

Robodebt Royal Commission Report: OCO Response to Recommendations

July 2023

This document – divided into 3 parts – catalogues recommendations of the Royal Commission into the Robodebt Scheme (RRC) of interest to the Office of the Commonwealth Ombudsman (OCO) and suggests actions.

- Part 1 sets out OCO's position in relation to the recommendations in Chapter 21.
- Part 2 sets out actions concerning the implementation of the 5 recommendations that are directly related to OCO and our powers.
- Part 3 sets out actions for OCO where we have an interest in the implementation of the recommendations.

Recommendation	OCO actions	Due date	Progress	Responsible
PART 1: Input to Government Response				
In Chapter 21, the RRC makes 5 recommendations that directly impact the Office and our powers.	<i>Action 1:</i> Through engagement with the Government Response taskforce, advise the Government to accept all recommendations in Chapter 21.	Subject to RRC Response timeframes	On track	SAO, P&A; Director, Policy
PART 2: Recommendations directly related to the OCO and our powers				
Recommendation 21.1: Statutory duty to assist A statutory duty be imposed on departmental secretaries and agency chief executive officers to ensure that their department or agency use its best endeavours to assist the Ombudsman in any investigation concerning it, with a corresponding statutory duty on the part of Commonwealth public servants within a department or agency being investigated to use their best endeavours to assist the Ombudsman in the investigation.	<i>Action 2 (addresses recommendation 21.1 and 21.2):</i> Advise AGD and RRC response taskforce that: <ul style="list-style-type: none"> • the OCO accepts these 2 recommendations • the recommendations should be implemented through amendments to the <i>Ombudsman Act 1976</i>. Subsequent actions <ul style="list-style-type: none"> • Engage with AGD on amendments to the OMB Act. 	Subject to govt processes	On track OMB has so advised AG re s 33	SAO, P&A; Director, Policy
Recommendation 21.2: Another power to obtain information The Ombudsman Act be amended to confer on the Ombudsman a power in equivalent terms to that in s 33(3) of the Auditor-General Act.				
Recommendation 21.3: Oversight of the legal services division Departmental and agency responses to own motion investigations by the Ombudsman should be overseen by the legal services division of the relevant department or agency.	<i>Action 3:</i> [Update investigations policy to: <ul style="list-style-type: none"> • reflect that investigators should expect that agency legal teams be involved in OMI. This expectation could be communicated to an agency via s8(1) letter etc, if desired • inform investigators about core duties and responsibilities of government lawyers. If investigators suspect an agency lawyer is not fulfilling core duties and responsibilities, escalate to SES.] 	PROPOSED FOR CONSIDERATION		SAOs Investigations & DIAL
	<i>Action 4</i> Engage with RRC response taskforce concerning acceptance and implementation of linked recommendations: <ul style="list-style-type: none"> • Recommendation 19.2: Training for lawyers – Services Australia • Recommendation 19.3: Legal practice standards – Social Services • Recommendation 19.4: Training for lawyers – Social Services • Recommendation 19.1: Selection of chief counsel 	Subject to govt processes		SAO P&A; Director Policy
Recommendation 21.4: Log of communications for OMI The Ombudsman maintain a log, recording communications with a department or agency for the purposes of an OMI.	<i>Action 5:</i> Update the 'Investigations Policy' to require investigation teams to keep a transparent record of communications concerning actions or proposed actions by the agency during an investigation.	August 2023	On track	SAOs Investigations & DIAL
Recommendation 21.5: Powers of referral to new admin review body ss 10A and 11 of the Ombudsman Act should be amended to ensure the Ombudsman has the powers of referral and recommendation of referral in respect of that new administrative review body.	<i>Action 6:</i> Engage with RRC response taskforce and Administrative Review Reform Taskforce concerning acceptance and implementation of this recommendation.	Subject to govt processes	On track; Submissions made 12 May.	SAO, P&A; Director, Policy

Recommendation	OCO actions	Due date	Progress	Responsible
PART 3: Recommendations indirectly related to OCO				
<p>Recommendation 17.1: Reform of legislation and implementation of regulation The Commonwealth should consider legislative reform to introduce a consistent legal framework in which automation in government services can operate. Where automated decision-making is implemented:</p> <ul style="list-style-type: none"> • there should be a clear path for those affected by decisions to seek review • departmental websites should contain information advising that automated decision-making is used and explaining in plain language how the process works • business rules and algorithms should be made available, to enable independent expert scrutiny. 	<p><i>Action 7</i></p> <ul style="list-style-type: none"> • Conduct background research, consider implications for administrative law system and develop OCO position in relation to this recommendation. • Engage in discussions with Administrative Review Taskforce (ART) and RRC Response Taskforce concerning this recommendation. 	Subject to govt processes		SAO, P&A; Director Policy
<p>Recommendation 17.2: Establishment of a body to monitor and audit automated decision-making The Commonwealth should consider establishing a body, or expanding an existing body, with the power to monitor and audit automated decision-making processes with regard to their technical aspects and their impact in respect of fairness, the avoiding of bias, and client usability.</p>	<p><i>Action 8:</i></p> <ul style="list-style-type: none"> • Engage in discussions with ART and RRC Response Taskforce concerning acceptance and implementation of this recommendation. • Consider the interactions between this recommendation and the Government’s administrative review reforms, including the role of a re-established Administrative Review Council (ARC). 	Subject to govt processes		SAO, P&A; Director Policy
<p>Recommendation 20.1: AAT cases with significant legal and policy issues Services Australia should put in place a system for identifying AAT cases which raise significant legal and policy issues and ensuring that they are brought to the attention of senior DSS and Services Australia officers.</p>	<p><i>Action 9</i></p> <ul style="list-style-type: none"> • Continue to engage with ART to ensure reform provides: an effective feedback loop between the new body and departments; and publication of anonymised decisions to extent possible. • Engage with RRC response taskforce on acceptance and implementation of this recommendation. 	Subject to govt processes	On track Linked to action 6	SAO, P&A; Director Policy
<p>Recommendation 20.3: Identifying significant AAT decisions DSS should establish, or if it is established, maintain, a system for identifying all significant AAT decisions and bringing them to the attention of its secretary.</p> <p>Recommendation 20.4: Publication of first instance AAT decisions The federal administrative review body which replaces the AAT should devise a system for publication on a readily accessible platform of first instance social security decisions which involve significant conclusions of law or have implications for social security policy.</p>	<p><i>Action 10</i> As an interim measure, update the <i>Better Practice Complaint Handling Guide</i> to include further guidance on environmental scanning of relevant administrative decisions (see ‘Step 8—Feedback systemic issues’)</p>	PROPOSED FOR CONSIDERATION		[SAO, Complaints, Corporate?]
<p>Recommendation 20.5: Administrative Review Council Re-instate the Administrative Review Council or a body with similar membership and similar functions, with consideration given to a particular role in review of Commonwealth administrative decision-making processes.</p>	<p><i>Action 12</i> Continue to engage with ART to track progress towards:</p> <ul style="list-style-type: none"> • re-instatement of the ARC • Ombudsman instated as an ex-officio member of revived ARC. 	Subject to govt processes	On track Submissions made to AGD, 12 May.	SAO, P&A; Director Policy
<p>Recommendation 23.2: Obligations of public servants The APSC should, as recommended by the Thodey Review, deliver whole-of-service induction on essential knowledge for public servants.</p>	<p><i>Action 13</i> Include training materials and resources in OCO’s induction, including any ongoing or annual/refresher training.</p>	Subject to implementation by APSC		SAO, Corporate
<p>Recommendation 23.4: Administrative Review Council The reinstated ARC (or similar body) should provide training and develop resources to inform APS members about the Commonwealth administrative law system.</p>	<p><i>Action 14</i> Engage in discussions with ART and RRC Response Taskforce concerning acceptance and implementation of this recommendation.</p>	Subject to govt processes	On track Submissions made to ART	



Australian Government



Australian Government

2023-24

CORPORATE PLAN

Financial Years 2023-24 to 2026-27

Acknowledgement of Country

In the spirit of reconciliation the Office of the Commonwealth Ombudsman acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples.



