



**NATIONAL
ARCHIVES
OF AUSTRALIA**

Records Authority

2015/00245318

Comcare

*Commission Management, Safety, Rehabilitation and
Compensation Regulation*

2016



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INTRODUCTION

Comcare and the National Archives of Australia have developed this records authority to set out the requirements for keeping or destroying records for the core businesses of Commission Management and Safety, Rehabilitation and Compensation Regulation. It represents a significant commitment on behalf of Comcare to understand, create and manage the records of its activities.

This records authority is based on the identification and analysis of the business of Comcare and the Safety Rehabilitation and Compensation Commission. It takes into account the agency's legal and organisational records management requirements, and the interests of stakeholders, the agency and the National Archives.

The records 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 Comcare 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 records management requirements, the periodic review of this Authority is recommended. All amendments must be approved by the National Archives.

APPLICATION OF THIS AUTHORITY

1. Records authorities 948 (1992) and 1369 (1998) are superseded for the business areas covered by this records authority. Superseded classes cannot be used after the date of issue of this records authority.
2. This records authority should be used in conjunction with Records Authority 2010/00322036 covering the core businesses of Asbestos Related Compensation Claims and Worker's Compensation Claim management and Records Authority 2013/00241702 covering Work Health Safety Prevention, Education and Promotion and Work Health and Safety Regulation.
3. This records 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 records authority.
 - Where the minimum retention period has expired and the records are not needed for agency business they should be destroyed as authorised in this records 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.
4. This records authority should be used in conjunction with general records authorities such as:
 - AFDA Express issued by the National Archives to cover business processes and records common to Australian Government agencies;
 - General Records Authority 24 – Records Relating to Data Matching Exercises; and
 - General Records Authority 31 for source (including original) records that have been copied, converted or migrated.
5. 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 records 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 Normal Administrative Practice 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.
6. 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.
7. 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 records authority is available from the National Archives website at www.naa.gov.au.

8. Where the method of recording information changes (for example from a manual system to an electronic system, or when information is migrated from one system to a new system) this records 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 records authority. The agency 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.
9. In general, retention requirements indicate a minimum period for retention. Comcare may extend minimum retention periods if they consider that there is an administrative need to do so, without further reference to the National Archives. Where an agency 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.
10. Records coming within 'retain as national archives' classes in this records 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*.
11. 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.
12. 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.
13. Advice on how to use this records authority is available from Comcare's 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 the National Archives' Agency Service Centre.

Queen Victoria Terrace
Parkes ACT 2600
PO Box 7425
Canberra Business Centre ACT 2610

Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY 2015/00245318

Person to whom notice of authorisation is given:

Ms Jennifer Taylor
Chief Executive Officer
Comcare
Level 4, 121 Marcus Clarke Street
Canberra ACT 2600

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 Commission Management; Safety, Rehabilitation and Compensation Regulation.

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.

Authorised by

Anne Lyons
Assistant Director-General
National Archives of Australia

Date of issue:

8 December 2016

COMMISSION MANAGEMENT

The core business of establishing membership and managing the administration and operations of the Safety, Rehabilitation and Compensation Commission (or equivalent) as established under safety, rehabilitation and compensation legislation. The Commission administers the regulatory functions of the safety, rehabilitation and compensation legislation, other than those functions ascribed to Comcare, and has oversight under the work health and safety legislation. Includes activities associated with providing secretariat support to the Commission in the performance of its duties and administrative support to Commission members.

The **core activities** include:

- managing meetings of the Commission and supporting administrative meetings;
- managing membership of the Commission, including appointment and separation of Commission members;
- managing disclosures of interest;
- negotiating, establishing and implementing agreements and contracts (eg contracts of appointment);
- supporting performance management frameworks;
- managing remuneration arrangements;
- administering leave;
- maintaining registers for member appointments, conflict of interest, legal advice, legislative instruments, delegations and correspondence;
- preparing and presenting speeches;
- managing insurance and claims (including professional indemnity and directors' insurance), and managing related compensation cases; and
- providing induction and other training to Commission members, including attending conferences, seminars, forums and workshops.

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

- developing and implementing policies, procedures, strategies and frameworks for the administration and operation of the Commission;
- providing and receiving advice and other information;
- complying with external management requirements;
- delegating powers and authorising actions;
- arranging travel and accommodation, including travel allowances; and
- planning, researching, reporting and reviewing.

Cross references to other areas of this records authority

For members activities relating to safety, rehabilitation and compensation regulation, including granting, extending and varying self-insurance licences, developing guidelines and ensuring equity of outcomes, use SAFETY, REHABILITATION & COMPENSATION REGULATION.

