

Territory Records (Records Disposal Schedule – Ombudsman Complaint Management Records) Approval 2025 (No 1)

Notifiable instrument NI2025-10

made under the

Territory Records Act 2002, s 19 (Approval of schedules for the disposal of records)

1 Name of Instrument

This instrument is the *Territory Records (Records Disposal Schedule – Ombudsman Complaint Management Records) Approval 2025 (No 1)**.

2 Commencement

This instrument commences on the day after notification.

3 Approval

I approve the Records Disposal Schedule – Ombudsman Complaint Management.

4 Revocation

This instrument revokes:

Territory Records (Records Disposal Schedule – Ombudsman Complaint Management) Approval 2011 (No 1) NI2011-93.

Danielle Wickman
Director of Territory Records
9 January 2025

*Name amended under Legislation Act, s 60

Territory Records Disposal Schedule (RDS)

Authorised under s.19 of the *Territory Records Act 2002* for the disposal of
Ombudsman Complaint Management Records



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INTRODUCTION

The *Records Disposal Schedule – Ombudsman Complaint Management* is the official authority for the disposal of these ACT Government Records.

It is one of a series of Whole of Government Records Disposal Schedules authorised by the Director of Territory Records in accordance with the provisions of the *Territory Records Act 2002* to support appropriate retention and disposal of records created in the course of ACT Government business.

Records Disposal Schedules define the minimum period records should be kept (retention periods) and specifies whether, upon expiry of the retention periods, the records may be destroyed or are required as Territory Archives.

Using this schedule

This Records Disposal Schedule covers all records related to the function Ombudsman Complaint Management applies to records created in any format, unless otherwise specified in the *Description of Records*. It also applies to records created or maintained by consultants, contractors and other third parties undertaking the function on behalf of ACT Government Agencies.

Authority

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

Officers using this Records Disposal Schedule should apply it with caution. 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 under the *Territory Records Act 2002*, including any other applicable Records Disposal Schedule or approved Records Management Program.

Agencies must take appropriate steps to meet the prerequisites for disposal in this and other applicable Records Disposal Schedules, including to ascertain whether disposal is prohibited, for example where the Records relate to any reasonably foreseeable legal action or current Records Disposal Freeze, or are of intrinsic or enduring value.

This Records Disposal Schedule will remain in force until a new schedule revokes it or the Director of Territory Records withdraws it from use.

Disposal

When the approved retention period of records has been reached and there is no other business need to keep them, appropriate arrangements for their destruction should be made in accordance with the agency's Records Management Program (s16 (4)) and appropriately documented in accordance with *Standard and Guidelines for Records and Information Governance*: <https://www.territoryrecords.act.gov.au/standards>.

Transitory and short term records are not required to be captured into a recordkeeping application and do not require formal destruction documentation. For further information on disposing of these records refer to the advice *Assess - Normal Administrative Practice*:

https://www.territoryrecords.act.gov.au/_data/assets/pdf_file/0007/1218391/Assess-Normal-Administrative-Practice-NAP-2024-002.pdf.

Support and Assistance

Enquiries about this schedule or recordkeeping should be directed to your agencies Records Manager. If further assistance is required, including suggestions for amendments or alterations to the RDS, please contact the Territory Records Office.

OMBUDSMAN COMPLAINT MANAGEMENT

The function of investigating, for the ACT community, administrative actions and decisions made by ACT Government agencies and those agencies operating on behalf of the ACT Government that are considered wrong, unjust, unlawful, discriminatory or unfair. Investigations can result in recommendations for remedies or changes to decisions, policies or procedures which foster improved and equitable administration by agencies.

Includes investigating and reporting on matters of public interest, or systemic issues affecting the ACT; investigating issues arising with Freedom of Information requests; investigating public interest disclosure complaints; overseeing complaint investigations conducted by the Australian Federal Police; monitoring complaint management of the Child Sex Offenders Register; auditing for compliance with decisions; monitoring the practices and procedures of designated entities for the prevention of reportable conduct and dealing with reportable allegations or reportable convictions; monitoring places of detention as a member of ACT's National Preventive Mechanism. Also includes providing complainants with information, advice or referrals to other appropriate authorities.