WA BASED ARTIST – KEVIN BYNDER

Aboriginal Artist – Whadjuk Nyungar Badimia Yamatji

The centre of the artwork portrays and represents the colours of the Ombudsman. On the outside of the circle are the semi circles they represent the Women and Men that work and have worked, in the Ombudsman's Office. The coloured circles that surround the Ombudsman are the different sectors such as Overseas Students, VET Student Loans, Defence Force, Private Health Insurance, Postal Industry and Immigration. All these sectors are represented by the Ombudsman and in the artwork they are all connected to the centre. The blue features between each sector are the waterways and the Derbal Yerrigin (Swan River). These are created by the Waagyl (rainbow serpent). The red circles represent the business and people of the community we serve.

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Commonwealth Ombudsman's foreword



As the accountable authority of the Office of the Commonwealth Ombudsman (the Office), I am pleased to present the Office's 2023–24 Corporate Plan.

This plan covers the four-year period to 2026-27, as required under section 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (Cth). It identifies the strategic and operating framework, and the actions we will take to achieve our purpose.

This corporate plan articulates how we will engage with people with grievances about government agencies and regulated entities. Through this, we will also seek to influence enduring systemic improvement in public administration in Australia and provide assurance that the Australian Government and private sector entities we oversee act with integrity and treat people fairly.

There are a range of factors influencing the broader Australian Public Service operating environment that we are engaged with, and planning for, this year. The APS is currently engaged in bargaining, and we will be engaging with our staff to introduce a new Enterprise Agreement in 2023-24. More broadly, integrity is a key pillar of the broader APS reform agenda.

We are acutely aware of our role as a Commonwealth integrity agency and the unique position we hold to influence the community's trust in the public service. Over the next four years, the Office will take purposeful action to strengthen the confidence of the public,

the entities we oversee and Parliament in our independence and credibility through robust investigations and oversight. We will continue to engage effectively with complainants and with the entities we regulate, and appropriately exercise our powers and resources to take a stand when it is necessary.

As an Office we have proactively engaged with the establishment of the National Anti-Corruption Commission, both as an agency within its remit, and as a fellow oversight body. We will continue to do so in 2023-24.

We have taken stock of the recent Report of the Royal Commission into the Robodebt Scheme and made some changes to our processes and procedures. We have reflected on what it means to be independent, robust and credible.

Complaints management is at the core of what we do. People who raise concerns with us expect clear and simple interactions. The Office will build internal capability and use and invest in technology innovations to meet these expectations and support our achievement

of delivering an effective service. We go into 2023-24 with a greater focus on the early resolution of complaints, using technology to assist the efficiency of our operations, where it is appropriate to do so.

In addition to resolving individual complaints, the Office addresses problems that may affect the broader community through our focus on systemic issues. We will continue to detect and monitor trends and undertake own motion and other investigations, where appropriate. We will seek to influence the entities we oversee and we will share learnings with the community, Parliament and entities we oversee through our published reports reflecting the outcomes of our investigations, assurance activities and insights.

We are committed to enhancing the value and efficiency of our statutory oversight functions, including through our focus on preventing inhumane treatment of people in detention under OPCAT and through our oversight of the use of covert and intrusive powers by law enforcement and integrity agencies. Our risk-based oversight approach to overseeing these activities supports the Office to focus resources on areas of greatest risk.

In the year ahead we will continue to employ professional curiosity and courage to enhance how the Office influences improvements in public administration. Some of our functions are new or evolving, while we are also focusing on the finalisation of some key schemes we currently administer. The Office will make the best use of its resources to develop our people and take effective action which supports the best outcomes for all Australians. Strengthening a robust performance culture within our agency will help to drive improved service outcomes. This plan includes our updated 2023-24 performance framework.

I look forward to meeting the challenges and opportunities over the life of this plan.



Iain Anderson

Commonwealth Ombudsman
18 August 2023

What we do



Independent, accessible, effective complaint handling



Visit detention facilities and inspect law enforcement agencies



Improving public administration by influencing entities to be accountable, lawful, transparent and responsive

OUR OBJECTIVES

OUR 2023-24 PRIORITIES



Early resolution of complaints where it is appropriate to do so



Investing in efficient, effective and accessible complaints management



Increasing outreach and community engagement



Enhancing the value and efficiency of statutory oversight



Enhancing how we influence enduring systemic improvement in public administration

Purpose

The outcome of the Office of the Commonwealth Ombudsman is:

'Fair and accountable administrative action by Australian Government and prescribed private sector entities, by investigating complaints, reviewing administrative action and statutory compliance inspections and reporting.'

The Office delivers this outcome through its purpose to:

- provide assurance that the Australian Government and prescribed private sector entities that the Office oversees act with integrity and treat people fairly
- influence enduring systemic improvement in public administration in Australia.

In fulfilling our purpose, we strive to maintain the confidence of three main groups:

- the community
- Parliament
- Government agencies and private sector entities that we oversee.

We deliver on our purpose through complaint handling, conducting investigations, performing visits and inspections, encouraging good public administration practices, and administering specialist redress schemes.

To support us to achieve our purpose in 2023-24, we have implemented a number of changes to our performance framework. The changes include refining our objectives.

Our objectives

OBJECTIVE 1

Provide independent, effective, efficient, and accessible complaint handling services to ensure the entities we oversee act with fairness and integrity.

OBJECTIVE 2

Provide assurance that detention facilities, law enforcement and integrity agencies we oversee comply with statutory and international obligations, through inspections, visits and reports.

OBJECTIVE 3

Maintain the confidence of the community, Parliament and the entities we oversee.

OBJECTIVE 4

Influence enduring systemic improvement in public administration, through formal and informal comments, suggestions and recommendations, strategic engagement, inspections, visits, education and investigations.

Key activities

Our jurisdiction is broad, and we work across a diverse environment. We oversee Australian Government entities and their contracted service providers, subject to some specific statutory exclusions (such as intelligence agencies and the Australian Taxation Office). We have a range of formal powers to support the delivery of our oversight, in respect of government agencies and the private sector.

We oversee Commonwealth, state and territory law enforcement and integrity agencies' use of certain intrusive and covert powers.

We proactively visit Commonwealth places of detention and coordinate the network of preventive monitoring bodies across states and territories, as part of Australia's implementation of the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

We also oversee a range of private sector entities, including:

- private health insurers
- some postal operators
- some providers of tertiary and vocational education and training services.

We have a role in administering the Public Interest Disclosure (PID) Scheme including investigating certain public interest disclosures and handling complaints about the management of public interest disclosures by Commonwealth government agencies.

We assess reports from current and former members of the Australian Defence Force regarding the Defence abuse reparation scheme and students regarding the VET FEE-HELP redress measures.

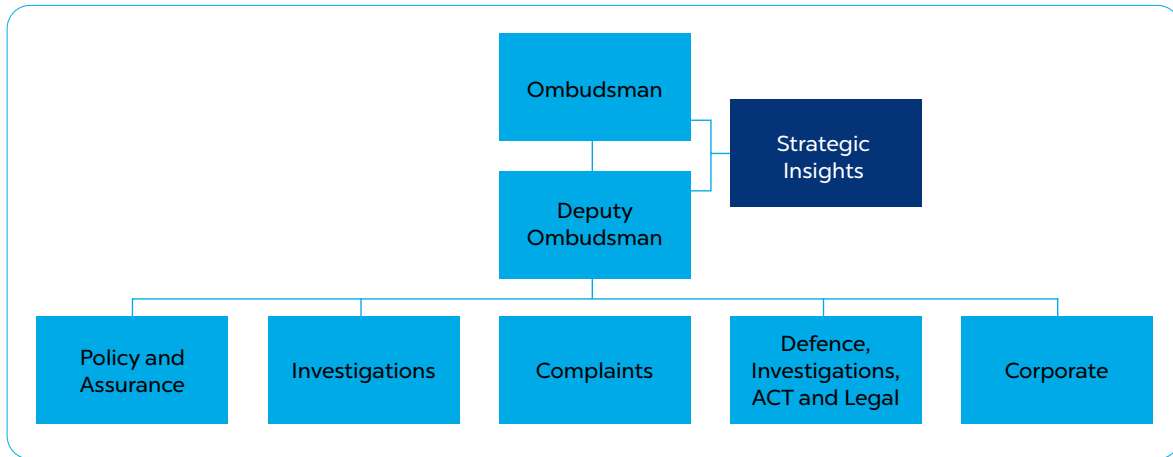
Our legislation provides the power to require the production of information or documents, to examine witnesses (including under oath or affirmation) and to enter premises for the purposes of our functions.

