

Retention and Disposal Authority for Records of Transport Accident Prevention and Assistance Functions

Authority number: PROS 14/01 VAR 1



PROS 14/01 VAR 1

**Retention and Disposal Authority for Records of
Transport Accident Prevention and Assistance
Functions**

Status Date: 02/01/2024

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Variation 1

Public Records Act 1973 (Section 12)

Retention & Disposal Authority for Records of the Transport Accident Prevention and Assistance Functions (PROS 14/01)

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of the Transport Accident Prevention and Assistance Functions, issued as Public Record Office Standard (PROS 14/01) on 15/08/2014, as follows:

Extension of the application of the Authority indefinitely.

This variation shall have effect from its date of issue.

[Approved]

Justine Heazlewood

Director and Keeper of Public Records

Date: 02/01/2024

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Retention and Disposal Authority for Records of Transport Accident Prevention and Assistance Functions

Retention and Disposal Authority No	PROS 14/01
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Scope	This RDA authorises the disposal of records created by the Transport Accident Commission.
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Status	Issued by Keeper
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Issue Date	02/01/2024
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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*.

Under PROS 22/04 Disposal Standard, authorisation to destroy public records is WITHDRAWN and NOT GIVEN (even if specified in an RDA or other authorised disposal instrument) if:

- it is reasonably likely that they will be needed in a current or future legal proceeding. This includes any civil or criminal proceeding or an inquiry where evidence may be given before a court or person acting judicially such as a Royal Commission or Board of Inquiry
- they are required for meeting any Freedom of Information (FOI) applications which are not finalised
- they are required for audits or investigations which are not yet finalised; and/or
- they are subject to disposal freezes applied by government or by the organisation.

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
- periodic backups of records, information, data, software and settings for recovery in case of technical failure and/or catastrophe and are duplicate copies of official business records/data that is held elsewhere on a managed system.

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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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Concurrence of Public Office

This Authority has the concurrence of:

Signature: [signed]

Name: Janet Dore

Position: Chief Executive Officer

Date: 06/09/2014

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 Transport Accident Commission. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[signed]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 15/08/2014

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Authority number: PROS 14/01 VAR 1

No	Function/Activity	Description	Status	Disposal Action
1	NO FAULT COMPENSATION AND DAMAGES SCHEME MANAGEMENT	<p>The design, evaluation and monitoring of the transport accident scheme which has been developed to assist persons who are injured or the families of those that die as a result of transport accidents.</p> <p>This includes ensuring the scheme is viable and is managed and administered appropriately by working with stakeholders to ensure benefits are suitable, just, meet community expectations and are effectively delivered.</p> <p>[For claims made in accordance with the scheme, see TRANSPORT ACCIDENT ASSISTANCE.]</p>		
1.1	Actuarial Modelling	<p>The design and evaluation of models that project future claim and operational costs to test and support the sustainability of the scheme.</p> <p>This includes the development of sample models to analyse premium relativities and associated cost structures to ensure that any future change does not have a negative impact on the competitiveness nor financial viability of the transport accident scheme.</p>		
1.1.1		<p>Records documenting the calculation of:</p> <ul style="list-style-type: none"> • Provider Charges • Statutory No Fault Benefits • Transport Accident Charge (Transport Accident 	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>NO FAULT COMPENSATION AND DAMAGES SCHEME MANAGEMENT - Actuarial Modelling</i>				
		Levy/Premium) <ul style="list-style-type: none"> • Road Safety Levy (Motorcycle Levy) Includes fee schedules, provider service analysis, formula calculations and briefings detailing changes to fees.		
1.1.2		Records of routine analysis, monitoring of claims and premium costs for individual stakeholders or service providers to ensure the effectiveness of actuarial models.	Temporary	Destroy 7 years after action completed.
2	COMPENSATION MONITORING, INVESTIGATION, DEFENCE AND PROSECUTION	Monitoring and investigation of services and benefits provided under the no fault compensation and statutory indemnity components of the scheme. This includes the authorisation of those undertaking inspections, actively scanning claims to mitigate the risk of fraud and investigating a person or a service provider where legislation may have been breached that may result in prosecution. Includes managing defence cases were the injured person has sued for damages and the agency has indemnified the negligent owner/driver.		
2.1	Authorisation	Statutory delegation of power and authorisation of employees and private investigators to undertake inspections and gather information for investigative purposes.		

