

NEWS

C-G Column: Working with our partners in flood-affected communities

Brendan MOON

Published 7/20/2023

Colleagues,

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Royal Commission into the Robodebt Scheme

The Royal Commission into the Robodebt Scheme released its [final report](#) on 7 July 2023, which contained 57 recommendations for the Australian Government.

I want to reiterate what the Secretary of the Department of the Prime Minister and Cabinet, Professor Glyn Davis and the Australian Public Service Commissioner, Dr Gordon de Brouwer, said in their message to all APS staff.

The APS takes the Royal Commission's findings seriously and Department of the Prime Minister and Cabinet and the Australian Public Service Commission have taken action to work through the findings and recommendations in an open and constructive way:

- A taskforce led by the Department of the Prime Minister and Cabinet, the Attorney-General's Department and the Australian Public Service Commission has been established to support the preparation of the Government's response.
- Mr Stephen Sedgwick AO has been appointed to oversee an [independent process](#) to determine if public servants with adverse findings have breached the [APS Code of Conduct](#).

We're conscious the Royal Commission's report and findings may be confronting for some people.

If you need support, consider using [NEMA's Employee Assistance Program](#), or any of our other wellbeing support services, which you can find on the [Employee wellbeing page](#) on the NEMA intranet.

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Have a great week.

Brendan

NEWS

Enterprise Bargaining: Bringing integrity and transparency into APS Enterprise Agreements

Published 8/22/2023

Please see below the weekly update following discussions at the enterprise bargaining table on specific topics

Bringing integrity and transparency into APS Enterprise Agreements

The Commonwealth tabled a position on integrity and transparency last week, proposing a common term to apply to all APS enterprise agreements. The response comes after the [Royal Commission into the Robodebt Scheme Report](#) was released on 7 July 2023. The position is a commitment that highlights:

- each APS agency understands that procedural fairness is essential to build and maintain trust with APS employees
- it requires fair and impartial processes for employees affected by APS-wide or agency decisions
- employees are encouraged to give advice that is frank, honest, timely and based on the best available evidence
- this advice includes scientific advice based on evidence guided by the best available science and data
- employees will not be disadvantaged or discriminated against because they have given advice in accordance with their expertise or professional qualifications.

The position calls out that employees can access an APS-wide Ethics Advisory Service or a similar service and will be required to attend agency mandated training about integrity.

Employee representatives indicated this commitment was a good start and proposed some edits for the Chief Negotiator's consideration.

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Stay updated and informed

View our [indicative bargaining meeting schedule](#) on the APSC website.

Subscribe to [APS bargaining news](#) to keep informed.

Contact

CM

Cindy MCGHIE

ACG Corporate and Chief Finance Officer

S 22

From: NEMA Coordination (NEMA)
Sent: Tuesday, 14 November 2023 12:49 PM
To: Brendan MOON; Joe BUFFONE; Jill CHARKER; Vidoshi JANA
Cc: NEMA COO Coord; CG Office; S 22; EMR Coordination; DRR Coordination (NEMA); NEMA COO Coord; S 22; NEMA Coordination (NEMA)
Subject: Royal Commission into the Robodebt Scheme - Government Response Release [SEC=PROTECTED, CAVEAT=SH:CABINET]
Attachments: Government Response to Robodebt Stakeholder Pack - Final.pdf; WofAG TPs - Robodebt Royal Commission and Government Respose - v1.docx

~~PROTECTED//CABINET~~

Good afternoon executive,
 For your information, please see below advice from the Department of Home Affairs regarding the release of the Government response to the Royal Commission into the Robodebt Scheme. I have highlighted reference to NEMA.

Kind regards,

S 22

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**Assistant Director, Ministerial Parliamentary Cabinet
 Governance and Coordination Section, Corporate Branch
 National Emergency Management Agency**

S 22

121 Marcus Clarke Street, (PO Box 133) Canberra ACT 2601

nema.gov.au | [@nema.gov.au](https://www.instagram.com/nema.gov.au)



The National Emergency Management Agency acknowledges the Traditional Owners of Country throughout Australia. We recognise the deep continuing connection Aboriginal and Torres Strait Islander peoples have to land, sea, culture and community. We pay our respects to the elders past, present and emerging.

~~PROTECTED//CABINET~~

From: Pete BERLIS S 22
Sent: Tuesday, 14 November 2023 12:22 PM

To: Stephanie KOLOBARIC S 22 ; S 22
 Government.Relations@asio.gov.au; S 22 ; Parliamentary
 (NEMA) <Parliamentary@nema.gov.au>; Office of the Secretary <OfficeoftheSecretary@homeaffairs.gov.au>; Sophie
 SHARPE S 22 ; Justine SAUNDERS S 22 ; Radi
 KOVACEVIC S 22 ; Michael WILLARD S 22 ; S 22
 ; Hamish HANSFORD S 22 ; Nathan
 SMYTH S 22 ; Sandra JEFFERY S 22 ; Vanessa HOLBEN
 S 22 ; Kylie RENDINA S 22 ; Nicole SPENCER
 S 22 ; Diana WILK S 22 ; S 22

Cc: Media Operations <media@homeaffairs.gov.au>; S 22
 S 22 ; S 22

Subject: Royal Commission into the Robodebt Scheme - Government Response Release [SEC=PROTECTED,
 CAVEAT=SH:CABINET]

~~PROTECTED//CABINET~~

Good afternoon all,

Yesterday, the Government tabled and publicly released its [Response](#) to the Royal Commission into the Robodebt Scheme (the Commission), and accepted all 56 recommendations in full or in principle. The Response commits to reforms to ensure the public's trust and faith in government and its institutions. It commits to important reforms to improve the way policy is designed and government decisions are made, enhance the way services are delivered and to support stakeholders and the community to input into government processes. The Response to the Report of the Commission has impacts and is of interest to all Government departments, staff in the Australian Public Service (APS) and the Australian public.

Recommendations of Interest to Home Affairs

The Response does **not** attribute any of the Commission's 56 recommendations to the Department or the broader Portfolio.

Of note, the Response discusses the Government's approach to implementing Recommendation 17.1 – Automated Decision-Making: Reform of Legislation and Implementation of Regulation (refer attached WofAG talking points, page 7 and page 21 of stakeholder pack). This recommendation is being co-led by AGD, the Department of Industry, Science and Resources, and the Digital Transformation Agency. **The recommendation continues to be of interest to the Department and NEMA noting our use of automated decision making.** The Department will continue to engage with AGD in the implementation of Recommendation 17.1

Implementation of Response

A high-level Implementation Plan, will support effective and timely implementation of the commitments outlined in the Response. The Priority and Delivery Committee of Cabinet (PDC) will monitor and review progress of the implementation Plan and be supported by the Department of the Prime Minister and Cabinet (PM&C) who will coordinate updates for PDC in May and November 2024.

The Robodebt Royal Commission Government Response Taskforce within PMC has advised that this Plan is currently in the process of being declassified. Once received, my team will internally distribute the unclassified Implementation Plan to all stakeholders.

Communications

To assist with communicating to staff and more broadly to the public if required/appropriate to do so, PMC has provided all Commonwealth departments and agencies with whole-of-Australian-Government (WofAG) talking points and a stakeholder pack (please see [attached](#)). PMC have advised that the **embargo** previously placed on these documents has since been lifted, and that they can be shared more broadly. Of note:

- PMC is the lead agency on the Response;
- The Attorney-General's Department (AGD) is the lead agency for questions about the Commission; and

- The Australian Public Service Commission (APSC) will lead on communication to APS staff, including any queries regarding the findings and referrals made by Commission in the confidential chapter of the Report, which are not addressed in the Response.
 - We understand further APS-wide communications on integrity (in particular APS Reform and the APS Integrity Taskforce) are planned to be released in the coming weeks by the PMC Secretary, Professor Glyn Davis AC and the APSC Commissioner, Dr Gordon de Brouwer PSM.

Integrity

Whilst Robodebt publicly touched on wider organisational and cultural issues within the APS – including (but not limited to) integrity, accountability, leadership and culture – the Commission did not attribute specific recommendations to address these concerns. Work in the integrity space across the APS has been underway for some time, notably through:

- The APS Reform agenda and its “integrity” pillar;
- The APS Integrity Taskforce (which identifies integrity concerns raised through the Commission’s proceedings in its terms of reference); and
- Remaining as an ongoing agenda item for the Secretaries Board.

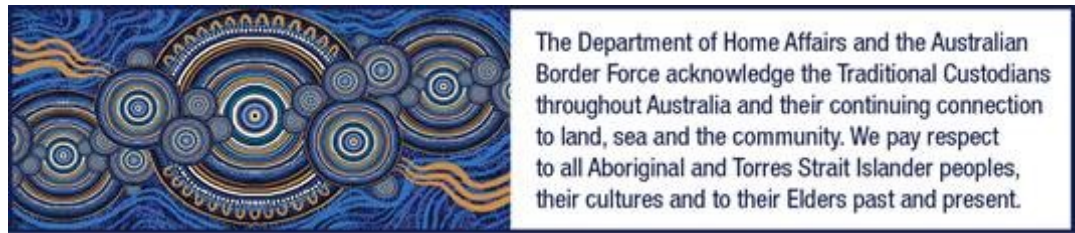
Home Affairs continues to support all work undertaken to enhance the integrity of the APS, including active engagement with the APS integrity Taskforce, and will look to these activities – in addition to lessons learned stemming from Robodebt – to best guide, inform and enhance our own culture, processes and practices.

