

State Records Authority of New South Wales

Functional Retention and Disposal Authority: FA255

This authority covers records documenting the function of workers compensation dispute resolution

Issued to the Workers Compensation Commission

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 FA255

SR file no 03/0198

Scope

This functional retention and disposal authority covers records documenting the function of workers compensation dispute resolution from 2000 onwards.

Public office

Workers Compensation Commission

Approval date

David Roberts
Director
State Records Authority of New South Wales

20/02/2008
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 1998*.

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 the public office in discharging its 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.

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, FOI requests) 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.

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.

Custody

The custody column in the functional retention and disposal authority is designed to assist public offices in identifying storage requirements or transfer arrangements for records identified as State archives (ie with a Disposal action of 'Required as State archives'). The directions in this column are recommendations only and are *not* mandatory. The type of information may include directions on how long records should be retained in the office and how long they should be kept in off-site, off-line or secondary storage prior to their transfer as State archives. A recommendation to retain records in the organisation for more than 25 years does not imply that a *still in use determination* (see Part 4, Section 28 of the State Records Act 1998) or that a distributed management agreement (see Part 4, Section 30 of the State Records Act 1998)

has been approved by State Records. Advice on arrangements for managing and transferring State archives can be obtained from 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 functional 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 functional 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
Workers compensation dispute resolution (Workers Compensation Commission)

Authority no: FA255

Dates of coverage: 2000+

List of Functions and Activities covered

Function	Activity	Reference
DISPUTE RESOLUTION POLICY AND PROCEDURES		1.0.0
	Policies and procedures	1.1.0
DISPUTE RESOLUTION MANAGEMENT		2.0.0
	Appeals	2.1.0
	Dispute cases	2.2.0
	Enquiries	2.3.0
	Registration of medical specialists, arbitrators and mediators	2.4.0
	Training	2.5.0
	Work injury damages	2.6.0
REGISTRATION OF AGREEMENTS		3.0.0
	Registration of compensation agreements	3.1.0

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No	Function/Activity	Description	Disposal Action	Custody*
1.0.0	DISPUTE RESOLUTION POLICY AND PROCEDURES	The function of determining policy and procedures for managing and resolving workers compensation disputes and the registration of agreements.		
1.1.0	Policies and procedures	The activity of developing, issuing and reviewing policies and procedures for dispute resolution and registration of agreements.		
1.1.1		Records relating to the development and review of rules and procedures which impact on the Commission's core decisions and actions. Includes President's Directions, practice directions and Commission Rules. Records include final, approved versions, background research, notes of meetings or reports analysing issues and the outcomes of consultation with employees and stakeholders.	Required as State archives	Retain in office 10 years after superseded, then transfer to State Records
1.1.2		Records relating to the development and review of operational policies, procedures and guidelines outlining the administrative practices to be followed by officers of the Commission, applicants, respondents and their representatives when managing workers compensation disputes and registering agreements. Includes final, approved versions of policies, procedures and guidelines, project documentation, memorandums, internal training manuals, notes of meetings or reports, research documentation, etc.	Retain until superseded, then destroy	
2.0.0	DISPUTE RESOLUTION MANAGEMENT	The function of managing the dispute resolution process through conciliation and arbitration.		
2.1.0	Appeals	The activity of assessing and resolving cases of appeals against decisions of approved medical specialists, arbitrators, assessments of costs, work injury damages or questions of		

* see *About the functional retention and disposal authority*

Workers compensation dispute resolution

Authority no: FA255

Dates of coverage: 2000+

No	Function/Activity	Description	Disposal Action	Custody*
		law.		
2.1.1		Records relating to appeals where there is a question of law. Includes applications, correspondence, documents produced to the Commission as evidence, determinations.	Required as State archives	Retain in office for 30 days after the closure of the dispute, transfer to offsite storage for 15 years, then transfer to State Records
2.1.2		Records relating to appeals where there is no question of law. Includes applications, correspondence, documents produced to the Commission as evidence, determinations.	Retain minimum of 100 years after date of birth of applicant, then destroy	
2.1.3		Published decisions of the Commission relating to appeals which are: <ul style="list-style-type: none"> • relevant, in terms of legal issues and principles, to other appeals • of significant public interest • related to important matters of practice and procedure in the Commission • 'test cases' for workers compensation. 	Required as State archives	Retain 25 years after closure of the dispute, then transfer to State Records
2.1.4		Control records relating to the management of appeal cases. For each case these include a record of each action taken to resolve the appeal with the actionee's and arbitrator's name.	Retain minimum of 100 years after date of birth of	