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No	Function/Activity	Description	Status	Disposal Action
<i>COMPENSATION MONITORING, INVESTIGATION, DEFENCE AND PROSECUTION - Authorisation</i>				
2.1.1		Records documenting the decision-making process in the delegation of authority to employees and private investigators to undertake inspections. Includes the issuing of Certificates of Authority and the assessment of applications which are denied.	Temporary	Destroy 25 years after investigator has ceased in the role or 10 years after application was denied.
2.1.2		Register of applications for Certificate of Authoritys which are approved or denied.	Temporary	Destroy after reference use ceases.
2.2	Investigations	<p>Conducting investigations to establish if a person or a provider may have contravened a provision of the <i>Transport Accident Act 1986</i>, or for the purpose of generally enforcing the Act.</p> <p>[For investigation findings that result in prosecution, see Prosecution and Defence].</p>		
2.2.1		Records documenting investigations that did not lead to prosecutions but resulted in a letter of caution or a letter of advice or civil recoveries. Also includes investigations where no further action was taken. Includes evidence and records of decisions.	Temporary	Destroy 25 years after action completed.
2.3	Monitoring	<p>Mitigating the risk of fraud by actively monitoring and scanning transport accident claims and flagging any claims that may pose a risk to the organisation.</p> <p>Includes the development of profiles that detect risk and/or gather information about the eligibility of claims.</p>		

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No	Function/Activity	Description	Status	Disposal Action
<i>COMPENSATION MONITORING, INVESTIGATION, DEFENCE AND PROSECUTION - Monitoring</i>				
2.3.1		Records documenting the development of a profile (model and/or algorithm) and the final output report that is produced from applying the profile, including documentation on the sample data size. Final output report also summarises focused or forensic reports providing in-depth analysis of highlighted fraud risks, potential impacts and any risk mitigation measures that can be put in place.	Permanent	Retain as State archives
2.3.2		Records of focused or forensic reports providing in-depth analysis of highlighted risks and the potential impact to the agency and any measures that can be put in place to mitigate the risk.	Temporary	Destroy 5 years after reference use ceases.
2.4	Prosecution and Defence	Prosecution of criminal charges following an investigation that has identified a breach of legislation or where a client lodges a Common Law Claim for compensation and the agency represents the negligent owner/driver.		
2.4.1		Records of Common Law claims that are resolved by negotiated settlement and have not proceeded into the Court system. Records include documents created as a result of the TAC Common Law protocol settlement conference ("a voluntary settlement conference").	Temporary	Destroy 10 years after action completed.
2.4.2		Records of Common Law claims that are litigated, including the writ, pleadings and the determination of the Court, that set a precedent, as they lead to a	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>COMPENSATION MONITORING, INVESTIGATION, DEFENCE AND PROSECUTION - Prosecution and Defence</i>				
		major change to the transport accident compensation scheme or the common law. Records of any appeal from the determination of the Court and the decision of the Appellate Court.		
2.4.3		Records of Common Law claims that are litigated, including the writ, pleadings and the determination of the Court, that do not set a precedent. Records of any appeal from the determination of the Court and the decision of the Appellate Court.	Temporary	Destroy 50 years after action completed..
2.4.4		Records documenting prosecutions of criminal charges where a legal precedent was set or that caused a major change to the transport accident compensation scheme or related high level policies. Includes summary register of all prosecutions or litigation cases undertaken, summary of investigation findings, statement of restitution.	Permanent	Retain as State archives
2.4.5		Records documenting prosecutions of criminal charges that did not set a legal precedent or lead to a major change to the transport accident compensation scheme or related high level policies. Records include a summary of investigation findings and statement of restitution.	Temporary	Destroy 15 years after action completed.
2.4.6		Records documenting findings that were referred to	Temporary	Destroy 15 years after