Regards,

Pete

Peter Berlis
Assistant Secretary, Performance, Governance and Inquiries Branch
Executive Coordination Division
Executive Group
Department of Home Affairs

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From: Pete BERLIS S 22
Sent: Friday, 7 July 2023 4:41 PM
To: Michael PEZZULLO S 22; Michael OUTRAM S 22
Cc: Sophie SHARPE S 22; Stephanie FOSTER S 22;
 Justine SAUNDERS S 22; Kendra MORONY S 22;
 Clare SHARP S 22; Marian AGBINYA S 22; Nicole
 SPENCER S 22; S 22; S 22
 S 22; S 22; Kaylene ZAKHAROFF
 S 22; Kylie RENDINA S 22; S 22

S 22 ; S 22 ; Media Operations

<media@homeaffairs.gov.au>; Diana WILK S 22

Subject: CM: Final Report - Royal Commission into the Robodebt Scheme [SEC=OFFICIAL]

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Secretary, Commissioner

I write to advise you of the release of the Final Report of the Royal Commission into the Robodebt Scheme (**Attached**).

Background

In August 2022, the Prime Minister, the Hon Anthony Albanese MP, announced that a Royal Commission would be established enquiring into the circumstances surrounding the Robodebt Scheme. As you would be aware, the Robodebt Scheme was an automated debt recovery program deployed as part of the Centrelink payment compliance program. There were multiple concerns with the scheme, including allegations of misconduct and inaccurate debt notices being issued with significant impact to the wellbeing of many welfare recipients.

On 18 August 2022, the Governor-General His Excellency General the Honourable David Hurley AC DSC (Retd) issued Letters Patent to establish the Royal Commission into the Robodebt Scheme (the Commission). The Letters Patent appointed Ms Catherine Holmes AC SC as the Royal Commissioner, and outlined the terms of reference, which included examination of the Robodebt Scheme's establishment, design and implementation, the use of third-party debt collectors, concerns raised following the implementation, and its intended or actual outcomes. In the course of its inquiries, the Commission issued 200 Notices to Give Information and 180 Notices to Produce Documents – in response, the Commonwealth produced over 958,000 documents.

Final Report – Royal Commission into the Robodebt Scheme

Today, Ms Holmes delivered her [Final Report](#) (the Report) and recommendations to the Governor-General, which was tabled in Parliament by the Attorney-General prior to public release. Across three volumes and over 990 pages (in addition to a sealed chapter), the Report outlines the facts and circumstances, processes and implications surrounding the Robodebt Scheme.

Recommendations

The Inquiries team have completed an initial review of the **57 recommendations** within the Report. These are largely in line the earlier Departmental analysis undertaken in March 2023 examining the key themes emerging from the Robodebt Royal Commission against the Department's current processes, practices and culture (EC23-001151 refers).

The majority of recommendations were directed towards the Department of Social Services, Services Australia, and the Department of Human Services. There were **no** direct references made towards the Department or Portfolio in the Report or its recommendations, however there were multiple recommendations that will apply to Commonwealth agencies across the public service, which are summarised in **Attachment A**.

- I would specifically draw your attention to the recommendations relating to the failure in the Budget Process (**Recommendations 15.1–15.4**). While Government have yet to agree to the recommendations, there are a number of good practice principles that the Department could consider as part of our upcoming MYEFO process. Given other Strategic Issues currently being considered by the Department, **Recommendation 23.8** (related to document decisions) may also warrant some early consideration from the Department.

Conclusion

In her Report, Ms Holmes concludes that:

- The Robodebt Scheme was launched in circumstances where little to no regard was had to the individuals and vulnerable cohorts that it would affect. The ill-effects of the Robodebt Scheme were varied, extensive, devastating and continuing;
- The purpose-built mechanisms of the Robodebt Scheme harmed economically and socially disadvantaged people in receipt of income support payments. It is likely the Robodebt Scheme would not have run in the same

way, for the length of time that it did, or at all, if there had been proper stakeholder consultation and transparency in its design and implementation; and

- The Robodebt Scheme undermined trust in Government and confidence in the social security system.

Next Steps

Moving forward and following Government's consideration, PM&C and the APSC will issue further advice on how implementation will occur across the Commonwealth. In the interim, the Inquiries team will further review the Report and its recommendations, and will continue to assess the recommendations and areas for improvement with relevant business areas (including Legal Group), and where appropriate, consider early activities or lessons learned that may be interoperable to our business.

We will continue to keep you informed as the Government response progresses.

Kind regards

Peter Berlis
A/g Assistant Secretary, Performance, Governance and Inquiries Branch
Executive Coordination Division
Executive Group
Department of Home Affairs

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Official

Government’s response to the Report of the Royal Commission into the Robodebt Scheme Communications Pack

Embargoed until release of the government response

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Background

The Robodebt Royal Commission was established on 18 August 2022 as a key election commitment of the Government. Ms Catherine Holmes AC SC was appointed as the Commissioner and the Commission presented the report on 7 July 2023 and publicly released on the same day. The Report makes 56 recommendations and one closing observation.

The Government is finalising its response to the Report of the Royal Commission into the Robodebt Scheme, and it is possible the response will be released in the week commencing 13 November 2023.

The Government has accepted, or accepted in-principle, all 56 recommendations made by the Royal Commission. The response commits to reforms to ensure the public's trust and faith in government and its institutions. It commits to important reforms to improve the way policy is designed and government decisions are made, enhance the way services are delivered and to support stakeholders and the community to input into government processes.

The Government's response to the Report of the Royal Commission into the Robodebt Scheme has impacts and is of interest to government departments, staff in the Australian Public Service and the Australian public. This stakeholder pack has been developed to assist government departments with communicating to staff and more broadly to the public if required/appropriate to do so in accordance with the handling protocol outlined.

The Department of the Prime Minister and Cabinet (PM&C) is the lead agency on the Government's Response. The Attorney-General's Department (AGD) is the lead agency for questions about the Royal Commission, and the Australian Public Service Commission (APSC) will lead on communication to APS staff, including, any queries regarding the findings and referrals made by the Commissioner in the confidential chapter of the report, which are not addressed in the Government's Response.

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Public Release of Government Response Timing

Date	Event	Minister/Agency
Day of release	Government Response tabled in Parliament	Attorney-General Minister for the Public Service
	Media Release	Attorney-General Minister for the Public Service
	Whole of Government Talking Points circulated to departments and agencies	PM&C
	Government response published on PM&C website	PM&C
	Email from PM&C Secretary, AGD Secretary and APS Commissioner to whole of APS	PM&C and APSC
	Social Media	Ministers PM&C
	Live media	Ministers
	Respond to media enquiries	PM&C lead
Day after release & ongoing (as required)	Whole of Government Talking Points updated and circulated	PM&C
	Respond to media enquiries	PM&C lead
Mid-November 2023	Trust in Government results released	
Late November 2023	State of the Service report tabled	Minister for the Public Service

Report website link

Once the report is published the website link will be:

<https://www.pmc.gov.au/resources/government-response-royal-commission-robodebt-scheme>

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Media Handling Protocol

Purpose

This document outlines the Whole of Government approach for managing media and stakeholder enquiries about the Government Response to the Report of the Royal Commission into the Robodebt scheme. The protocol aims to achieve:

- clarity of responsibilities between departments and agencies in responding to enquiries about the Government Response;
- a high level of service and responsiveness to Ministers;
- early notification to executive staff about issues arising from the Government Response;
- responses to journalists that are consistent with whole of government agreed positions; and
- timely coordination, escalation and resolution of media and policy issues.

Summary of roles and responsibilities

Departments and agencies will work together to exchange information to ensure a streamlined and coordinated approach to communicating the detail of the Government Response and respond to stakeholder and media enquiries.

- The Department of the Prime Minister and Cabinet, Attorney-General's Department and Australian Public Service Commission are jointly responsible for the Government Response to the Royal Commission into the Robodebt Scheme.
- PM&C will lead on matters relating to the development of the Government Response and general questions.
 - PM&C will maintain whole of government talking points.
- AGD will lead on matters relating to the conduct of the Royal Commission.
- APSC will lead on matters relating to the Australian Public Service, and any queries regarding the findings and referrals made by the Commissioner in the confidential chapter of the report.
- Departments and agencies will lead on specific questions concerning policy issues, programs and service delivery functions that fall within their responsibilities, with reference to the whole of government talking points for matters related to government commitments outlined in the Government Response.

Talking points

PM&C has developed, and will maintain and circulate the whole of government talking points for the Government Response. Departments and agencies should provide timely updates as required.

Each department and agency will manage its own internal media materials, which may include but is not limited to:

- complementary department/agency-specific media talking points (Q&A's);
- media and issues management strategies; and

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- public relations and stakeholder materials relating to specific department/agency responsibilities.

Approvals

- Each department and agency will manage its own internal approval processes and liaise with their Minister’s Office/s as appropriate.
- This media protocol is a live document and will be updated and re-circulated, as required.

Notification and information sharing arrangements

The diagram below outlines the process for sharing of information and timely notification of emerging issues. Departments and agencies will circulate media responses and correspondence for information as required.

Notification and Information Sharing Procedure



Subject matter – lead departments and agencies

The following table sets out possible areas of enquiry, relevant media contacts for Commonwealth departments and agencies.

