Australian Capital Territory

Territory Records (Records Disposal Schedule – Protection of records relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse) Approval 2022 (No 1)

**Notifiable instrument NI2022—620**

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 Institutional Responses to Child Sexual Abuse) Approval 2022 (No 1).

1. Approval

I approve the Records Disposal Schedule – Protection of records relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse.

1. Commencement

This instrument commences on the day after notification.

1. Revocation

This instrument revokes Territory Records (Records Disposal Schedule - Protection of records relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse) Approval 2019 (No 1) (NI2019-543).

Danielle Wickman  
Director of Territory Records  
6 December 2022

**Records Disposal Schedule**

**Protection of records relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse**

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# INTRODUCTION

The *Records Disposal Schedule –* *Protection of Records Relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse* 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 Institutional Responses to Child Sexual Abuse.

# 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 a new schedule supersedes it or the Director of Territory Records withdraws it from use.

# 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 take all reasonable steps to ensure that no legal action is contemplated in relation to its records and 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.

## Coverage of disposal freeze

This revised records disposal freeze is intended to highlight disposal classes that may still require protection in accordance with the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse. 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 is 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 Institutional Responses to Child Sexual Abuse*:

* 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.

# FUNCTIONS AND ACTIVITIES THAT MAY GIVE RISE TO RECORDS COVERED BY THIS SCHEDULE

|  |  |  |  |
| --- | --- | --- | --- |
| **NI2015-356** | **Advocacy Services** | | |
| **Activities:** | Authorisation | 020.014.001 |  |
|  | Case Management | 020.016.002 | 020.016.004 |
|  | Claims | 020.019.003 |  |
|  | Compliance | 020.021.003 | 020.021.004 |
|  | Grievances | 020.051.001 |  |
| **NI2006—26** | **Audit Services** | | |
| **Activities:** | Investigation | 1.9.1 | 1.9.2 |
|  |  | 1.9.3 | 1.9.4 |
|  |  | 1.9.5 |  |
| **NI2016-567** | **Child & Youth Protection Services** | | |
| **Activities:** | Advice | 022.005.002 |  |
|  | Arrangements | 022.006 |  |
|  | Control | 022.026.002 |  |
|  | Case Management | 022.016.004 |  |
|  | Inquiries | 022.056.001 | 022.056.002 |
|  | Investigations | 022.202.001 | 022.202.002 |
|  |  | 022.202.003 |  |
|  | Public Reaction | 022.084.002 |  |
| **NI2017-603** | **Disability Services** | | |
| **Activities:** | Authorisation | 018.014.001 |  |
|  | Case Management | 018.016.001 |  |
|  | Contracting out | 018.025.001 |  |
| **NI2005-157** | **Disaster Recovery (Human Services)** | | |
|  | Counselling | 1.2.2 | 1.2.3 |

|  |  |  |  |
| --- | --- | --- | --- |
| **NI2017-391** | **Family Services** | | |
| **Activities:** | Case Management | 201.194.001 | 201.194.002 |
|  | Customer Service | 201.030.002 |  |
|  | Contract Management | 201.194.003 |  |
| **NI2017-79** | **Human Resources** | | |
| **Activities:** | Employee History | 194.375.003 |  |
|  | Grievances | 194.051.001 |  |
|  | Separations | 194.098.002 |  |
| **NI2017-84** | **Government & Stakeholder Relations** | | |
| **Activities:** | Customer Service | 193.030.002 |  |
| **NI2017-604** | **Government Insurance Services** | | |
| **Activities:** | Claims | 120.019.003 |  |
| **NI2011-93** | **Ombudsman Complaint Management** | | |
| **Activities:** | All activities |  |  |
| **NI2013-590** | **Patient Services Administration** | | |
| **Activities:** | Authorisation | 179.014.001 | 179.014.002 |
|  | Contracting Out | 179.025.001 |  |
| **NI2009-209** | **Population Health Care Management and Control** | | |
| **Activities:** | Contracting Out | 180.025.001 |  |
|  | Inspections | 180.057.001 |  |
| **NI2009—211** | **Victims Support and Redress** | | |
| **Activities:** | All Activities |  |  |

# 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*

# RECORDS DISPOSAL SCHEDULE

## RECORDS RELEVANT TO THE ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Records containing information that may be of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse.

### *Institutional Responses to Child Sexual Abuse*

The systems, processes and actions pursued by institutions, including non-ACT government institutions, in relation to preventing or responding to child sexual abuse.

|  |  |  |
| --- | --- | --- |
| Entry No. | Description of Records | Disposal Action |
| GE2.GE1.001 | Records documenting, or supporting an assessment of, institutional responses to child sexual abuse, including those which document policies, procedures and actions, and the review of these. Includes records relating to:   * the protection of children against child sexual abuse and related matters in institutional contexts; * encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts; * responses to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse; and * addressing, or alleviating the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services. | Destruction not currently authorised |

### *Child Sexual Abuse Cases*

Reports, suspicions, allegations or incidents of child sexual abuse.

|  |  |  |  |
| --- | --- | --- | --- |
| Entry No. | Description of Records | | Disposal Action |
| GE2.GE2.001 | | Records documenting, or supporting the investigation of, reports, suspicions, allegations or incidents of child sexual abuse including, but not limited to records that may provide evidence of the actions or circumstances of either the perpetrators or victims of child sexual abuse. | Destruction not currently authorised |

# 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.