

**Retention and Disposal Authority for Records of Long Service
Benefits Portability Function**

Authority number: PROS 25/01



PROS 25/01

**Retention and Disposal
Authority for Records of Long
Service Benefits Portability
Function**

Issued Date: 21/01/2025

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INTRODUCTION

Context

The Portable Long Service Authority (PLSA) is the business name of the Portable Long Service Benefits Authority.

The Portable Long Service Authority is an independent statutory body established in July 2019 to administer the *Long Service Benefits Portability Act 2018* (the Act). The Act, together with the Long Service Benefits Portability Regulations 2020 (the Regulations), provide a scheme for the portability of long service benefits to covered workers in the community services, contract cleaning and security industries. The Scheme enables covered workers to accrue long service benefits based on the length of time employed in their respective industry, rather than the length of time employed by one employer.

The PLSA:

- maintains registers of covered employers and workers and is responsible for the collection of levies and overseeing the payment of benefits
- has a governing board
- reports to the Minister for Industrial Relations

This RDA covers following functions of the PLSA:

- administering long service benefits schemes in covered industries
- making payments under the Act
- keeping registers under the Act
- compliance monitoring and management
- resolving disputes as to the timing of taking long service leave
- consulting other industries that may be affected by decisions made under the Act in relation to covered industries
- any other function conferred on it by the Act or any other Act.

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Scope	This RDA authorises disposal of records created by the Portable Long Service Benefits Authority (operating as Portable Long Service Authority).
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Status	Issued by Keeper
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Issue Date	21/01/2025
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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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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 Portable Long Service Benefits 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: 21/01/2025

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No	Function/Description	Status	Disposal Action
1.0	<p>Regulatory Establishment</p> <p>The function of establishing, reviewing and communicating the scheme for registration, employer reporting and levy payments, and worker claims for benefits.</p>		
1.1	<p>Records of Continuing Value</p> <p>Records of continuing value documenting final and approved registration schemes (setting out eligibility criteria, application requirements, fee schedule, exemption categories etc.).</p>	Permanent	Retain as State Archives, Transfer to PROV
1.2	<p>Short-term Records</p> <p>Short-term records of the regulatory establishment function, including detailed documentation of consultation, research and review processes, and other input leading to the formulation of registration schemes.</p>	Temporary	Destroy 7 years after action completed.

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No	Function/Description	Status	Disposal Action
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Registration Management

2.0	<p>Registration Management</p> <p>The function of managing the registration of employers and workers covered by the portable long service benefits scheme.</p> <p>Includes:</p> <ul style="list-style-type: none"> • maintaining a public register of all registered employers • maintaining an internal detailed register of registered employers • maintaining an internal detailed register of registered workers • processing updates, changes and corrections to the registers • deactivating employers who have ceased to be covered by the scheme • deactivating registered workers who are no longer working in an industry covered by the scheme • resolving queries regarding coverage of the scheme and whether a particular category of employer/worker is required to register or not <p>See <i>PROS 07/01 RDA for Records of Common Administrative Functions</i> COMMUNITY RELATIONS for records of general enquiries regarding the operation of the scheme</p> <p>See <i>PROS 24/03 RDA for Records of the Human Resources Management Function</i> for records of agency employees/workers</p> <p>See <i>PROS 22/07 RDA for Records of the Identity Verification Function</i> for records of proof of identity e.g. copies of passport, drivers licence etc.</p>		
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No	Function/Description	Status	Disposal Action
<i>Registration Management</i>			
2.1	<p>Long-term Records</p> <p>Summary records of employer registrations held for internal use. Includes:</p> <ul style="list-style-type: none"> • unique employer registration identification number (Employer ID) • industry type/type of work performed • business/company name • ABN/ACN • primary contact details • awards/agreements covering the worker cohort • security licence details (if applicable) • Australian Charity Register details (if applicable) • any other summary registration information required to manage an employer account 	Temporary	Destroy 50 years after action completed.
2.2	<p>Medium-term Records</p> <p>Summary records of worker registrations, including:</p> <ul style="list-style-type: none"> • unique identifying registration number • worker name • worker date of birth • date first registered • date last active • any other summary information required to manage a worker's account <p>Detailed records of employer registrations, including:</p> <ul style="list-style-type: none"> • original online registration form details • changes to registration details over time • queries regarding registration, including category of covered industry, coverage criteria etc. 	Temporary	Destroy 15 years after action completed.

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No	Function/Description	Status	Disposal Action
<i>Registration Management</i>			
	<ul style="list-style-type: none"> • application of online employer registration portal access • supporting information submitted as part of registration, and/or registration updates • registration correspondence and file notes <p>Scheme coverage queries and their resolution where a precedent is set for the interpretation of scheme coverage of industries, including the original query, research conducted, advice sought and determinations made.</p>		
2.3	<p>Short-term Records</p> <p>Detailed records of worker registrations, including:</p> <ul style="list-style-type: none"> • original registration details • changes made to registration details • applications for an online worker portal account • enquiries regarding registration details, including queries regarding the relevant criteria that qualified a worker for registration • file notes and correspondence regarding registration matters • worker nomination of representatives who can act on their behalf e.g. a next of kin or close associate, nominee (usually via presentation of a power of attorney or similar evidence) if the worker is ill or injured, requires a translator etc. <p>Inactive Employer Public Register Entries. Information regarding the registration of an employer made available to the public that has fallen inactive and is no longer required for public access.</p> <p>Scheme coverage queries and their resolution where no precedent is set for the interpretation of scheme coverage.</p>	Temporary	Destroy 7 years after action completed.