Lead Agency(s)	Possible Topics	Media Contact(s)
Department of the Prime Minister and Cabinet	<ul style="list-style-type: none"> • The Government Response • Apology • FOI Cabinet exemption 	<p>Email: media@pmc.gov.au</p> <p>Phone: 02 6271 6039</p> <p>After hours: s 22</p>

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Lead Agency(s)	Possible Topics	Media Contact(s)
	<ul style="list-style-type: none"> Overall implementation of the response; tracking progress Detail of commitments outlined in the Government response for recommendations where the Department of the Prime Minister and Cabinet is the lead/co-lead agency (Annexure A) Implementation status of recommendations where the Department of the Prime Minister and Cabinet is the lead/co-lead agency (Annexure A) APS Reform (APS Reform Office), until 26 November 2023. 	
Attorney-General's Department (AGD)	<ul style="list-style-type: none"> Matters relating to the conduct of the Royal Commission, including funding for the Royal Commission; the Commonwealth's submission; and the Commonwealth's position on Legal Professional Privilege (LPP), Public Interest Immunity (PII) and Cabinet documents. Australian Government Solicitor <i>Legal Services Directions 2017</i> Office of Legal Services Coordination Administrative Review Tribunal (and the Administrative Appeals Tribunal) Administrative Review Council Whistle-blower protections; Public Interest Disclosure Act National Legal Assistance Partnership 2020-25 (NLAP) Detail of commitments outlined in the Government response for recommendations where AGD is the lead/co-lead agency (Annexure A) Progress on implementation of recommendations where AGD is the lead/co-lead agency (Annexure A) 	<p>Email: media@ag.gov.au Phone: 02 6141 2505 After hours: s 22</p>
Australian Public Service Commission (APSC)	<ul style="list-style-type: none"> Centralised Code of Conduct Inquiry Taskforce APS capability and culture Public Service Act Secretary performance and appointments, Public Service Act provisions Thodey review; status of Thodey recommendations Wellbeing of APS staff referenced in the Royal Commission's report Detail of commitments outlined in the Government response for recommendations where the APSC is the lead/co-lead agency (Annexure A) Implementation status of recommendations where the APSC is the lead/co-lead agency (Annexure A) 	<p>Email: media@apsc.gov.au Phone: 02 6202 3703 After hours: s 22 s 22, Media: s 22 s 22, Communications: s 22</p>

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Lead Agency(s)	Possible Topics	Media Contact(s)
	<ul style="list-style-type: none"> (APS Reform (APS Reform Office) from 27 November 2023 onwards.) 	
Department of Finance	<ul style="list-style-type: none"> Budget Process Operational Rules Data and Digital Government Strategy Digital identity Detail of commitments outlined in the Government response for recommendations where the Department of Finance is the lead/co-lead agency (Annexure A) Implementation status of recommendations where the Department of Finance is the lead/co-lead agency (Annexure A) 	<p>Email: mediaenquiries@finance.gov.au</p> <p>Phone: 02 6215 1772 / s 22</p> <p>After hours: s 22</p>
Treasury	<ul style="list-style-type: none"> <i>Inspector-General of Taxation Act 2003.</i> Amendments to taxation legislation; taxation policy; and economic, fiscal and monetary policy Detail of commitments outlined in the Government response for recommendations where the Treasury is the lead/co-lead agency (Annexure A) Implementation status of recommendations where The Treasury is the lead/co-lead agency (Annexure A) 	<p>Email: media@treasury.gov.au</p> <p>Phone: 02 6263 2300</p> <p>After hours: 02 6263 2300</p>

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Lead Agency(s)	Possible Topics	Media Contact(s)
Services Australia	<ul style="list-style-type: none"> • Services Australia agency performance and culture • Wellbeing support for current and former customers, and their families who may be affected • Wellbeing support for current and former staff, and their families who may be affected • Employment status of staff referenced in the Royal Commission report • Social Security payment accuracy • Income apportionment • Service delivery features, including identifying customer vulnerabilities • Service delivery accessibility; wait times for customers • Social Security income compliance program, including refunds • Social Security debt raising practice • Social security debt recovery program administration • Robodebt class action • Robodebt class action settlement payments • <i>Warren</i> Freedom of Information litigation • Implementation status of recommendations where Services Australia is the lead/co-lead agency (Annexure A) 	<p>Email: media@servicesaustralia.gov.au</p> <p>Phone: 1800 531 991</p> <p>After hours: 1800 531 991</p>
Department of Social Services (DSS)	<ul style="list-style-type: none"> • Social security policy • Social security debt recovery policy • Statutory limitation on recovering social security debts, including amendments to the Social Security Act • Social Security and Family Assistance payments legislation and policy, • Rates of income support payments; rates of social security payments • Wellbeing support for current and former staff, and their families who may be affected • Matters specific to DSS's involvement in the Royal Commission. • Employment status of staff referenced in the Royal Commission report • Detail of commitments outlined in the Government response for recommendations where DSS is the lead/co-lead agency (Annexure A) • Implementation status of recommendations where DSS is the lead/co-lead agency (Annexure A) 	<p>Email: media@dss.gov.au</p> <p>Phone: 02 6146 8080</p> <p>After hours: 02 6146 8080</p>
Australian Taxation Office (ATO)	<ul style="list-style-type: none"> • Identity matching, data sharing and data matching programs involving ATO • Taxation confidentiality and privacy • Garnishee notices and garnishee of tax return refunds • Tax Treatment of Class Action Settlement Payments 	<p>Email: mediaunit@ato.gov.au</p> <p>Phone: 02 6216 1901</p> <p>After hours: 0401 147 127</p>

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Lead Agency(s)	Possible Topics	Media Contact(s)
	<ul style="list-style-type: none"> Detail of commitments outlined in the Government response for recommendations where the ATO is the lead/co-lead agency (Annexure A) Progress on implementation of recommendations where the ATO is the lead/co-lead agency (Annexure A) 	
Office of the Commonwealth Ombudsman	<ul style="list-style-type: none"> Matters relating to the Commonwealth Ombudsman, including Ombudsman investigations Progress on implementation of recommendations where the Office of the Commonwealth Ombudsman is the lead/co-lead or <i>impacted</i> agency (Annexure A) 	<p>Email: media@ombudsman.gov.au</p> <p>After hours: s 22 s</p>
Department of Industry, Science and Resources (DISR)	<ul style="list-style-type: none"> Artificial Intelligence (AI) policy AI Taskforce Detail of commitments outlined in the Government response for recommendations where DISR is the lead/co-lead agency (Annexure A) Progress on implementation of recommendations where DISR is the lead/co-lead agency (Annexure A) 	<p>Email: mediateam@industry.gov.au</p> <p>Phone: 02 6213 6308</p> <p>After hours: 02 6213 6308</p>
Digital Transformation Agency	<ul style="list-style-type: none"> Matters relating to Government technology investments and digital service delivery Digital Service Standard Progress on implementation of recommendations where the Digital Transformation Agency is a co-lead agency (Annexure A) 	<p>Email: media@dta.gov.au</p> <p>Phone: s 22</p> <p>After hours: s 22</p>
Inspector General of Taxation and Taxation Ombudsman	<ul style="list-style-type: none"> Matters relating to role and functions of the Inspector General of Taxation and Taxation Ombudsman 	<p>Email: media@treasury.gov.au</p> <p>Phone: 02 6263 2300</p> <p>After hours: 02 6263 2300</p>
National Anti-Corruption Commission (NACC)	<ul style="list-style-type: none"> Matters relating to the role and functions of the NACC Status of NACC investigations 	<p>Email: media@nacc.gov.au</p>
Other Commonwealth departments and agencies	<ul style="list-style-type: none"> Management of staff referenced in the Final report Recommendations where the implementation of the Government Response may impact on the delivery of programs and services administered by the department/agency. 	Per known media contacts

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Recommendations – lead Ministers, departments and agencies

Recommendation	Lead Agency(s)	Responsible Minister(s)
Recommendation 10.1: Design policies and processes with emphasis on the people they are meant to serve.	Services Australia	Minister for Government Services
Recommendation 11.1: Clear documentation of exclusion criteria.	Services Australia	Minister for Government Services
Recommendation 11.2: Identification of circumstances affecting the capacity to engage with compliance activity.	Services Australia	Minister for Government Services
Recommendation 11.3: Engagement prior to removing a vulnerability indicator from a file.	Services Australia	Minister for Government Services
Recommendation 11.4: Consideration of vulnerabilities affected by each compliance program, including consultation with advocacy bodies.	Services Australia	Minister for Government Services
Recommendation 12.1: Easier engagement with Centrelink.	Services Australia	Minister for Government Services
Recommendation 12.2: Customer experience reference group.	Services Australia Australian Public Service Commission - APS Reform Office	Minister for Government Services Minister for the Public Service
Recommendation 12.3: Consultation.	Department of Social Services Services Australia	Minister for Social Services Minister for Government Services
Recommendation 12.4: Regard for funding for legal aid commissions and community legal centres.	Attorney-General's Department	Attorney-General
Recommendation 13.1: Consultation process.	Services Australia	Minister for Government Services
Recommendation 13.2: Feedback processes.	Services Australia	Minister for Government Services
Recommendation 13.3: "Face-to-face" support.	Services Australia	Minister for Government Services
Recommendation 13.4: Increased number of social workers.	Services Australia	Minister for Government Services
Recommendation 15.1: Legislative change better defined in New Policy Proposals.	Department of the Prime Minister and Cabinet Attorney-General's Department Treasury Department of Finance	Prime Minister Attorney-General Treasurer Minister for Finance Cabinet Secretary
Recommendation 15.2: Include legal advices with New Policy Proposals.	Department of the Prime Minister and Cabinet	Prime Minister Attorney-General Treasurer