During 2023-24, and over the next four years, we will focus on maintaining the confidence of the community, Parliament and entities we oversee, through:

- Delivering and investing in effective, efficient and accessible complaints management as the central function of the Office, including an increase in outreach and community engagement and a greater focus on early resolution of complaints, where appropriate, to deliver the best possible service to complainants.
- Enhancing the value and efficiency of our statutory oversight functions to provide assurance over detention facilities, law enforcement agencies, and integrity agencies by introducing a more flexible and risk-based approach to assurance activities.
- Enhancing the ways the Office influences enduring systemic improvement in public administration.

Corporate structure

The Office is currently organised into five branches, with a small Strategic Insights Team reporting directly to the Ombudsman and Deputy Ombudsman.



Performance and service delivery

Performance

We reviewed our performance framework and implemented changes to our objectives and targets for 2023–24. These changes support the delivery of our outcome. We identified 4 essential objectives underpinning delivery of our purpose. These objectives are linked to our detailed performance criteria. This table outlines our purpose, objectives and performance criteria.

OUR PURPOSE

Provide assurance that the Australian Government entities and prescribed private sector organisations that the Office oversees act with integrity and treat people fairly. Influence enduring systemic improvement in public administration in Australia and the region.

OBJECTIVE 1

Provide independent, effective, efficient, and accessible complaint handling services to ensure the entities we oversee act with fairness and integrity.

Performance Criteria 1

- We provide quality complaint handling services.

OBJECTIVE 2

Provide assurance that detention facilities, law enforcement and integrity agencies we oversee comply with statutory and international obligations, through inspections, visits and reports.

Performance Criteria 2

- We effectively deliver our assurance activities.

OBJECTIVE 3

Maintain the confidence of the community, Parliament and the entities we oversee.

Performance Criteria 3

- We maintain the confidence of community, Parliament and the entities we oversee.

OBJECTIVE 4

Influence enduring systemic improvement in public administration, through formal and informal comments, suggestions and recommendations, strategic engagement, inspections, visits, education and investigations.

Performance Criteria 4

- We influence enduring systemic improvement in public administration.

Our performance against the criteria will be demonstrated both qualitatively and quantitatively. For some criteria, setting a target of 100 per cent success is appropriate, especially those related to compliance (such as the target that 100 per cent of reports will be published within statutory timeframes). For other measures, our aim is to achieve performance results against a set percentage target (for example, measuring complaint handling performance).

4-year projection

Our Key Performance Indicators will continue in the forward years. However, in the 4 years ahead we will review the changes made to our performance framework and ensure that our objectives and targets remain appropriate.

Performance criteria and targets

This table outlines the performance criteria and the quantitative metrics applicable.

Performance Criterion	Applicable quantitative measures and targets	2023–24
1 We provide quality complaint handling services	Percentage of complaint handling performance standards met	80%
	Percentage of complainants surveyed by the Office are satisfied (or better) with our service	65%
	Percentage of complainants surveyed found our service to be accessible	65%
2 We effectively deliver our assurance activities	Number of inspections and visits undertaken	Annual count
	Percentage of planned risk-based inspections and visits undertaken	90%
	Percentage of number of targeted reports for long-term detainees provided to the Minister	80%
3 We maintain the confidence of community, Parliament and the entities we oversee	Number of submissions and briefings made to, and appearances before, Parliamentary Committees	Annual Count
	Percentage of reports delivered within legislative timeframes	100%
	Percentage of surveyed entities give a rating of satisfied (or better) with our impartiality	65%
4 We influence enduring systemic improvement in public administration	Number of publications	Annual Count
	Percentage of formal recommendations in reports accepted by agencies and entities	75%

Service delivery

We are committed to continuing to provide high-quality and client-focused service to members of the public and providing outcomes for individuals and the broader community that are timely and easy to understand. In 2023–24 we have a particular focus on early resolution of complaints, where appropriate.

Delivering effective, efficient and accessible complaints management is central to our functions. This year we included a new performance target to monitor complainant satisfaction with our accessibility. Improving satisfaction with our service, and how accessible we are, is a key priority.

Investing in effective systems to support our service delivery is also a key focus. Extending on from the implementation of a new contact centre system in early 2023, we are considering ways to invest in our complaint management operations.

Part of our commitment to serving the public includes ensuring entities implement the recommendations we make in our investigations

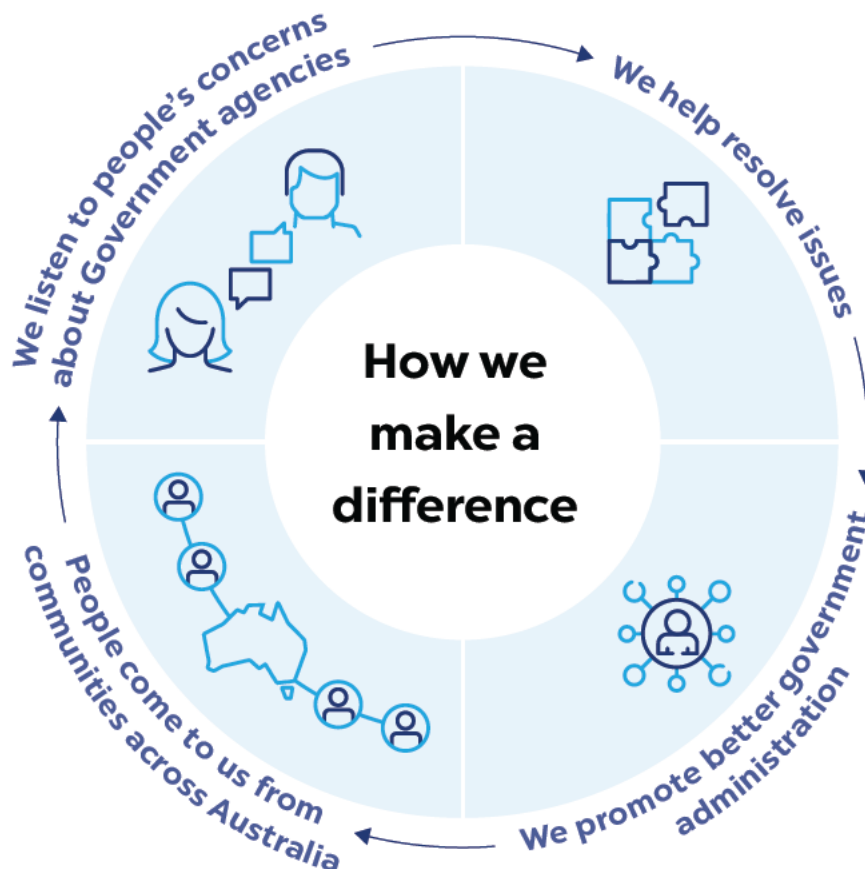
and reports. We report on the number of recommendations made, and accepted, in our Key Performance Indicators. Periodically the Office also takes action to follow up on the activities that agencies have taken to implement our recommendations. We publish these reports where it is appropriate to do so.

We also aim to increase outreach and education activities through targeted face-to-face and online engagements tailored to the broad range of stakeholders and entities we oversee.