* see *About the functional retention and disposal authority*

Workers compensation dispute resolution

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Dates of coverage: 2000+

No	Function/Activity	Description	Disposal Action	Custody*
			applicant, then destroy	
2.1.5		Records relating to medical appeal briefs, consisting of copies of files/documents sent to the medical appeal panel.	Retain minimum of 1 year after closure of case, then destroy	
2.2.0	Dispute cases	The activities associated with the resolution of disputes lodged with the organisation through conciliation and arbitration. See DISPUTE RESOLUTION MANAGEMENT – Work Injury Damages for records relating to the management of work injury damages claims through a dispute resolution process.		
2.2.1		Records relating to disputes lodged with the Commission where there is a question of law. Records include applications, correspondence, case file copies of documents produced to the Commission as evidence, expedited assessments for workplace injury management, interim payment directions, notifications for evidence, assessment of costs, contraventions and penalties, requests for information or access to premises, payments to interpreters, administration files, evidence files etc.	Required as State archives	Retain in office for 30 days after the closure of the dispute, transfer to offsite storage for 15 years, then transfer to State Records
2.2.2		Records relating to disputes lodged with the Commission where there is no question of law. Records include applications, correspondence, case file copies of documents produced to the Commission as evidence, expedited assessments for workplace injury management, interim payment directions, notifications for evidence, assessment of costs, contraventions and penalties, requests for information or access to premises, payments to interpreters, administration files, evidence files etc. Also includes matters that do not proceed to a hearing before the Commission.	Retain minimum of 100 years after date of birth of applicant, then destroy	

* see *About the functional retention and disposal authority*

Workers compensation dispute resolution

Authority no: FA255

Dates of coverage: 2000+

No	Function/Activity	Description	Disposal Action	Custody*
2.2.3		<p>Published decisions of the Commission relating to dispute cases which are:</p> <ul style="list-style-type: none"> • relevant, in terms of legal issues and principles, to other disputes • of significant public interest • related to important matters of practice and procedure in the Commission • 'test cases' for workers compensation. 	Required as State archives	Retain 25 years after closure of the dispute, then transfer to State Records
2.2.4		Control records relating to the management of dispute cases. For each case these include a record of each action taken to resolve the dispute with the actionee's and arbitrator's name.	Retain minimum of 100 years after date of birth of applicant, then destroy	
2.2.5		Records relating to the rejection of applications to resolve a dispute, which are not accepted because they are incomplete. Records include copies of letters advising applicants that their application is rejected.	Retain minimum of 3 years after rejection of application, then destroy	
2.2.6		Original applications submitted to resolve a dispute, which are not accepted because they are incomplete.	Retain until rejected, then return to applicant	
2.2.7		Register of documents produced to the Commission under directions. The register records details of documents that have been required to be produced in relation to a dispute by applicants and respondents; for example, medical reports,	Retain minimum of 3 years after date of last action, then destroy	

* see *About the functional retention and disposal authority*

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No	Function/Activity	Description	Disposal Action	Custody*
		wage schedules, employment records etc. NOTE - the direction or notice of request by the Commission for the production of documents is retained along with the dispute records.		
2.2.8		Original documents produced to the Commission under directions.	Retain for 60 days from last access period, then return to producer of documents	
2.2.9		Copies of documents produced to the Commission under directions.	Retain for 60 days from last access period, then destroy	
2.2.10		Exact copies of documents distributed to Approved Medical Specialists and returned to the Commission's office.	Retain minimum of 1 year after last action (e.g. completion of case or closure of matter), then destroy	
2.2.11		Records relating to the management of case workloads, for example spreadsheets recording name, matter number, appointment and closure dates, etc.	Retain minimum of 3 years after last action (e.g. completion of case or closure of matter), then destroy	
2.3.0	Enquiries	The activity of managing and responding to requests for routine information about workers compensation dispute cases.		

