

**Retention and Disposal Authority for Records of Victorian Managed Insurance Authority**

Authority number: Draft VMIA



Draft VMIA

**Retention and Disposal Authority for Records of Victorian Managed Insurance Authority**

Status Date: 27/04/2020

# **Retention and Disposal Authority for Records of Victorian Managed Insurance Authority**

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## **INTRODUCTION**

### **Function Scope**

#### **RDA Scope**

The scope of this RDA are the functions undertaken by the Victorian Managed Insurance Authority (VMIA) relating to the insurance of Victorian Government entities by VMIA. This includes the sale of insurance policies, provision of run-off cover for defunct entities, reinsurance, claim management and risk management.

It does not include risk management and insurance activities undertaken by other Victorian Government entities. For these activities, refer to the General Retention and Disposal Authority for Records of Common Administrative Functions.

Note: the use of the word **policy** throughout this RDA is in the context of the insurance industry, i.e. the particular contractual document that explains the insurance coverage received in exchange for the payment of a premium. It does not refer to the type of policy produced by an organisation to state its position and give direction on an aspect of business. For these policies, refer to the General Retention and Disposal Authority for Records of Common Administrative Functions.

### **Glossary Terms**

#### **Glossary**

See below for definitions of some of the terms relating to the insurance and/or risk management industry, or VMIA's business, used throughout this RDA:

#### **Insurance Attestation Services**

As per Ministerial Standing Directions, relevant public sector agencies must comply with certain mandatory insurance requirements. These include, amongst others, that the agency arrange all its insurance with VMIA (unless exempted), and conduct an annual insurance review in conjunction with VMIA. Each agency must attest in its annual report that the Ministerial Standing Direction has been compiled with. VMIA offers services to assist agencies in reviewing insurance, and preparing an insurance attestation statement for inclusion in the agency annual report.

#### **Limit Modelling**

The scenario used in current limit models for the State of Victoria is an earthquake of a particular magnitude occurring under the Melbourne CBD. The model is used to calculate the maximum amount of insurance payments the State may need to make if such an event occurs (aggregate limit). This then determines the claim reserve put aside in order to pay against future claims. The aggregate limit is also used to determine reinsurance requirements, and Set Stop Loss Limit insurance policies - see definitions below.

#### **Reinsurance**

Reinsurance insures the insurer against catastrophic loss, where an event such as a bushfire or earthquake may result in more claims being made across all agencies insured, during the same time period, for a total amount that exceeds the amount the State of Victoria has on hand to pay. Victoria seeks reinsurance from the British/European insurance market on the assumption that an event experienced in Victoria/Australia is unlikely to also impact Britain/Europe, thereby ensuring that the reinsurance provider/s are likely to still be trading and able to honour reinsurance

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policy/ies. There are several reinsurance policies in place at any one point in time with a variety of reinsurance providers.

### **Risk Management Attestation**

As per Ministerial Standing Directions, relevant public sector agencies must comply with certain mandatory risk management requirements. These include, amongst others, that the agency conducts an annual risk management review in conjunction with VMIA. Each agency must attest in its annual report that the Ministerial Standing Direction has been complied with. VMIA offers services to assist agencies in reviewing risk management frameworks and, from this, preparing an attestation statement for inclusion in the agency annual report.

### **Run-Off Cover**

In addition to providing insurance cover to existing entities, VMIA has responsibility for providing run-off workers compensation cover for organisations formerly insured by the State Insurance Office (1914 to 31 August 1985). These include State Government departments, Local Government and private sector entities such as the State Electricity Commission Victoria (SECV), Victorian Railways, Gas & Fuel Corporation, public hospitals, A E Atherton & Sons Pty Ltd, Australian National Line and the Australian Wheat Board. This allows former employees to lodge workers compensation claims for injury suffered while employed during the State Insurance Office period of responsibility for workers compensation insurance. For example, if a worker employed by Victorian Railways was exposed to asbestos in the course of their employment prior to 31 August 1985 and is now suffering a medical condition resulting from that exposure, or if a worker is experiencing a recurrence of a previous injury sustained during employment prior to 31 August 1985, they will make their claim to VMIA (not WorkSafe Victoria). These fall into the category of long tail claims - see definition below.

