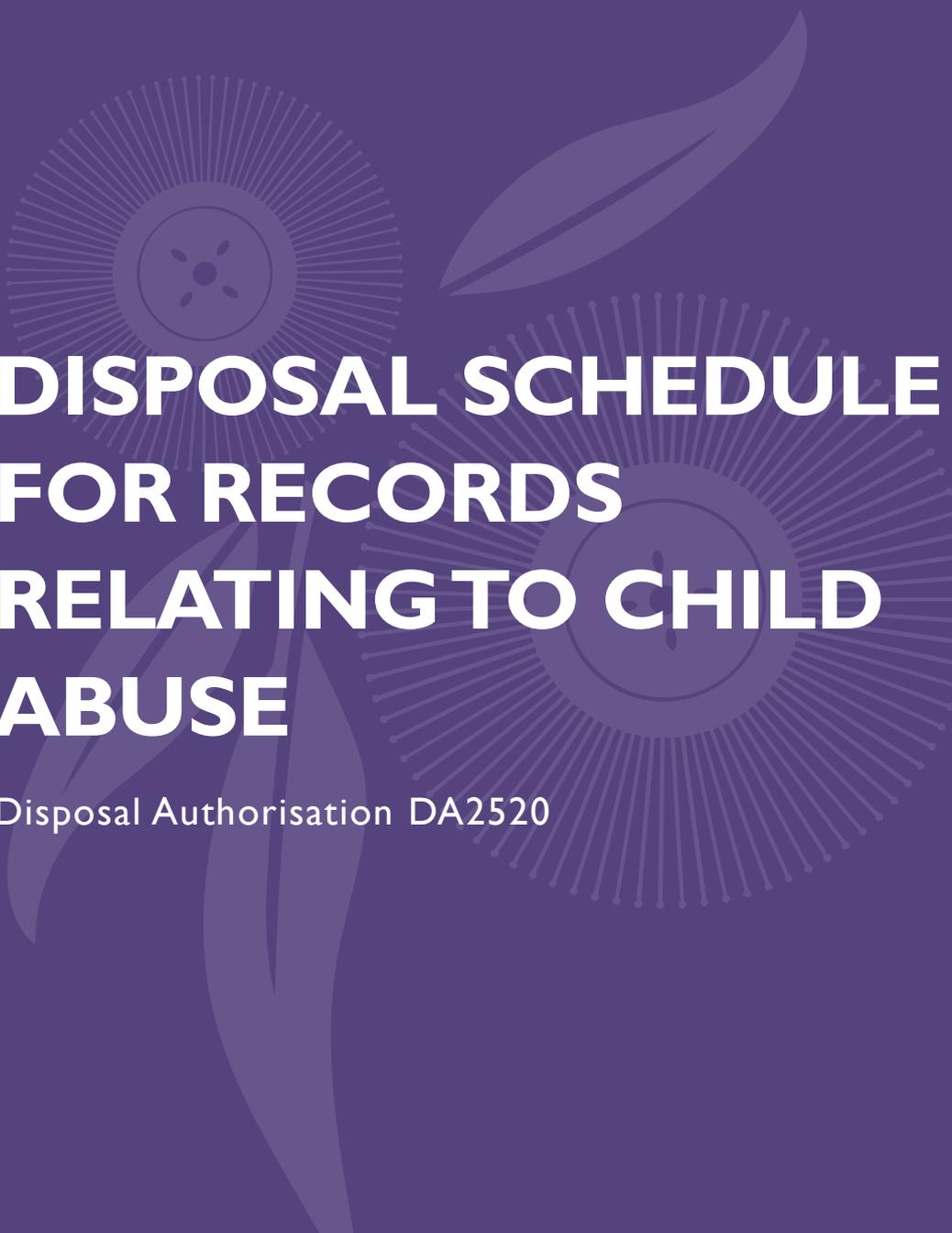


**Office of the  
State Archivist**



# **DISPOSAL SCHEDULE FOR RECORDS RELATING TO CHILD ABUSE**

Disposal Authorisation DA2520

**Version 1.0 - December 2019**

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## Introduction

The Office of the State Archivist has developed this retention and disposal schedule in response to three of the recordkeeping recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The schedule takes into account the amendments to the *Limitation Act 1974* (Tas). These amendments abolished the limitation period for bringing civil litigation for personal injury resulting from sexual abuse or serious physical abuse of children.

The retention periods in this schedule are based on the Royal Commission recommendations and on community expectations. Many existing schedules specify longer retention times than this schedule. If in doubt, always choose the longer retention period.

## Interpretation

### COVERAGE

This schedule applies to all organisations or agencies as defined in the *Archives Act 1983* (Tas). It covers child abuse records, in any format.

Where organisations have **contracting or outsourcing arrangements** with other providers, this schedule applies to these providers. Ensure that contracts with service providers include recordkeeping responsibilities.

Organisations not subject to the *Archives Act 1983* (Tas) are welcome to use this schedule.

This schedule does not cover **pre-1960** records. The disposal of those records should be managed according to the procedures for unscheduled records.

### CONSIDERATIONS

If:

- a **Right to Information** request has been lodged; or
- an application under the **Personal Information Protection Act 2004** (Tas) has been lodged; or
- an **investigation** or **inquiry** is in progress; or
- the records may be needed as **evidence** in a current or future legal matter; or
- there is a **disposal freeze** on records imposed or recommended by the State Archivist; or
- a **native title claim** is in progress; or
- the records relate to **indigenous families and communities** or they document the links between indigenous people and particular localities (this relates to a recommendation from the *Bringing Them Home Report 1997*)

identify all relevant records and keep them until the matter and any subsequent reviews or actions have been completed. This may be for longer than the retention periods in this schedule.

