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Our reference: 2016/2964

## Records retention notice

### Background

On 26 July 2016, the Prime Minister the Hon Malcolm Turnbull announced the Australian Government's intention to establish a Royal Commission into the Child Protection and Youth Detention Systems of the Northern Territory.

The Governor-General, His Excellency General the Honourable Sir Peter Cosgrove AK MC (Ret'd), issued [Letters Patent and Terms of Reference establishing the Royal Commission](#) on 1 August 2016. The Honourable Margaret White AO and Mr Mick Gooda have been appointed as the Royal Commissioners to inquire into the Child Protection and Youth Detention Systems of the Northern Territory, in accordance with the terms of the inquiry set out in the Governor-General's Letters Patent. The Royal Commissioners are asked to provide a report of their findings and recommendations on or before 31 March 2017.

### Records

**This records retention notice covers records relevant to the Royal Commission into the Child Protection and Youth Detention Systems of the Northern Territory's terms of reference, including:**

- **failings in the child protection and youth detention systems of the Government of the Northern Territory during the period since the commencement of the *Youth Justice Act* of the Northern Territory**
- **records documenting any such treatment during the relevant period which may:**
  - **amount to a breach of law in the Commonwealth; or**
  - **be inconsistent with, or contrary to, a human right or freedom that:**
    - **is embodied in a law of the Commonwealth; and**
    - **is recognised or declared by an international instrument; or**
  - **amount to a breach of a rule, policy, procedure, standard or management practice that applied to any or all of the relevant facilities**
- **what improvements could be made to the child protection system of the Northern Territory, including the identification of early intervention options and pathways for children at risk of engaging in anti-social behaviour**

### Purpose

This document is to notify relevant Australian Government agencies and other agents or people in possession of Commonwealth records that any relevant Commonwealth records must be retained for the purposes of the Royal Commission into the Child Protection and Youth Detention Systems of the Northern Territory. Your agency may be responsible for some potentially relevant records.

It is likely that some records have been authorised for destruction under general and agency-specific records authorities issued by the National Archives or using a normal administrative practice (NAP). The purpose of this notice is to prevent any such destruction and to ensure that all relevant existing and future records are available for current and future actions.

**This notice suspends the National Archives of Australia's permission to destroy any relevant records. Relevant records and any associated drafts and working papers cannot be destroyed using any agency-specific or general records authorities or through a normal administrative practice (NAP).**

It is a legal requirement that you apply this notice by protecting any relevant records and conveying this to the appropriate people in your organisation as a matter of urgency. Penalties for the unauthorised destruction of documents and records are specified in various Commonwealth laws, including the *Archives Act 1983*.

### **Authority**

This action is taken pursuant to paragraphs 24(2)(b) and 24(2)(c) of the *Archives Act 1983*.

### **Duration**

This notice will take effect immediately **and will be in force until further notice by the National Archives.**

### **Action required**

Agencies and other agents or people in possession of relevant Commonwealth records should:

1. Ensure that all workers are informed of the records retention notice.
2. Conduct a risk assessment to:
  - a. determine if workers, contractors or records service providers have any records due for destruction that come within the scope of the records retention notice; and
  - b. identify and retain relevant existing and future records subject to this notice.

### **Impact**

The processing, reviewing and storage costs arising from the implementation of this notice will be borne by the agencies or other agents or people concerned.

### **Inquiries**

For inquiries about this notice, please contact the National Archives Agency Service Centre at [recordkeeping@naa.gov.au](mailto:recordkeeping@naa.gov.au) or Kerry Moir on 02 6212 3639.

Issued by



David Fricker  
Director-General  
National Archives of Australia

30<sup>th</sup> August 2016