### **Set Stop Loss Limit**

Set Stop Loss limit insurance protects the agency from assuming full liability for losses that result from either:

- a large single claim made by an individual (commonly referred to as a catastrophic\* claim), or
- a high volume of claims made during the insurance policy period e.g. due to severe bushfires or extreme weather events that affect a large number of people or properties.

Part of the insurance purchase negotiation is to pre-set the upper limit of losses that the agency will be responsible for meeting. Any claim amount payable that is over this threshold will be met by the Set Stop Loss Limit insurer. For example, VMIA may determine it has a Set Stop Loss Limit of \$1,000,000 for a particular category of medical claim. If it receives 6 claims in the insurance policy period totalling \$950,000, it is liable to pay the full amount. If it then receives a 7th claim which qualifies for a payment of \$100,000, it is liable for the first \$50,000 of the payment, and then applies to its Set Stop Loss Limit insurer for the remaining \$50,000. Any further claims of that type made in the insurance policy period will have their payments met by the Set Stop Loss Limit insurer. When the policy period ends, VMIA becomes responsible for claim payments again until it reaches its Set Stop Loss Limit for the current insurance policy period.

\*An example of a catastrophic claim is where an individual has suffered an injury of the type which will require them to receive lifetime care and/or be unable to work. Injuries might be those which result in quadriplegia, paraplegia or acquired brain injuries.

### **Short tail vs long tail**

- Short tail Cover/Claim Period - where claims arising from an occurrence will be made within (or shortly after) the period of insurance. For example, if a property

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is damaged by flood or fire, a claim relating to that damage will be made fairly shortly after the flood/fire event, and it will be relatively straightforward to determine if the event occurred while the property was covered by insurance or not.

- Long tail Cover/Claim Period - where claims arising from an occurrence may be made many years after the period of insurance. For example, if an employee or contractor is exposed to asbestos on a work site, it may be some time before a medical condition resulting from that exposure manifests and a claim is made. Claims made in the future under a prior policy (now expired) are confined to the terms and amounts of insurance taken out in the original policy - although in some cases this may vary e.g. if recommendations arising from a Royal Commission or Inquiry have set new parameters in place for claims of a particular type that overrule the original provisions made in insurance policies of the time. In such cases the insurer (an external insurance company, not VMIA) may only pay out the amount set in the original policy, with the Victorian Government liable for the remainder of any amount to be paid.

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**Retention and Disposal Authority for Records of Victorian Managed Insurance Authority**

<b>Retention and Disposal Authority No</b>	Draft VMIA
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<b>Scope</b>	Victorian Managed Insurance Authority (VMIA)
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<b>Status</b>	For consultation
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<b>Issue Date</b>	
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# **Retention and Disposal Authority for Records of Victorian Managed Insurance Authority**

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List of Functions and Activities covered

<b>Reference</b>	<b>Function</b>	<b>Activity</b>	<b>Page</b>
1	INSURANCE MANAGEMENT		12
2	CLAIM MANAGEMENT		16
3	RISK MANAGEMENT		24

# **Retention and Disposal Authority for Records of Victorian Managed Insurance Authority**

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## **Introduction**

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### **Purpose of this Authority**

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*.

The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

### **Context of this Authority**

#### **Public Record Office Victoria Standards**

This Authority should be used in conjunction with the Standards issued by the Keeper of Public Records under Section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from [www.prov.vic.gov.au](http://www.prov.vic.gov.au). These documents set out the procedures that must be followed by Victorian public offices.

#### **Disposal of records identified in the Authority**

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard PROS 10/13 *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

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For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

## **Normal Administrative Practice**

The destruction of some public records is permitted without final authorisation under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative nature created, acquired or collected by public officers during the course of their duties.

The following material may be destroyed under NAP:

- working papers consisting of rough notes and calculations used solely to assist in the preparation of other records such as correspondence, reports and statistical tabulations
  - drafts not intended for retention as part of the office's records, the content of which has been reproduced and incorporated in the public office's record keeping system
  - extra copies of documents and published material preserved solely for reference.

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## **Transfer of records to Public Record Office Victoria**

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

## **Use of Other Authorities**

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

## **Explanation of Authority Headings**

### **Class Number**

The class number or entry reference number provides citation and ease of reference.

### **Description**

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

### **Status**

This entry provides the archival status of each class - either permanent or temporary.

