

Territory Records (Records Disposal Schedule – Protection of records relevant to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability) Approval 2019 (No 1)

Notifiable instrument NI2019—542

made under the

Territory Records Act 2002, s 19A (Records disposal schedules—suspension)

1. Name of Instrument

This instrument is the Territory Records (Records Disposal Schedule – Protection of records relevant to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability) Approval 2019 (No 1).

2. Approval

I approve the Records Disposal Schedule – Protection of records relevant to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

3. Commencement

This instrument commences on the day after notification.

Danielle Wickman
Director of Territory Records
22 August 2019



Records Disposal Schedule

Protection of records relevant to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

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INTRODUCTION

The *Records Disposal Schedule – Protection of Records Relevant to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* is the official authority for the disposal of these ACT Government Records. It is one of a series of records disposal schedules authorised by the Director of Territory Records in accordance with the provisions of the *Territory Records Act 2002*. It is used in conjunction with other Territory records disposal schedules.

PURPOSE

The purpose of this Records Disposal Schedule is to suspend the application of all other records disposal schedules where they apply to records created or maintained by ACT Government Agencies that may be of relevance to the Commonwealth Government's Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

SCOPE

This Records Disposal Schedule applies to records created or maintained by ACT Government Agencies. It also applies to consultants, contractors and other third parties undertaking functions on behalf of ACT Government Agencies.

It applies to records in any format, including electronic records.

AUTHORITY

The Director of Territory Records, in consultation with stakeholders and the Territory Records Advisory Council, has approved this Records Disposal Schedule.

Officers using records disposal schedules should be aware that the authorisations for disposal are given in terms of the *Territory Records Act 2002* only. Officers must not dispose of records in contravention of this Records Disposal Schedule or other requirements such as when records are required for legal proceedings.

This Records Disposal Schedule will remain in force until the Director of Territory Records withdraws it from use. Subsequent records disposal schedules do not supersede this Schedule unless this is specifically indicated in the later schedule.

GUIDELINES FOR USE

A records disposal schedule generally specifies retention periods: that is, how long records are to be retained by the agency before being destroyed or retained as Territory Archives. This Schedule acts to suspend any previously authorised retention periods for records that are of a type described in this Schedule.

An agency must not dispose of any records where it is aware of possible legal action for which the records may be required as evidence or if there is a current records disposal freeze in effect.

Records disposal schedules are designed to be applicable to all ACT Government records regardless of titling conventions used, so that records which have not been titled using the terminology represented by a records disposal schedule may still be sentenced with relative ease.

This records disposal schedule is intended to highlight disposal classes that may still require protection in accordance with the findings of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Identified classes focus on those that are likely to contain personal records, complaints, investigations, and the appointment and delegation of administrative powers.

It is important to note that this list is not exhaustive. The destruction of any record meeting the characteristics described in this Schedule is not currently authorised, regardless of whether it has been classified using the function and activity descriptors below.

It is also important to note that inclusion of a disposal class in this list does not mean that destruction of all records classifiable under these descriptors is suspended. The identified functions, activities and classes list is indicative only, and only records having the characteristics set out in the disposal classes of this Schedule are required to be retained beyond their usual retention period. Records of the functions, activities and classes below which do not meet the specific characteristics of this Schedule may be disposed of as authorised by the relevant existing records disposal schedules.

Coverage of authority

The Records Disposal Schedule – Protection of records relevant to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability:

- covers all ACT Government records;
- is intended to be used in conjunction with other Territory records disposal schedules;
- suspends the application of any other authorised records disposal schedule for records that meet the characteristics set out in this Schedule;
- is applicable to all relevant records regardless of when they were created; and
- is applicable to records created and maintained in any format.

ACTIVITIES THAT MAY GIVE RISE TO RECORDS COVERED BY THIS SCHEDULE

Disability Services		
Advice	Agreements	Appeals (decisions)
Audit	Authorisation	Case management
Committees	Compliance	Contracting out
Enquiries	Evaluation	Implementation
Joint ventures	Liaison	Meetings
Planning	Policy	Procedures
Public reaction	Reporting	Reviewing
Research	Standards	Suggestions
Tendering		
Health Treatment and Care		
Audit	Control	Litigation
Public Reaction	Reporting	Research
Service provision		
Public and Community Accommodation		
Acquisition	Advice	Case management
Contract management	Customer service	Funding administration
Partnership & Collaboration	Performance management	Planning