Cross references to AFDA Express Records Authority

For supporting the strategic and broad systematic administrative management of an organisation (eg organisational planning, developing risk management frameworks), use STRATEGIC MANAGEMENT.

For advice, briefs and submissions to the portfolio Minister, cabinet submissions and the organisation's participation in formal inquiries, use GOVERNMENT RELATIONS.

For development of new legislation and amendments to existing legislation, use GOVERNMENT RELATIONS and/or STRATEGIC MANAGEMENT.

For committees established by the Commission relating to a particular administrative activity or core business, use the relevant AFDA Express function or agency core business.

COMMISSION MANAGEMENT

For managing the acquisition of goods and services, including tendering and contracting arrangements, use PROCUREMENT.

For managing financial transactions, use FINANCIAL MANAGEMENT.

For general enquiries from the public and other organisations, use COMMUNITY RELATIONS.

For media releases, use COMMUNITY RELATIONS and/or GOVERNMENT RELATIONS.

For developing and executing contracts under seal or deeds, use CONTRACTS UNDER SEAL/DEEDS.

Cross references to other records authorities

For the work health and safety awards, use WORK HEALTH AND SAFETY PREVENTION, EDUCATION AND PROMOTION.

Class no	Description of records	Disposal action
61747	<p>The following significant records documenting:</p> <ul style="list-style-type: none"> • final versions of minutes of meetings of the Commission, and supporting documents. Includes tabled papers and agenda; • statements of reasons for approving a self-insurance licence application; • outcome letters to the Minister (eg notification of self-insurance licence decisions); • register of decisions of the Commission; • final versions of high-level policies, procedures, strategies and frameworks supporting the administration and operation of the Commission (eg Governance Framework; code of conduct); • providing and receiving high-level advice. Includes position papers, briefs and reports; • final versions of high-level formal reports on the administration and operation of the Commission; • legal advice register; • delegations register; • legislative instruments register; • performance expectation records for the Commission and for individual Commissioners (eg final version of performance agreements, statement of intent); • summary membership records, including those containing member's personal information (eg registers of members appointment, disclosures of interest); • master versions of agency publications. Includes information sheets and published audit reports; and • final versions of speeches and addresses presented by the portfolio Minister or the Commissioners. 	Retain as national archives

COMMISSION MANAGEMENT

Class no	Description of records	Disposal action
61748	Records documenting: <ul style="list-style-type: none"> • accident or incident reports for injury, death, loss or damage to personal property; • compensation claim or case records (eg rehabilitation records, medical reports, appeals, legal records relating to the case, progress and assessment reports); • consolidated leave history records; • appointing and re-appointing members. Includes individual agreements or contracts with members, signed codes of conduct, gazettal notices, letters of appointment or re-appointment; • remuneration records (both monetary and non-monetary) including pay histories, records relating to the recovery of over-payments; • separation records covering retirements, resignations, dismissals, death and dispensation of services; and • terms of appointment. 	Destroy 75 years after date of birth of the Commission member or 7 years after last action, whichever is longest For accident records, if date of birth is unknown assume the person was 15 at the time of the accident
61749	Records documenting: <ul style="list-style-type: none"> • routine operational administrative tasks supporting the core business; and • commission management activities, other than those covered in classes 61747 and 61748. 	Destroy 10 years after action completed or after member's separation, whichever is relevant

SAFETY, REHABILITATION & COMPENSATION REGULATION

The core business of administering the legal framework that regulates safety, rehabilitation and compensation activities covered by the Comcare scheme. Involves ensuring equity of outcomes (ie consistent service provision and improved rehabilitation outcomes) that result from administrative practices and procedures used by Comcare and licensees in the performance of their respective functions.

The Comcare scheme jurisdiction includes premium paying agencies (ie Commonwealth government agencies and statutory authorities - excluding members of the Australian Defence Force - and the ACT Government and its agencies) and licensees (ie national employers who have been granted a self-insurance licence for workers' compensation from the Safety, Rehabilitation and Compensation Commission).

