

DECEMBER 2019

Child Abuse Disposal Schedule and Freeze FAQs

WHY IS THERE A NEW DISPOSAL SCHEDULE AND FREEZE?

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

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

We have issued the new disposal freeze for all records that contain information about children to replace the one we issued at the beginning of the Royal Commission. This protects the records that might be needed for a Redress Scheme application or legal case.

Remember that any disposal freeze overrides disposal schedules or disposal authorisations. This means that all records relevant to the freeze need to be kept until it has been lifted.

WHAT RECORDS WILL BE AFFECTED?

The disposal schedule applies to records about child abuse. The disposal freeze covers all records that are related to children, which includes the services provided to them and the employees who provide that service.

To help organisations identify relevant records, we have developed a list of possible record types that will be affected by the disposal freeze - it is available in our [Toolkit](#). But we need your help - tell us what records you have identified so that we can keep this list up to date. Please send your record types to osa@education.tas.gov.au.

WHO DOES IT APPLY TO?

This disposal schedule and freeze applies to Tasmanian government organisations that provide a service to children. This includes government departments, state or local authorities, government business enterprises, state-owned companies and the University of Tasmania.

Non-government organisations are welcome to use them too.

WHO AUTHORISED THE DISPOSAL SCHEDULE AND FREEZE?

Disposal schedules and freezes are authorised by Ross Latham as State Archivist under the *Archives Act 1983* Section 20 (2) (b).

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HOW DO I USE THIS DISPOSAL SCHEDULE WITH OTHER SCHEDULES?

Existing disposal schedules still apply to records. This disposal schedule may have different retention periods to others. It is standard disposal practice to compare disposal schedules when sentencing records. Our advice is to be cautious and choose the longer retention period whenever there is conflicting information but we encourage you to conduct your own risk assessments.

We are happy to discuss those decisions with you.

As an example, Child Protection client records need to be kept for 25 after the date of birth of the child where, after an initial assessment, it was decided not to proceed to a full investigation (Disposal Schedule for Client Health Records (DA2426)). The Disposal Schedule for Records Relating to Child Abuse (DA2520) says that child abuse allegation or incident records need to be kept for 125 years. In this case, keep the records for 125 years as that is the longer retention period.

We encourage you to continue to update your disposal schedules to align with contemporary records retention practices. We will work with you to do this.

WHO DID YOU CONSULT WITH?

We have consulted extensively among key Tasmanian government organisations. The State Archivist has also met with senior executives to discuss how the Royal Commission will affect records management across the Tasmanian government.

We are very aware that the disposal schedule may be used by non-government organisations and are attempting to consult as widely as possible to raise awareness and adoption.

We also considered industry best practice, legislative requirements and community expectations when determining the records retention periods and which records will be required as state archives.

WHAT ARE OTHER JURISDICTIONS DOING?

We have worked with other jurisdictions via the Council of Australasian Archives and Records Authorities Royal Commission Working Group.

The National Archives of Australia has issued a [General Records Authority for Child Sexual Abuse Incidents and Allegations](#). The Public Records Office Victoria has issued a [Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations](#).

Our interpretation of the Royal Commission recommendations are in line with the other jurisdictions, however there are some differences. This is partly because our disposal schedule covers all types of child abuse (sexual, physical, exploitation etc), as this is how the Tasmanian *Limitation Act 1974* was amended.

WHAT HAPPENS AT THE END OF THE FREEZE?

We will review the disposal schedule and freeze before the end of the Redress Scheme.

WHAT DO I NEED TO DO?

All organisations should identify and manage records required for the Redress Scheme in preparation for the review of the disposal schedule and freeze. As well as helping you manage your records, this evidence could be used to support changes to government recordkeeping practices in the future.

We want you to monitor the records being accessed for the Redress Scheme and tell us. This will help us identify trends across government, and feed into our review of the disposal schedule and freeze.

We are interested in sharing case studies with our clients so that they can consider options for their legacy records. We would love to hear from you if you have developed a successful management strategy for your legacy records. For example: proactively digitising everything, digitising only on demand, or not digitising anything and maintaining only paper records.

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FURTHER INFORMATION

For more information on how to implement the Royal Commission recordkeeping recommendations, go to our [Toolkit](#).

CONTACT US

If you have any further questions, please phone us on 03 6165 5581 or email osa@education.tas.gov.au.

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

Version	Date	Comments
1.1	12/12/2019	Authorised release
1	25/06/2019	Draft release for comment