

Notice of Records Disposal Freeze for Records relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse

The purpose of this document is to notify public sector organisations of the Northern Territory who may be in possession of records relevant to the investigations of the Royal Commission into Institutional Responses to Child Sexual Abuse that a records disposal freeze is now in place on any such records.

Background

The Prime Minister announced on 21 November 2012 that she would establish a Royal Commission into Institutional Responses to Child Sexual Abuse. The Terms of Reference were subsequently released on 11 January 2013.

The terms of reference apply to any public or private institution (including an institution which no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that offer means through which adults have contact with children.

Information on the Royal Commission is available at the following link:

<http://www.childabuseroyalcommission.gov.au/Pages/default.aspx>

Penalties relating to the powers of a Royal Commission and the penalties relating to access to evidence are specified in the Royal Commissions Act 1902.

Authority

NT Archives Service and the NT Records Service issue this disposal freeze in accordance with Section 136B of the *Information Act*.

Agencies affected

The disposal freeze applies to all public sector organisations (PSOs) which may be in possession of records which evidence institutional contact with children in any way. This includes contact with children on the premises of a PSO, or through any activities, programs or services provided by the PSO.

Records affected

The disposal freeze applies to all Public Sector Organisations which may be in possession of records that fit the following categories:

- Case files relating to sexual abuse allegations or incidents relating to children.
- Documents relating to the treatment of children for injuries resulting from sexual abuse.
- Records relating to the mandatory reporting of child abuse, including abuse of a sexual nature.
- Records relating to the investigation of incidents of child sexual abuse.
- All records relating to the adoption or fostering of children.
- Records relating to the management, staffing and clients of childcare facilities.
- Any records relating to children being in the custody of a public sector organisation.
- Any policy or procedure associated with the management of processes in a public sector organisation which relates to children.

The list is not exhaustive and it is incumbent on PSOs to evaluate all records due for destruction as to their likely relevance to the Royal Commission investigations.

Disposal schedules that may be affected

This disposal freeze applies to records that are due to be destroyed under an NT Government Records Disposal Schedules. In practice, the freeze should only affect those records due to be destroyed within the period of the freeze, not the total quantity of records that fit the description of records.

The records disposal schedules listed below have been identified as those likely to contain relevant classes of records and is provided here for guidance only. However, it is probable that records disposal schedules not listed below may also contain relevant classes of records.

Schedule Name	Schedule No
Births Deaths and Marriages Registration	2008/8
Darwin City Council (Community and Cultural Services)	2010/5
Family and Children Services	2012/2
Health and Community Services Complaints Review Committee – Health and Community Services Complaints Review	2007/1
Health and Community Services Review Committee – Complaints Resolution	2006/7
Health Professions Registration	2001/3
Human Resource Management (Personnel)	2001/6 (HRM)
Information Commissioner – Freedom of Information, Privacy Protection	2003/5
Local Authorities Community Relations	2008/7
Local Government and Community Development	2006/5
Ombudsman – Complaint Management	2004/14
Patient Records	2002/1
Police Fire and Emergency Services – Working with Children Screening	2009/8
Police Information Access	2009/9
Policing and Crime Detection	2011/1
School Records Disposal Schedule	1997/5
Sport and Recreation Development	2012/1
Sporting Excellence	2004/13

Tenancy Management	2006/12
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Duration

This disposal freeze is in force from 8 February 2013. Public sector organisations will be notified by the NT Records Service if a further extension of the disposal freeze has been authorised or when the disposal freeze will cease.

Action Required

Public sector organisations should:

1. Notify all staff and other relevant parties (including third party service providers) responsible for the disposal of public records that a disposal freeze has been issued.
2. Withhold from destruction any records within the scope of the records disposal freeze.
3. Retain the records identified in the disposal freeze for the duration of the freeze or until further notice.

The preparation for sentencing of records affected by the disposal freeze can continue. However, the records must be set aside and retained for the period of the disposal freeze. The records should be retained by the organisation, they will not be accepted for transfer to the NT Archives Service.

Agencies should be mindful that current records disposal schedules should not be applied to records created prior to 1 July 1978 as per *Archives Management Advice – Disposal of Pre-1978 Records*.

Impact

The costs relating to the management and storage of an agency's temporary records covered by a records disposal freeze is the responsibility of the public sector organisation.

Further Information

For further information please refer to:

[Records Disposal Freeze Policy for NT Public Sector Organisations](#)

[Records Disposal Freeze Implementation Advice for Public Sector Organisations](#)

[National Archives of Australia website](#)

Enquiries

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NT Records Service website: <http://www.dob.nt.gov.au/services-government/it-communications/records/Pages/default.aspx>

Approval

signed

Phyllis Williams

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8 February 2013

signed

Paul Gooding

A/Director
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8 February 2013