

**Retention and Disposal Authority for Records of Redress and
Reparations Scheme Function**

Authority number: Draft



Draft

**Retention and Disposal
Authority for Records of
Redress and Reparations
Scheme Function**

Status Date: 03/04/2023

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Retention and Disposal Authority for Records of Draft Redress and Reparation

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Scope	<p>This RDA applies to Victorian Redress and Reparation schemes. It does not apply to records created by Victorian agencies on behalf of Federal schemes.</p> <p>Redress and Reparations Schemes included in the scope of this RDA:</p> <ul style="list-style-type: none">• Restorative Engagement and Redress Scheme• Fiskville Redress Scheme• Forced Adoptions Exceptional Circumstances Fund• Stolen Generations Reparations Package• Care Leavers (Forgotten Australians) Redress Scheme
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Introduction

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. 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 - *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

PROS 22/04 Disposal Standard authorises the destruction of some public records under Normal Administrative Practice (NAP) principles. Low value facilitative records described below are authorised for destruction by *PROS 22/04* under NAP principles:

- working documents, such as notes or calculations, used to assist in the preparation of other records
- minor drafts and transitory documents, where the content is reproduced elsewhere, and the information will not be needed to show how the work has progressed or actions approved
- minor updates of content, such as those in databases, which will not be needed to show actions, decisions, or approvals
- communications for the purpose of making minor arrangements
- duplicate copies.

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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 records must be managed and transferred in accordance with PROV Standards.

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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 Department of Justice and Community Safety; Department of Families, Fairness and Housing. 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>Scheme Establishment and Governance</p> <p>The function of establishing, designing, developing, and closing a Redress and Reparations Scheme.</p> <p>A Redress Scheme is a government program established to provide remedy, support, acknowledgement and/or reparations to people negatively impacted by past government or institutional programs or activities. A Redress Scheme is established to acknowledge past harm caused by government or institutional policy and to provide support to those adversely affected.</p> <p>This function includes all activities that determine how the Scheme is run, who is eligible, how applicants can apply, and the process for closing a Scheme that has reached the end of its life. This includes:</p> <ul style="list-style-type: none"> • The establishment of a Scheme • Development of the eligibility criteria for a Scheme • Development of application, assessment and review processes for applicants • Development and publication of guidance material to assist applicants to navigate the Scheme • Selection and design of a Scheme website and content • Appointment of experts to assess applications • Determination of redress options available to successful applicants • Closure of a Scheme. <p>See <i>PROS 07/01 General Retention and Disposal Authority for Common Administrative Functions</i> for legal advice.</p> <p>See <i>PROS 07/01 General Retention and Disposal Authority for Common Administrative Functions</i> for employment of all other Redress Scheme staff.</p> <p>See <i>PROS 07/01 General Retention and Disposal Authority for Common Administrative Functions</i> for complaint handling and management.</p>		

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No	Function/Description	Status	Disposal Action
<i>Scheme Establishment and Governance</i>			
1.1	Records of continuing value documenting the design, development and closure of the Redress Scheme including: <ul style="list-style-type: none"> • Formation and design of the Scheme • Eligibility criteria • Application, assessment and review requirements and processes • Closure and evaluation of the Scheme • Scheme summary reports • Website design and content, including guidance used by applicants to successfully navigate the Scheme • Appointment of expert panel or committee members to assess applications such as subject experts and medical consultants. This includes evaluation of panel members. 	Permanent	Retain as State Archives, Transfer to PROV
1.2	Records of short-term value that facilitate the governance of a Scheme. This includes: <ul style="list-style-type: none"> • Coordination of evaluation panels • Conflict of interest declarations from assessment panel or committee members, or staff members • Administrative reporting such as monthly reports. 	Temporary	Destroy after administrative use has concluded.

