

# General Disposal Schedule 38

## **Records of Relevance in relation to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability**

Effective from 11 June 2019 to 31 December 2025

Version 1

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# Approval for the commencement of this schedule

*State Records Act 1997*

Government of South Australia

General Disposal Schedule No. 38, Version 1

for

Records of Relevance in relation to the Royal Commission into Violence, Abuse,  
Neglect and Exploitation of People with Disability

Effective 11 June 2019 until 31 December 2025

Approved By

Helen Onopko

**Chair, State Records Council**

Simon Froude

**Director, State Records**

## Scope

GDS 38 places an immediate disposal freeze on any records relating to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

GDS 38 applies to official records in any format of South Australian Government agencies, Local Government and Universities and any other entities captured by the definition of 'agency' under the State Records Act 1997.

Agencies need to apply GDS 38 in addition to other relevant general and operational records disposal schedules (RDS).

GDS 38 does not affect records that have been sentenced as permanent under another disposal schedule.

Penalties for the unauthorised destruction of records is specified in various legislation, including the *State Records Act 1997* and the *Royal Commission Act 1902*.

## Objectives

The purpose of GDS 38 is to ensure that records relating to Violence, Abuse, Neglect and Exploitation of People with Disability that has occurred or is alleged to have occurred are protected and available.

In order to achieve its aim, GDS 38 is suspending authorisation to destroy any relevant records that could otherwise be legally destroyed under current disposal schedules determined by State Records and approved by the State Records Council.

Records identified as relevant must be retained until 31 December 2025 (and for any additional period that may be determined by a review).

## Implementation

GDS 38 is issued under the *State Records Act 1997*.

The *State Records Act 1997* (the Act) was proclaimed in October 1997 to provide for the preservation and management of official records. GDS 38 is issued as a determination under Section 23 of the Act.

Section 23 of the *State Records Act 1997* states that no official records may be disposed of without a determination made by the Director [Manager], State Records and approved by the State Records Council.

Any modification of the Schedule by end users is not permitted. Changes can only be made with the approval of State Records and the State Records Council.

## **Updates/Amendments**

GDS 38 Version 1 is effective from 11 June 2019 until 31 December 2025, retention is subject to a review at that date.

GDS 38 may be reviewed earlier by State Records or the State Records Council. Amendments approved by the State Records Council may be issued during this period.

## **Previous Disposal Schedules Revoked**

Nil.

## **Complementary Disposal Schedules**

A South Australian Government agency needs to use GDS 38 in association with other General Disposal Schedules and the agency's operational records disposal schedule/s.

## **Record Formats**

GDS 38 applies to records in any format.

## **Access Responsibilities**

A South Australian Government agency needs to ensure that official records, irrespective of format, will remain accessible for the duration of the designated retention period. By "accessible" it is meant that the information contained within a record remains readable for the life of the record.

## Actions Required of Agencies

South Australian Government agencies need to:

- ensure that staff responsible for records management are informed of GDS 38 and the disposal freeze that it imposes;
- sentence records against GDS 38 in addition to other relevant disposal schedules, e.g. GDS 30, GDS 20, GDS 32, GDS 27 and any RDS relevant to the agency;
- check if they or their approved service provider for records storage have any records due or overdue for destruction that come within the scope of GDS 38;
- withhold from destruction any temporary value records identified as relevant;
- retain the records for the duration of the disposal freeze, i.e. at least until 31 December 2025, set by GDS 38, or until further notice.

The 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 need to be retained by the agency – they will not be accepted for transfer to State Records.

The processing and storage costs arising from the implementation of GDS 38 will need to be borne by the South Australian Government agencies affected.

## Disposal Determination

Item No.	Description (Disposal Class)	Disposal Action
1.	Records of relevance relating to the terms of reference of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (see attached Terms of Reference – Appendix 1)	Retain until at least 31 December 2025, and for any additional period determined by a review.

## Further Information

For changes or updates to GDS 38, please contact Information Governance, State Records on (08) 8204 8786 or email [staterecords@sa.gov.au](mailto:staterecords@sa.gov.au).

### Contact details

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## Appendix 1.

The terms of reference (listed below) for the Royal Commission are included in the Letters Patent, which the Administrator of the Government of the Commonwealth of Australia, signed 4 April 2019;

- a. what governments, institutions and the community should do to prevent, and better protect, people with disability from experiencing violence, abuse, neglect and exploitation, having regard to the extent of violence, abuse, neglect and exploitation experienced by people with disability in all settings and contexts;
- b. what governments, institutions and the community should do to achieve best practice to encourage reporting of, and effective investigations of and responses to, violence against, and abuse, neglect and exploitation of, people with disability, including addressing failures in, and impediments to, reporting, investigating and responding to such conduct;
- c. what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation;
- d. any matter reasonably incidental to a matter referred to in paragraphs (a) to (c) or that you believe is reasonably relevant to your inquiry.
- e. all forms of violence against, and abuse, neglect and exploitation of, people with disability, whatever the setting or context;
- f. all aspects of quality and safety of services, including informal supports, provided by governments, institutions and the community to people with disability, including the National Disability Insurance Scheme (NDIS) and the NDIS Quality and Safeguarding Framework agreed by all Australian Governments in 2017;
- g. the specific experiences of violence against, and abuse, neglect and exploitation of, people with disability are multilayered and influenced by experiences associated with their age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin or race, including the particular situation of Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people with disability;
- h. the critical role families, carers, advocates, the workforce and others play in providing care and support to people with disability;
- i. examples of best practice and innovative models of preventing, reporting, investigating or responding to violence against, and abuse, neglect or exploitation of, people with disability;
- j. the findings and recommendations of previous relevant reports and inquiries.
- k. the need to establish accessible and appropriate arrangements for people with disability, and their families, carers and others, to engage with your inquiry and

to provide evidence to you, and share information with you, about their experiences;

- l. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual experiences and may need to make referrals to appropriate authorities;
- m. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the *Royal Commissions Act 1902* or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences or assisting an inquiry on a related matter by the Royal Commission into Aged Care Quality and Safety;
- n. the need to ensure that evidence that may be received by you that identifies particular individuals as having been subject to violence, abuse, neglect or exploitation is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- o. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses