



## Records Disposal Freeze Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

### Notice of Records Disposal Freeze for Records Relating to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

The purpose of this document is to notify public sector organisations which may be in possession of records relevant to the scope of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Royal Commission) that a disposal freeze has been placed on records which may be required for the inquiries of the Royal Commission or related legal actions or investigations.

#### Background

On 5 April 2019 the Prime Minister, the Hon Scott Morrison MP, and Minister for Families and Social Service, the Hon Paul Fletcher MP, announced the establishment of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Royal Commission).

The Letters Patent and Terms of Reference establishing the Royal Commission were issued on 4 April 2019 by the Governor-General, His Excellency General the Honourable Sir Peter Cosgrove AK MC (Ret'd). The Hon Ronald Sackville AO QC has been appointed as the Chair of the Royal Commission.

The Commonwealth Letters Patent were further amended on 13 September 2019, 13 May 2021 and 24 June 2021. The Commission of Inquiry is required to submit a report with recommendations to the Governor-General not later than 29 September 2023.

The Royal Commission is to inquire into and report on violence against, and abuse, neglect and exploitation of, people with disability, in all settings and contexts.

The Royal Commission's Terms of Reference cover what should be done to:

- prevent and better protect people with disability from experiencing violence, abuse, neglect and exploitation
- achieve best practice in reporting and investigation of, and responding to, violence, abuse, neglect and exploitation
- promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation.

The aim of the disposal freeze is to avoid the risk of losing crucial evidence for the Royal Commission or related legal actions.

#### Authority

The Archives Service and the Records Service issue this disposal freeze in accordance with Section 136B of the *Information Act*. Destruction of records covered by a disposal freeze is considered illegal disposal under Section 145 of the *Information Act*.

#### Public Sector Organisations Affected

The disposal freeze **applies to all public sector organisations** which may hold (as defined in s 5 of the *Information Act*) records relevant to the scope of the Royal Commission, in particular:

- Department of Health

- Department of Education
- Department of Territory Families, Housing and Communities;
- Northern Territory Police, Fire and Emergency Services
- Department of the Attorney-General and Justice;
- Department of Corporate and Digital Development;
- Department of Infrastructure, Planning and Logistics
- Department of the Chief Minister and Cabinet
- Ombudsman's Office

## Records Affected

In broad terms, this freeze covers records which may be required by the Royal Commission such as:

- Records relating to critical incidents arising out of or in connection with violence against and abuse, neglect and exploitation of people with disability
- Records relating to the treatment of people with disability arising out of or in connection with violence against and abuse, neglect and exploitation
- Records relating to investigations into and response to incidents arising out of or in connection with violence against and abuse, neglect and exploitation of people with disability
- Records relating to the management and staffing of NT Government or local government facilities, including care facilities, which may have been involved in incidents arising out of or in connection with violence against and abuse, neglect and exploitation of people with disability
- Records relating to services provided to people with disability, including (but not limited to) housing, education, and health care
- Records relating to providing legal guardianship of adults with impaired decision making capacity relevant to daily living
- Records relating to policies and procedures concerning the management of services which relate to people with disability

The disposal freeze applies to records that could otherwise be destroyed under Northern Territory Government Records Disposal Schedules.

The disposal of records not covered by a disposal schedule is an offence under Section 145 of the *Information Act*.

The disposal schedules likely to be affected are listed in Schedule C.

The disposal freeze also covers control records which may identify relevant records such as registers of files, card and electronic indexes of files and records, metadata identifying specific records in databases and other digital business systems.

The disposal freeze covers records in all formats, including paper files and documents, microfilm and magnetic tapes, audio and visual recordings, photographs and records created and stored digitally (including information in relevant current and legacy databases and digital business systems).

All records in digital formats, including information in databases and other digital business systems, must be maintained with all the metadata necessary to support retrieval and access to authentic and reliable information.

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. However, it is incumbent on public sector organisations to evaluate all records due for destruction and assess their likely relevance to the Royal Commission investigations.

Schedule B details the categories of records subject to the records disposal freeze

## Duration

This disposal freeze is in force immediately. A review of the requirement for the continuation of the disposal freeze was undertaken by the Archives Service and Records Service on receipt of advice from the Department of Attorney General and Justice that the Commonwealth Letters Patent were further amended on 24 June 2021.

