

# HR Compliance Assist - Australia - HR Record Retention Requirements

AUSTRALIA			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS</b>			
Contracts (new hire agreements, severance, etc.)	Recommend 7 years	From creation	N/A - best practice
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum 7 years	From creation	Fair Work Regulations 2009 - Chapter 3, Pt 3.6 - Division 3
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Recommend 7 years	From creation	N/A - best practice
Data and personnel files	Recommend 7 years	From creation	N/A - best practice
Government verification records (work papers, immigration, eligibility to work, etc.)	Recommend 7 years	From creation	N/A - best practice
Specified records relating to Subclass 457 or TSS visa holders to demonstrate compliance with sponsorship obligations (written employment contract, required notifications to the Department of Human Services, etc.)	Minimum 5 years	From creation	Migration Regulations 2004
Collective bargaining/union	Recommend 7 years or duration of agreement if longer	From date agreement takes effect	N/A - best practice
Background checks and drug tests	Recommend 7 years	From receipt of checks / tests	N/A - best practice
Acknowledgements, policy agreements and required notices	Recommend 7 years	From creation	N/A - best practice
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Recommend 7 years	From creation	N/A - best practice
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Recommend 7 years	From creation	N/A - best practice
General records (e.g., employee's name, employer's name and ABN, commencement date and basis of employment (full-time, part-time, etc.); individual flexibility records; guarantee of annual earnings records; termination records; and transfer of business records	Minimum 7 years	From creation	Fair Work Regulations 2009 - Chapter 3, Pt 3.6 - Division 3
<b>BENEFIT/PENSION/EQUITY RECORDS</b>			
Benefits (plan documents, enrollment records)	Recommend 7 years	From and during participation	N/A - best practice
Pension records	Minimum 7 years	From creation	Fair Work Regulations 2009 - Chapter 3, Pt 3.6 - Division 3
Equity records	Recommend 7 years	From date of award	N/A - best practice
<b>PAYROLL/WAGE/TAX RECORDS</b>			
Payroll and wage data (payslips, etc.)	Minimum 7 years	From creation	Fair Work Regulations 2009 - Chapter 3, Pt 3.6 - Division 3
Tax records	Minimum 5 years	From the later of when the records were prepared or obtained, and the completion of the transactions or acts to which they relate	Taxation Administration Act 1953; Income Tax Assessment Act 1997; Income Tax Assessment Act 1936; relevant State-based payroll tax legislation; Superannuation Guarantee (Administration) Act 1992; Fringe Benefits Tax Assessment Act 1986
Records of all wages paid to workers employed by the employer; the trade, occupation or calling of each worker, and other matters relating to those wages relevant to the calculation of workers' compensation insurance premiums under policies of insurance	Minimum 5 years	From the last entry made in the record	Workers Compensation Act 1987 (NSW) - and equivalent legislation in other States
<b>MEDICAL/SAFETY/LEAVE RECORDS</b>			
Leave (family, medical, etc.)	Minimum 7 years	From creation	Fair Work Regulations 2009 - Chapter 3, Pt 3.6 - Division 3
Injury and illness incident reports	Minimum 5 years	From the day that notice of the incident is given to the regulator	Section 38(7) Work Health and Safety Act 2011 (Cth) - and equivalent in State legislation
Medical records	Recommend 7 years	From creation / receipt	N/A - best practice
Hazardous material and other exposure records	Minimum 30 years (for air-borne contaminant levels arising from use of hazardous chemicals and similar (including lead)) and up to 40 years for asbestos	From the date the record is made	Work, Health and Safety Regulations 2011 - and equivalent in State regulations

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