4-year projection

To improve our complaint management operations, we are considering enhancements to the systems the public use to engage with us, alongside considering internal systems used by our staff to best support our activities.

We will increase our engagement with the community and stakeholders. We will also improve the timeliness of our contact with members of the public who make complaints, and consider mechanisms to improve how we update them on their matter, and how often.



Our operating environment

Our Executive Committee, supported by input from across the Office, plays a key role in monitoring our operating environment for risks and opportunities both within, and outside of, our control.

As an independent statutory oversight agency, we have considerable discretion in setting priorities and activities, including having regard to the prevailing risks and opportunities around us. The Executive Committee regularly considers the Office's priorities and how best to use our resources to achieve our objectives.

Environmental factors

We are aware of the evolving Australian Public Service (APS) landscape, and in 2023–24 we will proactively engage with changes across the APS to maximise our impact and influence. Equally, as an agency with complaint handling at its core, we are attuned to environmental factors such as community expectations in the services delivered by the Australian Government and other entities we oversee. These expectations are relevant to our operating environment, both as an independent statutory oversight agency within the APS, and in our role overseeing how the Australian Government, and other entity, provide services to the community.

Australian Public Service Reform and Enterprise Bargaining

The APS Reform agenda reflects a commitment to *building a stronger public service that delivers a better outcome for the community, acts as a model employer and contributes to a fairer and more inclusive Australia*. Activities, including opportunities to engage in the reform agenda,

are likely to emerge in 2023–24 and continue in the forward years.

Sector-wide workplace bargaining negotiations began in 2023 and will continue in 2023–24. This work, led by the Workplace Relations Bargaining Taskforce, seeks to establish common conditions. We will commence a bargaining process to put in place a new Enterprise Agreement.

Australian Government Data and Digital Strategy

The government's final Data and Digital Strategy is expected to be released by the end of 2023. The initial strategy outlines the government's 2030 vision for simple, secure and connected public services for all people and businesses, with people and businesses at the centre of the activities. We provide a range of services direct to the public utilising digital technology. A focus on people-centred services and accessibility will inform our 2023–24 activities and continue in the forward years.

The need for all organisations to have an appropriate cyber security posture also influences our operating environment and is reflected in the focus areas in our technology roadmap.

Establishment of the National Anti-Corruption Commission

The National Anti-Corruption Commission (NACC) has been established as an independent agency to detect, investigate and report on serious or systemic corruption in the Commonwealth public sector, including our Office. We will deal with complaints about the administrative actions of the NACC and inspect the NACC's use of covert and intrusive powers, alongside the NACC Inspector.

1-year projection

As well as ensuring compliance with our obligations under the NACC legislation, we will prioritise establishing relationships with the NACC and Inspector of the NACC in 2023–24 given the potential for our jurisdictions to overlap. These relationships will be underpinned by the development of MOUs or similar protocols that would clarify our respective roles and responsibilities.

Robodebt Report Recommendations

In July 2023 the Australian Government tabled the report by the Royal Commission into the Robodebt Scheme ('Royal Commission'). Current and former officials of our Office – although not compellable by Royal Commissions – voluntarily provided statements and appeared as witnesses, to assist the Royal Commission. A number of recommendations touch directly upon our role and powers.

1-year projection

The Office is committed to working through the Royal Commission's recommendations, observations and comments with a view to actively engaging with the development of the government's response, led by the Department of the Prime Minister and Cabinet, the Attorney-General's Department (AGD), and the Australian Public Service Commission.

Factors associated with our activities

In 2023–24 we will be impacted by both the expansion of some of our internal functions, and current scheme administration activities drawing to a close. We are planning for those activities.

VET FEE-HELP Student Redress Measures

The VET FEE-HELP Student Redress Measures (the measures) came into effect on 1 January 2019. Under the measures, people who believe that they incurred a VET FEE-HELP debt because of inappropriate conduct by an education provider can complain to us and seek redress. We assess whether a recommendation can be made to the Secretary of the Department of Employment and Workplace Relations to recredit

the debt. Following the announcement of an extension, the measures will end on 31 December 2023.

The end of the measures means that to access the Student Redress Measures, potentially eligible complainants with a VET FEE-HELP debt need to make a complaint to the Office by 31 December 2023.

4-year projection

Based on current volumes and our funding for the administration of this scheme, we anticipate finalising all complaints by 30 June 2024. We will continue working closely with the Department for Employment and Workplace Relations and the Australian Taxation Office to consider options for VET FEE-HELP complainants once the student redress measures end.

Defence abuse reparation scheme

In December 2017 we commenced administering the Defence abuse reparation scheme following amendments to the Defence Force Ombudsman's abuse reporting functions under the *Ombudsman Regulations 2017*. Eligibility to be assessed for a reparation payment under the scheme closed on 30 June 2023, which was the deadline for making a report to the Office. We will publish an interim report into our administration of the scheme in late 2023.

4-year projection

Once all eligible reports are assessed, the Office will collate relevant and de-identified data into a final report. We will finalise assessment of all eligible reports under the scheme within the 4-year reporting period.

Public Interest Disclosure (PID) Scheme

In June 2023, the Parliament passed amendments to the *Public Interest Disclosure Act 2013* (PID Act) to implement several recommendations of the 2016 Review of the PID Act (the Moss review). These included improved protections for disclosers and other persons assisting the investigation of a disclosure, removing personal work-related conduct from the scope of the PID Act, and providing our Office

and the Inspector-General of Intelligence and Security (IGIS) with new powers to oversee the operation of the PID Scheme. The amendments took effect from 1 July 2023, to coincide with commencement of the National Anti-Corruption Commission. The government indicated it will consult on a second stage of reforms involving the redrafting of the PID Act to address the underlying complexity of the scheme and provide effective and accessible protections to public sector whistleblowers.

In 2023–24, we will focus on providing assistance to disclosers and agencies regarding the July 2023 changes to the PID Act, via guidance materials, training and forums. We will also implement our new reporting and oversight functions, including a risk-based approach to identifying agencies or issues that might warrant closer scrutiny. These activities will be delivered to the extent possible within existing funding, no new funding having been received for these new functions.

1-year projection

Into 2024–25, we will work with AGD and the IGIS to contribute to consultation on the second stage of reforms. Subject to our functions under the PID Act being maintained in the reforms, over coming years we will continue to assist disclosers and agencies to implement the updated scheme, while also maturing our reporting and oversight frameworks.

We remain well placed to take on further complementary activities with appropriate resourcing.

Other factors

Decisions by government and entities we oversee

Decisions made by the Australian and ACT Governments can impact our operating environment, including changes to our responsibilities and levels of resourcing.

A large part of our work involves engagement with public and private sector entities. While we seek to influence the entities we oversee, their decision-making is outside our control.

Cooperation

We build robust working relationships with the agencies we oversee and strong working relationships with civil society to support our ability to influence systemic improvement in public administration.

This includes:

- responding to agencies' and industry providers' requests for comments on new initiatives or reforms
- participating in government and industry forums
- holding briefings with agencies and peak bodies on a regular or ad-hoc basis
- identifying opportunities to expand (and reduce) our engagement activities to match priorities.

Increasing community outreach and engagement is an area of focus in 2023–24. This focus includes considering how to improve awareness of our Office and the accessibility of our services and products and identify current issues and trends. Our engagement focus also extends to engaging with Australian Government agencies and other entities we oversee through targeted engagement in line with our objective to influence enduring systemic improvement in public administration in Australia.

Extended functions

Australian Capital Territory (ACT) Government legislation provides that the Commonwealth Ombudsman is also the ACT Ombudsman. As ACT Ombudsman we are also the Inspector of the ACT Integrity Commission, we administer the ACT Reportable Conduct scheme and we oversee the ACT FOI Act. We are accountable to the ACT Legislative Assembly for the performance of these functions.

Capability

People

Our people, infrastructure and technology are essential to achieving our purpose. We are committed to our Reconciliation Action Plan, inclusion and diversity.