Advocacy Services Records		
Advice	Agreements	Appeals
Audit	Authorization	Case management
Claims	Committees	Compliance
Contracting out	Enquiries	Evaluation
Grievances	Implementation	Inquiries
Inspections	Investigations	Joint Ventures
Litigation	Meetings	Planning
Policy	Procedures	Public Reaction
Reporting	Representatives	Research
Reviewing	Reviews	Service provision
Standards	Submissions	Tendering
Public Trustee Services		
Advice	Cases	Committees
Financial Management Services	Policy	Procedures
Population Health Care Management and Control		
Advice	Agreements	Audit
Authorization	Committees	Contracting Out
Evaluation	Grant Funding	Inspections
Joint Ventures	Marketing	Meetings
Planning	Policy	Procedures
Public reaction	Reporting	Research
Reviewing	Tendering	

Patient Services Administration		
Advice	Agreements	Audit
Authorisation	Compliance	Contracting Out
Enquiries	Evaluation	Fees and Charges Determination
Grant funding	Health Promotion	Implementation
Liaison	Meetings	Planning
Policy	Procedure	Public Reaction
Reporting	Representatives	Reviewing
Service Delivery	Standards	Tendering
Child & Youth Protection		
Advice	Agreements	Arrangements
Audit	Authorization	Case management
Committees	Compliance	Contracting out
Inquiries	Investigations	Meetings
Planning	Policy	Procedures
Public Reaction	Reporting & Statements	Representations
Research	Reviewing	Training
Ombudsman Complaint Management		
Advice	Appeals	Audit
Case management	Compliance	Enquiries
Evaluation	Inquiries	Litigation
Meetings	Policy	Procedures
Reporting	Reviewing	Reviews
Property Equipment & Fleet		
Contract management	Disposal	Leasing out
Maintenance	Operation & Control	Planning
Policies & Procedures	Standards	

UPDATING THE RECORDS DISPOSAL SCHEDULE

Records disposal schedules are reviewed and updated from time to time. For suggested amendments or alterations to this schedule please contact the Territory Records Office.

ASSISTANCE IN USING THE RECORDS DISPOSAL SCHEDULE

Agencies requiring any assistance in the interpretation or implementation of any records disposal schedule are encouraged to contact the Territory Records Office.

RELATED LEGISLATION

The following legislation may be related to the record classes covered by this Records Disposal Schedule:

<i>ACT Self-Government Act 1988</i>	<i>Epidemiological Studies</i>
<i>ACT Civil and Administrative Tribunal Act 2016</i>	<i>(Confidentiality) Act 1992</i>
<i>Administration and Probate Act 1929</i>	<i>Evidence Act 2011</i>
<i>Administrative Decisions (Judicial Review) Act 1989</i>	<i>Evidence (Miscellaneous Provisions) Act 1991</i>
<i>Adoption Act 1993</i>	<i>Family Violence Act 2016</i>
<i>Agents Act 2003</i>	<i>Financial Management Act 1996</i>
<i>Associations Incorporation Act 1991</i>	<i>Food Act 2001</i>
<i>Auditor-General Act 1996</i>	<i>Freedom of Information Act 2016</i>
<i>Australian Federal Police Act 1979 (Cth)</i>	<i>Government Procurement Act 2001</i>
<i>Board of Senior Secondary Studies Act 1997</i>	<i>Guardianship and Management of Property Act 1991</i>
<i>Canberra Institute of Technology Act 1987</i>	<i>Health Act 1993</i>
<i>Children and Young People Act 2008</i>	<i>Health Records (Privacy and Access) Act 1997</i>
<i>Commonwealth Higher Education Funding Act 1988</i>	<i>Health Practitioner Regulation National Law (ACT) Act 1010</i>
<i>Coroners Act 1997</i>	<i>High Court of Australia Act 1979 (Cth)</i>
<i>Court Procedures Act 2004</i>	<i>Housing Assistance Act 2007</i>
<i>Crimes Act 1900</i>	<i>Human Rights Commission Act 2005</i>
<i>Crimes (Assumed Identities) Act 2009</i>	<i>Insurance Authority Act 2005</i>
<i>Crimes (Child Sex Offenders) Act 2005</i>	<i>Intoxicated People (Care and Protection) Act 1994</i>
<i>Crimes (Forensic Procedures) Act 2000</i>	<i>Inquiries Act 1991</i>
<i>Crimes (Restorative Justice) Act 2004</i>	<i>Judicial Commissions Act 1994</i>
<i>Crimes (Sentencing) Act 2005</i>	<i>Landlord and Tenant Act 1899</i>
<i>Crimes (Sentence Administration) Act 2005</i>	<i>Law Officers Act 2011</i>
<i>Criminal Code 2002</i>	<i>Legislation Act 2001</i>
<i>Director of Public Prosecutions Act 1990</i>	<i>Limitation Act 1985</i>
<i>Disability Discrimination Act 1992</i>	<i>Medical Treatment (Health Directions) Act 2006</i>
<i>Disability Services Act 1991</i>	<i>Medicines, Poisons and Therapeutic goods Act 2008</i>
<i>Discrimination Act 1991</i>	<i>Mental Health Act 2015</i>
<i>Domestic Relationships Act 1994</i>	<i>Ombudsman Act 1989</i>
<i>Domestic Violence Agencies Act 1986</i>	<i>Powers of Attorney Act 2006</i>
<i>Drugs of Dependence Act 1989</i>	<i>Privacy Act 1988 (Cth)</i>
<i>Education Act 2004</i>	<i>Public Sector Management Act 1994</i>
<i>Education Services for Overseas Students Act 2000</i>	<i>Public Trustee and Guardian Act 1985</i>
<i>Electronic Transactions Act 2001</i>	<i>Residential Tenancies Act 1997</i>
	<i>Royal Commissions Act 1991</i>
	<i>Schools Assistance (Learning Together - Achievement Through Choice and Opportunity) Act 2004 (Cth)</i>

