

Notice of Records Disposal Freeze for Records Relating to the Royal Commission into Defence and Veteran Suicide

The purpose of this document is to notify public sector organisations, which may be in possession of records relevant to the scope of the Royal Commission into Defence and Veteran Suicide that a disposal freeze has been placed on records which may be required for the inquiries of the Royal Commission or related legal actions or investigations.

Background

The Royal Commission into Defence and Veteran Suicide was announced by the Hon Prime Minister Scott Morrison, MP on 8 July 2021.

The Letters Patent and Terms of Reference establishing the Royal Commission were issued on 8 July 2021 by the Governor-General, His Excellency General the Honourable David John Hurley AC DSC (Ret'd). Mr Naguib Kaldas APM, the Honourable James Sholto Douglas QC and Dr Peggy Brown AO have been appointed as Royal Commissioners and will make recommendations about any policy, legislative, administrative or structural reforms.

The Royal Commission is to inquire into and report on systemic issues and common themes in past deaths-by-suicide of ADF members and veterans. These include suspected suicides and lived experience of suicide risks.

The Royal Commission will be independent and supported by all state and territory governments and its work will be used to guide the future work of the National Commissioner for Defence and Veteran Suicide Prevention.

The Royal Commission's Terms of Reference form part of the Letters Patent and will require the Royal Commission to look at:

- Common themes and issues among defence and veteran suicides or lived experiences of suicidal behaviours and risk factors. Lived experience will include a broad range of experiences, including suicide attempts, contemplation or feelings of suicide, or poor mental health outcomes;
- Risk factors relevant to defence and veteran suicide, including the contribution of pre-service, service and post-service issues;
- The impact of culture within the ADF, the Department of Defence and the Department of Veterans' Affairs on defence members' and veterans' physical and mental wellbeing;
- The role of non-government organisations, including ex-service organisations, in supporting defence members, veterans, their families and others within the community;
- Protective and rehabilitative factors, including things to reduce the likelihood of development or acceleration of a mental health condition, and rehabilitation for defence members and veterans who have lived experience;
- Issues that exist within, and the availability and effectiveness of, support services for families and others;



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- Common themes and issues among defence members' and veterans' experiences in accessing claims, entitlements, and support services from government, including trying to engage with multiple government organisations;
- Legislative and policy frameworks relating to support services, claims and entitlements;
- Social or family contexts, housing or employment issues, and economic and financial circumstances;
- Any other matter the Royal Commission considers relevant to its inquiry.

The aim of the disposal freeze is to avoid the risk of losing crucial evidence for the Royal Commission or related legal actions.

Authority

The Archives Service and the Records Service issue this disposal freeze in accordance with Section 136B of the *Information Act*. Destruction of records covered by a disposal freeze is considered illegal disposal under Section 145 of the *Information Act*.

Public Sector Organisations Affected

The disposal freeze **applies to all public sector organisations** which may hold (as defined in s 5 of the *Information Act*) records relevant to the scope of the Royal Commission, in particular:

- Department of Corporate and Digital Development;
- Department of Health;
- Department of Territory Families, Housing and Communities;
- Department of the Attorney-General and Justice;
- Department of the Chief Minister and Cabinet;
- Northern Territory Police, Fire and Emergency Services;
- Office of the Commissioner for Public Employment;
- Ombudsman's Office.

Records affected

In broad terms, this freeze covers records which may be required by the Royal Commission such as:

- Records relating to critical violent life incidents involving defence and veteran personnel;
- Records relating to investigations into and response to critical violent life incidents involving defence and veteran personnel;
- Records relating to the treatment of defence and veteran personnel by public sector organisations;

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- Records relating to the management and staffing of public sector organisation facilities, including care facilities, used by defence and veteran personnel;
- Records relating to services provided to defence and veteran personnel, including (but not limited to) housing and health care
- Records relating to providing legal guardianship of adults with impaired decision making capacity relevant to daily living
- Records relating to policies and procedures concerning the management of services which relate to defence and veteran personnel

The disposal freeze applies to records that could otherwise be destroyed under Northern Territory Government Records Disposal Schedules.

The disposal of records not covered by a disposal schedule is an offence under Section 145 of the *Information Act*.

The disposal schedules likely to be affected are listed in Schedule B.

The disposal freeze also covers control records which may identify relevant records such as registers of files, card and electronic indexes of files and records, metadata identifying specific records in databases and other digital business systems.

The disposal freeze covers records in all formats, including paper files and documents, microfilm and magnetic tapes, audio and visual recordings, photographs and records created and stored digitally (including information in relevant current and legacy databases and digital business systems).

All records in digital formats, including information in databases and other digital business systems, must be maintained with all the metadata necessary to support retrieval and access to authentic and reliable information.

In practice, the freeze should only affect those records due to be destroyed within the period of the freeze, not the total quantity of records that fit the description of records. However, it is incumbent on public sector organisations to evaluate all records due for destruction and assess their likely relevance to the Royal Commission investigations.

Schedule A details the categories of records subject to the records disposal freeze

Duration

This disposal freeze is in force from 1 March 2022. A review of the requirement for the continuation of the disposal freeze will be undertaken prior to 31 December 2023. Public sector organisations will be notified by the Records Service if a further extension of the disposal freeze is authorised or if it will cease.

Action Required

Public sector organisations must:

1. Notify all staff and other relevant parties (including third party service providers) responsible for the disposal of public records that a disposal freeze has been issued.
2. Withhold from destruction any records within the scope of the records disposal freeze.



