

Australian Capital Territory

Territory Records (Records Disposal Schedule – Protection of records relevant to the Royal Commission into Aged Care Quality and Safety) Approval 2019 (No 1)

Notifiable instrument NI2019—546

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 Aged Care Quality and Safety) Approval 2019 (No 1).

2. Approval

I approve the Records Disposal Schedule – Protection of records relevant to the Royal Commission into Aged Care Quality and Safety.

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 Aged Care Quality and Safety

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INTRODUCTION

The *Records Disposal Schedule – Protection of Records Relevant to the Royal Commission into Aged Care Quality and Safety* 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 Aged Care Quality and Safety.

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 Aged Care Quality and Safety. 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 Aged Care Quality and Safety*:

- 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
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	Evaluation	Grievances
Inquiries	Inspections	Investigations
Joint ventures?	Litigation	Meetings
Planning	Policy	Public reaction
Reporting	Reviewing	Reviews
Risk management	Service Provision	Standards
Public Trustee Services		
Advice	Cases	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	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
Advocacy Services		
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	Reviewing
Reviews	Service provision	Standards
Submissions	Tendering	
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:

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

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 AGED CARE QUALITY AND SAFETY


Records containing information that may be of relevance to the Royal Commission into Aged Care Quality and Safety.

Records supporting the Terms of Reference

Entry No.	Description of Records	Disposal Action
GE6.GE1.001 	Records relevant to the Royal Commission into Aged Care Quality and Safety's terms of reference. Includes records relating to: <ul style="list-style-type: none">• Quality and safety including the extent of substandard care• How to best deliver care services to people with disabilities residing in aged care facilities including younger people• How to best deliver care to the increasing number of Australians living with dementia• The future challenges and opportunities for delivering accessible, affordable and high quality aged care services, including people's desire to remain living at home as they age, and aged care in rural, regional and remote Australia• What the Government, the aged care sector, Australian families and the wider community can do to strengthen care services to ensure quality and safety• How to allow people greater choice, control and independence and how to improve engagement with families and carers• How to best deliver sustainable aged care services through innovative care and investment in the aged care workforce and infrastructure; and• Any matters that the Commissioners believe is relevant to their inquiry.	Destruction not currently authorised

Aged Care Quality and Safety

Records documenting aged care services, whatever the setting or environment in which those services are delivered.

Entry No.	Description of Records	Disposal Action
GE6.GE2.001 	Records documenting, or supporting an assessment of all aspects of the quality and safety of aged care services, including but not limited to the following: <ul style="list-style-type: none">• dignity;• choice and control;• clinical care;• medication management;• mental health;• personal care;• nutrition;• positive behaviour supports to reduce or eliminate the use of restrictive practices;• end of life care;• systems to ensure that high quality care is delivered, such as governance arrangements and management support systems;	Destruction not currently authorised