

Australian Capital Territory

# **Territory Records (Records Disposal Schedule – Protection of records relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse) Approval 2013 (No 1)**

**Notifiable instrument NI2013—42**

made under the

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

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## **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 2013 (No 1).

## **2. Approval**

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

## **3. Commencement**

This instrument commences on the day after notification.

Danielle Wickman  
Director of Territory Records  
25 January 2013



## **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 applies to records in any format, including electronic records.

## **AUTHORITY**

The Director of Territory Records, in consultation with 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.**

Ordinarily, records disposal schedules have a hierarchical structure that reflects government activity in terms of functions and activities, rather than by subject. This

also reflects a close relationship to the Territory Whole of Government Thesaurus originally based on the Territory Version of Keyword AAA. 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 Schedule does not follow this usual structure, but instead describes specific categories of records for which destruction is not currently authorised. These categories are based on particular characteristics of the records or the circumstances in which they may be required, rather than the more usual function and activity hierarchy.

To assist agencies to identify records that may be within the scope of this Schedule, a number of functions and activities defined in other records disposal schedules that may give rise to relevant records are identified below. The number of the Notifiable Instrument in which these functions and activities are defined is also provided.

**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 function or activity descriptor in this list does not mean that destruction of all records classifiable under these descriptors is suspended. This function and activity 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 and activities 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, including electronic records or those in formats such as microfiche.

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

### NI2007–313 Accommodation Services

<b>Activities:</b>	Placement	Student Accommodation
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### NI2005–94 Accommodation Support Services

<b>Activities:</b>	Advice	Advocacy Services	Appeals
Assessing	Authorisation	Committees	Community Liaison
Contracting Out	Enquiries	Evaluation	Implementation
Liaison	Meetings	Planning	Policy
Procedures	Program Development	Public Reaction	Reporting
Research	Respite Services	Reviewing (decisions)	Reviewing (entitlements)

Submissions

### NI2004–478 ACT Court of Appeal Records

<b>Activities:</b>	Cases
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### NI2011—89 ACT Director of Public Prosecutions

<b>Activities:</b>	ACT Court of Appeal–Appeals	ACT Supreme Court–Appeals	ACT Supreme Court–Sentencing
ACT Supreme Court–Trials	Bail Applications	Breaches of Recognizance	Case Management
Children’s Court– Prosecutions	Confiscation of Criminal Assets (COCA)	Coronial Inquests	Court Exhibits
Family Violence Prosecutions	Magistrate’s Court Proceedings	Ngambra Circle Sentencing Court Records	Representations (Defence Solicitors)

### NI2006—447 ACT Government Solicitor Legal Services

<b>Activities:</b>	Legal Advice	Legal Representation
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**NI2004–478 ACT Tribunals Records**

**Activities:** Cases

**NI2004–478 Adoption Records**

**Activities:** Cases

**NI2007–317 Adoption Management**

**Activities:** All Activities

**NI2003—457 Advocacy**

**Activities:** Cases

**NI2004–478 Appeals in the Supreme Court from Magistrates Court Records**

**Activities:** Cases

**NI2004–478 Appeals in the Supreme Court from the Tribunals Records**

**Activities:** Cases

**NI2006–448 Athlete Development**

<b>Activities:</b>	Athlete Services	Audit	Contracting Out
Evaluation	Medical assessments	Meetings	Planning
Policy	Procedures	Reporting	Reviewing
Risk Management			

**NI2006—26 Audit Services**

<b>Activities:</b>	Advice	Audit	Inquiries
Investigation	Policy	Procedures	Research
Reviewing	Standards		

**NI2007—317 Child Protection**

**Activities:** All Activities

**NI2004–478 Children’s Court Records**

**Activities:** Cases

**NI2007—317 Children’s Court Services**

**Activities:** All Activities

**NI2004—317 Children’s Programs**

**Activities:** All Activities

**NI2004—478 Civil Records**

**Activities:** Cases

**NI2005—94 Community Access Services**

<b>Activities:</b>	Advice	Authorisation	Committees
Community Liaison	Contracting Out	Evaluation	Liaison
Meetings	Planning	Policy	Procedures
Program Development	Public Reaction	Referring	Reporting
Research	Respite Services	Submissions	

**NI2005—94 Community Concession Services**

<b>Activities:</b>	Advocacy Services	Community Liaison	Contracting Out
Referring			

**NI2006—257 Community Development**

<b>Activities:</b>	Advice	Committees	Evaluation
Liaison	Meetings	Planning	Policy
Reporting	Research	Reviewing	

**NI2012—183 Compensation**

<b>Activities:</b>	Advice	Audit	Authorisation
Case Management	Claims	Committees	Compliance
Meetings	Policy	Procedures	Reviewing