### **Custody**

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria. Permanent electronic records are to be transferred in VERS Encapsulated Object (VEO) format according to PROS 99/007 - Management of Electronic Records (Version 2). The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 11/01 *Storage*.

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## **Establishment of Standard**

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to Victorian Managed Insurance Authority. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

**Justine Heazlewood**, Keeper of Public Records

Date of Issue:

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No	Function/Description	Status	Disposal Action
1.0	<p><b>INSURANCE MANAGEMENT</b></p> <p>The provision of insurance to Victorian Government entities (known also as client entities), including:</p> <ul style="list-style-type: none"> <li>• Victorian Government departments</li> <li>• statutory authorities and agencies</li> <li>• hospitals and health centres</li> <li>• tertiary institutions</li> <li>• community services organisations - education (such as kindergartens, learning centres, and other education service providers funded by the Department of Education and Training) and other (government funded community service organisations, including providers of disability services, family and community housing, and advocacy services)</li> <li>• national parks</li> <li>• museums</li> <li>• cemetery trusts</li> <li>• school councils.</li> </ul> <p>Includes the insurance of public infrastructure such as state roads, rail and bridges.</p> <p>Includes the management of the domestic building insurance program to provide insurance for registered residential builders.</p> <p>Also includes indemnities for board members, directors, officers, and employees of Victorian Government entities.</p> <p>The management of insurance includes:</p> <ul style="list-style-type: none"> <li>• the development of policies to cover particular risks faced by client entities (policy wordings and endorsements)</li> <li>• actuarial modelling and the determination of premiums</li> <li>• the sale of insurance cover to client entities, and the issue of policy schedules and certificates of currency</li> <li>• limit modelling* of potential catastrophic incidents to determine claim reserve (amount held by the State for the payment of claims), and amounts to be sought in reinsurance**</li> <li>• sourcing reinsurance protection for amounts above the claim reserve</li> </ul>		

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No	Function/Description	Status	Disposal Action
<b>INSURANCE MANAGEMENT</b>			
	<ul style="list-style-type: none"> <li>arrangements with third party insurers to provide domestic building insurance on behalf of the agency, and assessments of builders for eligibility to be insured</li> <li>insurance attestation services***.</li> </ul> <p><b>*Limit Modelling</b> The scenario used in current limit models for the State of Victoria is an earthquake of a particular magnitude occurring under the Melbourne CBD. The model is used to calculate the maximum amount of insurance payments the State may need to make if such an event occurs (aggregate limit). This then determines the claim reserve put aside in order to pay against future claims. The aggregate limit is also used to determine reinsurance requirements, and Set Stop Loss Limit insurance policies (see definition in the glossary).</p> <p><b>**Reinsurance</b> Reinsurance insures the insurer against catastrophic loss, where an event such as a bushfire or earthquake may result in more claims being made across all agencies insured, during the same time period, for a total amount that exceeds the amount the State of Victoria has on hand to pay. Victoria seeks reinsurance from the British/European insurance market on the assumption that an event experienced in Victoria/Australia is unlikely to also impact Britain/Europe, thereby ensuring that the reinsurance provider/s are likely to still be trading and able to honour reinsurance policy/ies. There are several reinsurance policies in place at any one point in time with a variety of reinsurance providers.</p> <p><b>***Insurance Attestation Services</b> As per Ministerial Standing Directions, relevant Victorian Government entities must comply with certain mandatory insurance requirements. These include, amongst others, that the client entity arrange all its insurance with VMIA (unless exempted), and conduct an annual insurance review in conjunction with VMIA. Each client entity must attest in its annual report that the Ministerial Standing Direction has been compiled with. VMIA offers services to assist client entities in reviewing insurance, and preparing an insurance attestation statement for inclusion in the client entity's annual report.</p> <p>See <i>Records of Common Administrative Functions COMMITTEES</i> for records of Board meetings and decisions.</p> <p>See <i>Records of Common Administrative Functions</i></p>		