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Recommendation	Lead Agency(s)	Responsible Minister(s)
	Attorney-General's Department Treasury Department of Finance	Minister for Finance Cabinet Secretary
Recommendation 15.3: Australian Government Solicitor statement in the NPP.	Department of the Prime Minister and Cabinet Attorney-General's Department Treasury Department of Finance	Prime Minister Attorney-General Treasurer Minister for Finance Cabinet Secretary
Recommendation 15.4: Standard, specific language on legal risks in the NPP.	Department of the Prime Minister and Cabinet Attorney-General's Department Treasury Department of Finance	Prime Minister Attorney-General Treasurer Minister for Finance Cabinet Secretary
Recommendation 15.5: Documented assumptions for compliance Budget measures.	Department of Social Services Services Australia Department of Finance	Minister for Social Services Minister for Government Services Minister for Finance
Recommendation 15.6: Documentation on the basis for assumptions provided to Finance.	Department of Social Services Services Australia Department of Finance	Minister for Social Services Minister for Government Services Minister for Finance
Recommendation 16.1: Legal advice on end-to-end data exchanges.	Australian Taxation Office Services Australia	Treasurer Minister for Government Services
Recommendation 16.2: Review and strengthen governance of data-matching programs.	Australian Taxation Office Services Australia	Treasurer Minister for Government Services Minister for Finance
Recommendation 17.1: Reform of legislation and implementation of regulation.	Attorney-General's Department Department of Industry, Science and Resources Digital Transformation Agency	Attorney-General Minister for Industry and Science

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Recommendation	Lead Agency(s)	Responsible Minister(s)
Recommendation 17.2: Establishment of a body to monitor and audit automated decision-making.	Attorney-General's Department Department of Industry, Science and Resources Digital Transformation Agency Department of Finance	Attorney-General Minister for Industry and Science Minister for Finance
Recommendation 18.1: Comprehensive debt recovery policy for Services Australia.	Services Australia	Minister for Government Services
Recommendation 18.2: Reinstate the limitation of six years on debt recovery.	Department of Social Services	Minister for Social Services
Recommendation 19.1: Selection of chief counsel.	Department of Social Services Services Australia	Minister for Social Services Minister for Government Services
Recommendation 19.2: Training for lawyers – Services Australia.	Services Australia	Minister for Government Services
Recommendation 19.3: Legal practice standards – Social Services.	Department of Social Services	Minister for Social Services
Recommendation 19.4: Training for lawyers – Social Services.	Department of Social Services	Minister for Social Services
Recommendation 19.5: Draft advice – Social Services.	Department of Social Services	Minister for Social Services
Recommendation 19.6: Draft advice – Services Australia.	Services Australia	Minister for Government Services
Recommendation 19.7: The Directions.	Attorney-General's Department	Attorney-General
Recommendation 19.8: Office of Legal Services Coordination to assist agencies with significant issues reporting.	Attorney-General's Department	Attorney-General
Recommendation 19.9: Recording of reporting obligations.	Attorney-General's Department	Attorney-General
Recommendation 19.10: The Directions 2.	Attorney-General's Department	Attorney-General
Recommendation 19.11: Resourcing the Office of Legal Services Coordination.	Attorney-General's Department	Attorney-General
Recommendation 19.12: Chief counsel.	Attorney-General's Department	Attorney-General
Recommendation 19.13: Review of the Bilateral Management Agreement.	Department of Social Services Services Australia	Minister for Social Services Minister for Government Services

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Recommendation	Lead Agency(s)	Responsible Minister(s)
Recommendation 20.1: AAT cases with significant legal and policy issues.	Department of Social Services Services Australia	Minister for Social Services Minister for Government Services
Recommendation 20.2: Training for DHS legal officers.	Services Australia	Minister for Government Services
Recommendation 20.3: Identifying significant AAT decisions.	Department of Social Services	Minister for Social Services
Recommendation 20.4: Publication of first instance AAT decisions.	Attorney-General's Department	Attorney-General
Recommendation 20.5: Administrative Review Council.	Attorney-General's Department	Attorney-General
Recommendation 21.1: Statutory duty to assist.	Attorney-General's Department Treasury <i>Office of the Commonwealth Ombudsman</i> <i>Inspector General of Taxation and Taxation Ombudsman</i>	Attorney-General Treasurer
Recommendation 21.2: Another power to obtain information.	Attorney-General's Department Treasury <i>Office of the Commonwealth Ombudsman</i> <i>Inspector General of Taxation and Taxation Ombudsman</i>	Attorney-General Treasurer
Recommendation 21.3: Oversight of the legal services division.	Attorney-General's Department Australian Public Service Commission	Attorney-General
Recommendation 21.4: Log of communications.	Office of the Commonwealth Ombudsman	Attorney-General Treasurer
Recommendation 21.5: Powers of referral.	Attorney-General's Department	Attorney-General
Recommendation 23.1: Structure of government departments.	Department of Social Services	Minister for Social Services Minister for Government Services

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Recommendation	Lead Agency(s)	Responsible Minister(s)
Recommendation 23.2: Obligations of public servants.	Australian Public Service Commission	Prime Minister Minister for the Public Service
Recommendation 23.3: Fresh focus on "customer service".	Department of Social Services Services Australia	Minister for Social Services Minister for Government Services
Recommendation 23.4: Administrative Review Council.	Attorney-General's Department	Attorney-General
Recommendation 23.5: "Knowledge College".	Services Australia	Minister for Government Services
Recommendation 23.6: Front-line Service.	Services Australia	Minister for Government Services
Recommendation 23.7: Agency heads being held to account.	Australian Public Service Commission	Prime Minister Minister for the Public Service
Recommendation 23.8: Documenting decisions and discussions.	Australia Public Service Commission	Minister for the Public Service

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Key Messages

SHORT FORM MEDIA RESPONSES

- The Australian Government has released its response to the report of the Royal Commission into the Robodebt Scheme.
- Commissioner Catherine Holmes AC SC found that the Robodebt Scheme failed the public interest, and was a crude and cruel mechanism that was neither fair nor legal.
- The Government has **accepted** or **accepted in principle** all 56 of the recommendations made by the Royal Commission.
- The Government will continue to push forward with reforms to ensure a failure like the Robodebt scheme can never happen again.
- The Government's Response to the Royal Commission's report reinforces a clear reform agenda – an agenda that was put to the Australian people at the last election, and is founded in commitments to rebuild integrity and trust in government, and leave no-one behind.
- The Australian Government is putting in place changes that will deliver enduring benefits for all Australians for years to come.
- The Government Response is available on the Department of the Prime Minister and Cabinet website.

HIGH LEVEL TALKING POINTS – POST RELEASE OF RESPONSE

- The Australian Government has released its response to the report of the Royal Commission into the Robodebt Scheme.
- Establishing the Royal Commission was a promise the Government took to the last election.
 - The Government moved quickly to establish the Royal Commission, and it commenced work on 18 August 2022.
 - The Royal Commission's report was delivered to the Government on 7 July 2023 and publicly released on the same day.
- The results were shocking.
 - The Royal Commission found that the Robodebt Scheme failed the public interest. As Commissioner Holmes AC SC described it, "*Robodebt was a crude and cruel mechanism,*

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neither fair nor legal, and it made many people feel like criminals. In essence, people were traumatised on the off-chance they might owe money. It was a costly failure of public administration, in both human and economic terms."

- And unfortunately, the Robodebt Scheme was not an innocent mistake. The Royal Commission found that "[t]he beginning of 2017 was the point at which Robodebt's unfairness, probable illegality and cruelty became apparent", but it was not until mid-2020 that the Robodebt Scheme finally came to an end.
- The Australian Government has carefully considered the Royal Commission's report and recommendations.
- The Government **accepts** (49) or **accepts in principle** (7) **all 56 recommendations** made by the Royal Commission.
 - The commitments outlined in the Government response have been carefully designed.
 - For some recommendations, the commitments outlined in the Government Response go further than the Commissioner recommended.
 - Where a recommendation has been accepted in principle, the implementation activities outlined in the Response will be further informed by consultation to ensure lasting effectiveness.
- The public is entitled to trust that the government and the public service will act with integrity, in accordance with the highest standards of ethical leadership and good government.
- Many of the Royal Commission's findings align with the priorities and reforms the Australian Government took to the Australian people at the last election – rebuilding trust in government, investing in a capable public sector, delivering strong institutions and ensuring people are at the centre of service delivery.
- The Government has already embarked on a series of reforms to achieve these outcomes, and is continuing with further reforms to ensure a failure like Robodebt can never occur again. This work includes:
 - establishing the National Anti-Corruption Commission (NACC), which commenced on 1 July 2023
 - the Australian Public Service Reform agenda, which has now progressed to Phase 2 and is putting strong foundations in place for a world-class and future fit Australian Public

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- Service that delivers better outcomes for the community (recommendations 10.1, 12.2, 13.3 and 23.7)
- establishing and enforcing a robust Ministerial Code of Conduct which requires Ministers to act with due regard for integrity and legality, fairness, accountability, responsibility and the public interest
 - strengthening Australia’s whistleblowing framework. The first stage of reform commenced on 1 July 2023, and more work is underway to ensure strong, effective and accessible public sector whistleblower protections.
- Further in line with the Government’s improved accountability agenda, work is underway to abolish the Administrative Appeals Tribunal and establish the Administrative Review Tribunal in its place – a landmark reform that will deliver a new system of administrative review that is user focused, efficient, accessible and fair, will jointly implement recommendations from the Royal Commission (recommendations 20.4 and 21.5).
 - In its response to the Royal Commission report, the Government has also committed to:
 - amend Cabinet procedures to support proper decision-making, including to ensure appropriate and clear advice is provided on legal issues and any assumptions underpinning new policy proposals (recommendations 15.1, 15.2, 15.3, 15.4, 15.5 and 15.6);
 - bring forward legislative reforms to enhance the powers of the Commonwealth Ombudsman and impose statutory obligations on officials responding to Commonwealth Ombudsman investigations (recommendations 21.1, 21.2);
 - re-establish the Administrative Review Council to support further improvements to administrative decision-making by government (recommendation 20.5); and
 - adhere to the Digital Service Standard, and explore opportunities to improve oversight arrangements and the underpinning legal framework so the use of automation in government decision-making is clear, ethical and transparent, and consistent with the principles recommended by the Royal Commission (recommendations 17.1 and 17.2).
 - Importantly, the Response outlines the Government’s steadfast commitment to maintaining a strong social security safety net, and put people back at the centre of policy design and service delivery.
 - The most important role of any Government is to serve the community.

