



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID1252/2019

KATHERINE PRYGODICZ and others named in the schedule
Applicants

COMMONWEALTH OF AUSTRALIA
Respondent

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 30 July 2020

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Order 13(d) of the orders of Justice Murphy on 19 June 2020 be varied to provide that in lieu of Category 9 within Annexure A to those orders, the Respondent is to discover:
 - a. Relevant documents passing between the Senior Managers of Services Australia (or its predecessor Department) listed in the list of Senior Managers and those Senior Managers and any Minister, during the period 1 July 2014 to 20 November 2019 (or for the period the Senior Managers held the relevant positions) that identifies or refers to the Respondent's knowledge (whether actual or implied) of the limitations, accuracy or reliability of the Robodebt System, in relation to:
 - i. The Fortnightly Income Assumption; and
 - ii. The Social Security Payment Differential; and
 - iii. The identification of and characterisation of the Social Security Payment Differential as an overpayment of Social Security Payments and a debt owed to the Commonwealth.
2. The documents that are to be discovered in accordance with order 1 must meet at least one of the following criteria:
 - a. the documents are those upon which the Commonwealth intends to rely;



- b. the documents adversely affect the Commonwealth's own case;
 - c. the documents support the case of the applicants; or
 - d. the documents adversely affect the applicants' case.
3. The process for the Respondent to conduct searches under this category is:
- a. The Respondent will search the inboxes and the protected inboxes of those individuals who held the positions of:
 - i. Secretary
 - ii. Deputy Secretary, Integrity Group
 - iii. General Manager, Business Integrity
 - iv. General Manger, Customer ComplianceDuring the relevant period.
 - b. The following search terms are to be applied:
 - i. Robodebt
 - ii. Robo-debt
 - iii. PAYG review*
 - iv. Pay as you go review*
 - v. ATO Averag*
 - vi. Averag* income
 - vii. Average* debts
 - viii. Online Compliance Intervention
 - ix. Employment Income Confirmation
 - x. Check and Update Past Income
 - xi. OCI
 - xii. EIC
 - xiii. CUPI
 - xiv. Strengthening the Integrity of Welfare Payments
 - xv. Earnings apportionment
 - c. once the search in sub-paragraph b. have been complete, running a further search to exclude documents that contain the phrase 'child support'
 - d. the documents identified through these searches are to be subject to human review.



4. The discovery to be provided pursuant to order 1 is to be made by 11 August 2020 to the extent that it can be, but, in any event, is to be made progressively following that date and is to be completed by 8 September 2020.
5. By 8 September 2020, the respondent is file and serve an affidavit verifying compliance with order 1.

Date that entry is stamped: 31 July 2020

Sia Lagos
Registrar



Schedule

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Second Applicant	ELYANE PORTER
Third Applicant	STEVEN FRITZE
Fourth Applicant	FELICITY BUTTON
Fifth Applicant	SHANNON THIEL
Sixth Applicant	DEVON COLLINS