

**Office of the
State Archivist**



DISPOSAL SCHEDULE FOR THE OMBUDSMAN AND HEALTH COMPLAINTS COMMISSIONER

Disposal Authorisation DA2486

**Version 1.0
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Authorisation

Under Section 20 (2) (b) of the *Archives Act 1983* (Tas), I authorise 'relevant authorities' (as defined in Section 3 of that Act) to manage the disposal of the records described in this schedule in accordance with the procedures specified.

Ross Latham

State Archivist

Version	Date	Comments
1.0	17/07/2025	Initial release

Document Development History

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1.0	17/07/2025	Initial release

Introduction

Disposal Schedules are the State Archivist's ongoing permission to dispose of records.

They identify:

- which records have a permanent retention and will be transferred to the Tasmanian Archives
- the minimum time that temporary records need to be kept before they can be destroyed.

Authority

Tasmanian government organisations covered by the *Archives Act 1983* (Tas) can only dispose of records with the written permission of the State Archivist.

“Disposal of records” means destroying them, removing them from the creating organisation, or transferring them to the Tasmanian Archives.

Records Covered

This schedule covers the records of the Office of the Ombudsman and Health Complaints Commissioner.

The position of Ombudsman is appointed by the Governor.

The holder of this position customarily holds the positions of

- Health Complaints Commissioner,
- Principal Mental Health Official Visitor,
- Coordinator Prison Official Visitors,
- Custodial Inspector,
- Tasmanian National Preventive Mechanism.

The Office incorporates the following jurisdictions:

- Ombudsman
- Health Complaints Commissioner
- Energy Ombudsman
- Right to Information
- Official Visitors
- Custodial Inspector
- National Preventive Mechanism

Office of the Ombudsman

The role of the Ombudsman is to investigate the administrative actions of public authorities to ensure that their actions are lawful, reasonable and fair.

Issues dealt with include:

- the actions of Tasmanian government departments and agencies
- the provision of local government services
- the treatment and welfare of people in prison
- administrative actions of State-owned businesses and Government Business Enterprises
- external reviews of Right to Information decisions from public authorities

Energy Ombudsman

The Energy Ombudsman of Tasmania provides an independent dispute-resolution service for electricity and natural gas consumers who have been unable to resolve a complaint with their energy retailer or distributor.

Office of the Health Complaints Commissioner

The role of the Health Complaints Commissioner is to look into complaints from health service consumers about the provision of health services in both public and private sections and to:

- promote and protect the rights of consumers who use health services
- help resolve problems between consumers and providers of health services
- improve the safety and quality of health services in Tasmania.

Custodial Inspector

The Custodial Inspector oversees 'custodial centres'. Custodial centres are the prisons run by the Tasmania Prison Service and the detention centre run by the Department for Education, Children and Young People. The Inspector conducts inspections of custodial centres, and then publishes reports with recommendations. The Inspector has two areas of focus:

- the care and welfare of prisoners and detainees
- the systems of management, control, and security that are used.

Official Visitors

Office of the Ombudsman and Health Complaints Commissioner administers the Mental Health Official Visitors Program and the Prison Official Visitors Program.

Mental Health Official Visitors check on the care and treatment of patients in State-run mental health hospitals and other approved facilities, and can receive complaints from patients.

Prison Official Visitors make monthly visits to State correctional facilities to enquire into the treatment, behaviour and conditions of prisoners and detainees. They aim to resolve any complaints received during their visits through discussions with prison management.

National Preventive Mechanism

The Tasmanian National Preventive Mechanism (NPM) is an independent statutory body. It has been established to safeguard vulnerable Tasmanians, and to meet Australia's requirements under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

This Disposal Authority supersedes Disposal Schedule for Ombudsman and Health Complaints Commissioner (DS 28)

Responsibility for review

You are responsible for monitoring legislative or regulatory changes which may affect disposal of records covered by this schedule. If this happens, please tell the Office of the State Archivist because we may need to review the disposal schedule.

Unscheduled Records

Unscheduled records are records not covered in this or any other disposal schedule and include all pre-1960 records.

Please contact us to discuss procedures to manage these records.

You Cannot Destroy Records, Even if the Retention Period has Passed, if:

- they are the subject of a **records retention notice** ("disposal freeze") issued by the State Archivist or your organisation; or
- they may be required for an **investigation, inquiry or Royal Commission** which is in **progress** or expected; or
- they may be needed as **evidence** in a current or expected legal matter; or

- they are needed for applications in progress under the ***Personal Information Protection Act 2004 (Tas)*** or ***Right to Information Act 2009 (Tas)***; or
- there is a **native title claim** in progress.

If any of these apply, identify all relevant records and keep them until the matter and any following reviews, appeals or actions are complete. This may be longer than retention periods in this schedule.