We are focused on supporting our workforce to be adaptive, dynamic, innovative and engaged.

In 2023–24 we are focused on workforce planning and developing our Workforce Strategy with a focus on the following 4 key areas:

- **Effective leadership** – is a critical driver of organisational performance. We encourage leadership at all levels and support this by developing leadership skills in all our staff. This includes focused development for our Executive leaders and our emerging leaders to ensure effective organisational succession where possible.
- **Attraction, recruitment and retention** – recognises the critical skills needed across our Office and builds on recent improvements to our recruitment practices, including the implementation of an eRecruit system, the refresh of a Temporary Employment Register, and the development of an Employee Value Proposition in 2023.
- **Employee wellbeing** – in 2024 we will launch our new Wellbeing Strategy and continue to build on our performance management and recognition programs with the support provided by the Employee Assistance Program. Complementing our strategies to support all staff, we have a key focus on the wellbeing of our people in frontline service roles.
- **Capability enhancement** – we will review our centralised learning and development and performance development frameworks to embed core competencies and skills, and ensure our learning and development is aligned to APS-wide capability initiatives and strategies. Our focus will also address capability needs and gaps identified through APS Reform, APS Census results and the increase in hybrid ways of working.

4-year projection

The 4-year outlook will see our focus on strategic and operational workforce planning continue, ensuring that the Office has the right people, with the right skills in the right roles, at the right time to deliver our services with impact. We will continue our active focus on embracing and promoting an inclusive culture that focuses on the employee experience.

Technology

We are seeking opportunities through technology to make engaging with our Office easier. We aim to respond to and resolve issues faster, using research on how we can most effectively communicate with the public.

Our technology roadmap has six key focus areas. These are:

- **Cloud adoption** – replace core systems with cloud services (Software-as-a-Service) to improve security, maintainability, inter-operability and future capability.
- **Digital transformation** – modernise services to provide an omni-channel experience based on customer needs.
- **Workforce mobility** – ensure our workforce can productively work anywhere and at any time across and beyond the Office, using fit-for-purpose technology solutions.
- **Security and reliability** – ensure we provide robust, reliable and resilient ICT services across our agency, as part of a whole-of-government response to increased security threats and cyber threats in particular.
- **Digital records** – ensure our digital record-keeping supports staff mobility and helps employees to work productively and innovatively.
- **Business intelligence** – invest in business systems that support inter-operability and on-demand, dynamic analytics.

4-year projection

In the coming years we expect all our core systems will be cloud-based, simplifying maintenance and improving security while providing the latest capabilities to meet our customers' needs. We will investigate opportunities to use artificial intelligence to assist in identifying systemic themes affecting our customers.

Infrastructure

Our staff work across offices in Canberra, Sydney, Brisbane, Melbourne, Adelaide and Perth. Our office space in each of these locations facilitates our hybrid working arrangements. We are strongly connected across our geographic locations, with many staff working in geographically dispersed teams. ICT applications, such as video conferencing, are used to ensure continuity of purpose and collaboration between the various locations. Our remote working capability and video conferencing play of central role in our day-to-day operations. We continue to increase our flexibility by improving our remote working technology to maintain or improve our current productivity.

4-year projection

We will continue providing services across the country and improve the agility and connectivity of the offices through enhanced ICT capability. We will regularly review our property footprint to seek efficiencies while ensuring we have flexible, practical, sustainable and future-proof designs that support our strategic priorities.

Diversity and inclusion

We continue our commitment to inclusivity through acknowledging days of importance across a variety of diversity domains. This includes all-staff events recognising NAIDOC Week, IDAHOBIT Day, International Day of People with Disability, and Refugee Week.

We value a workforce that reflects the diversity of our stakeholders, partners, and the community we serve. Our activities are driven by executive champions, networks and regular activities to support our inclusive culture. Many staff volunteer

to share both their time and experience to support our diversity networks, working alongside senior leaders. Our Senior Assistant Ombudsmen undertake the following roles:

- Culturally and Linguistically Diverse Champion
- LGBTIQ+ Champion
- Disability Champion
- Wellbeing Champion
- First Nations Champion.

4-year projection

Our 2023–2025 Diversity and Inclusion Strategy will be launched in late 2023, reflecting our continued commitment to progressing the diversity and inclusiveness of the Office.

Reconciliation Action Plan

Our vision for reconciliation is to provide open, transparent, fair and accessible complaint services to Aboriginal and Torres Strait Islander peoples, better engagement with Aboriginal and Torres Strait Islander communities and service providers, cultivate culturally competent senior leaders and staff across all work functions and locations, and support career development opportunities for our Aboriginal and Torres Strait Islander staff.

In 2023 we will launch our 2023–2025 Reconciliation Action Plan (RAP), which is a vital part of our commitment to ensuring we deliver services to First Nations peoples that are equal, open and culturally sensitive. Our RAP provides a public commitment to continuing reconciliation. This includes practical steps to build relationships with Aboriginal and Torres Strait Islander peoples and communities, while increasing our understanding of Aboriginal and Torres Strait Islander cultures and histories. The RAP is part of our work to make our services more accessible to Aboriginal and Torres Strait Islander peoples.

Our Office has a dedicated Manager for Indigenous Coordination and a First Nations Employee Network, providing advice and support to staff handling complaints relating to First Nations peoples and communities. Our RAP Working Group also delivers on the actions within our RAP to raise staff awareness.

4-year projection

We will continue to support and grow our First Nations workforce and deliver culturally sensitive complaint services. We will do this through implementing strategies to support and develop our First Nations staff.

We will carry out our commitments under the new RAP to support our staff to grow, learn and practice innovative reconciliation measures across the Office. We will increase understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights through cultural learning. We will improve employment outcomes by increasing Aboriginal and Torres Strait islander recruitment, retention and professional development.

Risk oversight and management

We promote a risk-aware culture by embedding risk management in all levels of our operations. We strive to ensure our people understand how their work helps to identify and manage risk. This culture is supported by a defined governance structure.

The management of risk is led by the Executive Committee and is carried out in accordance with our Office’s Risk Management Policy and Framework. The Executive Committee is chaired by the Ombudsman. Membership of the Executive Committee is comprised of the Deputy Ombudsman, Senior Assistant Ombudsmen, and Executive Level 1 and 2 representatives on a rotational basis.

The Ombudsman is also supported by the Audit and Risk Committee, which provides independent, objective assurance through:

- the unbiased assessment of the operations of the Office
- advice about the Office’s financial and operational controls
- assistance with improving the agency’s business performance
- information to management on the effectiveness of risk management, control and governance processes.

The Risk Management Policy and Framework ensures that management of risk is integrated into planning, decision making and activities under a single risk management structure and provides the Ombudsman with appropriate systems and internal controls for the oversight and management of risk.

The Office has identified five enterprise risks and the strategies we use to manage them.

Risk description	Risk type	Risk mitigation strategies
Delivery of functions is not effective and does not meet the expectations, or maintain the confidence, of the community, Parliament or the entities we oversee	Reputation	We: <ul style="list-style-type: none"> • monitor performance • review programs, practices, policies and procedures for continuous improvement • identify, and track progress on, emerging issues and continuous improvement activities • develop and implement plans and strategies for continuous improvement.
Failure to influence and hold entities we oversee to account	Reputation/ Relevance	We: <ul style="list-style-type: none"> • actively and strategically manage stakeholder engagement • identify emerging issues • deliver timely and fit-for-purpose investigations and reports • review programs practices, policies and procedures • develop fit-for-purpose education and outreach events.