Note: This function excludes complaints made against ACT Government Ministers and politicians, private individuals or companies. Also excludes complaints made to commissioners for the environment, health services, ACT public service employment, and consumer services, and decisions made by courts or tribunals.

[For complaints regarding environmental issues, use ENVIRONMENTAL MANAGEMENT – Public Reaction.

For complaints regarding consumer services, use FAIR TRADING – Consumer Protection.

For complaints regarding health issues, use PATIENT SERVICES ADMINISTRATION – Public Reaction or POPULATION HEALTH CARE MANAGEMENT AND CONTROL – Public Reaction.

For complaints regarding ACT public service employment, use PERSONNEL – Grievances.]

Disposal Reference	Description of records	Retention period & trigger
<p>ADVICE</p> <p>The activities associated with offering opinions as to an action or judgement. Includes the process of advising.</p> <p><i>[For the provision of advice to the Minister or Chief Minister, use GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters.</i></p> <p><i>For provision of legal advice, use SOLICITOR & LEGAL SERVICES - Advice.]</i></p>		
034.005.001	Records documenting instructions to the Ombudsman's legal team. Includes: <ul style="list-style-type: none"> • correspondence regarding the provisions of advice; • revisions of instructions; • drafts and finals. 	Retain as Territory Archives
034.005.002	Records documenting advice received from the Ombudsman's legal team relating to possible litigation or administrative reviews of the exercise of the Ombudsman's powers.	Retain as Territory Archives
034.005.003	Records documenting advice in support of a complaint investigation.	Destroy 7 years after last action
<p>APPEALS (decisions)</p> <p>The activities involved in the process of appeals against decisions by application to a higher authority.</p>		
034.010.001	Records documenting the assessment of appeals against decisions made under the <i>Freedom of Information Act 2016</i> that are of government, legal or public significance nationally or within the Territory.	Retain as Territory Archives

Disposal Reference	Description of records	Retention period & trigger
034.010.002	Records documenting the assessment of general complaints and appeals against decisions made under the <i>Freedom of Information Act 2016</i> .	Destroy 10 years after last action
<p>AUDIT</p> <p>The activities associated with officially checking the activities, processes, services and operations of organisations, companies or other entities to ensure conformance with agreed or legislated standards, policies, procedures, or other requirements. Includes internal or external financial, recordkeeping, skills, systems, operational, quality assurance or compliance audits.</p> <p><i>[For final compliance audit reports and working papers documenting the development of investigation reports, use OMBUDSMAN COMPLAINT MANAGEMENT – Reporting.</i></p> <p><i>For records documenting allegation of reportable conduct involving an employee of the entity; or a reportable conviction against an employee of the entity use OMBUDSMAN COMPLAINT MANAGEMENT – CASE MANAGEMENT]</i></p>		
034.013.001	<p>Records supporting a compliance audit of the monitoring of:</p> <ul style="list-style-type: none"> • designated entity practices and procedures to deal with reportable conduct or dealing with reportable allegations or reportable convictions involving an employee of the entity • law enforcement, integrity and regulatory agencies are compliance with legislative requirements when using covert, intrusive and coercive powers • ACT places of detention as a member of ACT’s National Preventive Mechanism <p>Also includes:</p> <ul style="list-style-type: none"> • scoping documents; • working documents; • research; • analysis; • risk management. 	Destroy 10 years after report is completed

Disposal Reference	Description of records	Retention period & trigger
	<p>CASE MANAGEMENT</p> <p>The activity of managing an incident, person, organisation or client on a case basis. Complaint handling incorporates the process of assessment, planning, facilitation and advocacy for options and services to meet an individual's, organisation's or client's needs or outcomes. Includes processing applications; authorisations and approvals; the establishment of a client; developing, implementing and monitoring case plans; the ongoing delivery and provision of services; finalisation of services and reviews of service delivery.</p> <p><i>[For internal and external advice, use OMBUDSMAN COMPLAINT MANAGEMENT – Advice.</i></p> <p><i>For investigations into matters of major public interest, use OMBUDSMAN COMPLAINT MANAGEMENT – Inquiries.</i></p> <p><i>For investigations of systemic issues regarding administrative practices by or within agencies, use OMBUDSMAN COMPLAINT MANAGEMENT – Inquiries.</i></p> <p><i>For engaging with the media regarding an investigation, use OMBUDSMAN COMPLAINT MANAGEMENT – Media Relations.</i></p> <p><i>For formal reports, use OMBUDSMAN COMPLAINT MANAGEMENT – Reporting.</i></p> <p><i>For internal reviews of actions or decisions taken by the Ombudsman, use OMBUDSMAN COMPLAINT MANAGEMENT – Reviews (decisions).]</i></p>	
034.194.001	<p>Records documenting category 5 approaches including:</p> <ul style="list-style-type: none"> • scoping notes; • investigation plans; • issues/discussion papers; • research notes and analysis; • notes of file/site inspections; • informal and formal interviews; • records of conversation. <p>Note: Category 5 approaches have complex legal or systematic issues that require significant internal and external consultation at the highest levels. Uses formal and informal agreements with agencies and formal reporting powers.</p>	Retain as Territory Archives