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No	Function/Description	Status	Disposal Action
<i>INSURANCE MANAGEMENT</i>			
	CONTRACTING-OUT for contracts.  See <i>Records of Common Administrative Functions</i> FINANCIAL MANAGEMENT for financial transactions including premium payments.		
1.1	<p><b>Permanent Records of Insurance Management</b></p> <p>Records of continuing value documenting the function of managing insurance for the Victorian Government, its entities, and other areas of State responsibility e.g. the insurance of community based not for profit child care services. Includes:</p> <ul style="list-style-type: none"> <li>summary data or reports registering insurance provided to clients detailing the type, specific conditions and duration. Includes summary details of endorsements and other changes made to insurance coverage e.g. schedule updates</li> <li>policy wordings describing the scope, duration, limitations and conditions of a type of insurance coverage. Includes both master policy wordings for standard types of insurance offered to multiple client entities, and specific policy wordings drawn up to suit the particular needs of a single client entity or area of responsibility</li> <li>endorsements to policy wordings which reflect agreed changes made to the policy wording by a client entity or VMIA during a period of insurance</li> <li>final reports and recommendations of actuarial modelling to determine the amount of insurance cover VMIA must have in order to cover all risk responsibilities of Victorian Government entities</li> <li>final reports and recommendations from limit modelling processes to calculate the maximum amount of insurance payments the State may need to make in a worst case scenario, and therefore the claims reserve required to be put aside each year to cover these</li> <li>records of reinsurance reviews, strategies, and recommendations to the Board. Includes correspondence with reinsurance brokers regarding reinsurance requirements and premium ranges sought, and negotiations conducted with reinsurance providers.</li> </ul>	Permanent	Retain as State Archives, Transfer to PROV
1.2	<p><b>Short Term Records of Insurance Management</b></p> <p>Records of the operations of insurance management, including</p>	Temporary	Destroy 10 years after administrative use has

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<i>INSURANCE MANAGEMENT</i>			
	<ul style="list-style-type: none"><li>• the calculation of client entity premiums</li><li>• correspondence regarding the sale of insurance and issue of certificates of currency to client entities</li><li>• policy schedules completed by a client entity and VMIA to document the specifics of what an insurance policy is to cover during a period of currency e.g. the address/geographic information system (GIS) location of assets to be included in the coverage</li><li>• the sale and issue of domestic building insurance to registered domestic builders for residential building projects over a particular value as specified under relevant legislation</li><li>• assessment of eligibility (including deeds of indemnity signed by registered builders in order to become eligible) for domestic building insurance coverage</li><li>• attestation services provided to client entities to assist in identifying and reporting on insurance coverage</li><li>• the collection and collation of data for use in actuarial and limiting modelling, correspondence regarding scenarios and parameters to be used in the models, and interim reports produced for discussion and review</li><li>• drafts of policy wordings and endorsements.</li></ul>		concluded.

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No	Function/Description	Status	Disposal Action
<i>CLAIM MANAGEMENT</i>			
2.0	<p><b>CLAIM MANAGEMENT</b></p> <p>The receipt and processing of claims from client entities or individuals (such as board members, directors, officers, and employees of Victorian Government entities) covered by insurance policies:</p> <ul style="list-style-type: none"> <li>• issued by VMIA, or</li> <li>• issued by a predecessor of VMIA, for which VMIA now has responsibility, or</li> <li>• managed by VMIA on behalf of a now defunct Victorian Government entity (e.g. Victorian Railways or the Gas &amp; Fuel Corporation), or a Victorian Government entity that no longer manages its own claim process (e.g. State Electricity Commission Victoria - SECV).</li> </ul> <p>Insured client entities or individuals include:</p> <ul style="list-style-type: none"> <li>• Victorian Government departments</li> <li>• statutory authorities and agencies</li> <li>• hospitals and health centres</li> <li>• tertiary institutions</li> <li>• community services organisations (education) such as kindergartens, learning centres, and other education service providers funded by the Department of Education and Training</li> <li>• community services (other) for government funded community service organisations, including providers of disability services, family and community housing, and advocacy services</li> <li>• national parks</li> <li>• museums</li> <li>• cemetery trusts</li> <li>• school councils.</li> </ul> <p>Broadly, claims on insurance fall into two categories:</p> <ul style="list-style-type: none"> <li>• Short tail are those where claims arising from an occurrence will be made within (or shortly after) the period of insurance e.g. if a property is damaged by flood or fire, a claim relating to that damage will be made fairly shortly after the flood/fire event, and it will be relatively straightforward to determine if the event occurred while the property was covered by insurance or not.</li> <li>• Long tail are those where claims arising from an</li> </ul>		