Risk description	Risk type	Risk mitigation strategies
Inadequate operating model and systems reduce service effectiveness across all functions	Reputation/ Service delivery	We: <ul style="list-style-type: none"> develop and implement plans and strategies review programs, practices, policies and procedures have internal and external audits to monitor delivery of services and plans.
Ineffective Corporate business systems and technology	Resource	We: <ul style="list-style-type: none"> have appropriate plans and strategies in place (including Security and ICT reviews) review programs, practices, policies and procedures have internal and external audits have fit-for-purpose corporate services have a Wellbeing program and Employee Assistance Program conduct workplace assessments identify emerging issues effectively manage our internal budget.
Inability to attract, support and retain staff	Resource	We: <ul style="list-style-type: none"> develop and implement plans and strategies for continuous improvement review programs, practices, policies and procedures have internal and external audits have a Wellbeing program and Employee Assistance Program identify emerging issues have fit-for-purpose corporate services, including recruitment processes and systems.

4-year projection

Following the release of the updated Commonwealth Risk Management Framework in late 2022, we are currently undertaking a review of our Risk Management Policy and Framework. This is anticipated to be finalised in 2023-24. Our people will be provided information about the revised framework to enhance our risk-aware culture across the Office.



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GUIDANCE – ROBODEBT ROYAL COMMISSION REPORT

ENDORSED JULY 2023

About this document	
Purpose	The Report of the Royal Commission into the Robodebt Scheme was released publicly on 7 July 2023. This Guidance document sets out instructions on how to respond to contacts, or other enquiries/complaints, in relation to the Royal Commission's Report.
User/s	<ul style="list-style-type: none">Complaints Officers and Team Leaders/Supervisors in the Complaints Branch
Outcome	Users follow the instructions set out in this Guidance to respond, by phone or in writing, to contacts or other enquiries/complaints received about the Report of the Royal Commission into the Robodebt Scheme.
Version number	1.0
Approved/endorsed by	Stephanie s 47F, s 47E – Director, Complaints Assessment
Date approved/endorsed	7 July 2023
Next review date	August 2023
Contact team	Complaints Assessment Team, Complaints Branch

Background

In 2017, 2019 and 2021, the Ombudsman investigated and published reports about the Robodebt scheme.

In 2023, the government established the Royal Commission into Robodebt, which considered the Ombudsman's investigations and reports.

The Royal Commission's final report was published on 7 July 2023.

The Office received media attention as a result of the Royal Commission hearings and we subsequently received a few contacts from the public raising concerns about the way the Office handled Robodebt and worked with the Royal Commission. We also received contacts from people affected by Robodebt asking us to re-open their complaint.

We may receive similar approaches now that the report is public.

What to tell complainants – phone contacts

For enquiries about how the Office is responding to the Royal Commission's report, we are explaining to complainants:

- The Office actively worked with the Royal Commission to assist with its inquiries into the Robodebt scheme.
- Both current and former Ombudsman officials voluntarily provided statements to the Commission and appeared as witnesses.
- The Office is currently reviewing the Royal Commission's report to consider the lessons learned
- We cannot comment further until we have reviewed the report in its entirety.

Written contacts

For written enquiries about how the Office is responding to the Royal Commission's report, please send the following template:

Thank you for your enquiry, raising your concerns about the Commonwealth Ombudsman's response to the Royal Commission into Robodebt final report.

The Office actively worked with the Royal Commission to assist with its inquiries into the Robodebt scheme. Both current and former Ombudsman officials voluntarily provided statements to the Commission and appeared as witnesses.

The Office is currently reviewing the Royal Commission's report to consider the lessons learned. We cannot comment further at this stage.

For all other enquiries/complaints related to Robodebt

If the caller asks questions about the Office's role in Robodebt that cannot be answered by the above, please open a new **s 47** , and record the details as per business as usual, including the outcome the complainant is seeking, escalate to **s 47** and refer to **s 47** .

For any new complaints received about individual circumstances involving Robodebt, please assess the complaint as per usual, in consultation with your Team Leader.

Once we have had an opportunity to review the Royal Commission's report, we will provide further guidance for responding to contacts about Robodebt.

[Home](#) > [News](#) > A message from the Ombudsman - Robodebt Royal Commission Report

A message from the Ombudsman - Robodebt Royal Commission Report

by [Iain Anderson](#)

1 month ago

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Overview

Today the Australian Government tabled the report by the Royal Commission into the Robodebt scheme.

The Royal Commission highlights the importance of our role as an oversight body. The Royal Commission stresses the importance of our Office acting independently and robustly, and the potential for us to reduce maladministration and to stop programs like Robodebt (p.599).

Documents released under the Freedom of Information Act 1982
Document 5

The Royal Commission states that Robodebt was neither fair nor legal but that, because of choices we made, we were not able to fulfil our role in exposing maladministration in the case of Robodebt, and those unfairly subjected to Robodebt were not able to get relief through us. 69

At the same time, we did not create Robodebt, and the Royal Commission notes that DHS and DSS would have held their ground as long as possible even if we had acted more robustly. However, we were one of the best opportunities that existed to bring the scheme to an end.

The Royal Commission has said that we could have done things differently. In particular:

- We were hesitant to use the full investigative and public reporting powers the Ombudsman Act gives us, despite the circumstances clearly warranting it. While it is important that we seek to work cooperatively with agencies, we also need to be able to take a stand (p.599).
- We could and should have publicly commented on the question of whether the scheme was lawful in our 2017 and 2019 reports, even if we couldn't resolve the question of legality ourselves (page 586, 598).
- We should have sought external legal advice on the legality of the scheme, or made a formal recommendation that DHS obtain external legal advice (page 589)
- We used section 8 of the Ombudsman Act to request information where, given the clearly incomplete and inconsistent information we received, we should have considered using the powers available to us under section 9 to compel answers as to why the obvious inconsistencies and deficiencies in production of information were occurring and to require production of the documents which were so obviously missing.
- We should have more actively dispelled the view of DHS that the investigation and report writing process was one of negotiation between DHS and the Ombudsman's Office as to what should be included in the 2017 Investigation Report. Procedural fairness does not require us to give agencies the opportunity to suggest text changes in our reports.
- We should have corrected the public record concerning our findings, when DHS and Ministers were publicly misrepresenting our findings (page 594).
- The Royal Commission noted that our 2017 report identified a number of practical ways to improve the scheme, but concluded that ultimately our 2017 report did more harm than good – because it failed to express the doubts the Office had about the legality of the scheme or the potential for the scheme to produce inaccurate debts (p.593), and instead gave the scheme a veneer of legitimacy (p.594).

At the same time, the report also says:

- DHS and DSS acted to deliberately mislead the Office, to avoid effective scrutiny of the Robodebt scheme. One document provided to us by DSS is described by the Royal Commission as being "as dishonest a document as the Commission has seen" (p.578).
- DSS's withholding of unfavourable legal advice from our Office constituted a failure to comply with our request for information (page 217)
- In response to a further request from our Office for legal advice, DSS provided relevant legal advices and asserted that necessary adjustments had been made to the scheme. This assertion was false (page 219).

I will carefully consider the Royal Commission's report and what lessons we can learn. At least one of the Royal Commission's recommendations – that we get the power to search agency databases – is something I said in my evidence to the Commission would be of great assistance in a situation such as Robodebt.

Documents released under the Freedom of Information Act 1982
Document 5

We have also already made a number of changes to our investigations processes, including that we will provide agencies with draft reports for procedural fairness purposes only in PDF format and not allow them to make track changes, and we will shortly finalise a revised Investigations Policy.

The Government will be working towards providing its response later this year. Our Office will be involved in the government response effort which will be led by PM&C, AGD and the APSC.

The Commission makes findings and recommendations that apply to the APS as a whole. Our core roles will continue to be very important: helping people have their grievances about government agencies heard (which can expose maladministration and poor administrative practices), and pointing out to the APS ways to improve its administration.

Key findings

The Royal Commission made 5 recommendations that directly impact the Office and our powers:

- **Recommendation 21.1** proposes that there be a statutory duty placed on heads of agencies to ensure that their agency uses its best endeavours to assist our Office in any investigation, with a matching duty on all public servants to use their best endeavours to assist us in any investigation.

This would be very helpful, both as a reinforcement of the importance of our role as an oversight agency, and because a failure to use best endeavours to assist us could also be grounds for a potential Code of Conduct process against the public servant or agency head, in situations of particularly poor behaviour.