The **core activities** include:

- developing, implementing and reviewing policies, procedures, plans, strategies, frameworks, standards, guidelines and programs to support the operation of safety, rehabilitation and compensation legislation. Includes establishing guidelines and criteria for licensing rehabilitation providers and self-insurer licensees;
- establishing and maintaining statutory and non-statutory registers, including the rehabilitation provider register and self-insurer licensee register;
- managing the registration of approved rehabilitation program providers and their consultants, including:
 - receiving, processing and assessing applications for the licensing of rehabilitation providers against selection criteria and a framework of standards. Includes assessment of applications for amendments, renewal and withdrawal of licences;
 - monitoring the performance of rehabilitation providers in relation to the management of rehabilitation and return to work activities;
 - conducting compliance and quality control assessments of individual rehabilitation providers; and
 - applying penalties, including de-registration, to rehabilitation providers that do not meet required standards.
- establishing and maintaining an insurance scheme for the Comcare scheme jurisdiction to address workers compensation and rehabilitation liabilities;
- managing scheme employers (ie self-insurer licensees and premium paying agencies) to assist them in meeting their obligations under safety, rehabilitation and compensation legislation, including:
 - developing and managing premium paying and licensee relationships including assisting new entities entering the Comcare scheme and resolving issues;
 - managing the pricing models and calculating premiums, regulatory contributions and licence fees, including advising the Commission about licence fees and prudential issues related to licensing;
 - collecting bank and other guarantees for claim liabilities of self-insurers and monitoring key financial indicators of self-insurers;
 - receiving, processing and assessing applications from eligible entities for a licence to self-insure their workers compensation liabilities, including issuing licences, notifying applicants of the outcomes and gazetting licence notices;
 - imposing and collecting premiums, licence fees and regulatory contributions;
 - reviewing decisions on premiums and regulatory payments;
 - providing certificates of currency to licensees and premium paying agencies to certify their employees have adequate workers' compensation coverage;
 - reporting on actual claim trends compared with actuarial forecasts;
 - monitoring and evaluating performance of premium paying agencies and self-insurer licensees in relation to safety, rehabilitation and compensation, to ensure that they meet the conditions of licence and all legislative requirements. Includes analysing licensee performance through regulatory reviews of licensees;
 - conducting audits of scheme employers to ensure compliance with safety, rehabilitation and compensation legislation and reporting requirements, and identify areas for improvement;
 - reporting identified compliance breaches to the Commission with recommendations for action; and

SAFETY, REHABILITATION & COMPENSATION REGULATION

- applying penalties to scheme employers for non-compliance, including revocation of licences.
- gathering, coordinating and sharing intelligence on Comcare scheme stakeholders and the general performance of the scheme, including data collection and environmental monitoring and surveillance (such as conducting surveys);
- undertaking research and analysis, including analysing and reporting on statistics, and providing recommendations about self-insurer activities and the general performance of the scheme;
- developing and delivering continuous improvement programs to premium paying agencies and self-insurer licensees;
- developing and implementing tools and instruments to support safety, rehabilitation and compensation legislation;
- monitoring licensee litigation relating to claims and, where applicable, intervening to join proceedings that are potentially scheme significant;
- managing reconsiderations and reviews of decisions and appeals to higher authorities;
- negotiating and establishing agreements and contracts;
- providing and receiving advice and other information, including advising the Commission about licence fees and prudential issues related to licensing; and
- developing and delivering training and information awareness-raising programs to external stakeholders.

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

- managing and participating in internal and external committees and meetings;
- liaising with stakeholders;
- planning, conducting and facilitating audits;
- managing enquiries and complaints;
- preparing and presenting speeches and addresses;
- arranging and attending conferences, seminars, discussion forums and workshops;
- planning, reporting and reviewing;
- delegating powers and authorising actions; and
- identifying, assessing and managing risks.

Cross references to other areas of this records authority

For establishing membership and managing the administration and operations of the Safety, Rehabilitation and Compensation Commission, including final Commission decisions on licence applications and managing the legal instruments register, use COMMISSION MANAGEMENT.

Cross references to AFDA Express records authority

For advice, briefs and submissions to the portfolio Minister, cabinet submissions and the organisation's participation in formal inquiries, use GOVERNMENT RELATIONS.

For development of new legislation and amendments to existing legislation, use GOVERNMENT RELATIONS and/or STRATEGIC MANAGEMENT.

For supporting the strategic and broad systematic administration of the agency (eg managing meetings, developing risk management frameworks), use STRATEGIC MANAGEMENT.

For media releases, use COMMUNITY RELATIONS and/or GOVERNMENT RELATIONS.

For general enquiries from the public and other organisations, use COMMUNITY RELATIONS.

For managing the payments of premiums, fees and penalties, use FINANCIAL MANAGEMENT.

For the procurement of goods and services and contract management activities, use PROCUREMENT.

SAFETY, REHABILITATION & COMPENSATION REGULATION

For developing and executing formal contracts under seal or deeds, use CONTRACTS UNDER SEAL/DEEDS.

Cross references to other records authorities

For administering the legal framework that regulates the health and safety of workers and workplaces covered by the Comcare scheme, use WORK HEALTH AND SAFETY REGULATION.

