

Our reference: 2022/1699

## Notice of Disposal Freeze

### Records related to the Robodebt scheme

#### To the named Commonwealth departments and agencies:

- Department of Social Services
- Services Australia
- Administrative Appeals Tribunal
- Attorney-General's Department
- Australian Taxation Office
- Commonwealth Ombudsman
- Department of the Prime Minister and Cabinet

As well as:

- any other agencies holding records related to the Robodebt scheme and its impacts or records otherwise relevant to the Royal Commission into the Robodebt scheme.

This document notifies the named Australian Government agencies and other agents or people in possession of Commonwealth records that I have issued a records disposal freeze for Commonwealth records (including data and information) related to the Robodebt scheme and its impacts so as to support the work of the Royal Commission into Robodebt scheme and any subsequent action by the Government.

The National Archives of Australia (National Archives) has determined that a disposal freeze is necessary to ensure that relevant information, data and records are protected and available when required.

### **Background**

The Robodebt scheme comprised a number of debt assessment and recovery programs administered by the Australian Government beginning in 2015. In November 2019, the Federal Court of Australia, with the consent of the Australian Government, that a demand for payment of an alleged debt under the Robodebt scheme was not validly made.

On 25 August 2022, the Australian Government announced a [Royal Commission into the Robodebt scheme](#). The Royal Commission will be conducted by Catherine Holmes AC SC. A final report is due to be submitted no later than 18 April 2023.

## Purpose

This document is to notify relevant Australian Government agencies and other agents or people in possession of Commonwealth records that any relevant records must be retained for the purposes of informing the [Terms of Reference as detailed in the Letters Patent](#) and the considerations of the Royal Commission into the Robodebt scheme, and any subsequent actions by the Government.

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 disposal freeze is to prevent any such destruction and to ensure that all relevant existing and future records are available for current and future actions.

**This disposal freeze 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 disposal freeze 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 information, data and records are specified in various Commonwealth laws, including the *Archives Act 1983*.

## Records

### Content

This disposal freeze covers records related to:

- the establishment, design and implementation of the Robodebt scheme, including any concerns that were raised during these processes;
- the use of third-party debt collectors under the Robodebt scheme;
- concerns raised about the Robodebt scheme following its implementation, including Australian Government responses to such concerns, as well as its responses to legal challenges and Administrative Appeals Tribunal's decisions;
- the validity or invalidity of the debts raised as part of the Robodebt scheme;
- complaints about the Robodebt scheme, and the systems, processes and administrative arrangements used to handle them;
- actions by the Australian Government that sought to prevent, inhibit or discourage scrutiny of the Robodebt scheme, including the movement of departmental or other officials;
- the intended and actual outcomes of the Robodebt scheme including its non-pecuniary impacts; and
- the costs of implementing, administering, suspending and winding back the Robodebt scheme.

## Formats and locations

This disposal freeze covers all relevant records and information in any format (analogue and digital), including, but not limited to, documents, emails, text and instant messages, and data used in and documentation of relevant software, algorithms and automated processes.

Relevant records are covered by this disposal freeze regardless of where they were created or whether they have been captured into formal business systems. This includes records:

- in designated document and records management systems;
- in current and non-current databases and digital business systems such as those used for management of finance and human resources, client relationship, and business-specific workflow and case management systems;
- on shared work group spaces eg MS365 Teams;
- in individual and shared email accounts;
- on shared, local or personal drives, including thumb drives, laptops and other portable devices; and
- in applications on personal and work devices.

All digital formats must be maintained with the necessary metadata to support access to and retrieval of 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 disposal freeze 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 relevant workers are informed of the disposal freeze.
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 disposal freeze; and
  - b. identify and retain relevant existing and future records subject to this disposal freeze.
3. Check any records already proposed for destruction that may come within the scope of the disposal freeze 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 disposal freeze will be borne by the agencies or other agents or people concerned.

## ***Inquiries***

For inquiries about this disposal freeze, please contact the Agency Service Centre at [information.management@naa.gov.au](mailto:information.management@naa.gov.au).

Issued by



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National Archives of Australia

31<sup>st</sup> August 2022

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