3. Retain the records identified in the disposal freeze for the duration of the freeze or until further notice.

The preparation for sentencing of records affected by the disposal freeze can continue. However, the records must be set aside and retained for the period of the disposal freeze. The records should be retained by the organisation; they will not be accepted for transfer to the Territory Archives. Organisations have the option either to identify and set aside the particular records covered by the freeze, or to implement a broader freeze on all records likely to contain relevant material.

This disposal freeze does not apply to records sentenced as permanent against an authorised records disposal schedule.

Impact

The costs relating to the management and storage of an agency's temporary records covered by a records disposal freeze is the responsibility of the public sector organisation.

Further Information

For further information please refer to:

[*Records Disposal Freeze Policy for NT Public Sector Organisations*](#)

[*Records Disposal Freeze Implementation Advice for NT Public Sector Organisations*](#)

[*Letters Patent and Terms of Reference*](#)

Enquiries

For information and advice, please contact:

Records Service
Department of Corporate and Digital Development
GPO Box 2391
Darwin NT 0801

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Schedule A: Categories of records subject to the records disposal freeze

The following categories of records have been identified by the Archives Service and Records Service as those most likely to contain relevant records subject to this disposal freeze. The examples provided are for guidance only and other categories of records not listed below may contain information relevant to the inquiry:

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- 1. Records relating to the management of veterans in care, such as:**
 - Case management files
 - Assessment reports
 - Incident reporting
 - Policies and procedures relating to the management of care facilities and programs for people with disability, including staff training and visitor programs
- 2. Medical care records for defence and veteran personnel, such as:**
 - Medical care programs, resources and staffing
 - Medical treatment records
 - First aid and incident reporting records
- 3. Complaint records relating to the treatment of defence and veteran personnel, such as**
 - Complaint files
 - Complaint procedures
 - Internal investigations
 - Mediation process
 - Referral for external investigation
- 4. Policing and correctional service records relating to incidents involving defence and veteran personnel violence, such as**
 - Investigation and reporting records
 - Investigation and reporting policies and procedures
 - Prosecution records
- 5. Records relating to providing legal guardianship of adults**
 - Case management records, including appointments of guardians
- 6. Policy and administrative records relating to government processes for defence and veteran personnel, including housing**
 - Development and implementation of policies and procedures
 - Employment records

Schedule B: List of Records Disposal Schedules affected

This disposal freeze applies to records that are due to be destroyed under a Northern Territory Government Records Disposal Schedule. In practice, the freeze should only affect those records due to be destroyed within the period of the freeze, not the total quantity of records that fit the description of records.

The records disposal schedules listed below have been identified as those likely to contain relevant classes of records and are provided here for guidance only. However, it is probable that records disposal schedules not listed below may also contain relevant classes of records.

Public Sector Organisation	Records Disposal Schedule
All agencies	<i>Records Disposal Schedule for Administrative Functions of the Northern Territory Government, 2013/5</i>
Local Authorities in the Northern Territory	<i>Records Disposal Schedule for Local Authorities in the Northern Territory, 2018/3</i>
Department of Health	<i>Records Disposal Schedule for Patient Records, 2002/1</i> <i>Records Disposal Schedule for Pensioner and Carer Concession Management, 2015/3</i> <i>Records Disposal Schedule for Mental Health Services, 2015/8</i> <i>Records Disposal Schedule for Hearing Services, 2015/25</i>
Department of Territory Families, Housing and Communities	<i>Records Disposal Schedule for Local Government and Community Development, 2006/5</i> <i>Records Disposal Schedule for Indigenous Housing, 2006/9</i> <i>Records Disposal Schedule for Indigenous Community Support, 2006/10</i> <i>Records Disposal Schedule: Aboriginal Interpreter Services, 2006/11</i> <i>Records Disposal Schedule for Tenancy Management, 2006/12</i>
	<i>Records Disposal Schedule for Housing Provision Records, 2007/2</i>

<p>Department of the Attorney-General and Justice</p>	<p><u>Records Disposal Schedule for Local Courts Administration, 2015/11</u></p> <p><u>Records Disposal Schedule for Anti-Discrimination Services, 2015/12</u></p> <p><u>Records Disposal Schedule for Public Prosecutions, 2015/14</u></p> <p><u>Records Disposal Schedule Community Visitor Program Management, 2016/7</u></p> <p><u>Records Disposal Schedule for Health and Community Services Complaints Management, 2016/9</u></p> <p><u>Records Disposal Schedule for Adult Guardianship, 2016/17</u></p> <p><u>Records Disposal Schedule for Custodial Services, 2016/20</u></p> <p><u>Records Disposal Schedule for Supreme Court Administration, 2016/24</u></p>
<p>Department of the Chief Minister and Cabinet</p>	<p><u>Records Disposal Schedule for Redeployment Management, Redundancy Management, 2000/5</u></p> <p><u>Records Disposal Schedule for Organisational Capability Assessment, 2001/11</u></p> <p><u>Records Disposal Schedule for Risk Review Services, 2006/4</u></p> <p><u>Records Disposal Schedule for Public Sector Appeals Management, 2013/1</u></p> <p><u>Records Disposal Schedule for Public Sector Grievance Review Services, 2013/2</u></p> <p><u>Records Disposal Schedule for Public Sector Workforce Planning and Development, 2013/8</u></p>
<p>NT Police Fire and Emergency Services</p>	<p><u>Records Disposal Schedule for Policing and Crime Detection, 2020/10</u></p> <p><u>Records Disposal Schedule for Police Force Administration, 2021/4</u></p>
<p>Office of the Ombudsman of the Northern Territory</p>	<p><u>Records Disposal Schedule for Complaint Management, 2004/14</u></p>