- **Recommendation 21.2** proposes the Ombudsman Act be amended to include a power in equivalent terms to section 33(3) of the *Auditor-General Act 1997* (Auditor-General Act).

Section 33 of the Auditor-General Act provides that the Auditor-General is entitled to enter the premises of an agency (sub-section 1(a)), to have full and free access at all reasonable times to any documents or other property (sub-section 1(b)) and that the occupier must provide them with all reasonable facilities for the effective exercise of powers under this section (subsection 3).

The Auditor-General uses this section to obtain and use full and free access to the IT systems of agencies and to search for relevant documents and information in the course of audits, as standard practice, rather than asking agencies to themselves search for and provide documents and information.

If the Government grants me this power, I do not envisage that it would be frequently used. My standard practice would remain requesting or requiring the provision of documents and information by agencies. It would however be extremely useful to have such a power, so that agencies knew that I could use it if I so chose.

- **Recommendation 21.3** proposes departmental and agency responses to own motion investigations by our Office should be overseen by the agency's legal services division.

The rationale for this recommendation is that policy or program officers who have developed or are administering a program that we are investigating should not be able to control how the agency responds to our questions in the investigation.

It also links to a number of the other recommendations to the effect that in-house lawyers in agencies need to be much more independent in giving legal advice.

- **Recommendation 21.4** proposes the Office maintain a log, recording communications with a department or agency for the purposes of an own motion investigation.

To maintain impartiality and independence, good decision-making and record-keeping processes during any investigation are critical. It is important to keep accurate and comprehensive records of engagement with agencies as we may seek to rely on the information in drawing conclusions at the

Documents released under the Freedom of Information Act 1982
Document 5 71

end of the investigation. For example, minutes should be taken of meetings with agencies, recording the attendees, matters discussed and meeting outcomes.

We are in the process of updating our investigations policy and will ensure this recommendation is reflected in the new policy.

- **Recommendation 21.5 proposes sections 10A and 11 of the Ombudsman Act should be amended so as to ensure the Ombudsman has the powers of referral and recommendation of referral in respect of the new administrative review tribunal that will replace the Administrative Appeals Tribunal (AAT).**

Sections 10A and 11 of the Ombudsman Act currently provide for the AAT to give an advisory opinion when requested by the Ombudsman. Specifically, s10A provides for the Ombudsman to refer a question to the AAT directly, while s11 provides for the Ombudsman to recommend the principal officer of a department or prescribed authority seek an advisory opinion from the AAT. Subsection 11(3) provides the principal officer **must** then refer the question to the AAT within 30 days or some other longer period agreed with the OCO.

The power to seek an advisory opinion provides an important option for the Ombudsman to compel an agency to confirm the legality of a particular policy position or decision and can provide an efficient way to address administrative law practice with cross Commonwealth implications.

The Office is actively engaged in the Australian Government's reform of Australia's system of administrative review. This reform involves abolishing the AAT and establishing a new federal administrative review body. We have already raised the importance of retaining this interaction between our office and the new administrative review tribunal and welcome this recommendation.

The Royal Commission made 8 further recommendations which, if accepted by the Government, may impact the Office or affect how we interact with the agencies we oversee:

- Recommendation 17.1 proposes reform to introduce a consistent legal framework for automated decision making in government services.
- Recommendation 17.2 proposes a body be established or an existing body be expanded to monitor and audit automated decision making processes to ensure fairness and client usability.
- Recommendation 20.1 proposes Services Australia should put in place a system for identifying AAT1 cases which raise significant legal or policy issues, ensuring they are brought to the attention of senior DSS and Services Australia officers.
- Recommendation 20.3 proposes DSS should establish a system for identify all significant AAT decisions and bringing them to the attention of its secretary.
- Recommendation 20.4 proposes that the body that replaces the AAT should implement a system for the publication of social security decisions which involve significant matters or have implications for social security policy. Such a mechanism could be rolled out to other areas beyond social security law.
- Recommendation 20.5 proposes to reinstate the Administrative Review Council and ensure it has a role in review of Commonwealth administrative decision-making processes.
The ARC is chaired by the president of the AAT and includes as members the Ombudsman, the President of the ALRC and the President of the AHRC. It can also include non-government expert members.
- Recommendation 23.4 provides the reinstated Administrative Review Council (or similar body) should provide training and develop resources to inform APS members about the Commonwealth administrative law system. (see Automated Decision-Making and the Administrative Appeals Tribunal chapters)
- Recommendation 23.2 proposes the APSC should, as recommended by the Thodey Review, deliver whole-of-service induction on essential knowledge required for public servants.

[Statement of John McMillan - 22 February 2023 \(https://workplace.ombudsman.gov.au/Statement-of-John-McMillan-22-February-2023.pdf\)](https://workplace.ombudsman.gov.au/Statement-of-John-McMillan-22-February-2023.pdf)

[Statement of Iain Anderson - 22 February 2023 \(https://workplace.ombudsman.gov.au/Statement-of-Iain-Anderson-22-February-2023.pdf\)](https://workplace.ombudsman.gov.au/Statement-of-Iain-Anderson-22-February-2023.pdf)

[Statement of John McMillan - 7 March 2023 \(https://workplace.ombudsman.gov.au/news/Statement-of-John-McMillan-7-March-2023.pdf\)](https://workplace.ombudsman.gov.au/news/Statement-of-John-McMillan-7-March-2023.pdf)

[Transcript: Evidence from Iain Anderson - 9 March 2023 \(https://workplace.ombudsman.gov.au/Transcript-Evidence-from-Iain-Anderson-9-March-2023.pdf\)](https://workplace.ombudsman.gov.au/Transcript-Evidence-from-Iain-Anderson-9-March-2023.pdf)

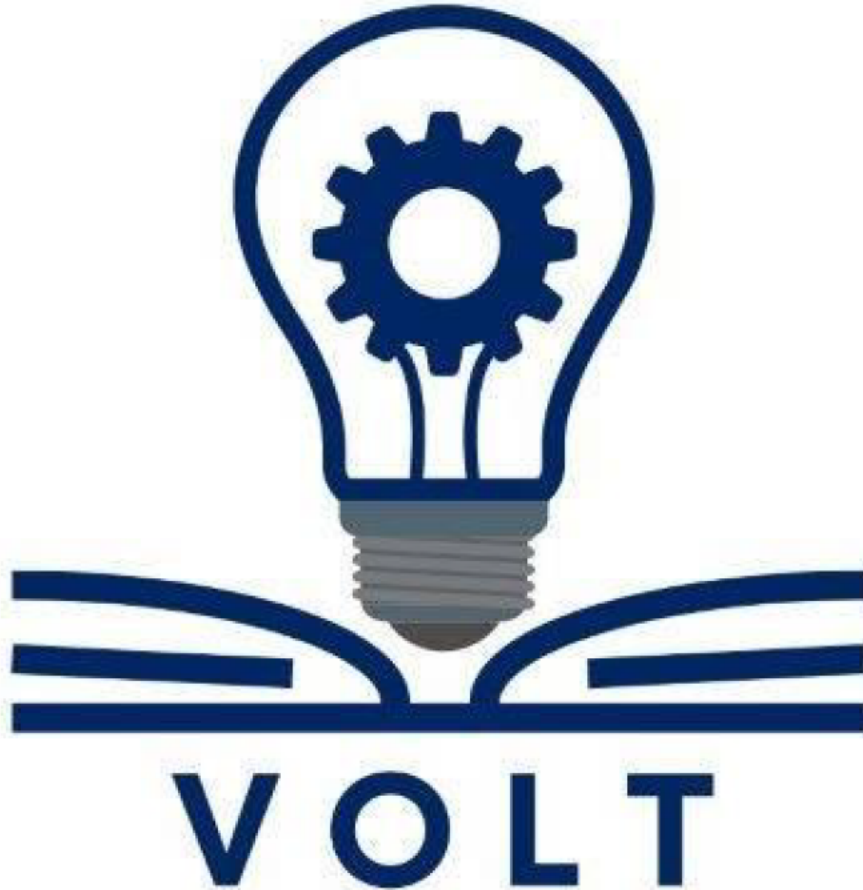
[Home](#) > [News](#) > Release to VOLT of Guidance for Complaints Officers on responding to contacts about the Robodebt Royal Commission Report

Release to VOLT of Guidance for Complaints Officers on responding to contacts about the Robodebt Royal Commission Report

by [Rebecca](#) **s 47E, s 47F**

1 month ago

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The Report of the Royal Commission into the Robodebt Scheme was released publicly on 7 July 2023.

