

Key Issues Brief

2.10 Removal of Medical Records and the Norfolk Island Response Taskforce

Key Issues

Medical records

- On 20 May 2017 the Department temporarily relocated old, inactive health records from Norfolk Island to a secure facility in Australia. No other medical records were removed from the island.
- The records were removed from the Old Bakery Building due to asbestos related remediation work that needed to occur. There was no alternative, suitably secure, storage facility available on island.
- Agreement to remove the records was provided by the NIHRACS Manager, as the person authorised to make administrative decisions on historical medical records.
- The records were stored in a secure facility in the Customs Bond at Brisbane Airport for the entire time they were off the island.
- The records were not accessed or handled after arrival in Australia, until the time came to arrange for their return. At this point the records were repacked by two departmental officers within the secure Customs Bond to comply with airline weight regulations.
- The records were returned to Norfolk Island in five separate Regular Passenger Transport (RPT) flights between 14 and 28 October 2017.
- There have been a number of articles in the Norfolk Islander and Norfolk Online about this issue and the Norfolk United Group recently wrote to the Prime Minister and other Ministers expressing their concern over the removal of the records.

Norfolk Island Response Taskforce

- On 10 April 2017 the Norfolk Island Response Taskforce (NIRT) was established at the request of the Prime Minister to work with the community and partner Commonwealth agencies to define the nature and scale of the risks to safety and welfare of women and children living on Norfolk Island.
- NIRT focussed on five core areas to connect and protect the community:
 - Defining risks to safety in the community.
 - Modernising Norfolk Island laws to ensure the protections in place for women, children and young people are comparable to Australia, and that the Norfolk Island police and courts have the authority and ability to take action against people who perpetrate violence or abuse.
 - Supporting effective law enforcement and pathways to justice.

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- Enhancing services for children and families to strengthen their wellbeing.
- Engaging with the community and its leaders to promote safety and wellbeing.
- NIRT conducted a number of public presentations on the island about the work they were doing to enhance the safety and protection of the community.

Background

Medical records

- On 20 May 2017 the department arranged for the removal of historical medical records from Norfolk Island to the mainland due to asbestos remediation work that needed to occur at the Old Bakery building where the records were stored.
- A significant need for remediation work to occur on the Old Bakery Building was identified in early 2017. To complete this work the entire contents of the building had to be removed. An alternative storage facility, which met Commonwealth standards for secure record-keeping was not available on the island, which made removal the most appropriate course of action.
- NIHRACS, as the owner of the documents, was legally able to release the records to DIRD to provide storage on their behalf. For the purposes of the Archives Act 1993 (Cth) storing the documents on behalf of NIHRACS does not amount to the collection of personal information by DIRD within the meaning of the Privacy Act 1988.
- On 25 May 2017 the Department issued a Press Release outlining the reasons for the removal action.
- Arrangements were made with the managing contractor (Manteena) to extract the records. Crates, skates and security ties were sent to the island to facilitate uplift and ensure security. The records were placed in cardboard archive boxes and wrapped in black plastic for transporting.
- While making arrangements for the return of the records, it was identified that they would need to be repacked into smaller batches due to differences in weight restrictions between the airline that provided the removal and the airline engaged to return them.
- A contracted company, Relocation Laws, assisted two departmental officers to repack the records into large black plastic tubs with secure ties to meet the Air New Zealand weight regulation for passenger transfer flights on their return.
 - The repack was undertaken in the secure facility in the Customs Bond
 - Only the departmental officers handled the medical records
 - Relocation Laws repacked the other records
 - The medical files were alphabetized for future ease of access once they were returned.

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- The records were securely sealed after the repack and remained this way during the return and for some months after arrival until arrangements were made for an archive specialist to unpack them in the refurbished Old Bakery Building.
- At no time were the records read, accessed or copied by anybody, the only people who were those responsible for the repack and return which occurred within the secure Customs Bond.

The Norfolk Island Taskforce

- NIRT was established to support the Prime Minister, as well as the Attorney-General, Minister for Regional Development, Territories and Local Government, and the Minister for Justice, to work with the community and partner Commonwealth agencies to define the nature and scale of the risks to safety and welfare of women and children living on Norfolk Island.
- The Taskforce, established in the Department of the Prime Minister and Cabinet on 10 April 2017, transitioned to DIRDC on 22 February 2018, and completed its task by 29 June 2018.
- The Department continues to pursue, as a priority, options to secure a Norfolk Island child and family well-being service delivered through a state or territory child protection agency and discussions with the NSW Government are continuing. In the interim a Child and Family Wellbeing Unit has been established that will deliver a range of specialist and general support services to families on the Island. The unit is being led and managed by Key Assets, a specialist Non-Government Organisation (NGO), who will also exercise statutory child protection functions and powers. The Department executed a contract with Key Assets on 29 June with services commencing on 30 July 2018.
- Some examples of work progressed by NIRT include the following.
 - Defining risks to safety in the community:
 - Analysed historic Norfolk Island police and child welfare records, available research and national data sets to define the strengths and risks to safety in the community, and shared the data through community presentations and conversations.
 - Modernising Norfolk Island laws to ensure the protections in place for women, children and young people are comparable to Australia, and that the Norfolk Island police and courts have the authority and ability to take action against people who perpetrate violence or abuse:

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- Held meaningful consultation with the community and special interest groups to propose amendments to Norfolk Island laws in relation to the safety and protection of children, young people and women. This centred around a law reform consultation process on the Island between 3-6 April 2018 hosted by the Administrator and facilitated by the Honourable Justice Anthony Whealy QC (a former member of the NSW Law Reform Commission).
- Supporting effective law enforcement and pathways to justice:
 - The Australian Federal Police has been part of the Taskforce and have worked in collaboration to support effective law enforcement and enhance community confidence in pathways to justice.
- Enhancing services for children and families to strengthen their wellbeing:
 - Establishment of an integrated Child and Family Wellbeing Team on Norfolk Island, including a Unit Manager, Child Welfare Case Worker, Health Promotion Coordinator, Specialist Counsellor and administration support. The Team is part of a service hub for families and children called NI-Connect that will be launched by the Minister during this visit.
 - Engagement with young people about their aspirations and ideas about priorities for services and support led to delivery of Respectful Relationship training for school students and to training of local people to deliver the material.
- Engaging with the community and its leaders to promote safety and wellbeing:
 - Secured funding for a women’s leadership and development program.
 - As part of the Taskforce’s community-led approach, the Taskforce has leveraged the Norfolk Island community’s own Strategic Plan as a basis for actions to improve safety and wellbeing on the Island. Each month when the Senior Taskforce official met with the Mayor, she discussed progress against key actions identified by the community in their plan, and a final report on progress achieved in partnership with the community is being shared this week.

Sensitivities: Nil

Attachments: Nil