## KEY DEFINITIONS

**Child** means anyone below the legal age of majority in Australia, which is 18 years of age.

**Child abuse** means:

- sexual abuse; or
- physical or emotional injury or other abuse to the extent that:
  - the injured or abused person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person's wellbeing; or
  - the injured or abused person's physical or psychological development is in jeopardy; or
- child exploitation; or
- grooming.

## CONTACTS

Any enquiries, including reviewing this schedule, should be directed to the Office of the State Archivist by emailing [osa@education.tas.gov.au](mailto:osa@education.tas.gov.au) or by phoning 03 6165 5581.

## Authorisation

Under Section 20 (2) (b) of the *Archives Act 1983* (Tas), I hereby authorise 'relevant authorities' (as defined in Section 3 of that Act) to manage the disposal of the records described in this schedule in accordance with the procedures specified herein.

### RESPONSIBILITIES

The *Archives Act 1983* (Tas) stipulates that relevant authorities must not dispose of records of any type or format without the written approval of the State Archivist. Disposal of records involves their destruction, their removal from custody of their creating agency, or their transfer to the Tasmanian Archives as state archives.

Section 10 (1) (a) of the *Archives Act 1983* (Tas) requires agencies to preserve records until they are dealt with under the Act. This places a statutory obligation on agencies to ensure that all records, regardless of format, remain accessible while they are in the custody of the agency.

A *Register of Records Destroyed* is central to an organisations accountability as it provides the evidence of records which have been destroyed under the authority of the schedule. The Register is a permanent record.

**Ross Latham**

**State Archivist**

This is a living document and we will make minor changes as needed. If you notice anything that needs updating, please let us know.

### Document Development History

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Version	Date	Comments
1.0	12/12/2019	Authorised release
A	20/02/2019	Draft release for comment

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## Disposal Schedule

No	Function/Activity	Description	Status	Disposal Action
I	<b>STRATEGIC MANAGEMENT</b>	<p>The function of developing policies, procedures, strategies and other guidance for organisations to:</p> <ul style="list-style-type: none"> <li>• manage disclosures, incidents and complaints of child abuse, past, present, and future</li> <li>• ensure that full and accurate records relating to the safety and well-being of children, including relating to child abuse, are kept and properly managed</li> <li>• manage potential risk of child abuse</li> </ul>		
I.1		<p>Records illustrating the development of policy and strategic direction relating to child abuse. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• final versions of policies</li> <li>• major reviews and drafts of policy</li> <li>• planning and formal reporting</li> <li>• providing and receiving high level advice</li> <li>• records of high-level committees where the organisation has the administrative role</li> </ul>	Permanent	Retain as State Archives
I.2		<p>Other records which provide operational direction relating to child abuse, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• procedures and guidelines</li> <li>• training programs</li> </ul>	Temporary	Destroy 45 years after superseded

<b>Disposal Schedule</b>				
<b>No</b>	<b>Function/Activity</b>	<b>Description</b>	<b>Status</b>	<b>Disposal Action</b>
		<ul style="list-style-type: none"> <li>• routine, operational management of places offering services to children</li> <li>• evaluating and reviewing procedures, processes, and training</li> <li>• internal or external committees or meetings</li> </ul>		
2	<b>ALLEGATIONS AND INCIDENTS OF CHILD ABUSE</b>	<p>The function of managing allegations and incidents of child abuse, including:</p> <ul style="list-style-type: none"> <li>• records of allegations or incidents</li> <li>• conducting informal or formal investigations into allegations, incidents, and complaints of child abuse, including past and present matters</li> <li>• taking action, including criminal or civil litigation, in relation to child abuse</li> </ul>		
2.1		<p>Records documenting allegations and incidents of child abuse. Includes investigation records, including cases referred to external law enforcement agencies. It includes allegations which are proven or not proven. The records could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• the initiating complaint (including referrals, such as from telephone help lines, Advice and Referral Line, reports from mandatory reporters or the Commissioner for Children and Young People)</li> <li>• evidence collected in the course of the investigation, including statements, interviews and medical reports</li> <li>• outcome of the investigation</li> </ul>	Temporary	Destroy 125 years after date of birth of the child

<b>Disposal Schedule</b>				
<b>No</b>	<b>Function/Activity</b>	<b>Description</b>	<b>Status</b>	<b>Disposal Action</b>
		<ul style="list-style-type: none"> <li>• action taken (eg treatments, counselling or discipline records; records of reviewing actions; criminal or civil litigation; and decisions by external authorities)</li> </ul>		
2.2		<p>Records created to respond to requests from another organisation for information for a National Redress Scheme application, external investigation, or criminal or civil litigation relating to child abuse. Includes:</p> <ul style="list-style-type: none"> <li>• requests for information from the investigating organisation</li> <li>• correspondence</li> <li>• schedules of assessed and released information</li> </ul> <p>See 2.1 for records created by the investigating organisation.</p> <p>See DA2157 09.14.00 or 09.33.00 for requests for information that do not relate to child abuse.</p> <p>Contact Office of the State Archivist for retention and disposal of National Redress Scheme records created by the Department of Justice.</p>	Temporary	Destroy 10 years after action completed
3	<b>FUTURE ALLEGATIONS</b>	<p>Records which may corroborate future allegations of child abuse. Typically, these records will demonstrate that a particular individual was in a particular place in a specified time period.</p> <p>Refer to Disposal Freeze for Records Relating to Children in the <a href="#">Royal Commission Toolkit</a>. This is to allow for the delayed disclosure of child abuse.</p>	Refer to Disposal Freeze for Records Relating to Children in the <a href="#">Royal Commission Toolkit</a>	Review before 2029