**NI2009—10 Corporate Governance**

<b>Activities:</b>	Advice	Audit	Authorisation
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Boards	Committees	Compliance	Planning
Policy	Procedures	Reporting	Research
Reviewing	Risk Management		
<b>NI2004—478</b>	<b>Coronial Records</b>		
<b>Activities:</b>	Cases		
<b>NI2006—345</b>	<b>Corrections Security</b>		
<b>Activities:</b>	Intelligence	Security	
<b>NI2004—478</b>	<b>Criminal Records</b>		
<b>Activities:</b>	Cases		
<b>NI2009—437</b>	<b>Establishment</b>		
<b>Activities:</b>	Evaluation	Restructuring	Variations
<b>NI2009—451</b>	<b>External Education Relations (Non-Government)</b>		
<b>Activities:</b>	Advice	Committees	Compliance
Grievances	Liaison	Meetings	Planning
Policy	Procedures	Public Reaction	Reporting
Research	Reviewing	Submissions	
<b>NI2005—94</b>	<b>Health Professional Services</b>		
<b>Activities:</b>	Advice	Audit	Authorisations
Committees	Community Liaison	Contracting Out	Consulting Services
Counselling Services	Educating	Enquiries	Evaluation
Implementation	In-service Training	Intake Services	Liaison
Meetings	Planning	Policy	Procedures
Program Development	Reporting	Research	Reviewing
Standards	Submissions		

**NI2009—630 Government Insurance Services**

**Activities:** Claims Risk Management

**NI2011—88 Government Relations**

**Activities:** Advice Audit Representations

**NI2005—155 Inquiries and Commissions**

**Activities:** All activities

**NI2006—345 Justice Administration**

**Activities:** Meetings Reporting Research

Reviewing

**NI2009—443 Legal Services**

**Activities:** Advice Audit Claims

Infringements Inquires Litigation Representatives

**NI2004—478 Matrimonial Causes Records**

**Activities:** Cases

**NI2006—345 Offender Management**

**Activities:** All activities

**NI2006—345 Official Visitor**

**Activities:** All activities

**NI2011—93 Ombudsman Complaint Management**

**Activities:** All activities

**NI2006—349 Parenting Services**

**Activities:** Audit Cases Committees

Contracting Out Evaluation Implementation Liaison

Planning Policy Procedures Public Reaction

Reporting Research Reviewing Submissions

**NI2009—210 Patient Services Administration**

**Activities:** Advice Audit Authorisation

Committees	Compliance	Contracting Out	Enquiries
Evaluation	Liaison	Meetings	Planning
Policy	Procedures	Public Reaction	Quality Assurance
Reporting	Reviewing	Risk Management	Service Delivery
Standards			

#### **NI2011—97**

#### **Personnel**

<b>Activities:</b>	Advice	Audit	Authorisation
Claims	Committees	Compliance	Counselling
Discipline	Employment Conditions	Evaluation	Grievances
Infringements	Meetings	Performance Management	Planning
Policy	Procedures	Recruitment	Rehabilitation
Reporting	Reviewing	Reviews (decisions)	Security
Separations	Training		

#### **NI2009—209**

#### **Population Health Care Management and Control**

<b>Activities:</b>	Contracting Out	Inspections	Registration
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#### **NI2006—29**

#### **Public Administration**

<b>Activities:</b>	Grievances	Inquiries	Public Interest Disclosure
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#### **NI2006—29**

#### **Public Service Management**

<b>Activities:</b>	Advice	Committees	Contracting Out
Evaluation	Meetings	Planning	Policy
Procedures	Reporting	Research	Reviewing

#### **NI2006—30**

#### **Public Trustee Services**

<b>Activities:</b>	Advice	Cases	Committees
Policy	Procedures		

**NI2009—451 School Management**

**Activities:** All activities

**NI2006—345 Sentence Administration**

**Activities:** All activities

**NI2004—478 Sheriffs Process Records**

**Activities:** Cases

**NI2006—448 Sport and Recreation Services**

<b>Activities:</b>	Advice	Contracting Out	Evaluation
Liaison	Meetings	Planning	Policy
Procedures	Reporting	Research	Reviewing
Risk Management			

**NI2009—453 Strategic Management**

<b>Activities:</b>	Audit	Committees	Compliance
Corruption	Evaluation	Quality Assurance	Reporting
Research	Reviewing	Risk Management	Standards

**NI2009—451 Student Administration**

<b>Activities:</b>	Advice	Arrangements	Case Management
Committees	Compliance	Discipline	Evaluation
Implementation	Liaison	Meetings	Planning
Policy	Procedures	Public Reaction	Reporting
Research	Reviewing	Student Accommodation	Student Attendance
Student Excursions	Student Misconduct	Student Work Placements	Submissions

**NI2009—451 Student Services**

<b>Activities:</b>	Advice	Authorisation	Case Management
Chaplaincy	Child Care Provision	Committees	Discipline