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- We must not impose stigma or shame on those who seek support when they need it.
- The Government will continue to support vulnerable people, and implement changes to improve policy and service delivery.
 - The Department of Social Services and Services Australia are investing in more training for officials and will seek regular feedback on service and program delivery from front-line staff, the community and advocacy bodies. (Recommendations 10.1, 11.2, 11.4, 12.1, 12.2, 12.3, 13.1, 13.2, 19.2 and 19.4). Services Australia is also partnering with Economic Justice Australia to pilot a dedicated advocates channel into the agency (recommendation 12.1);
 - The National Legal Assistance Partnership is being independently reviewed (recommendation 12.4); and
 - The Government has committed to improving social security payment accuracy and debt arrangements to ensure debt raising practices are timely fair and conducted with empathy and respect (recommendations 18.1 and 18.2).
- The Government looks forward to close stakeholder engagement and consultation as it works to implement its Response to the Royal Commission's recommendations.

Funding Commitments

- The Government is providing \$22.1 million over four years from 2023-24 and \$4.8 million ongoing from 2027-28 to support implementation of the Royal Commission's recommendations. This includes:
 - \$2.3 million over four years from 2023-24, and \$0.7 million per year ongoing from 2027-28, for the Commonwealth Ombudsman to boost its oversight of government agencies;
 - \$5.4 million over four years from 2023-24, and \$1.7 million ongoing, to re-establish the Administrative Review Council to support better government decision-making (recommendations 20.5 and 23.4);
 - \$5.2 million over four years from 2023-24, and \$1.1 million ongoing, for the Office of Legal Services Coordination (recommendations 19.7-19.11) to improve the identification and management of legal risk;

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- \$3.6 million over four years from 2023-24, and \$0.9 million ongoing, for the Office of Constitutional Law to improve how legal risk is identified in advice to Cabinet (recommendations 15.1-15.4), and
- \$5.6 million over four years from 2023-24, and \$0.4 million ongoing, in new funding for the Attorney-General's Department to develop a legal framework to support the consistent and appropriate use of automated decision-making in the delivery of government services and programs (recommendation 17.1).
 - This work will be done in partnership with the Department of Industry, Science and Resources and linked to the Government's broader work on the safe and responsible use of AI.
- The Government is also providing additional funding to Services Australia to improve the way it delivers services for the Australian people.
 - The Government has announced that it will provide an additional \$228 million in further funding for Services Australia in 2023-24, available immediately to improve service delivery and increase the number of staff working in front line roles.
 - In total, the Government has provided more than \$1 billion in additional funding to Services Australia since October 2022 to support better service delivery.
- In addition to these measures, the Government is also investing \$72.9 million over three years from 2022-23 to strengthen and reform the APS.

APS Reform

- The Australian Government is working to strengthen the public service and increase the public's trust and confidence in Australia's public sector institutions.
- On 1 November 2023, the Minister for the Public Service announced the second phase of reforms to strengthen the public service, promote institutional integrity, accountability and transparency, and deliver better outcomes for the Australian community.
- Secretaries and agency heads must be accountable for their actions. The Government will introduce legislative amendments to bolster the powers of the APS Commissioner, including powers to undertake own motion reviews and investigations into Code of Conduct matters, and impose disciplinary declarations on former officers (recommendation 23.7).

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- The Government will also introduce amendments to require that Secretary and agency head appointments are merit based (recommendation 23.7).
- The performance of SES officers will be assessed on both behaviours, as well as outcomes.
- Uplifting capability across all levels in the APS is also a key priority. The APS Academy will continue to develop and roll out mandatory training, including specific training on integrity and record-keeping (recommendation 23.8).

Amendments to the Freedom of Information Act

- The Commissioner made a closing observation in respect of the confidentiality of Cabinet documents and potential reform of the *Freedom of Information (FOI) Act 1982*.
- The Government will not be amending section 34 of the FOI Act.
- Cabinet, the key decision-making body of Government, must have the benefit of comprehensive, frank and fearless advice from Ministers and senior public servants. The existing exemption in section 34 of the FOI Act will be maintained to preserve the confidentiality of Cabinet documents and deliberations.
 - As set out in the Cabinet Handbook: *"The principle of collective responsibility requires that ministers should be able to express their views frankly in Cabinet meetings in the expectation that they can argue freely in private while maintaining a united front in public when decisions have been reached. This in turn requires that opinions expressed in the Cabinet and Cabinet Committees, including in documents and any correspondence, are treated as confidential."*

Implementation monitoring

- The Government listened carefully to the testimony of witnesses before the Royal Commission, and is committed to ensuring a failure like Robodebt never happens again.
- Work is underway to implement the Commissioner's recommendations, many of which align with the Government's existing reform agenda.
- The Australian Government will deliver on the commitments outlined in the Government Response.

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Automated decision-making

- The Australian Government is committed to ensuring new technologies are integrated in a safe and responsible manner.
- Across society, the considered and ethical use of technology can help to deliver better services to the community, including government services.
- The Government has committed to considering opportunities for legislative reform to establish a consistent legal framework for the ethical and appropriate use of automation in government decision-making, with necessary safeguards (recommendation 17.1).
 - This work will be co-led by the Attorney-General's Department with Department of Industry Science and Resources and the Cross-Agency Taskforce on Artificial Intelligence in Government.
 - In particular, the implementation of this recommendation will be informed by the Government's broader work on the safe and responsible use of AI, and will reflect considerations through that process.
- Advice on options for establishing a body to oversee the use of automation in administrative decision-making and government service delivery will be informed by this work (recommendation 17.2).

Sealed section/confidential chapter

- The Government response does not address the Sealed Chapter of the Royal Commissioners report.
- The Royal Commissioner created the confidential chapter so as not to prejudice the conduct of any future civil action or criminal prosecution.
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Social Media

Government departments are advised to share the Australian Government (AusGov) social media posts on their channels.

Australian Government Channels: [Facebook](#), [Instagram](#), [X \(Twitter\)](#), [LinkedIn](#)

The social media post will be as below:

Facebook/Instagram/LinkedIn:

The Australian Government has released its response to the report of the Royal Commission into the Robodebt Scheme. The Government has accepted or accepted in principle all 56 of the recommendations made by the Royal Commission. Read the full report:

<https://www.pmc.gov.au/resources/government-response-royal-commission-robodebt-scheme>

X (Twitter version):

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Support for Staff – recommendations for inclusion in internal messaging

We recognise today's announcements may impact you. Support is available. Contact your agency's Employee Assistance Program if you need help. The following services are also available 24 hours a day, 7 days a week:

[Beyond Blue Support Service](#) – Provides immediate, short-term counselling, advice and referral services. Phone 1300 224 636, [webchat](#), or search their [forum](#) for free.

[Lifeline Crisis Support](#) – This is a confidential service providing you with support for when you feel overwhelmed, for when you have difficulty coping, or are thinking about suicide. Phone 13 11 14 or chat to a [crisis supporter online](#).

[13YARN](#) – Provides crisis support for First Nations people. Phone 13 92 76 or view their services online at www.13yarn.org.au.

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TALKING POINTS

Subject	Royal Commission into the Robodebt Scheme and the Government's response
Date	10 November 2023
Version	V1
Type	Whole of Government
Email	media@pmc.gov.au

~~UNDER EMBARGO UNTIL RELEASE OF THE GOVERNMENT RESPONSE~~

SHORT FORM MEDIA RESPONSES

- The Australian Government has released its response to the report of the Royal Commission into the Robodebt Scheme.
- Commissioner Catherine Holmes AC SC found that the Robodebt Scheme failed the public interest, and was a crude and cruel mechanism that was neither fair nor legal.
- The Government has **accepted** or **accepted in principle** all 56 of the recommendations made by the Royal Commission.
- The Government will continue to push forward with reforms to ensure a failure like the Robodebt scheme can never happen again.
- The Government's Response to the Royal Commission's report reinforces a clear reform agenda – an agenda that was put to the Australian people at the last election, and is founded in commitments to rebuild integrity and trust in government, and leave no-one behind.
- The Australian Government is putting in place changes that will deliver enduring benefits for all Australians for years to come.
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 - The Government moved quickly to establish the Royal Commission, and it commenced work on 18 August 2022.