For the work health and safety awards, use WORK HEALTH AND SAFETY PREVENTION, EDUCATION AND PROMOTION.

For claims for injury, disability, disease or fatality suffered by a worker of the Commonwealth or ACT Government that does not relate to asbestos, use WORKERS' COMPENSATION CLAIM MANAGEMENT.

For claims for injury, disability, disease or fatality suffered by a worker of the Commonwealth or ACT Government arising from an asbestos related condition, use ASBESTOS RELATED COMPENSATION CLAIMS.

Class no	Description of records	Disposal action
61750	<p>The following significant records documenting:</p> <ul style="list-style-type: none"> • developing and reviewing high-level policies, guidelines, strategies, frameworks, standards, plans and programs (eg protocols and guidelines for managing compensation claims; self-insurer licence conditions and performance standards; licensee improvement program). Includes final versions, major drafts, submissions, stakeholder consultation and supporting research; • original signed grants of self-insurer licences; • original signed variations to self-insurer licences or licence extensions; • original signed suspension or revocations of self-insurer licences; • final premium calculations and relevant supporting documentation on collection of premiums, regulatory contributions and licence fees; • providing and receiving high-level advice. Includes final versions of advice position papers, opinions and briefings; • high-level internal and external, including inter-governmental or inter-agency committees, working groups and other bodies where the agency 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; • developing national, sector-wide and high-level reports. Includes final versions, major drafts, stakeholder consultation and supporting research; • final versions of tools and instruments developed to support safety, rehabilitation and compensation regulation (eg Rehabilitation Management System Audit Tool); • summary records created to support the core business, such as those consolidating information on premium paying agencies, self-insurer licensees and rehabilitation providers (eg rehabilitation provider register); • outcomes of self-insurer audits conducted by the agency, that: occur in response to serious complaints of unsafe workplace conditions or as a result of a workplace incident resulting in a fatality; involve matters that are controversial or of substantial public interest; or, have major implications for the operations of the Commonwealth self-insurance 	Retain as national archives

SAFETY, REHABILITATION & COMPENSATION REGULATION

Class no	Description of records	Disposal action
	<p>scheme;</p> <ul style="list-style-type: none"> • self-insurance licensee records of employers under the Commonwealth insurance scheme (ie licensee case records), where the self-insurer licence is revoked due to non-compliance with requirements. Includes original signed licence application, final assessments, recommendations, outcome notification, renewals, reports, financial viability analysis, actuarial reports, audits, correspondence, stakeholder consultation, supporting evidence and analysis, application of penalties, and revocation notice; • outcomes of major research and analysis undertaken or commissioned by the agency (eg Psychological injuries in the Commonwealth scheme). Includes final research papers and reports, research findings, modelling and forecasting, statistical and trend analysis and supporting research datasets and associated information. Includes datasets resulting from scheme stakeholder surveys; • reconsiderations and reviews of decisions and appeals to higher authorities that: are precedent-setting, controversial or of public interest; or, result in major changes to agency policies or programs; • monitoring or involvement in significant licensee litigation cases relating to claims where the outcome has a substantial impact on the operation of the Comcare scheme; • master set of education program training course content and associated material, including online training course content (eg workplace rehabilitation provider training); • master versions of agency publications produced to support the core business. Includes information sheets and published guidelines (eg Licensee Handbook); • final versions of speeches and addresses presented by the portfolio Minister, Commissioners, the agency head or senior agency staff; • final versions of significant agreements and supporting documents, that: relate to substantial funding agreements or the establishment of partnerships 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 agency business. Includes joint venture agreements and Memoranda of Understanding; • national and high-level reviews, including sector-wide and major internal reviews. Includes final review reports, major drafts, recommendations, stakeholder consultations and submissions; and • final versions of unpublished proceedings, reports, presentations and papers from conferences, seminars and workshops hosted by the agency. 	

SAFETY, REHABILITATION & COMPENSATION REGULATION

Class no	Description of records	Disposal action
61751	Records documenting: <ul style="list-style-type: none">assessment of successful applications, and subsequent renewals, from employers for self-insurance licences under the Commonwealth self-insurance scheme (ie licensee case records), other than those records covered in 61750. Includes original signed licence application, final assessments, recommendations, outcome notification, reports, financial viability analysis, actuarial reports, audits, correspondence, stakeholder consultation, supporting evidence and analysis.	Destroy 80 years after licence revocation or expiry
61752	Records documenting: <ul style="list-style-type: none">routine operational administrative tasks supporting the core business; andsafety, rehabilitation and compensation regulation activities, other than those covered in classes 61750 and 61751.	Destroy 10 years after action completed