Disposal Reference	Description of records	Retention period & trigger
034.194.002	<p>Records documenting category 4 approaches including:</p> <ul style="list-style-type: none"> • scoping notes; • investigation plans; • issues/discussion papers; • research notes and analysis; • notes of file/site inspections; • informal and formal interviews; • records of conversation. <p>Note: Category 4 approaches require further investigation, involve complex legal or systemic issues and are resolved after two or more substantive contacts with the agency. Allows for a finding of administrative deficiency and for the use of coercive powers.</p>	Destroy 15 years after last action
034.194.003	<p>Records documenting category 3 approaches including:</p> <ul style="list-style-type: none"> • scoping notes; • investigation plans; • issues/discussion papers; • research notes and analysis; • informal and formal interviews; • records of conversation. <p>Note: Category 3 approaches require an investigation plan to escalate from category 2 and are resolved with one substantive contact with the agency. A resolution/remedy is recorded. Allows for a finding of administrative deficiency and the use of coercive powers.</p>	Destroy 10 years after last action

Disposal Reference	Description of records	Retention period & trigger
034.194.004	<p>Records documenting category 1 and category 2 approaches including:</p> <ul style="list-style-type: none"> • correspondence; • physical media or digital recordings of material. <p>Note: Category 1 approaches are resolved by the receiving officer without any internal or external assistance and are resolved without investigation. The outcomes include discretions and referrals. Often involve requests for general information (e.g. media requests, publications, website inquiries). Note: Category 2 approaches cannot be resolved at category 1 and require further internal inquiries or research, or more information from the complainant. May be transferred from the receiving officer to another team or officer for resolution. Resolved without contacting the agency in relation to a specific approach or complaint. An agency may be contacted to clarify a policy or procedure without reference to the specific approach or complaint.</p>	Destroy 7 years after last action
<p>COMPLIANCE</p> <p>The activities associated with complying with mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes compliance with legislation and with national and international standards, such as the ISO 9000 Quality Management Systems series.</p>		
034.021.001	Records documenting the monitoring of compliance with Child sex offenders register and entry and search warrants.	Destroy 15 years after last action
<p>INQUIRIES</p> <p>The activities associated with liaising with bodies carrying out inquiries and participating in them. Inquiries are investigations carried out by people or bodies that have been empowered to inquire and report on a subject, such as Royal Commissions, Judicial Commissions, Boards of Inquiry, Legislative Assembly and Ombudsman's inquiries. Includes the agency's participation in the inquiry by providing evidence in the form of records submissions or staff.</p> <p><i>[For complaint investigations, including public interest disclosures, that manage incidents, clients or agencies on a case basis, use OMBUDSMAN COMPLAINT MANAGEMENT – Case Management.</i></p> <p><i>For legal support or opinions provided during an investigation, use SOLICITOR & LEGAL SERVICES – Inquiries.</i></p>		