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- The Royal Commission's report was delivered to the Government on 7 July 2023 and publicly released on the same day.
- The results were shocking.
 - The Royal Commission found that the Robodebt Scheme failed the public interest. As Commissioner Holmes AC SC described it, "*Robodebt was a crude and cruel mechanism, neither fair nor legal, and it made many people feel like criminals. In essence, people were traumatised on the off-chance they might owe money. It was a costly failure of public administration, in both human and economic terms.*"
 - And unfortunately, the Robodebt Scheme was not an innocent mistake. The Royal Commission found that "[t]he beginning of 2017 was the point at which Robodebt's unfairness, probable illegality and cruelty became apparent", but it was not until mid-2020 that the Robodebt Scheme finally came to an end.
- The Australian Government has carefully considered the Royal Commission's report and recommendations.
- The Government **accepts** (49) or **accepts in principle** (7) **all 56 recommendations** made by the Royal Commission.
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- The public is entitled to trust that the government and the public service will act with integrity, in accordance with the highest standards of ethical leadership and good government.
- Many of the Royal Commission's findings align with the priorities and reforms the Australian Government took to the Australian people at the last election – rebuilding trust in government, investing in a capable public sector, delivering strong institutions and ensuring people are at the centre of service delivery.

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- The Government has already embarked on a series of reforms to achieve these outcomes, and is continuing with further reforms to ensure a failure like Robodebt can never occur again. This work includes:
 - establishing the National Anti-Corruption Commission (NACC), which commenced on 1 July 2023
 - the Australian Public Service Reform agenda, which has now progressed to Phase 2 and is putting strong foundations in place for a world-class and future fit Australian Public Service that delivers better outcomes for the community (recommendations 10.1, 12.2, 13.3 and 23.7)
 - establishing and enforcing a robust Ministerial Code of Conduct which requires Ministers to act with due regard for integrity and legality, fairness, accountability, responsibility and the public interest
 - strengthening Australia’s whistleblowing framework. The first stage of reform commenced on 1 July 2023, and more work is underway to ensure strong, effective and accessible public sector whistleblower protections.
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 - re-establish the Administrative Review Council to support further improvements to administrative decision-making by government (recommendation 20.5); and

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- \$5.6 million over four years from 2023-24, and \$0.4 million ongoing, in new funding for the Attorney-General's Department to develop a legal framework to support the consistent and appropriate use of automated decision-making in the delivery of government services and programs (recommendation 17.1).
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- Secretaries and agency heads must be accountable for their actions. The Government will introduce legislative amendments to bolster the powers of the APS Commissioner, including powers to undertake own motion reviews and investigations into Code of Conduct matters, and impose disciplinary declarations on former officers (recommendation 23.7).
- The Government will also introduce amendments to require that Secretary and agency head appointments are merit based (recommendation 23.7).
- The performance of SES officers will be assessed on both behaviours, as well as outcomes.
- Uplifting capability across all levels in the APS is also a key priority. The APS Academy will continue to develop and roll out mandatory training, including specific training on integrity and record-keeping (recommendation 23.8).

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Implementation monitoring

- The Government listened carefully to the testimony of witnesses before the Royal Commission, and is committed to ensuring a failure like Robodebt never happens again.

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- Work is underway to implement the Commissioner's recommendations, many of which align with the Government's existing reform agenda.
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Automated decision-making

- The Australian Government is committed to ensuring new technologies are integrated in a safe and responsible manner.
- Across society, the considered and ethical use of technology can help to deliver better services to the community, including government services.
- The Government has committed to considering opportunities for legislative reform to establish a consistent legal framework for the ethical and appropriate use of automation in government decision-making, with necessary safeguards (recommendation 17.1).
 - This work will be co-led by the Attorney-General's Department with Department of Industry Science and Resources and the Cross-Agency Taskforce on Artificial Intelligence in Government.
 - In particular, the implementation of this recommendation will be informed by the Government's broader work on the safe and responsible use of AI, and will reflect considerations through that process.
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Q&As**Content of the Government Response***Why are some recommendations 'Accepted in Principle'?*

- Seven recommendations are accepted in principle either because the form of implementation outlined in the Response differs from that specifically recommended, or further consideration and consultation is required to inform implementation.
 - **Recommendation 12.2** - that the Government should consider establishing a customer experience reference group.
 - Services Australia will provide advice on whether a whole of government customer experience reference group would assist to improve service delivery design and implementation, including the potential composition of such a group.
 - **Recommendation 15.2** – legal advice to be provided in all NPPs.
 - The intent of this recommendation is being addressed in a different form.
 - The Government considers that clear, concise and succinct summaries of legal issues are likely to be of greater assistance to entities and Ministers than copies of entire legal advices.
 - This is especially the case where a number of legal advices have been provided during the development of new policy proposals. Full copies of legal advice may be provided on a case-by-case basis, where appropriate.
 - Relevant Cabinet procedures will be updated to reflect this.
 - **Recommendation 13.3** - that there be increased face-to-face service delivery by Services Australia.
 - Services Australia will continue to improve its service delivery practices, including both face-to-face and online interactions, to ensure delivery methods adopt a customer-centred approach.
 - Further improvements to service delivery will be informed by consultation with stakeholders and whole of government service delivery attributes and design standards.
 - **Recommendation 13.4** - that there be increased number of social workers in Services Australia.
 - Services Australia will continue to implement its Social Work Servicing Strategy 2021-25, which aims to increase the accessibility of social workers for customers. Approximately 65 per cent of Services Australia social workers work out of a face-to-face service centre.

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- **Recommendation 18.2** - that a statutory limitation of 6 years be imposed for social security debts.
 - The Government is committed to a strong social security safety net and service delivery that puts people at the centre.
 - The Response outlines the Government's commitment to ensuring debt raising and recovery is undertaken in a timely, fair and respectful manner.
 - This recommendation is *accepted in principle* on the basis that the development of legislative reform will require careful consideration.
 - The Government will carefully consider options for legislative reform, including appropriate statutory limitation periods for the raising and recovery of social security debts to comprehensively address the issues identified by the Royal Commission.

- **Recommendation 21.3** - that agency/department responses to Ombudsman own motion investigations be overseen by the legal division of the relevant department or agency.
 - The Government agrees that responses to Ombudsman investigations must be accurate, complete and provided in a timely manner.
 - The intent of this recommendation is being addressed in a different form as not all agencies have specialist legal divisions. The approach recommended by the Royal Commission may also not be appropriate if the legal division is the subject of the investigation.
 - The Government has accepted recommendation 21.1 and will progress legislative amendments to require that departmental secretaries and agency chief executive officers ensure that their department or agency use its best endeavours to assist the Ombudsman.
 - Consistent with this obligation, the response also commits to ensuring agency heads identify and manage conflicts of interest in arrangements to oversee Ombudsman investigations.

- **Recommendation 23.1** that the Government commission a review of the social services portfolio structure and the status of Services Australia as an agency.
 - This recommendation requires further consideration.
 - The Government agrees that portfolio structures should support the effective delivery of government services and programs.
 - The Government will be guided by the Royal Commission's findings when considering the most optimal arrangement of functions and responsibilities between social policy agencies and Services Australia.

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What is being done to address call wait times and front line staffing at Services Australia?

- The Government is providing \$228 million in further additional funding for Services Australia in 2023-24, to improve service delivery and increase the number of staff working in front-line roles.
- In total, the Government has provided more than \$1 billion in additional funding to Services Australia since October 2022 to support better service delivery.

What is being done to support vulnerable recipients?

- The Commissioner made a number of recommendations directed at improving the way Services Australia engages with vulnerable members of our community (recommendations 11.2, 11.3 and 11.4).
- Services Australia continues to implement its 'Vulnerability Strategy', which includes additional training for staff to help them identify and support customers with a vulnerability.
- Where a customer has advised Services Australia staff of a change in their circumstances, staff may also have access to vulnerability information when engaging with customers in relation to compliance and debt recovery programs.
- Services Australia will continue to consider options to improve how vulnerability information is identified and recorded, and improve service delivery.

Will income support payments be increased?

- The social security system is a vital safety net.
- The Government has permanently increased the base rates of working age and student payments, as well as the maximum rates of Commonwealth rent assistance.
 - From 20 September 2023, additional support is being provided through the Jobseeker Payment, Youth Allowance, Parenting Payment (Partnered), Austudy, ABSTUDY, Disability Support Pension (Youth) and the Special Benefit payment.
 - In addition, access to the Parenting Payment (single) has been expanded for single parents with a youngest child under 14 years of age (up from 8 years of age).
 - Eligibility for the higher single JobSeeker payment has also been extended to persons aged 55 years and older who are on the payment for nine or more continuous months (previously limited to those aged 60 years or older).

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Will the Government implement the Thodey recommendations?

- The Government is implementing its commitment to reform the APS. This includes new measures to improve the transparency of Secretary and agency head appointments, and uplift APS capability and SES performance.
- The Response outlines that the Government will progress reforms to:
 - require the PM&C Secretary and APS Commissioner to conduct merit-based appointments process for Secretary roles;
 - publish a Secretaries' performance framework and process;
 - improve the handling of sustained underperformance of Secretaries, including appropriate consequences;
 - improve transparency and consistency in the processes for Agency Head appointments, performance and suspension, including requiring merit-based appointment processes;
 - create a power to suspend Agency Heads, including without pay; and
 - create a power to apply sanctions following breaches of the Code of Conduct by Agency Heads.
- In addition, the Response also undertakes to progress reforms to the *Public Service Act 1999* to give the APS Commissioner own-motion powers to initiate investigations and reviews.

How does the Government response relate to the recent Bletchley Declaration signed by Australia on 3 November and the government's broader work on the safe and responsible use of AI?

- Australia, alongside the EU and 27 countries, including the US, UK and China, has signed the *Bletchley Declaration* affirming that AI should be designed, developed, deployed, and used in a manner that is safe, human-centric, trustworthy and responsible.
- The Declaration signals our commitment to work with other governments, civil society, and industry to ensure AI is developed with the right guardrails in place.
- The *Bletchley Declaration* reinforces the importance of nations working together to support the safe and responsible use of AI.
- The Declaration aligns to the themes presented in the Royal Commission report, particularly the issues reflected in recommendations 17.1 and 17.2.
- The implementation of recommendations 17.1 and 17.2 will be informed by the Government's broader work on the safe and responsible use of AI.