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No	Function/Description	Status	Disposal Action
<i>CLAIM MANAGEMENT</i>			
	<p>occurrence may be made many years after the period of insurance e.g. if an employee or contractor is exposed to asbestos on a work site, it may be some time before a medical condition resulting from that exposure manifests and a claim made. Due to the long timeframes, it may be difficult to go back and work out what insurance coverage/policy was in place at the time of exposure.</p> <p>Claim management may include:</p> <ul style="list-style-type: none"> <li>• receiving notifications from client entities of incidents which may give rise to claims e.g. an incident resulting in injuries being sustained by a person in the care of the client entity</li> <li>• receiving enquiries from members of the public regarding potential coverage/claims, particularly for medical indemnity claims or workers compensation claims where the employer entity no longer exists (e.g. SECV)</li> <li>• receiving claims and supporting documentation in the lead up to a claim being made</li> <li>• internal research to confirm whether the claim is covered by VMIA, including whether the claim should be referred on elsewhere either wholly or in part (where responsibility for the claim subject matter may be held by, or shared with, another agency)</li> <li>• investigation and information gathering to determine the circumstances of the claim, whether there is liability, and recommendations regarding settlement</li> <li>• preparation for, and attendance at, a court or tribunal. Includes seeking legal advice, and providing instructions to VMIA legal representatives</li> <li>• settlement negotiations and agreements, including deeds of release and/or payment records where applicable.</li> </ul> <p>Also includes reinsurance* claims made by VMIA to its reinsurers in the event of aggregate losses that exceed the set stop loss limit**.</p> <p><b>*Reinsurance</b></p> <p>Reinsurance insures the insurer against catastrophic loss, where an event such as a bushfire or earthquake may result in more claims being made across all agencies insured, during the same time period, for a</p>		

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No	Function/Description	Status	Disposal Action
<i>CLAIM MANAGEMENT</i>			
	<p>total amount that exceeds the amount the State of Victoria has on hand to pay. Victoria seeks reinsurance from the British/European insurance market on the assumption that an event experienced in Victoria/Australia is unlikely to also impact Britain/Europe, thereby ensuring that the reinsurance provider/s are likely to still be trading and able to honour reinsurance policy/ies. There are several reinsurance policies in place at any one point in time with a variety of reinsurance providers.</p> <p><b>**Set Stop Loss Limit</b></p> <p>Set Stop Loss limit insurance protects the agency from assuming full liability for losses that result from either:</p> <ul style="list-style-type: none"> <li>• a large single claim made by an individual (commonly referred to as a catastrophic claim***), or</li> <li>• a high volume of claims made during the insurance policy period e.g. due to severe bushfires or extreme weather events that affect a large number of people or properties.</li> </ul> <p>Part of the insurance purchase negotiation is to pre-set the upper limit of losses that the agency will be responsible for meeting. Any claim amount payable that is over this threshold will be met by the Set Stop Loss Limit insurer. For example, VMIA may determine it has a Set Stop Loss Limit of \$1,000,000 for a particular category of medical claim. If it receives 6 claims in the insurance policy period totaling \$950,000, it is liable to pay the full amount. If it then receives a 7th claim which qualifies for a payment of \$100,000, it is liable for the first \$50,000 of the payment, and then applies to its Set Stop Loss Limit insurer for the remaining \$50,000. Any further claims of that type made in the insurance policy period will have their payments met by the Set Stop Loss Limit insurer. When the policy period ends, VMIA becomes responsible for claim payments again until it reaches its Set Stop Loss Limit for the current insurance policy period.</p> <p>***An example of a catastrophic claim is where an individual has suffered an injury of the type which will require them to receive lifetime care and/or be unable to work. Injuries might be those which result in quadriplegia, paraplegia or acquired brain injuries.</p> <p>See <i>Records of Common Administrative Functions</i>      COMMUNITY RELATIONS - Enquiries and public reaction      - for queries which do not result in a claim being lodged.</p>		