Disposal Reference	Description of records	Retention period & trigger
<i>For final investigation reports, use OMBUDSMAN COMPLAINT MANAGEMENT – Reporting.]</i>		
034.056.001	Records documenting an agency's contribution and involvement into an inquiry directly relating to its own activities. Includes: <ul style="list-style-type: none"> • agency statements; • submissions; • responses to final reports; • transcripts or oral evidence given by agency officers. 	Retain as Territory Archives
034.056.002	Records documenting investigations into matters of major public interest or systemic issues into agencies where there has not been a specific complaint (e.g. own motion investigations). Includes: <ul style="list-style-type: none"> • agency statements; • submissions; • research; • reports. 	Retain as Territory Archives
<p>LIAISON</p> <p>The activities associated with maintaining regular general contact between the agency and professional associations, professionals in related field, other agencies, private sector organisations and community groups. Includes sharing information advice and discussions, membership of professional associations and collaborating on projects that are not joint ventures.</p>		
034.067.001	Records documenting liaison activities undertaken with other teams, agencies, oversight bodies and community groups. Includes collaboration on complaint investigations and exchanges of information.	Destroy 15 years after last action

Disposal Reference	Description of records	Retention period & trigger
<p>LITIGATION</p> <p>The activities involved in managing lawsuits or legal proceedings between the agency and other parties in a court or other tribunal. Includes briefs for counsel; copies of documents required by or lodged with a court; consultation with the Attorney-General and other agencies; and records documenting compliance with court instructions (e.g. subpoenas and discovery orders).</p> <p><i>[For appeals against decisions, use OMBUDSMAN COMPLAINT MANAGEMENT – Appeals (decisions).]</i></p> <p><i>[For general advice received from an internal or external legal provider, use OMBUDSMAN COMPLAINT MANAGEMENT – Advice.]</i></p>		
034.068.001	Records documenting matters relating to the ombudsman complaint management function which set legal precedents.	Retain as Territory Archives
034.068.002	Records documenting matters relating to the ombudsman complaint management function that do not set legal precedents.	Destroy 7 years after action completed
<p>MEDIA RELATIONS</p> <p>The activities associated with establishing a relationship with the media. Includes cultivating media contacts, coordinating access to the media, authorising and issuing press releases and briefings, and organising media interviews.</p> <p><i>[For public presentations or addresses, use GOVERNMENT & STAKEHOLDER RELATIONS – Events.]</i></p> <p><i>[For the advertising of available services, use GOVERNMENT & STAKEHOLDER RELATIONS – Marketing & Publication.]</i></p>		
034.071.001	Master set of media releases on complaint investigations conducted by the Ombudsman or relating to the ombudsman complaint management function.	Retain as Territory Archives

Disposal Reference	Description of records	Retention period & trigger
<p>MEETINGS</p> <p>The activities associated with regular or ad hoc gatherings held to formulate, discuss, update or resolve issues and matters pertaining to the function. Includes staff meetings, arrangements, agenda, taking of minutes etc. Excludes committee meetings.</p> <p><i>[For meetings that form part of a complaint investigation managed on a case basis, use OMBUDSMAN COMPLAINT MANAGEMENT – Case Management.</i></p> <p><i>For meetings that form part of an investigation into a major issue, use OMBUDSMAN COMPLAINT MANAGEMENT – Inquiries.</i></p> <p><i>For meetings of high level committees and other forums that form part of organisational governance, planning and oversight, use STRATEGY & GOVERNANCE– Audit or STRATEGY & GOVERNANCE – Planning]</i></p>		
034.072.001	Final versions of minutes and supporting documents of meetings held to support the ombudsman complaint management function.	Destroy 7 years after last action
<p>POLICY & PROCEDURES</p> <p>The activities associated with drafting, developing and implementing policies, procedures, and guidelines establishing decisions, directions, precedents and standard methods of operating which act as a reference for future decision making, and maintaining their currency over time. Includes guidelines devised by both internal and external sources of authority, rules and instructions.</p> <p><i>[For policy proposals and guidelines which form legislative instruments, use STRATEGY & GOVERNANCE – Legislation.]</i></p>		
034.080.001	Final versions of policies & procedures supporting the ombudsman complaint management function.	Retain as Territory Archives
034.080.002	Records documenting the development and establishment of policies & procedures supporting the ombudsman complaint management function. Includes: <ul style="list-style-type: none"> • policy proposals; 	Destroy 7 years after policy or procedure is superseded

