



Northern
Territory
Government

Policy for Managing Records of Actual or Allegations of Child Sexual Abuse within NT Public Sector Organisations

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Table of Contents

Introduction	1
Purpose.....	1
Authority	1
Scope	1
Policy Statement	1
Responsibilities of NT Public Sector Organisations.....	2
Identifying records of relevance.....	2
Policy Principles.....	3
Acknowledgements.....	5
Further advice	5

Introduction

The Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) was established on 21 November 2012. The Royal Commission submitted its [final report](#) on 15 December 2017. The recommendations of the report include specific reference to the importance of records and support good recordkeeping practices. Recommendations 8.1-8.4 relating to recordkeeping have been accepted in principle by the Northern Territory (NT) Government.¹

In particular this guidance addresses Recommendation 8.3:

The National Archives of Australia and state and territory public records authorities should provide guidance to government and non-government on identifying records, which, it is reasonable to expect, may become relevant to an actual or alleged incident of child sexual abuse; and on the retention and disposal of such records.

The final report of the RCIRCSA containing the final recommendations can be viewed at http://www.childabuseroyalcomission.gov.au/final_report.

Purpose

This policy outlines the responsibilities of NT Public Sector Organisations to meet the requirements of the *Information Act* (the Act) and the recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse.

Authority

This policy has been issued in accordance with Part 9 of the Act which gives the NT Archives Service and NT Records Services the authority to issue standards and provide policy and advice about the making, keeping, preserving, managing and disposing of public records.

Scope

This policy applies to NT Public Sector Organisations as defined in Section 5 of the Act that create, own and receive public records providing evidence of institutional contact with children.

This policy also covers public records temporarily transferred to a third party, such as a privatised or commercial entity, Commonwealth or other Australian State Government agency, under a contractual custody agreement.

Policy Statement

NT Public Sector Organisations must comply with the requirements of the Act, including Records Management Standards and Archives Standards authorised under the Act.

The importance of maintaining good records is heightened in cases where services are provided to children and where incidents of sexual abuse or allegations of abuse are being investigated.

In the case of an incident of abuse or alleged incident of abuse involving a child, NT Public Sector Organisations must:

¹ [Northern Territory Government - Initial Response to the Recommendations of the Royal Commission into Institutional Child Sexual Abuse, 22 June 2018](#)

- ensure that recordkeeping practices meet the 5 principles outlined below;
- create a full and accurate record to document the allegation/incident, how this was investigated, responded to and managed;
- identify and include supporting records in the incident/investigation record; and
- create and capture contextual information about the supporting records including the source of the record and relevant references;
- ensure all other requirements within this standard are met.

Responsibilities of NT Public Sector Organisations

Chief Executive Officers of NT Public Sector Organisations are responsible and accountable for ensuring that the public sector organisation complies with the Act (Section 131).

NT Public Sector Organisations must “implement practices and procedures to safeguard the custody and ensure proper preservation of its records” in accordance with part 9 of the [Act](#).

This includes ensuring official records are created as evidence of government business and that those records are managed and disposed of appropriately.

It is an offence to destroy official government records except in accordance with provisions of the Act. The main provision affecting most NT Public Sector Organisations will be Section 136B of the Act which states that “a records retention and disposal schedule must be approved by the records service, archives service and Chief Executive Officer of the NT Public Sector Organisation responsible for the schedule”.

An approved Records Retention and Disposal Schedule identifies the earliest date a class of temporary value records may be destroyed and which classes of records are required to be kept permanently. It is at the discretion of the NT Public Sector Organisation concerned to retain temporary value records for a longer period if there is a business need.

The RCIRCSA recommended that records relating to child sexual abuse that has occurred, or is alleged to have occurred, should be retained for a minimum of 45 years after the incident could have occurred. However, this retention period may not be sufficient as it may be assumed that these records could be required for legal proceedings in the future.

NT Public Sector Organisations must retain child sexual abuse or alleged abuse records for a minimum of 45 years after the incident, or longer, depending on the likelihood of future legal proceedings.

In the NT there is no limitation period on when an action for damages arising from child abuse can be claimed.

Refer to the relevant retention and disposal authorities available at <https://dta.nt.gov.au/arts-and-museums/northern-territory-archives-service/government-recordkeeping> or by contacting the Northern Territory Archives Service direct.

Identifying records of relevance

NT Public Sector Organisations must carefully consider the sorts of records which may support an investigation into an incident of abuse or alleged abuse. The types of records which are likely to be of importance include:

- Letters, emails or other records making an allegation or in relation to an allegation (where notification occurs verbally then a file note should be made of the allegation or report)
- personnel and work placement records, including records relating to volunteers (for example counselling, mediation, and discipline records, travel records, minutes and agendas of meetings);

- Records which inform on a relevant person, in a place at a particular time (for example rosters, attendance sheets and permission slips, employee contracts, leave requests, off-site visits, day-trips and excursions)
- case files and other records of the child who is alleged to have been abused;
- documents relating to the treatment of children for injuries resulting from an incident of abuse or alleged abuse;
- documents 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;
- records relating to the adoption or fostering of children;
- records relating to the management, staffing and clients of childcare facilities;
- records documenting children being in the custody of a NT Public Sector Organisation;
- records outlining programs of service and how services were delivered; and
- policies, procedures and training material associated with the provision of services to children.

It is imperative that NT Public Sector Organisations understand the context within which they provide services as this will help determine which records may be relevant to an investigation and will need to be retained.

It is the responsibility of every public sector office to undertake their own detailed analysis of their business processes, information management and recordkeeping practices to identify affected records and ensure they are managed and retained in accordance with requirements.

This includes assessing records created in all formats and held within all business systems and those created or held by outsourced or contracted service providers on behalf of the public office.

Policy Principles

The NT Archives Service and NT Records Service support the implementation of recommendations from the RCIRCSA.

Principle 1: Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.

Institutions that care for or provide services to children must keep the best interests of the child uppermost in all aspects of their conduct including their recordkeeping. It is in the best interest of children that institutions foster a culture in which the creation and management of full and accurate records are integral parts of the institution's operations and governance.

Principle 2: Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.

Institutions should ensure that records are created to document any identified incidents of grooming, inappropriate behaviour or mandatory reports of child sexual abuse including the institutional response to the incidents.

Records created by institutions should be clear, objective and thorough. They should be created as close as possible to the time the incidents occurred and clearly show the author and date.

Principle 3: Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.

Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained in an indexed, logical and secure manner in the mandated recordkeeping system.

Records are to be stored securely with access controlled to protect privacy and the integrity of records.

Associated records should be co-located or cross referenced to ensure that people using those records are aware of all relevant information.

Principle 4: Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.

Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with approved records disposal schedules.

Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take into account limitation periods for civil actions for child sexual abuse.

Principle 5: Individual's existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.

Individuals whose childhoods are documented in institutional records should have a right of access to these records. Specific rather than generic explanations should be provided in any case where a record or part of a record is withheld or redacted.

Individuals should be made aware of and assisted to assert their existing rights to request that records containing their personal information be amended or annotated and be able to seek appeal on any decisions made.

Acknowledgements

The NT Archives Service and the NT Records Service acknowledge that material produced by the Public Record Office of Victoria, and State Records of South Australia, and the Council of Australasian Archives and Records Authorities was used in this policy.

Further advice

For further information about this policy please contact:

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12 September 2019

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