Records Of First Nations People

Keep records of First Nations' people if they document cultural connection to place and/or the impact of government policies on individuals, families and communities.

More Information

- Outsourcing:
You are responsible for recordkeeping, even if your organisation outsources a function.
- Retention periods are minimums:
The retention periods in this schedule are minimum periods.
 - You can keep records longer where there is a business need for them.
 - Take a risk-based approach when deciding how long to keep records.
- Destruction of records:
Destroy temporary records securely and appropriately to the format or medium. Record their destruction in your *Register of Records Destroyed*.
- Transfer of records:
Transfer permanent records to the Tasmanian Archives, in line with procedures.
- Legal deposit:
Follow [National edeposit](#) (NED) guidelines for lodging print, digital and audio-visual publications, including government publications, under legal deposit legislation.
- Legislation:
This disposal schedule is issued under the *Archives Act 1983 (Tas)*.

Also, consider the legislation relevant to your own organisation to make sure you've met all recordkeeping requirements.

Other Disposal Schedules

You can use other disposal schedules with this schedule, including:

- *Disposal Schedule for Common Administrative Functions* (DA2157)
- *Disposal Schedule for Short Term Value Records* (DA2158)
- *Disposal Schedule for Source Records* (DA2159)
- *Disposal Schedule for Statutory Governing Bodies* (DA2508)
- other disposal schedules relevant to your organisation.

Disposal Schedule

Reference	Description	Status And Disposal Action
01.00.00	CHARTER OF HEALTH RIGHTS The establishment and review of the Tasmanian Charter of Health Rights.	
01.01.00	Preparation and Review The activity of developing and reviewing the Tasmanian Charter of Health Rights.	
01.01.01	Final published versions of the Tasmanian Charter of Health Rights and working papers which demonstrate how decisions were made.	PERMANENT Retain as State Archives
02.00.00	COMPLAINTS, ENQUIRIES AND INVESTIGATIONS The function of managing complaints, enquiries and formal investigations, and reviewing certain decisions and outcomes of relevant authorities. Complaints and enquiries may be in relation to: <ul style="list-style-type: none"> • administrative actions taken by public authorities • grievances in relation to provision of utilities (such as electricity, gas or water) • personal information held by public authorities • health services received • protected disclosures of information • provision of mental health services. Formal investigations may include: <ul style="list-style-type: none"> • own-motion • referred by the Governor or Parliament • public interest disclosures • investigations that arise from complaints. See Disposal Schedule for Records Relating to Child Abuse (DA2520) for records relating to allegations and incidents of child abuse.	
02.01.00	Managing Case Files The activities associated with receiving, managing, investigating or conciliating enquiries, complaints, decisions, and determining outcomes. These may be related to Ombudsman, Health Complaints, Official Visitor Complaints and Energy matters, but exclude Right to Information (RTI) cases. Note Right to Information (RTI) matters are covered in 06.00.00	
02.01.01	Summary records of significant cases. Significant cases could be:	PERMANENT

Reference	Description	Status And Disposal Action
	<ul style="list-style-type: none"> • own-motion investigations • matters referred by the Governor, Health Minister or Ministers • matters of state significance • investigations resulting in enforceable directions (such as awards) • matters which: <ul style="list-style-type: none"> – create a legal precedent – contain information which has real significance for research or system improvement – result in significant policy or procedural changes – address significant issues of public safety or public interest or significant questions as to the practice of a health service provider – result in legislative change. <p>Summary records may be:</p> <ul style="list-style-type: none"> • final report • investigation report • notice of enforceable direction • key documents highlighting significant relevance to the case. 	Retain as State Archives
02.01.02	Supporting material which was generated in the course of managing files of significant cases (02.01.01).	TEMPORARY Destroy 25 years after action completed
02.01.03	<p>Records contained in case files for the following types of complaints which are not deemed to be significant cases:</p> <ul style="list-style-type: none"> • administrative actions taken by public authorities • grievances in relation to provision of utilities • personal information held by public authorities • protected disclosures of information. 	TEMPORARY Destroy 7 years after action completed
02.01.04	<p>Records documenting assessment of complaints when the Health Complaints Commissioner has:</p> <ul style="list-style-type: none"> • determined no further actions required • referred complaint to a relevant Board or other person • referred complaint to the conciliation process • the complaint has been withdrawn. 	TEMPORARY Destroy 7 years after action completed

