
Our reference: 2020/484

Notice of Disposal freeze:

Commonwealth records, including data and information, related to national natural disaster arrangements.

To: All Commonwealth departments and agencies, all Commonwealth authorities, Commonwealth companies, other Commonwealth institutions and any other entity that holds Commonwealth records

This document notifies Australian Government agencies and other agents or people in possession of Commonwealth records including data and information (**records**) that I have imposed a disposal freeze on Commonwealth records that relate to Commonwealth arrangements in response to bushfires and other natural disasters. The National Archives of Australia has determined that a disposal freeze is necessary to ensure that relevant records are protected and available for the purposes of the Royal Commission into National Natural Disaster Arrangements and any subsequent actions by the Australian Government, for future reference and accountability purposes and to protect the rights and entitlements of individuals.

Background

On 20 February 2020, the Prime Minister, the Hon Scott Morrison MP announced the establishment of the Royal Commission into National Natural Disaster Arrangements. The Governor-General, His Excellency General the Honourable David Hurley AC DSC (Retd), issued [Letters Patent and Terms of Reference](#) establishing the Royal Commission on 20 February 2020. Air Chief Marshall Mark Binskin AC (Retd.) was appointed as Chair of the Royal Commission. He is assisted by:

- The Honourable Dr Annabelle Claire Bennett AC SC, and
- Professor Andrew Kerr Macintosh

The Royal Commission is to inquire into and report on national natural disaster arrangements in accordance with the terms of the inquiry set out in the Governor-General's Letters Patent. The Royal Commissioners are asked to provide to the Governor-General any interim recommendations as appropriate and to submit a report of the results on the inquiry and recommendations not later than 31 August 2020.

Purpose

This document notifies 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 the Royal Commission into National Natural Disaster Arrangements, and for any subsequent actions by the Australian Government. Your agency may be responsible for some potentially relevant records.

It is likely that some 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.

The Royal Commission's [Document Management Protocol](#) requires Commonwealth agencies to provide records digitally. Accordingly General Records Authority 31 (GRA 31) - Destruction of source or original records after digitisation, conversion or migration, may continue to be used to destroy original records if they have been scanned in accordance with the minimum standards set by the Royal Commission.

This disposal freeze suspends the National Archives of Australia's permission to destroy any relevant records. Relevant records and any associated drafts and working papers cannot be destroyed using any agency-specific or general records authorities (with the exception of destructions authorised by GRA 31 as noted above) or through a normal administrative practice (NAP).

It is a legal requirement that you apply this notice by protecting any relevant records, and conveying this to the appropriate people in your organisation as a matter of urgency. Penalties for the unauthorised destruction of Commonwealth records are specified in various Commonwealth laws, including the Archives Act 1983 and the Royal Commissions Act 1902.

Records

This disposal freeze covers records relevant to the Royal Commission into National Natural Disaster Arrangements terms of reference as laid out in the Letters Patent, including:

- a. the responsibilities of, and coordination between, the Commonwealth and State, Territory and local Governments relating to preparedness for, response to, resilience to, and recovery from, natural disasters, and what should be done to improve these arrangements, including with respect to resource sharing;
- b. Australia's arrangements for improving resilience and adapting to changing climatic conditions, what actions should be taken to mitigate the impacts of natural disasters, and whether accountability for natural disaster risk management, preparedness, resilience and recovery should be enhanced, including through a nationally consistent accountability and reporting framework and national standards;

- c. whether changes are needed to Australia's legal framework for the involvement of the Commonwealth in responding to national emergencies, including in relation to the following:
 - i. thresholds for, and any obstacles to, State or Territory requests for Commonwealth assistance;
 - ii. whether the Commonwealth Government should have the power to declare a state of national emergency;
 - iii. how any such national declaration would interact with State and Territory emergency management frameworks;
 - iv. whether, in the circumstances of such a national declaration, the Commonwealth Government should have clearer authority to take action (including, but without limitation, through the deployment of the Australian Defence Force) in the national interest;
- d. any relevant matter reasonably incidental to a matter referred to in paragraphs (a) to (c).
- e. the findings and recommendations (including any assessment of the adequacy and extent of their implementation) of other reports and inquiries that you consider relevant, including any available State or Territory inquiries relating to the 2019-2020 bushfire season, to avoid duplication wherever possible;
- f. ways in which Australia could achieve greater national coordination and accountability — through common national standards, rule-making, reporting and data-sharing — with respect to key preparedness and resilience responsibilities, including for the following:
 - i. land management, including hazard reduction measures;
 - ii. wildlife management and species conservation, including biodiversity, habitat protection and restoration;
 - iii. land-use planning, zoning and development approval (including building standards), urban safety, construction of public infrastructure, and the incorporation of natural disaster considerations;
- g. any ways in which the traditional land and fire management practices of Indigenous Australians could improve Australia's resilience to natural disasters.

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, SMSs and other communications from

personal devices, social media posts, 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 disposal freeze.
2. Conduct a risk assessment to:
 - a. determine if employees, contractors or information service providers have any records due for destruction that come within the scope of the disposal freeze; and
 - b. identify and retain relevant existing and future records subject to this notice.
3. Any records already proposed for destruction that may come within the scope of the disposal freeze must be checked to ensure they are not covered by the disposal freeze.
4. Retain existing and future records subject to the disposal freeze 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 National Archives [Agency Service Centre](#) or Keith Young on 02 6212 3682.

Issued by



David Fricker
Director-General

National Archives of Australia

5 May 2020