

Request for Feedback

Redress and Reparation Scheme Function Retention and Disposal Authority

BACKGROUND

Public Record Office Victoria (PROV) is Victoria's state archival authority and is responsible for the establishment of standards for the management of public records under Section 12 of the *Public Records Act 1973*. This includes the issuing of retention and disposal authorities (RDAs) for authorising the disposal of public records.

The development of this RDA was undertaken by PROV with input from business units within the Department of Justice and Community Safety (DJCS) and the Department of Families, Fairness and Housing (DFFH) who are responsible for administering the five Redress and Reparations Schemes currently active in Victoria, these being:

- Restorative Engagement and Redress Scheme
- Fiskville Redress Scheme
- Forced Adoptions Exceptional Circumstances Fund
- Stolen Generations Reparations Package
- Care Leavers (Forgotten Australians) Redress Scheme

DJCS approached PROV regarding the disposal coverage of records generated by Restorative Engagement and Redress Scheme, expressing interest in having a new RDA developed specifically to meet their need for disposal coverage of these records. A further four Redress Schemes were later announced by the Premier, highlighting the need for a disposal authority to meet the needs of a variety of schemes and agencies. PROV undertook the development and drafting of the RDA while requesting input and feedback from all the business units across government currently managing a scheme on behalf of the State of Victoria.

SCOPE

The aim of the RDA, once issued as a Standard, is to specify records generated by Redress and Reparation Schemes that are required as State Archives and to provide for the lawful disposal of records not required permanently after specified periods.

This RDA is to apply only to records generated by Redress and Reparations Schemes managed by the State of Victoria. Agencies participating in redress schemes administered by another jurisdiction should refer to advice given by that jurisdiction. Also out of scope are records of redress provided by agencies that administer their own redress program as a matter of internal policy.



ADMINISTRATIVE AND FUNCTIONAL CONTEXT

The three functions of the RDA are therefore described as:

- Scheme Establishment and Governance
- Application and Assessment Management
- Support Services and Redress Management

APPRAISAL RECOMMENDATIONS

Each function has been appraised in the light of the Appraisal Statement for Public Records required as State Archives. Compliance with statutory and regulatory requirements, risk should the information not be available when required, operational needs, and support of public interest have all been key considerations underpinning the appraisal.

Scheme Establishment and Governance

The function of designing, establishing, managing, and concluding the scheme. These records will document the primary features of a scheme such as its eligibility and assessment criteria, its redress options, and how it operates during its lifetime.

Records that have been appraised as having continuing value are governance records that document evidence of how the government worked to address past breaches of the rights of Victorians and held itself to account for harmful policies through redress schemes. This includes application, assessment and review requirements and processes, eligibility criteria, scheme design, scheme closure and evaluation, and website design and content that includes guidance to the community on successfully navigating the scheme. Also included are records that document the appointment of any independent subject experts or medical consultants whose role is to assess applications. These records are recommended for permanent retention as they document a primary program of government that has significant impact on the individuals to whom the redress is intended, and due to their demonstration of the government's obligations and powers. They document how, why, and for whom each scheme operated.

Records that are recommended for short-term temporary retention are facilitative records such as communication with evaluation panel members and conflict of interest forms by staff members, assessment committees, evaluation panel members or other subject experts assessing applications. Included are other administrative records such as monthly reports. Records in this class are unlikely to require retention once the scheme has closed, and the disposal trigger 'destroy after administrative use has concluded' will allow the agencies to dispose of these records as soon as they are no longer required.

Application and Assessment Management

The function of supporting scheme participants to complete the application process, and the assessment and review of those applications. This function includes case management activities as well as providing support services and application assistance, researching participant eligibility, and determining redress outcomes.

Records that are recommended for long-term retention of 100 years are summary records of cases where the scheme relates to the effects of or exposure to hazardous substances. Long-term retention allows summary records to be referred to if a scheme is extended or reopened on the grounds of participants' changing health status, advancement of medical knowledge, or the discovery of intergenerational effects of the hazardous substance. This retention period is consistent with records of exposure to hazardous substances covered in PROS 07/01 RDA for Common Administrative Functions. While the full case files do not need to be retained long term, a summary will provide evidence of the individuals who engaged with



and received redress from a specific scheme and be available as proof of participation to applicants and government.

Records that are recommended for medium-term retention of 50 years are summary records of cases where the scheme does not relate to the effects of or exposure to hazardous substances. Like the long-term class of summary records, medium-term retention of summary records will provide evidence of the individuals who engaged with and received redress, both for individual participants and government agencies if the scheme is reopened, or related programs are established.

Records that are recommended for short-term retention are the full case files and related documents of a participant's application. These records include case notes, research, correspondence with the participant, copies of documents provided as evidence of a participant's claim and other supporting material. These records contain highly personal and private information with no further application other than use for the scheme. A 7-year retention period allows for case records to be available if the scheme is reopened - there is precedent with a federal scheme that was reopened several years after closure with an expanded scope - and should any queries arise from the applicant post conclusion of their application. This strikes a balance between possible reference needs for the records and not retaining personal information about applicants for an extended period post closure of the scheme.

Records that are recommended for short-term temporary retention are administrative records generated during the application lifecycle, such as correspondence with other organisations or government agencies, records of applications that are out of scope of the scheme, facilitative records that do not become part of the participant's case file and the case files of participants who have withdrawn consent for the collection of personal information. Records in this class are unlikely to require retention once the scheme has closed, and the disposal trigger 'destroy after administrative use has concluded' authorises agencies to dispose of these records as soon as they are no longer required.

Support Services and Redress Management

The function of providing and coordinating support services, counselling, and other redress methods to successful applicants to the scheme. Included is the provision of redress given to the participants directly from the scheme as well as the funding of services delivered by private health providers.

These records are recommended for short-term retention as they are primarily related to organising and facilitating redress options. As the records could be associated with programs delivered outside the lifecycle of the scheme, a short-term retention period is appropriate as it is feasible that the records could be required for reference during the life of the scheme and immediately after its closure. As many of these records are related to financial transactions to applicants and service providers, a 7-year retention period is consistent with similar classes in PROS 07/01 RDA for Common Administrative Functions.

WHAT WE NEED FROM YOU

To ensure the RDA is as robust and valid as possible once issued, we would appreciate feedback on any of the following questions:

- Are the retention periods reasonable?
- Is the language used in the RDAs clear enough?
- Can you identify any gaps in the RDA coverage?

Please send your feedback to agency.queries@prov.vic.gov.au by COB **Friday 5 May**.