This disposal freeze will remain in force until 31 December 2025 to allow agencies time to respond to the findings and recommendations of the Royal Commission.

## Action Required

Public sector organisations must:

- 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.
- Withhold from destruction any records within the scope of the records disposal freeze.
- Retain the records identified in the disposal freeze 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 Territory Archives. Organisations have the option either to identify and set aside the particular records covered by the freeze, or to implement a broader freeze on all records likely to contain relevant material.

This disposal freeze does not apply to records sentenced as permanent against an authorised records disposal schedule.

## 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 NT Public Sector Organisations](#)

[Letters Patent and Terms of Reference](#)

## Enquiries

Records Service  
Department of Corporate and Digital Development  
GPO Box 2391  
Darwin NT 0801

Email: [ntg.recordspolicy@nt.gov.au](mailto:ntg.recordspolicy@nt.gov.au)

Facsimile: (08) 8924 3880

Web: <https://dcdd.nt.gov.au/government-records>



Patrick Gregory

Senior Director, Library & Archives NT  
(Archives Service)



Garey Neenan

Director Digital Policy and Data Strategy  
Office of Digital Government (Records  
Service)

## Schedule A: Disability Royal Commission Terms of Reference

The terms of reference (listed below) for the Royal Commission are included in the Letters Patent, which the Governor-General of the Government of the Commonwealth of Australia, signed 4 April 2019;

- a. what governments, institutions and the community should do to prevent, and better protect, people with disability from experiencing violence, abuse, neglect and exploitation, having regard to the extent of violence, abuse, neglect and exploitation experienced by people with disability in all settings and contexts;
- b. what governments, institutions and the community should do to achieve best practice to encourage reporting of, and effective investigations of and responses to, violence against, and abuse, neglect and exploitation of, people with disability, including addressing failures in, and impediments to, reporting, investigating and responding to such conduct;
- c. what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation;
- d. any matter reasonably incidental to a matter referred to in paragraphs (a) to (c) or that you believe is reasonably relevant to your inquiry.
- e. all forms of violence against, and abuse, neglect and exploitation of, people with disability, whatever the setting or context;
- f. all aspects of quality and safety of services, including informal supports, provided by governments, institutions and the community to people with disability, including the National Disability Insurance Scheme (NDIS) and the NDIS Quality and Safeguarding Framework agreed by all Australian Governments in 2017;
- g. the specific experiences of violence against, and abuse, neglect and exploitation of, people with disability are multilayered and influenced by experiences associated with their age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin or race, including the particular situation of Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people with disability;
- h. the critical role families, carers, advocates, the workforce and others play in providing care and support to people with disability;
- i. examples of best practice and innovative models of preventing, reporting, investigating or responding to violence against, and abuse, neglect or exploitation of, people with disability;
- j. the findings and recommendations of previous relevant reports and inquiries.
- k. the need to establish accessible and appropriate arrangements for people with disability, and their families, carers and others, to engage with your inquiry and to provide evidence to you, and share information with you, about their experiences;
- l. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual experiences and may need to make referrals to appropriate authorities;
- m. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the *Royal Commissions Act 1902* or any other relevant law, including, for example, for the

purpose of enabling the timely investigation and prosecution of offences or assisting an inquiry on a related matter by the Royal Commission into Aged Care Quality and Safety;

- n. the need to ensure that evidence that may be received by you that identifies particular individuals as having been subject to violence, abuse, neglect or exploitation is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- o. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses.

## **Schedule B: Categories of records subject to the records disposal freeze**

The following categories of records have been identified by the Archives Service and Records Service as those most likely to contain relevant records subject to this disposal freeze. The examples provided are for guidance only and other categories of records not listed below may contain information relevant to the inquiry:

- 1. Records relating to the management of people with disability in Government care, such as:**
  - Case management files
  - Assessment reports
  - Incident reporting
  - Policies and procedures relating to the management of care facilities and programs for people with disability, including staff training and visitor programs
- 2. Medical care records for people with disability, such as**
  - Medical care programs, resources and staffing
  - Medical treatment records
  - First aid and incident reporting records
- 3. Complaint records relating to the treatment of people with disability, such as**
  - Complaint files
  - Complaint procedures
  - Internal investigations
  - Mediation process
  - Referral for external investigation
- 4. Policing records relating to incidents involving violence against and abuse, neglect and exploitation of people with disability, such as**
  - Investigation and reporting records
  - Investigation and reporting policies and procedures
  - Prosecution records
- 5. Records relating to providing legal guardianship of adults**
  - Case management records, including appointments of guardians
  - Complaint records, including investigations
- 6. Policy and administrative records relating to processes in NT public sector organisations relating to people with disability, including housing**
  - Development and implementation of policies and procedures relating to people with disability
  - Development and implementation of standards relating to people with disability
  - Strategic management, risk management records

