

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).

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.

4. 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 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	<p>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:</p> <ul style="list-style-type: none">• 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.