



**Australian Government**

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**National Archives of Australia**

**General Records Authority 41**

2018/00421155

# **Child Sexual Abuse Incidents and Allegations**

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## INTRODUCTION

The National Archives of Australia (National Archives) has developed this records authority to set out the requirements for keeping or destroying records relating to Child Sexual Abuse Incidents and Allegations. It is in response to the recommendations outlined in the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

This records authority sets out those records that need to be retained as national archives and specifies the minimum length of time that temporary records need to be kept. This records authority gives agencies permission under the *Archives Act 1983*, for the destruction of the temporary records described after the minimum retention period has expired. Retention periods for these temporary records are based on: an assessment of business needs; broader organisational accountability requirements; community expectations; and specifically to ensure that relevant records are available for survivors of child sexual abuse.

As changes in circumstances may affect future records management requirements, this authority may occasionally be amended by the addition of new classes and the variation of existing classes. The National Archives will notify agencies of any such changes.

## APPLICATION OF THIS AUTHORITY

1. At the date of authorisation, this authority supersedes classes in general records authorities and agency specific records authorities for records covered by this authority, except where the retention periods in agency specific authorities are greater than those identified in this authority.
2. It is expected over time as agencies review and update their agency specific records authorities, this general records authority will eventually be superseded. Agency specific records authorities can accommodate more customised requirements and future records authorities may accordingly result in more appropriate retention periods or clearer records descriptions. Please contact the National Archives before commencing a records authority review.

This authority will be periodically reviewed to determine if it should be superseded based on a determination of comprehensive coverage in agency specific authorities with the first review to occur within 15 years of the date of authorisation.

3. The following definitions are used in this records authority:

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

**Child sexual abuse** is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. For a full comprehensive definition refer to the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse, Volume 1, page 19.

**Care** refers to the services provided (including under contractual or outsourcing arrangements) for the health, welfare, maintenance, and protection of someone who may be the responsibility of, under the direct supervision or in the custody of a Commonwealth institution.

4. All attempts have been made to use language that is not offensive to survivors of child sexual abuse.
5. This authority should be used in conjunction with record authorities issued to agencies for their core business and other general records authorities issued by the National Archives (in accordance with note 1) such as:
  - the Administrative Functions Disposal Authority (AFDA) and/or AFDA Express issued by the National Archives to cover business processes and records common to Australian Government agencies;
  - General Records Authority (31) for source (including original) records that have been copied, converted or migrated. This records authority is to be used to determine how long

records must be kept. Records are matched to the relevant core business and records class in the records authority:

- Where the minimum retention period has expired and the records are not needed for agency business they should be destroyed as authorised in this records authority.
  - Records that have not reached the minimum retention period must be kept until they do.
  - Records that are identified as Retain as National Archives (RNA) are to be transferred to the National Archives for preservation.
6. The Normal Administrative Practice (NAP) provision of the *Archives Act 1983* gives agencies permission to destroy certain records without formal authorisation. This usually occurs where records are duplicated, facilitative or for short-term use only. NAP does not replace arrangements agreed to in this authority but can be used as a tool to assist in identifying records for destruction together with an agency's records authority or authorities. The National Archives recommends that agencies develop and implement a NAP policy. Advice and guidance on destroying records as a normal administrative practice and on how to develop an agency NAP policy is available from the National Archives' website at [www.naa.gov.au](http://www.naa.gov.au).
  7. Records that are reasonably likely to be needed as evidence in a current or future judicial proceeding or are subject to a request for access under the *Archives Act 1983*, the *Freedom of Information Act 1982* or any other relevant act must not be destroyed until the action has been completed.
  8. Records subject to a disposal freeze must not be destroyed until the freeze has been lifted. This includes the disposal freeze on the records required for the Royal Commission into Institutional Responses to Child Sexual Abuse. Further information about disposal freezes and whether they affect the application of this records authority is available from the National Archives website at [www.naa.gov.au](http://www.naa.gov.au).
  9. Where the method of recording information changes (for example from a manual system to a digital system, or when information is migrated from one system to a new system) this records authority can still be applied, providing the records document the same core business. The information must be accessible for the period of time prescribed in this records authority. There is a need to maintain continuing access to the information, including digital information, for the periods prescribed in this records authority or until the information is transferred into the custody of the National Archives.
  10. In general retention requirements indicate a minimum period for retention. Agencies may extend minimum retention periods if there is an administrative need to do so, without further reference to the National Archives. Where an agency believes that its accountability will be substantially compromised because a retention period is not adequate, please contact the National Archives for review of the retention period.
  11. Records in the care of agencies should be appropriately stored, managed and preserved. Agencies need to meet this obligation to ensure that the records remain authentic and accessible over time. Under Section 31 of the *Archives Act 1983*, access arrangements are required for records that become available for public access including those records that remain in agency custody.
  12. Appropriate arrangements should be made with the National Archives when records are to be transferred into custody. The National Archives accepts for transfer only those records designated as national archives.
  13. Advice on how to use this authority is available from your agency's records manager. If there are problems with the application of the authority that cannot be resolved, please contact the National Archives.

## CONTACT INFORMATION

For assistance with this authority or for advice on other records management matters, please contact National Archives' [Agency Service Centre](#).

## AUTHORISATION

RECORDS AUTHORITY 2018/00421155

**Person to whom notice of authorisation is given:**

Heads of Commonwealth institutions under the *Archives Act 1983*.

**Purpose:**

Authorises arrangements for the disposal of records in accordance with paragraph 24(2)(b) of the *Archives Act 1983*.

Determines records classed as 'Retain as national archives' in this Records Authority to be part of the archival resources of the Commonwealth under section 3C of the *Archives Act 1983*.

