

Disposal Schedule
for
Functional records
of the
Workers Rehabilitation and
Compensation Tribunal

Disposal Authorisation No. 2222

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INTRODUCTION

Archives legislation

The *Archives Act 1983* stipulates that State and local government organisations, must not dispose of **records of any type or format** without the written approval of the State Archivist. Disposal of records involves their destruction, their removal from the custody of their creating Agency, or their transfer to the Tasmanian Archive & Heritage Office.

Schedule elements and arrangement

The administrative functions covered by this schedule are arranged in alphabetical order as function headings. The activities performed under each function are listed in alphabetical order within each function.

- **Reference**

All function and activity headings and disposal classes are allocated a reference number. These reference numbers are used, in conjunction with the schedule number, to identify records in the Tasmanian Archive & Heritage Office disposal documentation. These numbers can also be used by agencies, in the same way, to indicate disposal authorisation in their records control systems, where the records have been registered in these systems.

- **Disposal classes**

The groups of records that document, and are derived from, the performance of the functions and activities are listed as disposal classes under each function/activity set.

It should be noted that Disposal Classes have been described in functional terms irrespective of the format or medium in which the records were created.

- **Status**

All disposal classes have either 'PERMANENT' or 'TEMPORARY' status. Records identified as 'PERMANENT' are those that will be transferred to the Archives Office to be retained as State archives. 'TEMPORARY' records are those that can be destroyed under the authority of this schedule.

- **Disposal action**

All temporary records identified in this schedule will have a disposal action which specifies the length of time for which the record must be retained before it can be destroyed under this authorisation.

Review of the schedule

It is the responsibility of agencies to monitor administrative, legal or regulatory changes which may result in the need to alter disposal class descriptions or disposal actions for records covered by this schedule. When this occurs, this schedule should not be used to dispose of those records and the State Archivist should be informed of the need to revise the schedule. If necessary, the procedures for the disposal of unscheduled records can be used in the interim. Reviews may also be initiated by the Tasmanian Archive & Heritage Office.

Contacts

Any enquiries relating to this schedule should be directed in writing to the Tasmanian Archive & Heritage Office, 91 Murray Street, Hobart, email gisu@education.tas.gov.au , or by phoning 03 6165 5581

TASMANIAN ARCHIVE & HERITAGE OFFICE

DISPOSAL AUTHORISATION No. 2222

Title: Disposal Schedule for Workers Rehabilitation and Compensation Tribunal

Authorisation:

Under Section 20 (2) (b) of the Archives Act 1983, I hereby authorise 'relevant authorities' (as defined in Section 3 of that Act) to manage the disposal of the records described in this schedule in accordance with the procedures specified herein.

Ross Latham
State Archivist

Document Development History
Build Status

Version	Date	Author	Reason	Sections
2	May 2013	Deborah Drinkell	Update and addition	All
1	20 September 2005	AOT	Initial version	All

Amendments in this Release

Section Title	Section Number	Amendment Summary
Hearings and Disputes	01.01.04	Removed and schedule renumbered
	01.01.07	New class
Interpretation	Coverage	Pre 1950 now becomes Pre 1960

INTERPRETATION

Definitions

Permanent records are those that will be transferred to the Tasmanian Archive & Heritage Office to be retained as State Archives. The Archives Act 1983 establishes 25 years as the maximum required timeframe for the transfer of permanent records to the Tasmanian Archive & Heritage Office unless an extension of time has been approved by the State Archivist.

Temporary records are those that can be destroyed under the authority of this schedule after a minimum retention period, or once certain requirements have been met.

Coverage

This schedule covers functional records of the Workers Rehabilitation and Compensation Commission.

This schedule **does not cover pre-1960 records**. The disposal of those records should be managed according to the procedures for unscheduled records.

The *Disposal Schedule for Short-term Value Records - DA No. 2158* covers the disposal of short-term value records which are created by most agencies. These documents are usually of a trivial nature or of such short-term value that they do not support or contribute to the business functions of the agency.

Records not covered by these schedules, or other authorised disposal schedules, should be disposed of according to the current Tasmanian Archive & Heritage Office procedures for unscheduled records.

Preservation of records

Section 10 (1) (a) of the *Archives Act 1983* requires agencies to preserve records until they are dealt with under the Act. This places a statutory obligation on agencies to ensure that all records, regardless of format, remain accessible while they are in the custody of the agency.

Permanent records

All disposal classes of records identified as having 'PERMANENT' status in this schedule should be transferred to the Archives Office 25 years after the date of creation. Agencies may make application to the Tasmanian Archive & Heritage Office for earlier transfer of particular groups of records and the Tasmanian Archive & Heritage Office may also initiate an earlier transfer arrangement.

Records for transfer should be arranged and described in accordance with any instruction provided by the Tasmanian Archive & Heritage Office.

Temporary records

All records identified as having 'TEMPORARY' status in this schedule will have a disposal action which is the authorised date for destruction. These disposal actions specify minimum retention periods. Temporary records can be kept as long as the agency wishes following the expiration of the specified period, but the provisions of the *Archives Act 1983* regarding their proper care and custody will still apply to them.

Frequently the disposal actions will refer to '**after action completed**' which means after completion of the transaction to which the records relate. The disposal action '**destroy when reference ceases**' authorises the destruction of records when all business needs to refer to the records have ceased.