Disposal Reference	Description of records	Retention period & trigger
	<ul style="list-style-type: none"> • consultation; • supporting reports; • major drafts. 	
034.080.003	Records documenting comments made on the development, content and application of policies & procedures relating to the ombudsman complaint management function.	Destroy 7 years after last action
<p>REPORTING</p> <p>The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate policies, regulation, or legislation, e.g. Annual Report). Includes statistics and returns.</p> <p><i>[For the Annual Report drafting process, use STRATEGY & GOVERNANCE – Performance Management.</i></p> <p><i>For submissions of annual reports to the Portfolio Minister, use STRATEGY & GOVERNANCE – Performance Management.]</i></p>		
034.088.001	Final version of formal reports. Includes: <ul style="list-style-type: none"> • complaint investigation reports; • reports on major or systemic issues affecting the ACT; • compliance audit reports. 	Retain as Territory Archives
034.088.002	Working papers documenting the development of investigation reports. Includes drafts and comments received.	Destroy 7 years after last action
034.088.003	Material collected, supplied or generated during the development of investigation reports, deemed not to be of investigative interest and not related to the Own Motion Investigation.	Destroy after action completed

Disposal Reference	Description of records	Retention period & trigger
<p>REPRESENTATIONS</p> <p>The activities involved in preparing responses to questions raised in the Legislative Assembly by Members of Legislative Assembly on behalf of their constituents. Also includes community-based representations and representations directed to the Minister seeking a formal response.</p> <p><i>[For final Ministerial responses, use GOVERNMENT & STAKEHOLDER RELATIONS – Government & Assembly Matters.]</i></p>		
034.089.001	<p>Records documenting the preparation of Ministerial responses to questions raised in the Legislative Assembly.</p> <p>Includes:</p> <ul style="list-style-type: none"> • copies of letters; • research; • drafts. 	Destroy 7 years after last action
<p>REVIEWS (decisions)</p> <p>The activities involved in the process of reviewing actions both by an agency, or an external body. Includes reviews of promotion decisions.</p> <p><i>[For reviews or audits of the ombudsman compliant management function conducted by the Auditor-General, use AUDIT SERVICES.</i></p> <p><i>For reviews of decisions about complaints or systemic issues use Case Management or Inquiries.]</i></p>		
034.094.001	Records documenting the internal review of decisions taken by the Ombudsman. Includes review requests and the outcome of the review.	Destroy 7 years after last action
<p>SUBMISSIONS</p> <p>The preparation and submission of a formal statement (e.g. a business case, statistics, etc.) supporting a case or opinion held by the agency which is submitted to another agency or organisation, or within the agency, for the purpose of either gain or support.</p> <p><i>[For GOVERNMENT & STAKEHOLDER RELATIONS – Government & Assembly Matters.</i></p> <p><i>For the development of submissions on the proposals of new legislation or the amendment of existing legislation, use STRATEGY & GOVERNANCE – Legislation.]</i></p>		

Disposal Reference	Description of records	Retention period & trigger
034.102.001	Final submissions regarding government administrative practices.	Retain as Territory Archives
034.102.002	Working papers documenting the development of submissions relating to the ombudsman complaint management function. Includes drafts.	Destroy 7 years after last action

RELATED LEGISLATION

The following legislation is related to the records classes covered by this Records Disposal Schedule:

Australian Federal Police Act 1979 (Cth)

Crimes (Child Sex Offenders) Act 2005

Freedom of Information Act 1989

Ombudsman Act 1989

Public Interest Disclosure Act 1994

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;
- Determine how long the records need to be kept to meet business needs; and
- Meet the requirements of organisational accountability and community expectations.

Business Classification Scheme

A hierarchical scheme for identifying and defining the functions, activities and transactions an agency performs in the conduct of its business, and the relationships between them.

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 transition 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.

Records Management Program

A document that complies with Section 16 of the Territory Records Act 2002 by setting out the means by which an agency will manage its records, and is approved by the agency's Principal Officer.

Recordkeeping Systems

Information systems that capture, maintain and provide access to records over time. While the term is often associated with computer software, Recordkeeping Systems also encompass policies, procedures, practices and resources that are applied within an agency to ensure that full and accurate records of business activity are made and kept.

Scope Note

An explanation of terms used in describing the records and the context in which they were made and used.

Sentencing

The process of applying appraisal decisions to individual records by determining the part of a Records Disposal Schedule that applies to the record and assigning a retention period consistent with that part.

Territory Archives

Records preserved for the benefit of present and future generations.