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Employer Reporting and Levy Management

3.0	<p>Employer Reporting and Levy Management</p> <p>The function of receiving and reviewing quarterly returns from employers, and the subsequent payment of levies.</p> <p>Includes:</p> <ul style="list-style-type: none"> • receipt of quarterly returns from employers • internal review of returns to determine if there are any issues • clarification of any issues with employer • receipt of corrections to quarterly returns (where applicable) • confirmation of the return and calculation of applicable levies • invoicing and receipt of levy payment from employer <p>Includes cases where an employer has made a levy payment that is in error (e.g. they included the hours that a worker performed casual office work for the employer instead of their usual covered industry work in the activity report), and a reimbursement is issued.</p> <p>Includes liaison with, transfers of levy proceeds to, or draw down of funds for claim payments from the central state fund management agency that manages the investment of levy revenue during the benefit accrual phase.</p>		
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Employer Reporting and Levy Management

3.1	<p>Short-term Records</p> <p>Records of employer reporting, including:</p> <ul style="list-style-type: none"> • quarterly returns • liaison with employer's regarding quarterly returns, including queries and corrections • confirmation of the final return (following any corrections if required) <p>Records of levy payments, including:</p> <ul style="list-style-type: none"> • levy calculations • records of levy payments • records of levy refunds for overpayment/incorrect payments <p>Records of interactions/transaction with the central state fund management agency concerning the investment of levies during the accrual phase, and the return of funds for claims made for long service benefits, including correspondence, notifications and requests, and confirmation of fund transfers.</p>	Temporary	Destroy 7 years after action completed.
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Worker Benefits and Claims Management

4.0	<p>Worker Benefits and Claims Management</p> <p>The function of managing the accrual of benefits for workers in covered industries, and claims made to receive those benefits as paid long service leave.</p> <p>Includes:</p> <ul style="list-style-type: none"> • worker benefit account management • applications to claim paid long service leave • arrangements for payment of benefits to workers <p>Includes claims made by or on behalf of the beneficiaries of deceased workers.</p>		
4.1	<p>Short-term Records</p> <p>Records of the accrual of workers' benefits and the payment of claims for paid long service leave.</p>	Temporary	Destroy 7 years after action completed.

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Compliance Management

5.0	<p>Compliance Management</p> <p>The function of managing compliance with the portable long service benefits scheme, including ensuring:</p> <ul style="list-style-type: none"> • the requirements of relevant legislation, policy, and other mandatory frameworks are met • conditions of registration and reporting are adhered to • appropriate action is taken where required to reduce/remove the risk of future non-compliance by an employer/worker. <p>Compliance management processes and outcomes include:</p> <ul style="list-style-type: none"> • receipt and management of reported problems • compliance audits and activities, including proactive compliance campaigns • investigations • enforcement action including warnings, referrals, notice of requirements, letters of demand, financial penalties, registration cancellation, criminal or civil penalty proceedings • business intelligence gathering - to enable the identification of potential risks to workers, or the community by collating information from disparate sources about employers and their performance/activity/associations. <p>See <i>PROS 07/01 RDA for Common Administrative Functions</i> CONTRACTING-OUT for records of information sharing agreements and other formal arrangements for the exchange of information to and from other agencies.</p>		
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No	Function/Description	Status	Disposal Action
<i>Compliance Management</i>			
5.1	<p>Records of Continuing Value</p> <p>Records of continuing value that document the compliance management function, including approved and issued compliance frameworks (setting out how and when compliance is monitored, tiers of response and escalation processes, triggers for referral to other agencies etc.). Examples of compliance issues and/or risk themes for analysis include:</p> <ul style="list-style-type: none"> • Under Reporting - where an employer misrepresents the type of work performed, the level of pay received, and/or the type of employment status held • Denying Rights - denying workers their right to long service leave benefits by seeking to prevent workers from taking long service leave, and/or • Adverse Action - penalising/disadvantaging workers who take leave. 	Permanent	Retain as State Archives, Transfer to PROV
5.2	<p>Long-term Records</p> <p>Long-term records of compliance management, including:</p> <ul style="list-style-type: none"> • reports containing intelligence and other analysis across covered industries compiled to provide strategic advice on a compliance issue or risk • compliance action plans which set out the criteria for determining what was included in the plan, the source of concern that the plan addresses, and any other key instructions for carrying out audits or inspections under the plan • summary reports on the outcome of compliance action plans • summary information or registers of compliance management activity undertaken. Includes any made available for public access to provide • alerts about employers that are no longer registered/are banned from operating in covered industries following compliance management activity or who have other limitations put upon their business dealings within one or more covered industries. 	Temporary	Destroy 50 years after action completed.