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<b>CLAIM MANAGEMENT</b>			
	<p>See <i>Records of Common Administrative Functions FINANCIAL MANAGEMENT</i> for financial transactions, including payment of settlement.</p> <p>See <i>Records of Common Administrative Functions POLICY</i> for procedures and non insurance type policies which outline positions and give directions, including the claims manual.</p>		
2.1	<p><b>Permanent Records of Claim Management</b></p> <p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> <li>• claims registered in the State Litigation Register of significant litigation</li> <li>• claims made by people who suffered injury or abuse as a child while in the care or custody of the State, including claims relating to child sexual abuse.</li> </ul> <p>Records of critical or historical claims that qualify for registration in the State Litigation Register of significant litigation meet one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>• financially significant litigation, that is litigation where the possible damages, liability of the State or other financial impacts of the proceedings are likely to exceed a particular set amount (whether insured or not). The amount considered 'significant' is determined and set by the Victorian Government Solicitor's Office (VGSO) and is not available in the public domain</li> <li>• sensitive litigation, that is litigation where the sensitive litigation identity of the parties or the nature of the proceedings or potential outcome of the proceedings raises sensitive legal, policy or political issues</li> <li>• disputes within the Victorian Government, that is where a dispute exists between Victorian Government departments or agencies or their insurers</li> <li>• whole-of-Victorian Government litigation, that is litigation where a significant level of coordination between Victorian Government departments or agencies is required or desirable</li> <li>• significant constitutional litigation, that is litigation to which the State is a party or is intervening in, which raises significant issues arising under the State or Commonwealth Constitution</li> <li>• litigation affecting Federal-State relations, that is</li> </ul>	Permanent	Retain as State Archives, Transfer to PROV

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<i>CLAIM MANAGEMENT</i>			
	<p>litigation where a dispute exists with an agency of a Commonwealth, State or Territory Government</p> <ul style="list-style-type: none"> <li>• issue-significant or precedential litigation, that is litigation where a significant precedent could be established affecting the State, a particular State body or the Victorian community, or where the State is taking action to protect the community from a significant harm. A significant precedent for these purposes could relate to a legal issue or arise because of the litigation's potential significance for policy or project development, reform or implementation or any other matter that the Attorney-General or a Minister considers important</li> <li>• inquests and public inquiries with coercive powers (e.g. Royal Commissions, IBAC public examinations), that broadly meet the above criteria</li> <li>• significant potential litigation, that is potential litigation that meets the above criteria because, for example, draft/un-filed court documents have been "served", or because Government bodies are in disagreement on a matter which may be on a path to litigation.</li> </ul>		
2.2	<p><b>Long Term Records of Claim Management</b></p> <p>Records of long term value including the summary records of claims received, their investigation/assessment, and the outcome.</p> <p>Summary records of claim management comprise:</p> <ul style="list-style-type: none"> <li>• summary description of the claim</li> <li>• metadata regarding the type/category of claim</li> <li>• date information (date received, date settlement finalised, date closed etc.)</li> <li>• names, addresses and other contact details of the claimant and their representatives</li> <li>• summary notes on correspondence received from and sent to the claimant regarding the claim and its progress</li> <li>• claim triage decisions such as determining what policy the claim falls under and its level of complexity, and therefore which officer is assigned to process/respond to the claim</li> <li>• investigation type and progress data, including</li> </ul>	Temporary	Destroy 99 years after reference use ceases.

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<b>CLAIM MANAGEMENT</b>			
	<p>summary notes of reports and other investigation documentation requested and received</p> <ul style="list-style-type: none"> <li>• summary of instructions to, and correspondence with, legal representatives of the agency or client entity (if any)</li> <li>• summary description of the decision and settlement reached, including summary notes regarding deeds of release and other claim finalisation documentation received</li> <li>• flags and other markers used to indicate if a claim is considered to meet criteria determining significance, and/or requires special consideration (e.g. high priority/fast track due to health of the claimant etc.).</li> </ul>		
2.3	<p><b>Medium Term Records of Claim Management</b></p> <p>Records of claims made against, and notifications of incidents that fall under, long tail insurance policies.</p> <p>Long tail insurance policies are those where claims arising from an occurrence may be made many years after the period of insurance e.g. if an employee or contractor is exposed to asbestos on a work site, it may be some time before a medical condition resulting from that exposure manifests and a claim made. Due to the long timeframes, it may be difficult to go back and work out what insurance coverage/policy was in place at the time of exposure.</p> <p>Examples of long tail policies include those for:</p> <ul style="list-style-type: none"> <li>• medical indemnity</li> <li>• community services (education - for kindergartens, learning centres, and other education service providers funded by the Department of Education and Training)</li> <li>• community services (other - for government funded community service organisations, including providers of disability services, family and community housing, and advocacy services).</li> </ul> <p>This class must <u>not</u> be used for records of claims relating to child sexual abuse.</p> <p>Instead if the claims are made by people who suffered injury or abuse as a child while in the care or custody of the State use class 2.1.</p> <p>For claims relating to child sexual abuse by people not in the care or custody of the State, use the <i>Retention</i></p>	Temporary	Destroy 25 years after date claim is finalised.