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No	Function/Activity	Description	Status	Disposal Action
<i>RESEARCH</i>				
		<p>another government agency for prosecution, such as Victorian Police, the Coroner, the Office of Public Prosecutions, or other regulatory bodies.</p> <p>Includes a summary of investigation findings and statement of restitution.</p>		action completed.
3	RESEARCH	Undertaking research to gain further knowledge and understanding of the impact of transport accidents with the aim of improving client care and to assist with reducing road trauma in Victoria.		
3.1	Assessment	The assessment of research project proposals received for consideration and approval, including the management and progress reporting.		
3.1.1		<p>Records documenting research project proposals submitted for approval. Records for each proposal include:</p> <ul style="list-style-type: none"> • the detailed project proposal; • annual project reports; and • applications for ethical clearances (where required). <p>Includes both the applications that are approved and not approved.</p>	Temporary	Destroy 15 years after action completed.
3.1.2		Summary record of approved research proposals.	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>RESEARCH - Collection and Analysis</i>				
		Includes: <ul style="list-style-type: none"> • research details; • synopsis of project; • category of risk; • date project commenced; • date of completion (or expected date); and • status. 		
3.2	Collection and Analysis	The collection, observation, recording and analysis of research results.		
3.2.1		Records documenting the collection and analysis of data involving clinical trials and research that directly relates to compensation scheme performance and client experience with the agency.	Temporary	Destroy 15 years after research project completed.
3.2.2		Records documenting the collection and analysis of data for research projects not involving clinical trials. This includes data gathered from client case files to assist in road safety and marketing campaigns as well as data collected to improve client experience and client outcomes such as survey data.	Temporary	Destroy 5 years after research project completed.
3.2.3		Summary information of research, or clinical trial	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>RESEARCH - Collection and Analysis</i>				
		<p>data. Includes:</p> <ul style="list-style-type: none"> • location of accident • type of accident • injury(s) sustained in the accident • employment of injured person at time of accident <p>This includes data from the Compensation Research Database (CDR) which is de-identified such as:</p> <ul style="list-style-type: none"> • Date of Birth • Date of accident • Claim number • Provider number • Payee number <p>As well as the de-identified data relating to:</p> <ul style="list-style-type: none"> • information relating to claimant, no-fault claim, accident, common law and injury. • payments made by TAC to the service provider on behalf of the claimant and includes details of claim, payment, date of service and 		

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No	Function/Activity	Description	Status	Disposal Action
<i>RESEARCH - Reporting</i>				
		treatment as seen below.		
3.3	Reporting	The reporting on the final results of research projects undertaken by the agency.		
3.3.1		<p>Records documenting research outcomes within the research area of brain and spinal cord injuries sustained as a result of a road trauma or where the research findings have an impact on the overall transport accidents assistance process.</p> <p>This includes claims and client research findings that impact the overall management of the client experience.</p> <p>Records may include benchmark study findings, and findings that set Key Performance Indicators (KPIs) and client outcomes index.</p> <p>Includes final research, final reports and drafts for publication in external publications.</p>	Permanent	Retain as State archives
4	TRANSPORT ACCIDENT ASSISTANCE	<p>Monitoring and management of medical and rehabilitation services and benefits for persons injured in a transport accident, enabling a safe and sustainable return to work or the community for the injured person.</p> <p>Includes the management of transport accident claims, resolution of complaints or disputes and the management of service providers who provide</p>		

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No	Function/Activity	Description	Status	Disposal Action
<i>TRANSPORT ACCIDENT ASSISTANCE - Advice</i>				
		medical, rehabilitation and health services to persons injured in transport accidents.		
4.1	Advice	The provision of advice by the agency to members of the community about transport accident assistance. [For legal advice, see the General Retention and Disposal Authority for Records of Common Administrative Functions].		
4.1.1		Records documenting advice provided to members of the community in relation to the process for registering a claim, eligibility requirements and support services. [For advice provided as part of the assessment process or as part of an eligible claim, use Claims Assessment and Management]. [For advice provided as part of an appeal in relation to an ineligible claim, see Grievances .]	Temporary	Destroy 3 years after action completed..
4.2	Claims Assessment and Management	The assessment of transport accident claims in accordance with the <i>Transport Accident Act 1986</i> and governing regulations, and the ongoing management of approved claims.		
4.2.1		Summary information of prospective and eligible claims including: • Client Name	Temporary	Destroy after reference use ceases.