Destruction of records

The destruction method chosen for records authorised for destruction in this schedule should be appropriate to the medium in which the record exists. It is the responsibility of the agency to ensure that the identified records are actually destroyed, and that this process is confidential and secure. The following issues should be considered before destruction of any documents.

Right to Information

Right to Information legislation prescribe rights and processes for access to documents held by government agencies. If a request for access under the legislation has been lodged, all records relevant to the request, regardless of whether they are due for destruction, must be identified and preserved until action on the request and any subsequent reviews are completed.

Personal Information Protection

Personal Information Protection legislation provides appropriate safeguards for government agencies in collecting and handling individual's personal information, creating statutory obligations and a right to make a privacy complaint. If an application is in progress, all records relevant to the application must be identified and preserved until the action and any subsequent actions are completed.

Other Investigations and inquiries

If an investigation or inquiry is in progress, all records relevant to the investigation or inquiry must be identified and preserved until the action and any subsequent actions are completed.

Records relating to indigenous people

Key recommendations of the Bringing Them Home Report 1997 relate to the need for the identification, preservation, indexing, management and access to records relating to Indigenous individuals, families and/or communities in accordance with established privacy principles.

Records relating to indigenous families and communities or which document links between indigenous people and localities are not to be destroyed and should be the subject of consultation with the Tasmanian Archive & Heritage Office.

Native title

If a native title claim is in progress, all documents relevant to the claim must be identified and preserved until the action and any subsequent actions are completed.

Registration of destruction

Central to the accountability process built into the disposal schedules is the requirement that agencies maintain a *Register of Records Destroyed*. It is important to recognise that the formal evidential record of destruction is contained in this registration process. The register is to be made available to the State Archivist (or his nominee) on request.

The register must be clearly identified as the *Register of Records Destroyed* (under Section 20 (2) (b) of the *Archives Act 1983*) and should include the name of the agency. The register can be the same used for registering destructions authorised under other disposal schedules. A sample format indicating the required elements for the register and related procedures are available on the Tasmanian Archive & Heritage Office website.

<p>01.00.00</p>	<p>WORKERS COMPENSATION</p> <p>The Workers Rehabilitation and Compensation Tribunal is an independent statutory tribunal created under the Workers Rehabilitation and Compensation Act 1988, with primary responsibility to determine all disputes relating to workers compensation in Tasmania.</p> <p>The functions of the Tribunal are;</p> <ul style="list-style-type: none"> . To determine all claims for compensation referred to it under the Act. . To determine such other matters as are referred to it under the Act. . To exercise the powers conferred and the duties imposed on it in the Act. . To hear and determine any appeal referred to it under the Workers (Occupational Diseases) Relief Fund Act 1954. <p>The Tribunal holds conciliation conferences and hearings throughout the State in order resolve disputes by agreement</p>	
<p>01.01.00</p>	<p>Hearings and Disputes</p> <p>Records of disputes relating to the payment of claims for compensation and of determination of degrees of impairment. Includes the process of conciliation.</p>	
<p>01.01.01</p>	<p>Register of disputes. Details include:</p> <ul style="list-style-type: none"> • demographic details of workers • names of employers • names of insurers • names of other interested parties <ul style="list-style-type: none"> ○ solicitors ○ unions • date of application • relevant section of Act • dates of hearings • reference to recordings of proceedings • details of Commissioner's orders. 	<p>PERMANENT</p>
<p>01.01.02</p>	<p>Register of elections or applications under section 138AB of the <i>Workers Rehabilitation and Compensation Act 1988</i>. Includes agreements as to, or determinations of, a worker's degree of impairment or any other prescribed matter.</p>	<p>TEMPORARY</p> <p>Destroy when the worker reaches 72 years of age or 7 years after action, whichever is the later.</p>

<p>01.01.03</p>	<p>Records of disputes, including:</p> <ul style="list-style-type: none"> • applications • copies of medical reports • copies of documents submitted as evidence (exhibits) at dispute proceedings • Commissioner’s determinations and orders • Conciliator’s notes • Associated correspondence <p><i>See 01.01.07 for original documents and objects submitted as exhibits.</i></p>	<p>TEMPORARY</p> <p>Destroy when the worker reaches 72 years of age or 7 years after action, whichever is the later.</p>
<p>01.01.04</p>	<p>Workers Rehabilitation and Compensation Commissioner’s notebooks recording details of proceedings</p>	<p>TEMPORARY</p> <p>Destroy 12 months after the completion of the proceeding.</p>
<p>01.01.05</p>	<p>Audio and video recordings of proceedings</p>	<p>TEMPORARY</p> <p>Destroy 12 months after the completion of the proceeding..</p>
<p>01.01.06</p>	<p>Original documents and objects (exhibits) submitted as evidence in dispute proceedings.</p> <p><i>See 01.01.03 for copies of exhibits.</i></p>	<p>TEMPORARY</p> <p>Return to person tendering evidence 21 days after issue of the Commissioner’s order.</p>
<p>01.01.07</p>	<p>Register of settlements entered into within 2 years of a claim being made as per s132A of the Act.</p>	<p>TEMPORARY</p> <p>Destroy when the worker reaches 72 years of age or 7 years after action, whichever is the latter</p>