# Retention and Disposal Authority for Records of Victorian Managed Insurance Authority

**Authority number: Draft VMIA**

No	Function/Description	Status	Disposal Action
<i>CLAIM MANAGEMENT</i>			
	<p><i>and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.</i></p>		
2.4	<p><b>Short Term Records of Claims Management</b></p> <p>Records of claims made against, and notifications of incidents that fall under, insurance policies of the short tail type. Also includes records of claims which are lodged, but are not proceeded with.</p> <p>Short tail insurance policies are those where claims arising from an occurrence will be made within (or shortly after) the period of insurance e.g. if a property is damaged by flood or fire, a claim relating to that damage will be made fairly shortly after the flood/fire event, and it will be relatively straightforward to determine if the event occurred while the property was covered by insurance or not.</p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• property damage</li> <li>• public liability</li> <li>• travel</li> <li>• cyber liability (insurance against breaches or failures of information systems that result in exposure of confidential data and/or a breach of privacy)</li> <li>• motor vehicle and third party property</li> <li>• personal accident</li> <li>• fine art exhibitions</li> <li>• domestic building insurance claims where the registered builder contracted to undertake the building work has become insolvent, disappeared or died (disputes regarding building works where the registered builder is still present and trading are managed by Domestic Building Dispute Resolution Victoria).</li> </ul> <p>Includes records of notifications made by the agency to the public regarding builders/building companies who have gone into administration or liquidation.</p> <p>Domestic building insurance claims may be made for:</p> <ul style="list-style-type: none"> <li>• incomplete works</li> <li>• structural building defects</li> <li>• non-structural building defects</li> <li>• other losses, including removal and storage,</li> </ul>	Temporary	Destroy 10 years after administrative use has concluded.

# Retention and Disposal Authority for Records of Victorian Managed Insurance Authority

Authority number: Draft VMIA

No	Function/Description	Status	Disposal Action
<p><i>CLAIM MANAGEMENT</i></p>			
	<p>temporary fencing and loss of deposit.</p> <p>Reasons for a claim not proceeding may include:</p> <ul style="list-style-type: none"><li>• another body is responsible for claims of the type made (e.g. a workers compensation claim will be forwarded to the agency responsible for the workers compensation scheme)</li><li>• the claim is made against an employer that is still operating/in existence, and for which the agency is not responsible for receiving claims (e.g. claims lodged against the run-off program for dust, diseases and workers compensation may be forwarded on if the employer is still extant)</li><li>• VMIA is not responsible for the insurance arrangements in place at the time of the incident/exposure leading to the claim</li><li>• no insurance can be found to be in place at the time of the incident/exposure leading to the claim</li><li>• the claimant withdraws or elects not to proceed with the claim for any reason.</li></ul>		

# Retention and Disposal Authority for Records of Victorian Managed Insurance Authority

Authority number: Draft VMIA

No	Function/Description	Status	Disposal Action
<p><i>RISK MANAGEMENT</i></p>			
3.0	<p><b>RISK MANAGEMENT</b></p> <p>The provision of support to agencies to develop and maintain risk management frameworks, including the assessment and management of risks across all areas of government. Includes:</p> <ul style="list-style-type: none"><li>• undertaking strategic risk reviews, surveys, and other practice assessment projects to monitor and report on client entities risk management awareness/performance</li><li>• developing and issuing risk alert information</li><li>• developing tools and guides to support the Victorian Government Risk Management Framework, including those that assist client entities in self-assessment of risk management maturity and/or that benchmark risk maturity against other similar agencies</li><li>• collecting and analysing data in order to identify trends or anomalies</li><li>• provision of consulting and advisory services to client entities to assist them in identifying risks relevant to their business and developing strategies (including the purchase of appropriate insurance) to mitigate them, and assist client entities in implementing risk management attestation* processes</li><li>• developing programs of training, education, conference presentations, and other awareness campaigns to enhance risk management capability and knowledge</li><li>• supporting industry-based forums and best practice networks that focus on risk e.g. Risk Managers in Hospitals Network.</li></ul> <p><b>*Risk Management Attestation</b> As per Ministerial Standing Directions, relevant public sector agencies must comply with certain mandatory risk management requirements. These include, amongst others, that the agency conducts an annual risk management review in conjunction with VMIA. Each agency must attest in its annual report that the Ministerial Standing Direction has been complied with. VMIA offers services to assist agencies in reviewing risk management frameworks and, from this, preparing an attestation statement for inclusion in the agency annual report.</p> <p>See <i>RDA for Non-Accredited Training Function</i> for</p>		