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When will the government reinstate the statutory limitation period for debt recovery?

- Recommendation 18.2 of the Robodebt Royal Commission Report recommended the Commonwealth reinstate the previous 6-year limitation for the recovery of social security debts. This limitation has not been in effect since 2016.
- The previous 6-year limitation was complex and created ambiguity while in place. Simply re-instating the previous statutory provision will not provide the certainty the Royal Commissioner sought in making the recommendation, that is, that current and former social security recipients should not be on any different footing from other debtors.
- To wholly resolve the issues identified by the Commissioner, debt raising and recovery needs to be carefully reformed to ensure the settings are right, and that people who rely on the social safety net are not treated unfairly.

Why should cabinet documents be exempt from disclosure under FOI?

- The Government will not repeal section 34 of the FOI Act, which allows agencies to exempt Cabinet material subject to an FOI request.
- This reflects the importance of maintaining confidentiality of Cabinet discussions, the collective responsibility of the Cabinet, and promoting the exchange of frank and fearless advice between Departments, agencies and Ministers.

Will the Government formally apologise to Robodebt victims and impacted APS staff?

- On 10 August 2023, the Minister for Government Services, the Hon Bill Shorten MP, moved a motion in the House of Representatives that the House accepts the findings of the Royal Commission, expresses its deep regret and apologises to the victims and to front-line Centrelink staff.
- While the House agreed to that motion, the Opposition – including former ministers who were responsible for the Robodebt Scheme – voted against it.
- Three APS leaders have publicly apologised to APS staff:
 - Secretary of the Department of Social Services, Mr Ray Griggs AO CSC (7 July 2023 to DSS staff), and
 - Former CEO of Services Australia, Ms Rebecca Skinner PSM (8 September 2023, to current and former Services Australia staff).
 - APS Commissioner, Dr Gordon de Brouwer PSM (10 April 2022, Institute of Public Administration Australia podcast) apologised in a personal capacity to the victims of Robodebt for what the public service did to them.

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- Questions regarding apologies made by agency heads should be directed to those agencies.

Income Apportionment

What is Income Apportionment? How is this different to Robodebt?

- Income apportionment is not Robodebt. The Commonwealth Ombudsman has made this distinction clear.
- On 30 October 2023, Services Australia paused repayments on debts related to employment income earned prior to 7 December 2020.
 - Services Australia used income apportionment to work out a person's entitlement when their employment earnings period didn't align with their Centrelink payment fortnight.
 - Income apportionment was the practice of evenly dividing a customer's employment income across two or more Centrelink fortnightly reporting periods. Income apportionment is not the averaging of annual income data supplied by the ATO, which occurred in Robodebt.
- The Department of Social Services and Services Australia are continuing to work with the Ombudsman to address issues with the historical practice of income apportionment.
- This involves complex legal and policy issues which will take further time to clarify. The Department of Social Services is working through these issues as quickly as possible.
- Impacted customers are being contacted and won't need to make repayments on debts that are paused.

Monitoring implementation

When will the recommendations be implemented?

- The Government will work hard to implement the commitments outlined in the Response as quickly as possible.
 - As at 13 November 2023:
 - 11 recommendations have been substantially implemented (noting some also have ongoing commitments);
 - 35 are in progress;

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- 8 require legislation; and
- 2 require further consideration.
- However, as Commissioner Holmes AC SC identified, implementing the recommendations will not, of itself, be enough.
- The Albanese Government is committed to a culture of accountability and transparency.
 - For the first time, Government Ministers are required to act in accordance with a Ministerial Code of Conduct.
- The Government will keep working for Australians, to rebuild trust and improve services for the community.

Who will be responsible for ensuring the Recommendations are implemented?

- Ministers will be required to deliver on the commitments the Government has outlined in the Government Response.

How will stakeholders be consulted to inform implementation?

- Government agencies and departments will engage with stakeholders during implementation.
- In particular, Services Australia and the Department of Social Services will build and expand on mechanisms to support engagement with peak advocacy groups and seek their views on the design and implementation of projects where there are likely to be implications for users of the social security system.

Development of the Government Response

How was the Government Response developed?

- In July 2023, the Prime Minister approved establishing a joint-agency Taskforce to coordinate the Government Response to the Royal Commission.
- The Response to the Robodebt Royal Commission Taskforce (the Taskforce) was jointly led by PM&C, AGD and APSC.
- The Taskforce included officers from PM&C, AGD, APSC, the Department of Social Services (DSS), the Department of Finance (Finance), Services Australia and the Australian Taxation Office (ATO).

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What consultation informed the development of the Government Response?

- The Taskforce undertook broad consultation with government departments and agencies to develop advice on the Government response.
 - Work to develop the Government Response was supported by an interdepartmental committee.
- The work was overseen by a Steering Group of Secretaries and agency heads of Accountable Authorities, and regular updates were provided to Secretaries Board.

Did the Government consult with civil society / unions on the Government Response?

- The Taskforce did not consult outside the Australian Government on the development of the response.
- The Government has accepted or accepted in principle all 56 recommendations.
- The Government is committed to working closely with stakeholders on the implementation of the Royal Commission's recommendations.
- The Taskforce provided a briefing to key stakeholders ahead of the release of the Government Response.

Which stakeholders did the Taskforce notify ahead of the release of the Government Response?

- Ahead of the release of the Government Response, the Taskforce provided a briefing to:
 - Australian Council of Social Service (ACOSS)
 - Community Legal Centres Australia
 - Community and Public Sector Union (CPSU)
 - Financial Counselling Australia
 - Economic Justice Australia
 - National Aboriginal and Torres Strait Islander Legal Services (NATSILS)
 - The Law Council of Australia
 - National Legal Aid (NLA) & Victoria Legal Aid (VLA)
 - Coalition of Peaks
- As a matter of courtesy, the Attorney-General Department notified the Royal Commissioner ahead of the public release of the Government's Response.

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Findings against individuals*Public servants being stood down in their current role*

- It is not appropriate to speculate or discuss which individuals have been stood down in relation to the report and its findings or whether they are part of a referral. Referrals are subject to the Royal Commissioner's Do Not Publish Order. The Government respects the Royal Commissioner's Do Not Publish Order.

Findings against individual public servants/statutory office holders

- The Royal Commission's report makes various findings about the roles and responsibilities of individual public servants involved in the Robodebt Scheme.
- A centralised inquiry mechanism has been established to inquire into alleged breaches of the Code of Conduct by APS employees, former APS employees and Agency Heads arising from the Royal Commission.
- This decision was taken by Secretaries Board to ensure the integrity of the APS is upheld in a fair, consistent, independent and transparent manner.
- Under the *Public Service Act 1999*, Agency Heads are able to request that the APS Commissioner inquire into and determine whether a current or former APS employee has breached the Code.
- The Royal Commission only referred individuals to the Australian Public Service Commissioner in the sealed section of its report who, if found to have breached the Code of Conduct, could be subject to a sanction. This means that only current APS employees who may be subject to sanctions were proposed for a possible Code of Conduct investigation by the APSC.
- To ensure equitable treatment of current APS employees, former APS employees and former APS Agency Heads, further consideration was given to whether additional referrals to the centralised code of conduct mechanism, was warranted with respect to:
 - former APS employees, by Agency Heads, in consultation with the Code of Conduct Taskforce in the APSC;
 - current APS employees mentioned in the publicly available chapters of the Royal Commission report but not referred in the sealed section, by Agency Heads, in consultation with the Code of Conduct Taskforce in the APSC; and
 - former Agency Heads, with the Secretary of the Department of the Prime Minister and Cabinet advising the Minister for the Public Service to make

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referrals under section 41(2)(k) of the *Public Service Act 1999* to the Australian Public Service Commissioner.

Code of Conduct Inquiry Taskforce

- All referrals for investigation of potential breaches of the APS Code of Conduct have now been made, and the Code of Conduct Taskforce in APSC has notified all referred individuals.
 - The Commissioner has received 16 referrals to the APSC's centralised code of conduct mechanism, consisting of:
 - current APS employees named in the sealed section of the Royal Commission's report
 - former APS employees referred by their most recent Agency Head, and
 - former Agency Heads referred by the Minister following advice from the Secretary of the Department of the Prime Minister and Cabinet.
- An assessment is being undertaken to establish in each case whether there are sufficient grounds to commence an investigation into suspected breach(es) of the APS Code of Conduct.
- Individuals who become the subject of a formal investigation will have an opportunity to respond to any allegations of suspected breach(es) of the APS Code of Conduct and provide their own submissions either in writing, by interview, or both.
- Timeframes will depend on availability, length of submissions and any extensions that may be requested.
- The APS Commissioner has engaged an Independent Reviewer and delegated his powers to conduct inquiries and make determinations.
 - Mr Stephen Sedgwick AO, a former Public Service Commissioner, has taken on the role of Independent Reviewer. Mr Sedgwick's role is to inquire into and determine whether an individual has breached the Code of Conduct.
 - Ms Penny Shakespeare has been appointed as a supplementary reviewer to make inquiries into the conduct of former Agency Heads. The *Public Service Act 1999* requires that the reviewer for referrals under section 41(2)(k) is a current senior public servant.
 - An independent sanctions adviser will be appointed, as required, to make recommendations to the relevant Agency Head, should any current APS employees be found to have breached the APS Code of Conduct.

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Are there consequences for people who have not been referred?

