

**Our reference: 2020/3569**

19 November 2020

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

**Notice of Disposal freeze:**

**Commonwealth records related to the findings of the Inspector-General of the Australian Defence Force *Afghanistan Inquiry*, and records that will support the work of the Office of the Special Investigator and any other subsequent actions by the Government to address matters raised by the Inquiry**

This document notifies Australian Government agencies and other agents or people in possession of Commonwealth records that I have imposed a disposal freeze on Commonwealth records that relate to the findings of the Inspector-General of the Australian Defence Force (IGADF) [Afghanistan Inquiry](#) which considered Australian Defence Force operations in Afghanistan from 2005 to 2016 (the Inquiry), and that will support the work of the [Office of the Special Investigator](#) and any other subsequent actions by the Government.

The National Archives of Australia has determined that a disposal freeze is necessary to ensure that relevant records are protected and available to support the work of the Office of the Special Investigator to address the potential criminal matters raised by the Inquiry and investigate allegations, gather evidence and where appropriate, refer briefs to the Commonwealth Director of Public Prosecutions for consideration.

**Background**

In late 2015, the then Special Operations Commander for Australia, Major General Jeff Sengelman, became aware of a number of serious rumours and allegations relating to the conduct of members of the Special Operations Task Group during operations in Afghanistan. In May 2016, the Inspector-General of the Australian Defence Force commenced a scoping inquiry following a request from the then Chief of Army, Lieutenant General Angus Campbell.

This independent inquiry was commissioned to look into possible breaches of the Law of Armed Conflict by members of the Special Operations Task Group in Afghanistan over the period 2005 to 2016. On 6 November 2020, the Chief of the Defence Force received the Afghanistan Inquiry report from the Inspector-General of the Australian Defence Force (IGADF).

On 12 November 2020 the Prime Minister, the Hon Scott Morrison MP, announced the establishment of the Office of the Special Investigator in the Home Affairs portfolio to address criminal matters raised in the IGADF report and if necessary refer briefs to the Commonwealth Director of Public Prosecutions for consideration.

## **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 to support the work of the Office of the Special Investigator, and for any subsequent actions by the Australian Government. Your agency may be responsible for relevant records.

It is possible 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 action and to ensure that all relevant existing and future records are available for current and future activities.

**This disposal freeze suspends the National Archives of Australia's permission to destroy any relevant records, associated drafts and working documents using any agency-specific or general records authorities 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*.

## **Records**

This disposal freeze covers records relevant to the:

- a. investigation and findings by the IGADF into reports of misconduct of ADF personnel on operations in Afghanistan between 2005 and 2016;
- b. ADF operations in Afghanistan between 2005 and 2016;
- c. personnel on operations in Afghanistan between 2005 and 2016; and
- d. other investigations, complaints, allegations and evidence of misconduct of ADF personnel on operations in Afghanistan.

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, 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, please contact the National Archives [Agency Service Centre](#).

Issued by



David Fricker