* see *About the functional retention and disposal authority*

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No	Function/Activity	Description	Disposal Action	Custody*
2.3.1		Records relating to the receipt and response to requests for details regarding dispute settlement, dispute resolution history etc and agency's reply.	Retain minimum of 1 year after action completed (or after request finalised), then destroy	
2.4.0	Registration of medical specialists, arbitrators and mediators	The activity of appointing approved medical specialist, arbitrators and mediators. <i>See General Retention and Disposal Authority – Personnel Records – PERSONNEL – Recruitment for records relating to the recruitment process, including working with children checks and risk assessments and criminal record checks.</i>		
2.4.1		Registers of Approved Medical Specialists, Arbitrators and Mediators.	Retain until ceases to be of administrative or reference use, then destroy	
2.4.2		Records relating to the appointment of approved medical specialists, arbitrators and mediators. Records include application, instruments of appointment, code of conduct, confidentiality agreement, service records, condition of engagement, etc.	Retain minimum of 7 years after appointment ceases, then destroy	
2.5.0	Training	The activity of training Arbitrators and legal practitioners in workers compensation dispute resolution processes and procedures.		
2.5.1		Final versions of courses, training packages and training manuals for training arbitrators and legal practitioners in workers compensation dispute resolution processes and procedures.	Retain minimum of 5 years after material is superseded, then	

* see *About the functional retention and disposal authority*

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No	Function/Activity	Description	Disposal Action	Custody*
			destroy	
2.5.2		Records relating to the development of courses, training packages and training manuals for training arbitrators and legal practitioners in workers compensation dispute resolution processes and procedures.	Retain until ceases to be of administrative or reference use, then destroy	
2.5.3		Records relating to participant evaluations of courses.	Retain minimum of 1 year after action completed, then destroy	
2.5.4		Records relating to administrative arrangements for conducting training courses, or attendance at workshops, seminars, etc. Records include applications, confirmation of attendance, venue bookings, equipment hire and catering arrangements.	Retain until ceases to be of administrative or reference use, then destroy	
2.6.0	Work injury damages	<p>The activity of managing work injury damages claims prior to lodgement in a court, through a dispute resolution process by means of mediation, conciliation and arbitration. Work injury damages claims are dealt with outside of the statutory scheme.</p> <p>See DISPUTE RESOLUTION MANAGEMENT – Dispute Cases for records relating to the resolution of disputes.</p>		
2.6.1		Records relating to work injury damages claims lodged with the Commission. Includes threshold disputes, mediation applications, Pre-Filing statements, correspondence, documents produced to the Commission as evidence, notifications for evidence, contraventions and penalties, payments to interpreters, administration files, evidence files etc. Also includes matters that do not proceed to a hearing	Retain minimum of 100 years after date of birth of applicant, then destroy	

* see *About the functional retention and disposal authority*

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No	Function/Activity	Description	Disposal Action	Custody*
		before the Commission.		
3.0.0	REGISTRATION OF AGREEMENTS	The function of registering compensation, commutation and redemption agreements.		
3.1.0	Registration of compensation agreements	The activity of registering agreements relating to terms and conditions of compensation or its payment. Includes compensation, commutation and redemption agreements.		
3.1.1		Records relating to the handling of applications for the registration of compensation, commutation and redemption agreements. Includes the agreements and associated applications.	Retain minimum of 100 years after agreement registered, then destroy	
3.1.2		Register of agreements. The register records data such as name, date of birth, claim number, insurer, amount paid etc.	Retain minimum of 100 years after agreement registered, then destroy	
3.1.3		Records relating to the rejection of applications for registration of compensation, commutation or redemption agreements, which are not accepted because they are incomplete. Includes copies of letters of refusal.	Retain minimum of 3 years after rejection of application, then destroy	
3.1.4		Original applications for registration of compensation, commutation or redemption agreements for which registration has not been accepted because they are incomplete.	Retain until rejected, then return to applicant	

* see *About the functional retention and disposal authority*