

State Records' decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Records' functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in *Building the Archives: Policy on records appraisal and the identification of State archives*. The Policy also explains the roles and responsibilities of State Records and of public offices in undertaking appraisal processes and disposal activities.

Implementing the authority

This functional retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority. The authority should be implemented as part of the records management program of the organisation. Two primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. Advice on sentencing can be obtained from State Records. See *Implementing a retention and disposal authority*.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependant records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see also the *General Retention and Disposal Authority – Imaged records*). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

Disposal action

Records required as State archives

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Records when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Records regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Records' control should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

Records approved for destruction

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are *minimum* periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, and government directives. A public office *must not* dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) where the records may be required as evidence.

Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded. See *Destruction of records: a practical guide*.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation's functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:

- business needs or practices change
- new laws, regulations or standards are introduced
- new technology is implemented
- government administration is restructured and functions are moved between entities, or
- unforeseen or new community expectations become apparent.

State Records recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office must not permanently transfer possession or ownership of a State record to any person or organisation without the explicit approval of State Records.

Administrative change

This functional retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Records for approval.

However, when functions move from one public office to another the public office that inherits the new function should contact State Records to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.

Amendment and review of this authority

State Records must approve any amendment to this authority. Public offices that use the authority should advise State Records of any proposed changes or amendments to the authority.

State Records recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Records may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements or procedures which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Records and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

Contact Information

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Functional Retention and Disposal Authority
Determining claims for compensation for dust diseases (Workers' Compensation Dust Diseases Board)

Authority number: FA324

Dates of coverage: 1920+

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No	Function/Activity	Description	Disposal Action
1.0.0	DUST DISEASE COMPENSATION	<p>The function of assessing and determining claims for compensation by people who have developed a dust disease from occupational exposure to dust as a worker.</p> <p>See MEDICAL SCREENING - Testing for records relating to the testing and reporting of medical screening tests.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> GOVERNING BODIES - Meetings for records relating to the meetings and papers of the Board and Board sub-committees.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> INFORMATION MANAGEMENT - Control for records relating to registers and control systems.</p> <p>See MEDICAL SCREENING - Testing for x-ray images, scans and other diagnostic imaging products.</p>	
1.1.0	Claims	The activity of managing applications for compensation from registration through to determination. Includes all applications, irrespective of whether compensation is awarded or denied.	
1.1.1		Minutes and meeting papers of the Medical Authority.	Required as State archives
1.1.2		Client based summary detail control records. Records include paper registers and electronic database records recording details of claimants, client details etc.	Required as State archives
1.1.3		<p>Sample of records relating to successful dust disease compensation claims. Sample to comprise:</p> <ul style="list-style-type: none"> • pre-1942 compensation claim case files 	Required as State archives

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No	Function/Activity	Description	Disposal Action
<i>DUST DISEASE COMPENSATION - Claims</i>			
		<ul style="list-style-type: none"> • Broken Hill Compensation Scheme claim case files • claims documenting significant judgments or developments of law • claims where a precedent is set • 10% of claims for asbestos-related diseases (as identified from case management system (CMS)) • 5% of claims for each year comprising representative sample across other disease types (as identified from case management system (CMS)). 	
1.1.4		<p>Records relating to successful dust disease compensation claims other than the State archives sample above. Records include:</p> <ul style="list-style-type: none"> • applications to the Board for compensation • correspondence • medical condition assessments collected and submitted to the Medical Authority • industrial employment histories • records of review and recommendation by the Medical Authority regarding existence of a dust disease and level of disablement or cause of death • assessments and calculations of compensation levels in accordance with relevant legislation • award determinations by the Board. 	Retain minimum of 35 years after finalisation of all payments (including dependants), then destroy

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No	Function/Activity	Description	Disposal Action
<i>DUST DISEASE COMPENSATION - Claims</i>			
1.1.5		Records relating to dust disease compensation claims where the claim for compensation is not established. This includes claims where no prima facie case for compensation is established or where the claim is outside the scope of the Act/Scheme.	Retain minimum of 100 years after date of birth or minimum of 25 years after action completed, whichever is longer, then destroy
1.1.6		Inspection files containing information about individual workplaces, including insurance details, physical inspections, employee lists, workplace testing etc.	Required as State archives
1.2.0	Compensation payments	The activity of processing compensation payments for beneficiaries. Includes payments to beneficiaries under the Workers' Compensation (Dust Diseases) Fund and the funding, arranging and delivery of services and supplies (e.g. medical services, oxygen, home nursing care, gardening etc.) to beneficiaries.	
1.2.1		Records relating to the payment of compensation to beneficiaries and dependent beneficiaries. Includes payment of money to beneficiaries for medical services, oxygen, home nursing care, gardening etc. Records include: <ul style="list-style-type: none"> • correspondence with clients • trust payment details • bank details • invoices • recommendations for domestic assistance by medical practitioners • assessments by occupational therapists. 	Retain minimum of 7 years after action completed, then destroy

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No	Function/Activity	Description	Disposal Action
<i>COMPENSATION FUND</i>			
2.0.0	COMPENSATION FUND	<p>The function of managing funds established to meet the liabilities of the compensation scheme.</p> <p>See DUST DISEASE COMPENSATION - Compensation payments for records relating to the processing of compensation payments to beneficiaries.</p>	
2.1.0	Fund management	<p>The activity of managing and monitoring the performance of compensation scheme funds and investments.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> FINANCIAL MANAGEMENT - Allocation for records relating to the allocation of funds from Treasury for compensation schemes.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> GOVERNING BODIES - Meetings for records relating to Investment Committee meetings and papers.</p>	
2.1.1		Records relating to the management of funds. Records include levy collection, payment from insurers, procedures, reports, financial statements, taxation records, ledgers, cash books, remittances, correspondence etc.	Retain minimum of 7 years after end of financial year in which record was created, then destroy
2.1.2		Investment strategy plans documenting how funds will be invested.	Retain minimum of 7 years after action completed, then destroy
3.0.0	GRANTS	The function of administering grants schemes to promote community support and research into dust diseases.	