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No	Function/Activity	Description	Status	Disposal Action
<i>TRANSPORT ACCIDENT ASSISTANCE - Claims Assessment and Management</i>				
		<ul style="list-style-type: none"> • Client Date of Birth • Client Age • Date of Accident 		
4.2.2		<p>Records documenting the assessment of transport accident claims that are not approved and do not result in a dispute or review.</p> <p>Includes claim form, medical certificates, pay slips, leave reimbursement form, police information and data, newspaper articles and eligibility assessment.</p> <p>[For records documenting a review or dispute against a claim decision where the claimant is successful use 4.2.3 or 4.2.4 accordingly]</p>	Temporary	Destroy 6 years after action completed.
4.2.3		<p>Records of claims that are approved or denied and set a precedent, as they lead to a major change to the transport accident compensation scheme.</p> <p>Includes information gathered during the life time of the claim to help determine if the claimant is eligible for transport accident benefits, such as accident reports, interview notes and reports from independent medical examiners.</p> <p>Includes claim form, medical certificates, pay slips, leave reimbursement form, police information and</p>	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>TRANSPORT ACCIDENT ASSISTANCE - Claims Assessment and Management</i>				
		data, newspaper articles and eligibility assessment.		
4.2.4		<p>Records of claims that are approved and do not set a precedent.</p> <p>Includes information gathered during the life time of the claim to help determine if the claimant is eligible for transport accident benefits, such as accident reports, interview notes and reports from independent medical examiners.</p> <p>Includes claim form, medical certificates, pay slips, leave reimbursement form, police information and data, newspaper articles and eligibility assessment.</p>	Temporary	Destroy 50 years after action completed.
4.3	Applications for Serious Injury Certificates	The receipt and assessment of applications to determine if a Serious Injury Certificate is to be issued, which allows a claimant to commence Common Law proceedings.		
4.3.1		<p>Records documenting the application process for Serious Injury Certificates that do not result in any court action. Includes unsuccessful applications.</p> <p>Includes application, medical reports, supporting documentation and decision</p>	Temporary	Destroy 6 years after action completed.
4.3.2		A summary Register of approved applications for Serious Injury Certificates	Temporary	Destroy 75 years after application approved.
4.3.3		Records of the Serious Injury Application and the	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>TRANSPORT ACCIDENT ASSISTANCE - Applications for Serious Injury Certificates</i>				
		<p>determination of the Court that set a precedent, as they lead to a major change to the transport accident compensation scheme.</p> <p>Records of any appeal from the determination of the Court and the decision of the Appellate Court.</p>		
4.3.4		<p>Records of the Serious Injury Application and the determination of the Court that do not set a precedent.</p> <p>Records of any appeal from the determination of the Court and the decision of the Appellate Court.</p>	Temporary	Destroy 50 years after action completed.
4.4	Grievances	<p>Managing and resolving complaints and disputes lodged against the agency as a result of a client being dissatisfied with the management or service of a claim or due to the outcome of an informal review. Includes actioning requests to review a decision that has been made in relation to the management of a claim.</p> <p>[For complaints that do not relate to Claim Management, see the General Retention and Disposal Authority for Records of Common Administrative Functions].</p> <p>[For complaints lodged against Service Providers, see Health Services Management].</p> <p>[For reviews that lead to investigations and/or</p>		