# Retention and Disposal Authority for Records of Victorian Managed Insurance Authority

## Authority number: Draft VMIA

No	Function/Description	Status	Disposal Action
<b>RISK MANAGEMENT</b>			
	<p>records of education and training events.</p> <p>See <i>RDA for Records of Common Administrative Functions</i> for records of customer service, advice, publications, procedures, reporting, risk management (internal to VMIA), addresses (presentations), conferences, functions and technology projects.</p> <p>See <i>Records of the Standard Setting and Organisational Performance Monitoring Functions</i> for the development and issue of standards, guidelines and advice, the monitoring of performance against the standards as well as for records of research, data collection and analysis.</p>		
3.1	<p><b>Permanent Records of Risk Management</b></p> <p>Records of continuing value documenting the function of delivering risk management support to Victorian Government entities. Includes strategic risk reviews and risk alerts.</p> <p>Strategic Whole-of-Government, sector, or administrative function (e.g. management of public funds) risk reviews assess the current level and type of risk/s, level of risk maturity of client entities and other subjects of the review, and risk mitigation strategies in place. Reviews result in a report containing analysis of the current situation, gaps and vulnerabilities, obligations not being met, and recommendations to address all of the above. Includes surveys and other practice assessment methodologies.</p> <p>Undertaken in response to a request from the Minister or an emerging trend of risk exposure, strategic risk reviews seek to understand one or more of the following, and chart a recommended course for reducing or avoiding risk:</p> <ul style="list-style-type: none"> <li>• what factors create or increase certain risks?</li> <li>• why exposure is increasing (i.e. why are more claims being received of a particular type than before)?</li> <li>• what impacts public expectations around risk management by Victorian Government entities, and is this changing?</li> <li>• what level of understanding do the heads/senior management of client entities have of risk and how to manage it?</li> <li>• are client entities capable of mitigating against all the risks that impact them? Or only some?</li> <li>• should the risk mitigation approach for some new and emerging risks be a state-based approach</li> </ul>	Permanent	Retain as State Archives, Transfer to PROV

# Retention and Disposal Authority for Records of Victorian Managed Insurance Authority

## Authority number: Draft VMIA

No	Function/Description	Status	Disposal Action
<i>RISK MANAGEMENT</i>			
	<p>rather than entity specific? Or vice versa? Etc.</p> <p>Risk alerts issued to client entities and, more broadly, the public sector to inform of emerging risks, research findings or reported claims with potential sector-wide impact. Similar to product safety recall notices, risk alerts are designed to ensure client entities (and others) are informed of potential circumstances in which someone may be injured, or property damaged, that would not necessarily be known by the client entity any other way.</p> <p>The risk alert details:</p> <ul style="list-style-type: none"> <li>• the nature of the risk</li> <li>• examples of where the risk has occurred and the result</li> <li>• recommendations for change to avoid the risk.</li> </ul>		
3.2	<p><b>Short Term Records of Risk Management</b></p> <p>Records of short-term value created or received during the provision of risk management support to Victorian Government entities. Includes:</p> <ul style="list-style-type: none"> <li>• working papers, drafts, revisions and feedback created or received during the development of risk management frameworks, reports, attestation statements and other risk management documents by the client entity</li> <li>• collection and review of background technical specifications and product information for the compilation of risk alerts</li> <li>• facilitative records e.g. meeting papers and arrangements to meet to discuss documents under development, venue and catering bookings for training sessions, forums and best practice networks</li> <li>• background papers, statistical information and other reports/documents received from the client entity for the purposes of analysis and development of risk management reports, assessments and attestations.</li> </ul>	Temporary	Destroy 2 years after action completed.