**Application:**

All records relating to Child Sexual Abuse Incidents and Allegations

This authority gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. This authority will apply only if these actions take place with the consent of the agency responsible for the business activities documented in the records.

**Authorised by**

Linda Macfarlane  
Acting Assistant Director-General  
Collection Management

**Date of issue:** 11 October 2018

## CHILD SEXUAL ABUSE INCIDENTS AND ALLEGATIONS

The business activities related to managing child sexual abuse incidents and allegations in agencies, including those that provide services to children as a core business, deliver services to a client base that includes children, or deal with child-related complaints or child welfare. Includes handling complaints, carrying out investigations and managing enforcement actions to address actual or alleged child sexual abuse incidents that occurred while the child was in the care of the agency, or where the reported incident is in breach of Australian law or international treaty or other international agreement to which Australia is a party. Also includes identifying and retaining all children's case records where the child is under the care or custody of a Commonwealth institution, or receives services from a Commonwealth institution (including under contractual or outsourcing arrangements) that exercises responsibility for children or otherwise carries out child-related work (ie where the contact with a child is direct and part of a person's duties), to allow for delayed disclosure by victims.

Activities undertaken to **conduct investigations** and inquiries into actual or alleged incidents including:

- receiving and managing disclosures, allegations and complaints;
- conducting investigations and inquiries into actual or alleged incidents;
- collecting and managing supporting documents and other evidence;
- conducting interviews with witnesses;
- preparing investigation briefs;
- liaising with other bodies;
- imposing sanctions, penalties and disciplinary actions;
- undertaking litigation / legal proceedings (civil and criminal);
- referring matters to other bodies (eg referrals to the Australian Federal Police); and
- managing appeals and reviewing agency decisions.

Activities undertaken to **address disclosures, allegations and complaints and provide remedial action** for individuals who have made allegations of child sexual abuse including:

- provision of or referral to counselling services;
- redress and remedial action including support or compensation, intervention and mediation; and
- developing, reviewing and delivering specialised training on how to deal with incidents and allegations.

Activities undertaken to **care for or provide services to children** including:

- managing children's welfare and other case records where the child is under the care or custody of a Commonwealth institution, or receives services directly (including under contractual or outsourcing arrangements) from a Commonwealth institution that exercises responsibility for children or otherwise carries out child-related work (ie where the contact with the child is direct and part of a person's duties).

**General activities** include:

- developing and implementing policies, strategies, procedures and other guidance material;
- planning and reporting;
- providing and receiving advice;
- delegating powers and authorising actions;
- planning, conducting and facilitating audits;
- evaluating and reviewing; and
- managing risks.

## CHILD SEXUAL ABUSE INCIDENTS AND ALLEGATIONS

### Cross References to AFDA Express

For control records including information about the destruction of records, use INFORMATION MANAGEMENT.

Class no	Description of records	Disposal action
62512	<p>Records documenting:</p> <ul style="list-style-type: none"> <li>• developing and reviewing policies, plans, strategies and other guidance material relating to child sexual abuse incidents and allegations for agencies that provide care for or services to children (eg residential care, welfare services, training or other educational services) as part of their business activities. Includes final version, major drafts, supporting research and results of stakeholder consultations;</li> <li>• activities relating to child sexual abuse disclosures, allegations or complaints, including: <ul style="list-style-type: none"> <li>○ investigation and inquiry case records relating to alleged child sexual abuse incidents, including cases referred to external law enforcement agencies and allegations which were not proven. Includes the initiating allegation or complaint, evidence collected or seized, records of interviews conducted, records of legal proceedings, supporting research and appeals and reviews of decisions;</li> <li>○ actions taken to address allegations and cases of child sexual abuse and related matters (eg treatment, personnel, counselling or discipline records, records of review actions and decisions by external authorities); and</li> <li>○ support, redress and remedial action for individuals who have made allegations of child sexual abuse (eg counselling, mediation and related medical records).</li> </ul> </li> <li>• master set of training materials relating to child sexual abuse incidents and allegations;</li> <li>• major internal reviews relating to the process of handling of child sexual abuse incidents and allegations. Includes final review report, major drafts, recommendations, stakeholder consultations and supporting research; and</li> <li>• receipt or provision of high-level advice relating to child sexual abuse incidents and allegations received from or provided to government agencies or other bodies, including advice provided as part of investigations and inquiries.</li> </ul> <p><i>[For advice, briefs and submissions to the portfolio Minister relating to child sexual abuse incidents and allegations, use GOVERNMENT RELATIONS]</i></p>	Retain as national archives
62513	<p>Records documenting:</p> <ul style="list-style-type: none"> <li>• developing and reviewing policies, plans, strategies, procedures and other guidance material relating to child sexual abuse incidents and allegations, other than those covered in 62512. Includes final versions, major drafts, supporting research and results of stakeholder consultations.</li> </ul>	Destroy 100 years after action completed

## CHILD SEXUAL ABUSE INCIDENTS AND ALLEGATIONS

62514	<p>To allow for delayed disclosure of child sexual abuse by survivors and take account of limitation periods for civil action for child sexual abuse, the following records documenting:</p> <ul style="list-style-type: none"><li>all children's case records (eg cadet files, children's detention centre records and student records) including welfare records, where the child is under the care or custody of a Commonwealth institution, or receives services directly from a Commonwealth institution that exercises responsibility for children or otherwise carries out child-related work (ie where the contact with a child is direct and part of a person's duties).</li></ul> <p>Excludes investigation and inquiry case records covered in 62512.</p>	Destroy 100 years after date of birth of the child or 100 years after action completed, whichever is sooner
62515	<p>Records documenting:</p> <ul style="list-style-type: none"><li>all activities associated with managing child sexual abuse incidents and allegations, other than those covered in classes 62512 to 62514.</li></ul>	Destroy 45 years after action completed