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No	Function/Activity	Description	Disposal Action
<i>GRANTS - Grant management</i>			
		See General Retention and Disposal Authority <i>Administrative records</i> GOVERNING BODIES - Meetings for records of Board and Board sub-committee meetings. See General Retention and Disposal Authority <i>Administrative records</i> COMMUNITY RELATIONS - Agreements for contracts relating to grants.	
3.1.0	Grant management	The activity of administering grant schemes.	
3.1.1		Final reports and summaries of findings of grant funded research, projects and programs initiated through a grant scheme.	Required as State archives
3.1.2		Records relating to the case management of a specific grant. Records include applications, assessors' reports, copies of contracts, literature reviews, financial reports, general correspondence, progress reports etc.	Retain minimum of 7 years after action completed, then destroy
3.1.3		Records relating to the administration of the grants scheme, including initial arrangements for notifying the grants scheme, organisation of meetings and arrangements affecting multiple grants.	Retain minimum of 5 years after action completed, then destroy
3.1.4		Unsuccessful grant applications and supporting documentation.	Retain minimum of 3 years after action completed, then destroy
4.0.0	INFORMATION AND EDUCATION	The function of providing information about the role of the organisation, the compensation scheme, the benefits and services available and procedures for making claims or accessing services. See General Retention and Disposal Authority <i>Administrative records</i> COMMUNITY RELATIONS for records relating to raising and maintaining the	

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No	Function/Activity	Description	Disposal Action
<i>INFORMATION AND EDUCATION - Community education</i>			
		organisation's public profile through events, participation in community activities and official representation at functions.	
4.1.0	Community education	The activity of providing information about the role and functions of the organisation, relevant legislation, standards and the organisation's policies and procedures via community education sessions and published resources. See General Retention and Disposal Authority <i>Administrative Records PUBLICATION</i> for records relating to the planning, production, distribution and marketing of the organisation's publications.	
4.1.1		Records relating to the preparation of presentations for community information sessions. Records include session plans, programs, lecture notes, overheads, handouts etc.	Retain until material or information is superseded, then destroy
4.1.2		Records relating to responding to requests for and the organisation of information sessions. Records include requests, confirmations of attendance, venue bookings, records of equipment hire, catering arrangements etc.	Retain until administrative or reference use ceases, then destroy
4.1.3		Master copy of publications produced by the organisation about its role, processes, services etc. Includes newsletters, booklets, brochures, fact sheets etc.	Required as State archives
4.1.4		Records relating to the development of information resources and publications.	Retain minimum of 2 years after action completed, then destroy
4.2.0	Enquiries	The activity of handling requests for information about the role and functions of the organisation.	

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No	Function/Activity	Description	Disposal Action
<i>INFORMATION AND EDUCATION - Enquiries</i>			
		See DUST DISEASE COMPENSATION - Claims for records relating to enquiries or advice resulting in a compensation claim.	
4.2.1		Records relating to handling requests for information about the role and functions of the organisation that require investigation, follow up or the provision of a detailed response.	Retain minimum of 7 years after action completed, then destroy
4.2.2		Records relating to handling requests for information of a routine or general nature about the role and functions of the organisation.	Retain minimum of 2 years after action completed, then destroy
5.0.0	MEDICAL SCREENING	<p>The function of operating medical and occupational health surveillance screening services. Includes the provision of screening services for workers at risk of or with a history of exposure to occupational dust and the provision of other health surveillance or employment screening services.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> STRATEGIC MANAGEMENT - Planning for records relating to strategic plans for the identification of target industries and employers for medical screening services.</p>	
5.1.0	Testing	<p>The activity of conducting medical and occupational health surveillance screening, including radiological and lung function testing, hearing testing and clinical examinations for exposed workers and at risk workers.</p> <p>See DUST DISEASE COMPENSATION - Claims for records relating to medical or clinical notes, test results and reports arising from the screening of individuals and proceeding to a dust disease compensation claim.</p>	
5.1.1		Medical or clinical notes, test results and reports relating to the screening of workers at risk of or with a history of exposure to occupational dust not specifically	Retain minimum of 100 years after

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No	Function/Activity	Description	Disposal Action
<i>MEDICAL SCREENING - Testing</i>			
		relating to or proceeding to a claim (i.e. a 'no dust' outcome).	date of birth, then destroy
5.1.2		X-ray images, scans and other diagnostic imaging products produced as part of medical screening or assessment of clients with a compensable dust disease.	Retain minimum of 25 years after death of client or action completed, then destroy
5.1.3		X-ray images, scans and other diagnostic imaging products produced as part of medical screening or assessment of workers or clients without a compensable dust disease.	Retain minimum of 7 years after action completed, then destroy
5.1.4		Medical or clinical notes, test results and reports relating to health screening of workers for non dust related purposes, e.g. auditory pre-employment checks.	Retain minimum of 100 years after date of birth, then destroy