- Agency Heads have considered the full range of actions available for effective and proportionate responses to the adverse commentary presented in the Royal Commission's report.
- In line with their legislated duties, Agency Heads have determined the most appropriate action to improve or change behaviour, including ongoing management of performance through counselling, training, mentoring or closer supervision for those employees not referred to the APS Code of Conduct processes.
 - The Code of Conduct Taskforce in APSC has supported Agency Heads and their delegates as they have completed this process.
- Agency Heads have made decisions regarding the employment arrangements for current APS employees who have been referred to the Code of Conduct process.

Referrals to the National Anti-Corruption Commission, AFP or other body

- A Royal Commission is not a court and cannot determine the criminal or civil liability of a person. However, it is open to the Royal Commission to make findings about a person's evidence or conduct, and if it considers appropriate, to refer matters to law enforcement authorities and other bodies for consideration of civil action or criminal prosecution (section 6P of the *Royal Commissions Act 1902*).
- It would not be appropriate to comment on any individual who may or may not be the subject of a referral to the National Anti-Corruption Commission, Australian Federal Police or any other body.
 - The Chapter of the report that deals with referrals pursuant to section 6P is subject to a Direction Not to Publish made by the Royal Commissioner.

Legal assistance for former Ministers appearing before the Royal Commission

- Legal assistance to current and former Ministers may be provided in relation to proceedings relating to their ministerial duties, under the *Parliamentary Business Resources Regulations 2017*.
 - This includes legal representation for inquiries and Royal Commissions.
- Assistance was approved for 10 former Ministers during the Robodebt Royal Commission.
 - Consistent with previous practice, details of any future approvals for legal assistance will be tabled in Parliament in accordance with the requirements of the *Parliamentary Business Resources Regulations 2017*.

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Legal assistance for future inquiries arising from the Royal Commission

- Current or former Ministers (or parliamentarians) may be able to receive legal financial assistance in relation to their engagement with the National Anti-Corruption Commission if the engagement arises because of their role as a Minister (or parliamentarian) and it is appropriate to provide the assistance.
 - It would not be appropriate to comment on any individual who may or may not be the subject of a referral to the National Anti-Corruption Commission or other body.
 - The Chapter of the report that deals with referrals pursuant to section 6P is subject to a Direction Not to Publish made by the Royal Commissioner.

Legal assistance for Commonwealth officials

- Under Appendix E of the *Legal Services Direction 2017*, current and former public servants are eligible to apply for assistance in relation to their participation and engagement with the inquiries, such as the Robodebt Royal Commission. The approving authority is the agency where the events relevant to the assistance occurred.
 - It would not be appropriate to comment on any individual who may or may not be subject to a Code of Conduct inquiry or any other form of investigation.
 - The Chapter of the report that deals with referrals pursuant to section 6P is subject to a Direction Not to Publish made by the Royal Commissioner.

Related legal issues / litigation

Robodebt class action

- The Robodebt class action was settled by a Deed of Settlement entered into by the parties in late 2020. The settlement was approved by the Federal Court on 11 June 2021.
- The Commonwealth completed all steps required of it under the settlement by early 2023. The Scheme Assurer's final report, and draft consent orders agreed between the parties, were filed with the Federal Court on 6 June 2023.
- The Federal Court has not yet issued final orders.

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Warren litigation

- Mr Warren made a Freedom of Information (FOI) request in January 2017 seeking access to eight Cabinet documents pertaining to the Pay as you Go (PAYG) data matching initiative program which related to the Robodebt Scheme.
- The Commonwealth refused access on the grounds of Cabinet confidentiality.
- In December 2022, the Administrative Appeals Tribunal (AAT) upheld the Commonwealth's position and Mr Warren appealed to the Federal Court.
- The case before the Federal Court is ongoing, with further hearings listed for late November 2023. It is not appropriate to discuss the details of an ongoing court proceeding.

Royal Commission Background

Establishment

- The Royal Commission was established on 18 August 2022 in recognition of the harm caused to affected members of the Australian community by the Robodebt Scheme.
- It was tasked with investigating, among other things:
 - the establishment, design and implementation of the scheme; who was responsible for it; why they considered Robodebt necessary; and, any concerns raised regarding the legality and fairness;
 - the use of third party debt collectors;
 - the handling of concerns raised about the scheme, including adverse decisions made by the Administrative Appeals Tribunal;
 - the intended and actual outcomes of the scheme, including the harm to vulnerable individuals and the total financial cost to government; and
 - measures needed to prevent similar failures in public administration.

What did the Royal Commission inquire into?

- The Letters Patent and full Terms of Reference can be found on the Royal Commission's website (<https://robodebt.royalcommission.gov.au>).
- The Royal Commission determined its work program, including witnesses called and the means through which it conducts its enquiry.
- Without limiting its inquiry, the Royal Commission was asked to focus on decisions made by those in positions of seniority.

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Release and tabling of the report

- On 7 July 2023, the Australian Government tabled the report by the Royal Commission into the Robodebt Scheme.

Hearings

- The Royal Commission was conducted independently of Government and determined how it undertook its inquiry.
- The Royal Commission held its inaugural hearing on 27 September 2022.
- Hearing Block 1 was held from 31 October 2022 – 11 November 2022.
- Hearing Block 2 was held from 5 – 16 December 2022.
- Hearing Block 3 was held from 23 January – 3 February 2023.
- Hearing Block 4 was held from 20 February – 10 March 2023.

Extensions

- On 16 February 2023, the Government announced that the Royal Commission had been extended to 30 June 2023.
- The extension acknowledged the breadth of the Royal Commission's responsibilities under the Terms of Reference and the substantial work undertaken by the Royal Commission.
- On 11 May 2023, the Government announced a further extension of one week to 7 July 2023.
- This brief extension was sought by Royal Commissioner Holmes and the Government agreed.

Funding for the Royal Commission

- In the 2022-23 Budget, the Government allocated \$30 million for the Royal Commission over 2022-23.
- The funding allocated to establish the Royal Commission was determined based on previous inquiries of a similar nature.
- An additional \$3.6 million for the Attorney-General's Department in 2022-23 was announced in the 2023-24 Budget Paper No. 2 to meet the ongoing costs of the Commonwealth Representation before the Royal Commission.

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Commissioner

- The Royal Commission was led by a single Royal Commissioner, Ms Catherine Holmes AC SC, a former Chief Justice of the Supreme Court of Queensland who brought vast experience from a distinguished legal career.

What role did the government agencies play in the Royal Commission?

- The Royal Commission was an independent inquiry supported by its own staff.
- Commonwealth agencies including Services Australia, the Department of Social Services, the Australian Taxation Office, the Department of the Prime Minister and Cabinet, and the Attorney-General's Department worked to respond expeditiously to requests made by the Royal Commission.

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**Home Affairs Portfolio
National Emergency Management Agency
Supplementary Budget Estimates Hearing – October 2023**

BACK POCKET BRIEF

Topic: Robodebt

Group: Chief Operating Officer

Branch: Corporate

KEY ISSUES

- The Royal Commission into the Robodebt Scheme released its final report on 7 July 2023, which contained 57 recommendations for the Australian Government.
- There were no direct references made towards the National Emergency Management Agency (**NEMA**).
- Of the 57 recommendations within the report, the majority of recommendations were directed towards the Department of Social Services, Services Australia, and the Department of Human Services.
- NEMA takes the Royal Commission’s findings seriously and notes that the Department of the Prime Minister and Cabinet and the Australian Public Service Commission (**APSC**) have taken action to work through the findings and recommendations in an open and constructive way.
- There are multiple recommendations that will apply to Commonwealth agencies across the public service including NEMA (refer **Attachment A**).

Recommendation	Australian Government Disaster Recovery Payment (AGDRP)
17.1 Automated decision making	<ul style="list-style-type: none"> • Automation of AGDRP claims is about <u>granting</u> claims (and not debt recovery). • Automation is <u>beneficial</u> for potential AGDRP claimants as they are able to be paid quickly. • Claims which fall out of automation are not automatically rejected. A claim which falls out of automation is assessed by a Services Australia staff member. • If a claim is rejected, there is a clear path to appeal a decision which is provided to the customer in the rejection letter.

- The Government is considering the recommendations presented in the final report carefully and will provide a full response in due course.
- NEMA will consider the Government’s response once it is released.
- NEMA recognised that the Royal Commission’s report and findings may have been confronting for some staff and offered support, including access to NEMA’s Employee Assistance Program.

- In relation to Obligations of Public Servants, NEMA has in place:
 - NEMA's Values and Charter of Behaviours to build trust and foster a strong culture of integrity, which is inclusive, diverse, committed to service, accountable and respectful (refer **Attachment B**). These underpin the APS Values and Behaviours.
 - Policies and Procedures relating to Code of Conduct, Public Interest Disclosures as well as the requirements of the *Public Governance, Performance and Accountability Act 2013 (PGPA Act)*.
 - An Integrity Framework that is based on the Commonwealth Integrity Maturity Framework which is a set of eight Integrity Principles that are derived from the key Commonwealth integrity laws, policies and procedures.
 - Plans to implement an induction and mandatory learning program, utilising the APSC whole of government annual essential learning resources that will strengthen NEMA employees' understanding of the importance of acting with integrity as they undertake their duties. This is expected to be in place by the end of 2023.

SENSITIVITIES

- Nil.

CONSULTATION

- Media Branch has cleared the sensitivities contained within this brief.

ATTACHMENTS

Attachment A	Recommendations that will apply to all Commonwealth agencies
Attachment B	NEMA's Values and Charter of Behaviours