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No	Function/Description	Status	Disposal Action
<i>Application and Assessment Management</i>			
2.0	<p>Application and Assessment Management</p> <p>The function of supporting participants to complete the Redress and Reparations Scheme process and assessing their applications.</p> <p>This process includes:</p> <ul style="list-style-type: none"> • Initial applications to participate in the Scheme • Provision of identifying information and supporting documents by applicants • Advice and support provided to applicants to complete their application and progress through the process • Assessment of applications • Preparation of reports • Review of unsuccessful applications • Preparation of case files for presentation to expert assessment panels • Determination of individual redress outcomes. <p>See <i>PROS 07/01 General Retention and Disposal Authority for Common Administrative Functions</i> for enquiries and correspondence.</p>		
2.1	Summary records of all applicants that have applied to the Scheme, where the Scheme relates to the effects of or exposure to hazardous substances (for example, the Fiskville Redress Scheme). Includes the outcome of their application and outcomes of any application reviews.	Temporary	Destroy 100 years after the closure of the scheme.
2.2	Summary records of all applicants that have applied to the Scheme, where the Scheme does not relate to the effects of or exposure to hazardous material. Includes the outcome of their application and outcomes of any application reviews.	Temporary	Destroy 50 years after closure of the scheme.
2.3	<p>Full case records of individual applicants to the Scheme, including any review requests and outcomes of an application.</p> <p>These records can include:</p>	Temporary	Destroy 7 years after closure of the scheme.

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<i>Application and Assessment Management</i>			
	<ul style="list-style-type: none"> • Initial application • Supporting documentation including medical reports and evidential records • Consent forms and statutory declarations • Case notes and correspondence • Assessment and eligibility reports • Application review reports • Records of specific redress method selected • Memos • Outcome Letters • Correspondence with external agencies or organisations providing support during application process. <p>Does not include case records where applicants have withdrawn consent for the collection of personal information.</p>		
2.4	<p>Short-term value administrative records generated during the application lifecycle including:</p> <ul style="list-style-type: none"> • Correspondence with other agencies and organisations regarding supporting records for applications • Records that facilitate sharing of information between agencies but are not part of a case file • Other facilitative records that do not become part of the applicant's case file • Records of applications that are out of scope of Scheme • Applications and supporting documents where the participant has withdrawn consent for the collection of personal information • The facilitation of access to records about applicants held by other organisations. 	Temporary	Destroy after administrative use has concluded.

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No	Function/Description	Status	Disposal Action
<i>Support Services and Redress Management</i>			
3.0	<p>Support Services and Redress Management</p> <p>The function of providing support services, counselling, and other redress methods to successful applicants to the Redress and Reparations Scheme.</p> <p>Redress may be provided in several ways, including but not limited to:</p> <ul style="list-style-type: none"> • Financial compensation • Provision of financial counselling • Provision of counselling or mental health treatment • Provision of medical care • Restorative engagement meetings • Culturally safe healing programs • Written apologies • In-person apologies. <p>This function includes redress methods that are provided or facilitated directly by the Scheme as well as funding of services delivered by private health providers.</p> <p><i>See PROS 07/01 General Retention and Disposal Authority for Common Administrative Functions for financial records of processing redress payments.</i></p> <p><i>See PROS 07/01 General Retention and Disposal Authority for Common Administrative Functions for records of contracting providers to supply services to applicants.</i></p>		
3.1	<p>Records documenting the coordination and delivery of support services available during and upon successful completion of the application process including:</p> <ul style="list-style-type: none"> • Correspondence with legal practitioners, counselling services, disability services and medical practitioners • Consent forms • Support nomination forms 	Temporary	Destroy 7 years after closure of the scheme.

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Support Services and Redress Management

	<ul style="list-style-type: none"> • Advance payment documentation. <p>Also includes records documenting the coordination and delivery of non-financial redress including:</p> <ul style="list-style-type: none"> • Correspondence with other government agencies • Letters of apology • Agreements with medical practitioners • Coordination of services and restorative engagement conferences. 		
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