Reference	Description	Status And Disposal Action
	Includes complaints, notifications to the Australian Health Practitioner Regulation Agency (AHPRA), reports, audio recordings, photos, transcripts, and related correspondence.	
02.01.05	Records documenting the conciliation process of the Health Complaints Commissioner. Includes file notes, appointments of conciliators, expert opinion reports, and final reports from the conciliator. May include enforceable agreements and appointments of professional mentors by the Commissioner.	TEMPORARY Destroy 7 years after action completed
02.01.06	Records contained in case files relating to the following types of enquiries: <ul style="list-style-type: none"> • quick resolution • in jurisdiction • out of jurisdiction • corporate request • referred to other entity. 	TEMPORARY Destroy 2 years after action completed
02.01.07	Complaints received by Official Visitors outside of a visit. Complaints may be in any format. Note: Official Visitors' reports of visits to prisons and mental health facilities are covered in 07.01.00	TEMPORARY Destroy 2 years after action completed
03.00.00	ENERGY OMBUDSMAN BUDGET The function of establishing and administering the Energy Ombudsman budget.	
03.01.00	Annual Budget and Complaint Levies Activities relating to: <ul style="list-style-type: none"> • setting the annual Energy budget • calculating annual levies • notifying energy entities • publishing budgets and levies • auditing budgets and levies. 	
03.01.01	Records relating to developing the annual Energy Ombudsman budget and publishing in the Government Gazette. Records may include: <ul style="list-style-type: none"> • statistics for complaints and enquiries for each entity • apportionment of calculations • correspondence with entities. 	TEMPORARY Destroy 7 years after action completed

04.00.00	INSPECTIONS Function of inspecting records and facilities relating to: <ul style="list-style-type: none"> • telecommunication interception • surveillance devices • controlled operations • custodial centres • places of detention and other settings where people are or may be deprived of their liberty. 	
04.01.00	Monitoring and Reviewing The activity of undertaking regular and ad hoc inspections, reporting on these inspections and providing the reports to the relevant Minister.	
04.01.01	Final inspection reports provided to the relevant State Minister or National Preventive Mechanism (NPM) after each inspection.	PERMANENT Retain as State Archives
04.01.02	Records relating to inspections, including: <ul style="list-style-type: none"> • audit reports • photos • comments • document requests • statistical data • inspection notes • correspondence • checklists of compliance for each warrant being inspected. 	TEMPORARY Destroy 7 years after action completed
05.00.00	STANDARDS, GUIDELINES, MANUALS AND ADVICE The function of advising and guiding public bodies in relation to: <ul style="list-style-type: none"> • Public Interest Disclosures • Right to Information (RTI) • Energy Ombudsman • Custodial Inspector and National Preventive Mechanism. Includes developing, issuing, maintaining, reviewing and publishing advice, which could take the form of: <ul style="list-style-type: none"> • policies • standards • guidelines • procedures • manuals. 	

05.01.00	Publication and Review The activities of developing, issuing, maintaining, reviewing and publishing advice.	
05.01.01	Final, published versions of advice for: <ul style="list-style-type: none"> Public Interest Disclosure Right to Information (RTI), including the Right to Information manual Custodial Inspector and National Preventive Mechanism Energy Ombudsman. 	PERMANENT Retain as State Archives
05.01.02	Records relating to: <ul style="list-style-type: none"> procedures for Public Interest Disclosures which are received from public bodies and reviewed by the Ombudsman supporting material which was generated in the course of preparing the final advice. 	TEMPORARY Destroy 7 years after superseded
06.00.00	REVIEWING RIGHT TO INFORMATION DECISIONS The function of managing enquiries and reviewing and publishing decisions in relation to Right to Information applications.	
06.01.00	Managing Reviews, Determinations and Decisions The activities associated with: <ul style="list-style-type: none"> receiving requests to review decisions made by agencies preliminary assessment of requests reviewing the decisions made by agencies making determinations following review. 	
06.01.01	Records of final determinations and decisions made by the Ombudsman in relation to reviews undertaken which create a legal precedent.	PERMANENT Retain as State Archives
06.01.02	Records generated during the review which contribute to the final determinations, such as: <ul style="list-style-type: none"> review request forms related correspondence or supporting documentation. 	TEMPORARY Destroy 7 years after action completed
06.01.03	Records of enquiries which do not result in a formal review.	TEMPORARY Destroy 2 years after action completed

07.00.00	VISITS <p>The function of visiting and monitoring approved mental health facilities and prisons and receiving and managing complaints.</p> <p>Note: Records of complaints or referrals to the Ombudsman or Health Complaints Commissioner of suspected contraventions identified as a result of a visit are covered in 02.00.00 (Complaints, enquiries, investigations)</p>	
07.01.00	Reports <p>The activities associated with reporting on monthly monitoring visits or other visits to approved facilities.</p> <p>Note: records of other complaints handled by Official Visitors are covered in 02.01.07.</p>	
07.01.01	<p>Records of visits by Official Visitors, such as:</p> <ul style="list-style-type: none"> • pro-forma report submitted after each visit • detail of information about the visit in a prescribed format. 	TEMPORARY <p>Destroy 2 years after action completed</p>
07.01.02	<p>Final quarterly report prepared by Principal Official Visitor.</p>	TEMPORARY <p>Destroy 2 years after action completed</p>