



NATIONAL ARCHIVES OF AUSTRALIA

Our reference: 2021/931

Records retention notice

Records related to the culture in the workplaces of Parliamentarians and their staff

To the named Commonwealth departments and agencies:

- Attorney-General's Department
- Australian Federal Police
- Australian Human Rights Commission
- Australian Public Service Commission
- Comcare
- Fair Work Ombudsman
- Finance (Department of)
- House of Representatives (Department of)
- Independent Parliamentary Expenses Authority
- Office of the Australian Information Commissioner
- Office of Parliamentary Counsel
- Parliamentary Budget Office
- Parliamentary Services (Department of)
- Prime Minister and Cabinet (Department of)
- Safe Work Australia
- Senate (Department of)
- Workplace Gender Equality Agency

As well as:

- any agency providing Departmental Liaison Officers and other staff working in Parliament House.

This document notifies the named Australian Government agencies in possession of Commonwealth records that I have imposed a records retention notice on Commonwealth records that relate to the establishment of safe and respectful workplaces in the Commonwealth Parliament and to the establishment of best practice in the prevention and handling of bullying, sexual harassment and sexual assault in those workplaces.

The National Archives of Australia has determined that a records retention notice is necessary to ensure that relevant records are protected and available to support the work of the Commissioner.

Background

The revelation of allegations of bullying, sexual harassment and sexual assault within the precincts of Parliament House in early 2021 has aroused enormous public reaction and demands for Government to take action to prevent further occurrences.

In March 2021 the Government announced an independent review into the workplaces of Parliamentarians and their staff.

The Review will be conducted by the Sex Discrimination Commissioner in accordance with section 11 of the *Australian Human Rights Commission Act 1986 (Cth)*.

Commissioner Jenkins will provide a public progress update in July 2021.

The Review will provide a public report by November 2021, but Commissioner Jenkins may make interim recommendations before that date.

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 informing the Terms of Reference and the considerations of the Sex Discrimination Commissioner conducting the Review, and for any subsequent actions by the Australian Government and Parliament. Named agencies may be responsible for relevant records.

It is possible that some of the relevant 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 documents cannot be destroyed using any agency-specific or general records authorities. Most normal administrative practices (NAP) are also suspended except where digital copies of records are created, stored and can be made accessible in agency systems.

It is a legal requirement that you apply this notice by protecting any relevant records and conveying this to the relevant 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*.

Records

This disposal freeze covers records related to:

- allegations, investigations and disciplinary outcomes regarding sexual harassment and bullying complaints;
- policies, standards, guidelines and procedures enabling safe and respectful parliamentary workplaces;

- the experiences and the expectations of current and former staff of Commonwealth parliamentarians, current and former Commonwealth parliamentarians, and staff working within the Parliament of Australia with respect to ensuring a safe and respectful workplace;
- the adequacy, effectiveness, independence, resourcing and awareness of current supports available to enable a safe and respectful workplace, in particular preventing and responding to workplace bullying, sexual harassment and sexual assault, including remediation and the provision of counselling services;
- workplace culture, characteristics and practices that may increase the risk of workplace bullying, sexual harassment and sexual assault;
- response and reporting mechanisms in parliamentary workplaces; and
- the promotion of safe and respectful workplaces, including the operation of the *Members of Parliament (Staff) Act 1984*.

This disposal freeze covers relevant records in all formats, including paper files and documents, microfilm and magnetic tapes, audio and visual recordings, photographs and records created digitally, including but not limited to:

emails, documents created by word processing and other office applications, residing in designated document and records management systems, on shared work group spaces, on shared, local or personal drives or in any other locations/media, such as thumb drives, laptops and other portable devices.

The freeze also covers relevant information and data in all current and non-current databases and digital business systems such as those used for management of finance and human resources, client relationship or business-specific workflow and case management systems. It also applies to information which has not been captured into formal business systems including emails and other communications using text and instant messaging applications on personal devices, social media posts and messages, personal notebooks and unregistered files or folders.

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

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.

3. Check any records already proposed for destruction that may come within the scope of the retention notice to ensure they are not covered by the retention notice.
4. Retain existing and future records subject to the retention notice until further 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 Agency Service Centre at information.management@naa.gov.au.

Issued by



David Fricker
Director-General
National Archives of Australia

9 June 2021