- Internal reviews or reforms relating to people with disability
  - Program evaluation records
  - Oversight programs and safeguards
- 7. Work health and safety records relating to work health and safety issues relating to people with disability, such as**
- Research into work health and safety issues specific to the workplace, including adjustments for people with disability
  - Compensation claims
- 8. Past reviews of policies and procedures relating to people with disability**



## Schedule C: List of Records Disposal Schedules affected

This disposal freeze applies to records that are due to be destroyed under a Northern Territory Government Records Disposal Schedule. 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 are provided here for guidance only. However, it is probable that records disposal schedules not listed below may also contain relevant classes of records.

Public Sector Organisation	Records Disposal Schedule
All agencies	<a href="#"><u>Records Disposal Schedule for Administrative Functions of the Northern Territory Government, 2013/5</u></a>
Local Authorities in the Northern Territory	<a href="#"><u>Records Disposal Schedule for Local Authorities in the Northern Territory, 2018/3</u></a>
Darwin City Council	<a href="#"><u>Records Disposal Schedule for Darwin City Council, 2010/5</u></a>
Department of the Attorney-General and Justice	<a href="#"><u>Records Disposal Schedule for Health and Community Services Complaints Management, 2016/9</u></a>  <a href="#"><u>Records Disposal Schedule for Local Courts Administration, 2015/11</u></a>  <a href="#"><u>Records Disposal Schedule for Public Prosecutions, 2015/14</u></a>  <a href="#"><u>Records Disposal Schedule for Anti-Discrimination Services, 2015/12</u></a>  <a href="#"><u>Records Disposal Schedule Community Visitor Program Management, 2016/7</u></a>  <a href="#"><u>Records Disposal Schedule for Custodial Services, 2016/20</u></a>  <a href="#"><u>Records Disposal Schedule for Adult Guardianship, 2016/17</u></a>
NT Police Fire and Emergency Services	<a href="#"><u>Records Disposal Schedule for Policing and Crime Detection, 2020/10</u></a>
Department of the Chief Minister	
Department of Education	<a href="#"><u>Records Disposal Schedule for Early Childhood Education and Care Services, 2017/5</u></a>  <a href="#"><u>Records Disposal Schedule for School Management, 2018/10</u></a>
Department of Health	<a href="#"><u>Records Disposal Schedule for Mental Health Services, 2015/8</u></a>

Public Sector Organisation	Records Disposal Schedule
	<p><a href="#"><u>Records Disposal Schedule for Patient Records, 2002/1</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Pensioner and Carer Concession Management, 2015/3</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Hearing Services, 2015/25</u></a></p>
<p>Department of Territory Families, Housing and Communities</p>	<p><a href="#"><u>Records Disposal Schedule for Local Government and Community Development, 2006/5</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Indigenous Housing, 2006/9</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Indigenous Community Support, 2006/10</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Tenancy Management, 2006/12</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Housing Provision Records, 2007/2</u></a></p> <p><a href="#"><u>Records Disposal Schedule: Aboriginal Interpreter Services, 2006/11</u></a></p> <p><a href="#"><u>Care and Protection of Children 2017/10</u></a></p>
<p>Department of Chief Minister and Cabinet</p>	<p><a href="#"><u>Records Disposal Schedule for Redeployment Management, Redundancy Management, 2000/5</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Organisational Capability Assessment, 2001/11</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Risk Review Services, 2006/4</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Public Sector Appeals Management, 2013/1</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Public Sector Grievance Review Services, 2013/2</u></a></p> <p><a href="#"><u>Records Disposal Schedule for Public Sector Workforce Planning and Development, 2013/8</u></a></p>
<p>Ombudsman's Office</p>	<p><a href="#"><u>Records Disposal Schedule for Complaint Management, 2004/14</u></a></p>