Early Intervention Programs	Evaluation	Grievances	Health Promotion
Implementation	Liaison	Meetings	Planning
Policy	Procedures	Public Reaction	Reporting
Research	Reviewing	Special Education	Special Needs Support
Student Grievances	Student Health and Counselling Services	Submissions	

### **NI2009—451 Teacher Qualification Regulations**

<b>Activities:</b>	Advice	Committees	Compliance
Evaluation	Liaison	Meeting	Planning
Policy	Procedures	Research	Reviewing
Standards	Training		

### **NI2007—313 Tertiary Student Administration**

<b>Activities:</b>	Audit	Committees	Enrolment
Student Attendance	Student Grievances		

### **NI2007—313 Tertiary Student Services**

<b>Activities:</b>	Chaplaincy	Child Care Provision	Special Needs Support
Student Health and Counselling Services	Student Services Liaison		

### **NI2009—451 Training and Vocational Education**

<b>Activities:</b>	Accreditation	Advice	Audit
Committees	Compliance	Contracting Out	Evaluation
Liaison	Meetings	Planning	Policy
Procedures	Registration	Reporting	Research
Reviewing	Submissions		

**NI2005—94            Tenancy Management**

**Activities:**            Inspections            Liaison            Tenancy Register

**NI2009—211            Victims Support and Redress**

**Activities:**            All Activities

**NI2007—317            Youth Justice**

**Activities:**            All Activities

**NI2007—317            Youth Programs**

**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 Director of Territory Records.

## **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 Director of Territory Records.

## RELATED LEGISLATION

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

*ACT Self-Government Act 1988*  
*Administration and Probate Act 1929*  
*Administrative Appeals Tribunal Act 1995*  
*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)*  
*Business Names Act 1963*  
*Board of Senior Secondary Studies Act 1997*  
*Canberra Institute of Technology Act 1987*  
*Children and Young People Act 1999*  
*Commonwealth Higher Education Funding Act 1988*  
*Community Advocate Act 1991*  
*Community and Health Services Complaints Act 1993*  
*Coroners Act 1997*  
*Court Procedures Act 2004*  
*Crime Prevention Powers Act 1998*  
*Crimes Act 1900*  
*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*  
*Custodial Escorts Act 1998*  
*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*  
*Domestic Violence and Protection Orders Act 2001*  
*Drugs of Dependence Act 1989*  
*Education Act 2004*  
*Education Services for Overseas Students Act 2000*  
*Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994*  
*Electronic Transactions Act 2001*  
*Epidemiological Studies (Confidentiality) Act 1992*  
*Evidence Act 1971*  
*Evidence (Miscellaneous Provisions) Act 1991*  
*Financial Management Act 1996*  
*Food Act 2001*  
*Freedom of Information Act 1989*  
*Government Procurement Act 2001*  
*Government Solicitor Act 1989*  
*Guardianship and Management of Property Act 1991*  
*Health Act 1993*  
*Health and Community Care Services Act 1996*  
*Health Promotion Act 1995*  
*Health Records (Privacy and Access) Act 1997*  
*High Court of Australia Act 1979 (Cth)*  
*Hotel School Act 1996*  
*Housing Assistance Act 1987*  
*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 Officer Act 1992*  
*Legislation Act 2001*  
*Limitation Act 1985*

*Magistrates and Coroner's Courts  
(Registrar) Act 1991*  
*Magistrates Court (Civil Jurisdiction)  
Act 1982*  
*Magistrates Court Act 1930*  
*Medical Practitioners Act 1930*  
*Medical Services (Fees) Act 1984*  
*Medical Treatment Act 1994*  
*Mental Health (Treatment and Care)  
Act 1994*  
*Nurses Act 1988*  
*Occupational Health and Safety Act  
1989*  
*Ombudsman Act 1989*  
*Periodic Detention Act 1995*  
*Poisons and Drugs Act 1978*  
*Power of Attorney Act 1956*  
*Prisoners Interstate Leave Act 1997*  
*Privacy Act 1988 (Cth)*  
*Psychologists Act 1994*  
*Public Interest Disclosure Act 1994*  
*Public Sector Management Act 1994*  
*Public Trustee Act 1985*  
*Rehabilitation of Offenders (Interim)  
Act 2001*  
*Remand Centres Act 1976*  
*Residential Tenancies Act 1997*

*Royal Commissions Act 1991*  
*Schools Assistance (Learning Together  
- Achievement Through Choice and  
Opportunity) Act 2004 (Cth)*  
*Spent Convictions Act 2000*  
*States Grants (Primary and Secondary  
Education Assistance) Act 2000  
(Cth)*  
*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 1983*  
*Victims of Crime Act 1994*  
*Vocational Education and Training  
Act 1995*  
*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**