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Compliance Management

	<ul style="list-style-type: none"> records of compliance management activities and outcomes for employers who are found to have operated while knowingly unregistered. 		
5.3	<p>Short-term Records</p> <p>Records of short-term value documenting the compliance management function, including:</p> <ul style="list-style-type: none"> compliance audit and inspection documentation, analysis and recommendations, including any documentation lodged by the employer in respect of, or to respond to queries raised during, the audit or inspection records of copies of audit reports provided to the employer complaints, investigations and enforcement action documentation, including administration and documentation of the investigation process, any documentation lodged by/collected from the employer in respect of/to respond to queries raised during an investigation, employer responses to notices, enforcement action decisions and resulting activity e.g. serving a notice, applying a penalty etc. reviews of enforcement action, including preparation for and presentation at external tribunal or court intelligence assessment of employers (or applicants), or persons of interest connected with employers. Assessments relate to the behaviour of particular employers (activities undertaken, modes of operating, contacts and associations maintained etc), and the risks that may ensue e.g. connection to criminal activity, vulnerability of the workers to exploitation etc. intelligence assessments, investigations, enforcement actions against employers who are suspected of, or confirmed to be, unregistered for some or all of the business undertaken by them in covered industries records of the authorisation of officers to perform regulatory duties/compliance management actions 	Temporary	Destroy 7 years after action completed.

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Compliance Management

	<ul style="list-style-type: none"> • detailed documentation of consultation, research and review processes, and other input leading to the formulation of compliance frameworks 		
5.4	<p>Facilitative Records</p> <p>Records of information gained through information sharing agreements where the information is not used for functional purpose it was gathered for. Examples include information that:</p> <ul style="list-style-type: none"> • was exchanged in error • was provided as part of a larger report covering a broader scope of functions performed by the provider of the information • relates to employers or workers that are outside the scope of covered industries • is duplicate • did not provide a match to current compliance activities/investigations 	Temporary	Destroy 1 month after action completed.

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No	Function/Description	Status	Disposal Action
<i>Awareness Management</i>			
6.0	<p>Awareness Management</p> <p>The function of managing responsibilities for ensuring employers, workers and the general public are educated and aware of obligations set by the long service benefits portability legislation, including:</p> <ul style="list-style-type: none"> • promoting and educating employers on registration requirements, including changes and updates to long service benefits portability and other relevant legislation • educating and informing employers, workers and the general public about the duties, rights and obligations of employers under the long service benefits portability and other relevant legislation, workers benefit entitlements, industries/areas of service work covered by the scheme etc. • to conduct, procure and support research into portable long services benefits, covered industries, and other topics relevant to the agency's functional duties <p><i>See PROS 07/01 RDA for Records of Common Administrative Functions</i> GOVERNMENT RELATIONS for the review and amendment of legislation, regulations etc.</p>		
6.1	<p>Records of Continuing Value</p> <p>Records of continuing value documenting final and approved high-level master communication strategies for releasing and promoting registration scheme and compliance framework information to the industry and the general public.</p>	Permanent	Retain as State Archives, Transfer to PROV
6.2	<p>Medium-term Records</p> <p>Medium-term records relating to awareness and education, including:</p> <ul style="list-style-type: none"> • final research reports (internal and external) that cover long service benefits portability and related topics of interest, including those in response to a particular event, case, trend, or are based on a request from a covered industry sector. • annual (or regular) industry education, awareness and engagement plans that aim to 	Temporary	Destroy 25 years after action completed.

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<i>Awareness Management</i>			
	<p>ensure industry participants are familiar with legislative requirements and are up to date with any changes in the legislation or the agency's approach to registration and/or compliance management</p> <ul style="list-style-type: none"> • business intelligence strategies (or equivalent) documenting what approach the agency will take to research the background and connections of employers, recognise and pursue evidence of wrongdoing, and to internally report or refer concerns externally. Includes an overview of the identification of information held by external government agencies that is required to perform the duties set out in long service benefit portability legislation, whether information sharing arrangements are in place to gain access to that information, how and when these are renewed, and any obligations or conditions in place to govern these arrangements etc. • research program plans that outline the issues that require further research to address, approach/es to be taken, any partnerships/joint arrangements to be entered into, and likely goals and benefits to be achieved • evaluation reports that review and provide recommendations on registration schemes, compliance frameworks, communication plans, annual education and awareness plans, business intelligence strategies, research program plans, and/or any other key regulatory establishment and awareness plan or strategy 		
6.3	<p>Short-term Records</p> <p>Short-term records of the awareness management function, including:</p> <ul style="list-style-type: none"> • raw data and information collected for business intelligence and/or research purposes • records of research conducted including methodology/analysis mechanisms used, and interim research reports written for review by external parties prior to finalisation and approval of the research report. Also includes feedback responses received and change decisions made to form the final approved research report 	Temporary	Destroy 7 years after action completed.

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Awareness Management

	<ul style="list-style-type: none">• detailed documentation of consultation, research and review processes, and other input leading to the formulation of communication plans, industry education and engagement plans, business intelligence strategies, research program plans etc.		
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