BACKGROUND REPORT

Queensland State Archives

Draft guidance on the implementation of recommendations from The Royal Commission into Institutional Responses to Child Sexual Abuse

BACKGROUND

On 1 June 2018 the State Archivist issued a disposal freeze for all records which are relevant to, or may become relevant to, an allegation of child sexual abuse. This disposal freeze was in response to the recommendations made in the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission). This disposal freeze put a halt to the destruction of relevant records across Queensland public authorities. The disposal freeze provided protection of these valuable information assets while QSA developed appropriate guidance that support the recommendations of the Royal Commission.

Under the recommendations of the Royal Commission, Queensland State Archives (QSA) has direct responsibility to develop advice and disposal requirements on the creation and management of records relating to the safety and wellbeing of children, specifically around child sexual abuse. We have drafted a new disposal authorisation and guideline based on these recommendations.

The guidance outlines the requirements for creating, keeping and disposal of records relating to child sexual abuse incidents and allegations as well as potential corroborating evidence. It also covers records that document the responsibility of government entities and their overarching policies and frameworks for the safety and wellbeing of children and protection from child sexual abuse.

As the executive officer of your public authority, you must ensure your agency complies with responsibilities under the Public Records Act 2002 and have regard to any policy, standards and guidelines issued by the State Archivist about the making and keeping of public records.

WHAT WE NEED FROM YOU

Implementation of this new guidance will have implications for the management of records within your public authority.

QSA is seeking a formal response from your public authority on the draft consultation version of the disposal authorisation, appraisal log and guideline.


A formal response is requested by 31 July 2019
You may wish to distribute this request to relevant staff within your agency who may be in the best position to provide comment, but endorsement of your formal response is requested from the CEO of your public authority.

The tools and guidance recognise the following:

- inadequate records and recordkeeping practices ‘contributed to delays in or failures to identify and respond to risks and incidents of child sexual abuse’\(^1\)
- the safety and best interests of children must be at the core of an institution’s operations\(^2\), and public authorities have a heightened responsibility to ensure they protect vulnerable members of society such as children.
- the creation of complete and reliable records is vital to identifying risks of abuse and responding appropriately. The creation of these records protects the rights and entitlements of victims/survivors of child sexual abuse and other forms of abuse should they ever need to exercise them.
- problems with recordkeeping are not just a thing of the past with the Royal Commission hearing accounts of poor practices from present day institutions. Public authorities must dedicate time and resources to creating good records of their interactions with children and managing them appropriately, which aligns with the Royal Commissions definition of a child safe institution.\(^3\)

**DISPOSAL AUTHORISATION SCOPE**

Even though your public authority may not undertake specific child safety related functions, the new guidance will have implications for the management of records within your public authority. We believe there will be minimal instances where Queensland public authorities would have zero contact with children even if it is on an ad hoc or infrequent basis. The Guideline is aimed at all Queensland public authorities (departments, local governments, statutory authorities and bodies, universities, Ministers, Assistant Ministers, courts and Government Owned Corporations):

- that provide, or have at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families.\(^4\)
- including those without specific child safety related functions i.e. child safety is not their core function but run regular or irregular programs or services that may involve direct or indirect contact and interaction with children e.g. tours of facilities where children may

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\(^1\) Royal Commission into Institutional Responses to Child Sexual Abuse Final Report: *Volume 8, Recordkeeping and Information Sharing*, p 9

\(^2\) Royal Commission into Institutional Responses to Child Sexual Abuse Final Report: *Volume 6, Making institutions child safe*, p 9

\(^3\) Royal Commission into Institutional Responses to Child Sexual Abuse Final Report: *Volume 6, Making institutions child safe*, p 12

\(^4\) Royal Commission into Institutional Responses to Child Sexual Abuse Final Report: *Volume 1, Our inquiry*, p 17
attend, administering a program that is operationalised by another public authority or is the reporting/responding institution that responds to allegations in other institutions e.g. police services.

OUT OF SCOPE

The National Redress Scheme (NRS) is in response to the Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA). The Scheme provides support to people who experienced institutional child sexual abuse and will run for 10 years from 1 July 2018. The Queensland Government ‘considers the national scheme to be of critical importance to acknowledging the horrific experiences of child sexual abuse that people experienced in institutions that were supposed to care for and protect them.”

Records covered by this authorisation are not records of applications to the National Redress Scheme. A separate appraisal of records generated in the operation of the redress scheme will be undertaken in the future. For further information on the National Redress Scheme and how it relates to RCIRCSA see https://www.nationalredress.gov.au/

RELATIONSHIP TO EXISTING DISPOSAL AUTHORISATIONS

This disposal authorisation will override pre-existing disposal authorisations in any schedule (agency specific, sector and general) except where existing retention periods are greater than those in this schedule.

FURTHER INFORMATION

For further information about this consultation, please contact the Government Records Innovation team on rkqueries@archives.qld.gov.au.