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No	Function/Activity	Description	Status	Disposal Action
<i>TRANSPORT ACCIDENT ASSISTANCE - Grievances</i>				
		prosecutions, see Investigations, Prosecution and Defence Management].		
4.4.1		Records documenting the receipt and management of complaints logged by a client that do set a precedent or lead to a change to agency processes. Includes acknowledgement letter, investigation files, response and outcome.	Temporary	Destroy 25 years after action completed.
4.4.2		Records documenting the receipt and management of complaints lodged by a client that do not set a precedent or lead to a change to agency processes. Includes acknowledgement letter, investigation files, response and outcome.	Temporary	Destroy 7 years after action completed.
4.4.3		Records documenting the receipt and management of disputes lodged by a client that do set a precedent or lead to a major change to the transport accident compensation scheme or related high level policies. Includes acknowledgement letter, investigation files, response, dispute application, pre-issue conference documentation, VCAT application for review and outcome. Records of any appeal from the determination of the Tribunal and the decision of the Appellate Court.	Permanent	Retain as State archives
4.4.4		Records documenting the receipt and management of	Temporary	Destroy 50 years after

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No	Function/Activity	Description	Status	Disposal Action
<i>TRANSPORT ACCIDENT ASSISTANCE - Health Services Management</i>				
		<p>disputes lodged by a client that do not set a precedent or lead to a change to agency processes.</p> <p>Includes acknowledgement letter, investigation files, response, dispute application, pre-issue conference documentation, Victorian Civil and Administrative Tribunal (VCAT) application for review and outcome.</p> <p>Records of any appeal from the determination of the Tribunal and the decision of the Appellate Court.</p>		action completed.
4.5	Health Services Management	<p>The registration and ongoing management of healthcare professionals for the provision of treatment and advice to persons injured in a transport accident and to assist in the service provider payment process.</p> <p>[For Service Provider Registration and Medical Examiners Management, refer to PROS 09/06 Retention and Disposal Authority for Records of WorkSafe Victoria].</p>		
4.6	Programs	<p>The development and implementation of programs used to improve awareness about benefits and services provided by the agency, and to secure the early and effective medical and vocational rehabilitation of persons injured as a result of transport accidents.</p>		
4.6.1		<p>Records documenting the development and implementation of the programs that impact the</p>	Temporary	Destroy 7 years after program is superseded.

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No	Function/Activity	Description	Status	Disposal Action
<i>TRANSPORT ACCIDENT ASSISTANCE - Programs</i>				
		<p>overall management and experience of clients who are accessing services through the transport accident insurance scheme.</p> <p>Includes the program plan, program objectives and aims.</p>		
4.6.2		<p>Records documenting the measurement of the effectiveness of the program in enabling clients access to services and/or recovery.</p> <p>Includes reports documenting findings.</p>	Temporary	Destroy 10 years after findings are issued.
5	TRANSPORT ACCIDENT PREVENTION	<p>The development of road safety and accident prevention strategies and programs that reduce the number of accidents on Victorian roads.</p> <p>Includes investigation of specific safety issues, development of road and transport accident prevention practices and the collection and analysis of road and transport accident statistics.</p> <p>[For policy and procedures; funding approvals; legislation development; committee records and publications, see the General Retention and Disposal Authority for Records of Common Administrative Functions].</p>		
5.1	Road Safety Planning	<p>The development of road safety strategies and plans for Victoria.</p>		

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No	Function/Activity	Description	Status	Disposal Action
<i>TRANSPORT ACCIDENT PREVENTION - Road Safety Program Management</i>				
		[Refer to PROS 10/05 Retention and Disposal Authority for Records of VicRoads Road Management Functions].		
5.2	Road Safety Program Management	<p>The development and implementation of road safety programs, initiatives and campaigns to reduce the number of accidents on Victorian roads.</p> <p>[Refer to PROS 10/05 Retention and Disposal Authority for Records of VicRoads Road Management Functions].</p>		
5.3	Evaluation and Monitoring	The evaluation and monitoring of road and transport accident prevention programs to determine their overall effectiveness.		
5.3.1		<p>Records measuring the impact and effectiveness of road safety programs and campaigns.</p> <p>Includes the implementation, monitoring and evaluation of road safety programs.</p>	Temporary	Destroy 25 years after reference use ceases.