Spent Convictions Act 2000
Supervised Injecting Place Trial Act
1999
Supreme Court Act 1933
Territory Records Act 2002
Training and Tertiary Education Act
2003
Trustee Act 1925
University of Canberra Act 1989

Victims of Crime (Financial
Assistance) Act 2016
Victims of Crime Act 1994
Wills Act 1968
Workers Compensation Act 1951
Workers Compensation Regulation
2002
Young Peoples Act 1999

DEFINITIONS

Agency

The Executive, an ACT Court, the Legislative Assembly Secretariat, an administrative unit, a Board of Inquiry, a Judicial or Royal Commission, any other prescribed authority, or an entity declared under the regulations of the *Territory Records Act 2002* to be an agency.

Appraisal

The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept, to meet business needs, the requirements of organisational accountability and community expectations.

Disposal

A range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems, the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records.

Principal Officer

The Chief Executive of an administrative unit, or its equivalent in other types of agencies.

Records

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. This recorded information must be maintained or managed by the agency to provide evidence of their business activities. Records can be in written, electronic or any other form.

Records of an Agency

Records, in writing, electronic or any other form, under the control of an agency or to which it is entitled to control, kept as a record of its activities, whether it was created or received by the agency.

Records Disposal Schedule

A document approved by the Director of Territory Records, which sets out the types of records an agency must make and how long they must be kept.


Territory Archives

Records preserved for the benefit of present and future generations.


RECORDS DISPOSAL SCHEDULE

RECORDS RELEVANT TO THE ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION OF PEOPLE WITH DISABILITY

Records supporting the Terms of Reference

Entry No.	Description of Records	Disposal Action
GE7.GE1.001 	<p>Records relevant to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability's terms of reference. Includes records relating to:</p> <ul style="list-style-type: none"> • what ACT Government agencies should do to prevent, and better protect, people with disability from experiencing violence, abuse, neglect and exploitation, having regard to the extent of violence, abuse, neglect and exploitation experienced by people with disability in all settings and contexts; • what ACT Government agencies should do to achieve best practice to encourage reporting of, and effective investigations of and responses to, violence against, and abuse, neglect and exploitation of, people with disability, including addressing failures in, and impediments to, reporting, investigating and responding to such conduct; • what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation; and • any matter reasonably incidental to a matter referred to in the previous three points. 	Destruction not currently authorised

Violence, Abuse, Neglect and Exploitation of People with Disability.

Entry No.	Description of Records	Disposal Action
GE7.GE2.001 	<p>Records documenting, or supporting an assessment of all aspects of the quality and safety of services, including but not limited to the following:</p> <ul style="list-style-type: none"> • All forms of violence against, and abuse, neglect and exploitation of, people with a disability, whatever the setting or context • all aspects of quality and safety of services, including informal supports, provided by governments, institutions and the community to people with disability, including the National Disability Insurance Scheme (NDIS) and the NDIS Quality and Safeguarding Framework agreed by all Australian Governments in 2017; • the specific experiences of violence against, and abuse, neglect and exploitation of, people with disability are multilayered and influenced by experiences associated with their age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin or race, including the particular situation of Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people with disability; • role families, carers, advocates, the workforce and others play in providing care and support to people with disability; • examples of best practice and innovative models of preventing, reporting, investigating or responding to violence against, and abuse, neglect or exploitation of, people with disability; • findings and recommendations of previous relevant reports and inquiries. 	Destruction not currently authorised