A document has been released today, 10 July 2023, setting out instructions for Complaints Officers on how to respond to contacts, or other enquiries/complaints, in relation to the Royal Commission's Report.

s 47E



GUIDANCE – ROBODEBT ROYAL COMMISSION REPORT

ENDORSED JULY 2023

About this document	
Purpose	The Report of the Royal Commission into the Robodebt Scheme was released publicly on 7 July 2023. This Guidance document sets out instructions on how to respond to contacts, or other enquiries/complaints, in relation to the Royal Commission's Report.
User/s	<ul style="list-style-type: none">Complaints Officers and Team Leaders/Supervisors in the Complaints Branch
Outcome	Users follow the instructions set out in this Guidance to respond, by phone or in writing, to contacts or other enquiries/complaints received about the Report of the Royal Commission into the Robodebt Scheme.
Version number	1.0
Approved/endorsed by	Stephanie s 47E, s 47F – Director, Complaints Assessment
Date approved/endorsed	7 July 2023
Next review date	August 2023
Contact team	Complaints Assessment Team, Complaints Branch

Background

In 2017, 2019 and 2021, the Ombudsman investigated and published reports about the Robodebt scheme.

In 2023, the government established the Royal Commission into Robodebt, which considered the Ombudsman's investigations and reports.

The Royal Commission's final report was published on 7 July 2023.

The Office received media attention as a result of the Royal Commission hearings and we subsequently received a few contacts from the public raising concerns about the way the Office handled Robodebt and worked with the Royal Commission. We also received contacts from people affected by Robodebt asking us to re-open their complaint.

We may receive similar approaches now that the report is public.

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For enquiries about how the Office is responding to the Royal Commission's report, we are explaining to complainants:

- The Office actively worked with the Royal Commission to assist with its inquiries into the Robodebt scheme.
- Both current and former Ombudsman officials voluntarily provided statements to the Commission and appeared as witnesses.
- The Office is currently reviewing the Royal Commission's report to consider the lessons learned
- We cannot comment further until we have reviewed the report in its entirety.

Written contacts

For written enquiries about how the Office is responding to the Royal Commission's report, please send the following template:

Thank you for your enquiry, raising your concerns about the Commonwealth Ombudsman's response to the Royal Commission into Robodebt final report.

The Office actively worked with the Royal Commission to assist with its inquiries into the Robodebt scheme. Both current and former Ombudsman officials voluntarily provided statements to the Commission and appeared as witnesses.

The Office is currently reviewing the Royal Commission's report to consider the lessons learned. We cannot comment further at this stage.

For all other enquiries/complaints related to Robodebt

If the caller asks questions about the Office's role in Robodebt that cannot be answered by the above, please open a new **s 47** , and record the details as per business as usual, including the outcome the complainant is seeking, escalate to **s 47** and refer to **s 47** .

For any new complaints received about individual circumstances involving Robodebt, please assess the complaint as per usual, in consultation with your Team Leader.

Once we have had an opportunity to review the Royal Commission's report, we will provide further guidance for responding to contacts about Robodebt.

Alexandra [redacted]

Subject: Weekly Executive meeting [SEC=OFFICIAL]
Location: Gurumbul Room - L5 Canberra - Executive Room

Start: Mon 10/07/2023 9:30 AM
End: Mon 10/07/2023 10:30 AM

Recurrence: Weekly
Recurrence Pattern: every Monday from 9:30 AM to 10:30 AM

Meeting Status: Accepted

Organizer: Iain Anderson
Required Attendees: Penny McKay; Lisa [redacted]; David [redacted]; Rebecca [redacted]; Joanne [redacted]; Emma [redacted]
Katrina [redacted]; Julia [redacted]

Optional Attendees: Alexandra [redacted]

Resources: Gurumbul Room - L5 Canberra - Executive Room

Categories: Meeting

OFFICIAL

Kind regards

Alexandra [redacted]
[redacted]

Website: ombudsman.gov.au

Executive Assistant to:
Iain Anderson - Ombudsman
Penny McKay – Deputy Ombudsman

The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present

COMMONWEALTH
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[redacted]
s 47

[redacted]

s 47 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Alexandra Feo

Subject: All- Staff Town Hall | Royal Commission into the Robodebt scheme report
Location: Ngatti Room - L5 Canberra - Small Meeting Room; Ngatti Room - L5 Canberra - Small Meeting Room

Start: Wed 12/07/2023 12:00 PM
End: Wed 12/07/2023 1:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Alexandra [REDACTED]
Required Attendees: Daniel [REDACTED]; All Staff
Resources: Ngatti Room - L5 Canberra - Small Meeting Room

Categories: Internal meetings

SkypeTeamsProperty: {"cid":"19:meeting_ZTg0Zjg2ZjYtYTJkZC00NjZhLWEyOTAtNGE0ODcwZDZkNmNk@thread.v2","rid":0,"mid":0,"uid":null,"private":true,"type":0}

Hi All,

Please join us for an all-staff town hall with Ombudsman Iain Anderson.

He will provide a summary of the key findings of the Royal Commission into the Robodebt scheme report, which will be delivered to the Governor-General on Friday 7 July 2023.

We have enabled the Q&A function (top of the screen), where you can choose to post questions anonymously if you prefer so. Please use this function to post your questions instead of the chat.

Looking forward seeing you all.

s 47

s 47

[REDACTED]

[REDACTED]

[Home](#) > [News](#) > Recording available: All-staff town hall

Recording available: All-staff town hall

by Alexandra [REDACTED]

1 month ago

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Thank you for joining the All-Staff Town Hall into the Robodebt Royal Commission report. You can now find the recording

<https://ombudsman.gov.au/id:A2355123/document/versions/latest>
(<https://ombudsman.gov.au/id:A2355123/document/versions/latest>)

Alexandra Feo

From: Jennifer s 47E
Sent: Thursday, 6 July 2023 5:33 PM
To: Iain Anderson; Penny McKay; Joanne s 47E; Lisa s 47E
Cc: Serena s 47E
Subject: UPDATE: Staff support strategies, Robodebt Royal Commission Report [SEC=UNOFFICIAL]

Dear all,

This is to provide you with an update of the staff support strategies in train post the release of the Robodebt Royal Commission report tomorrow.

I spoke with Chris s 47E, and we worked through the following.

Strategies to support staff on general inquiries about the release of the report

- FAQs are being developed
- Scripted talking points are being written to assist staff in managing inquiries

Should complainant behaviour escalate

- De-escalation techniques will be deployed as per Unreasonable Complainant Conduct Policy
- If unreasonable complainant behaviour continues, escalate to a team leader
- Reinforce that call can be disconnected

Post incident protocols

- Encourage staff member to undertake call debrief with team leader
- If necessary, take a break to reframe
- If required, encourage staff member to access EAP
- Complete an incident report if required

Chris has a team meeting in the morning, where the above will be re-iterated. You may also wish to refer to the above in the Town Hall tomorrow.

Let me know if there's anything else you need.

Many thanks
Jen

Jen s 47E
Director - Human Resources
COMMONWEALTH OMBUDSMAN
Email: s 47E
Website: ombudsman.gov.au
Proud to work on the lands of the Wurundjeri people of the Kulin Nation



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A message from the Ombudsman

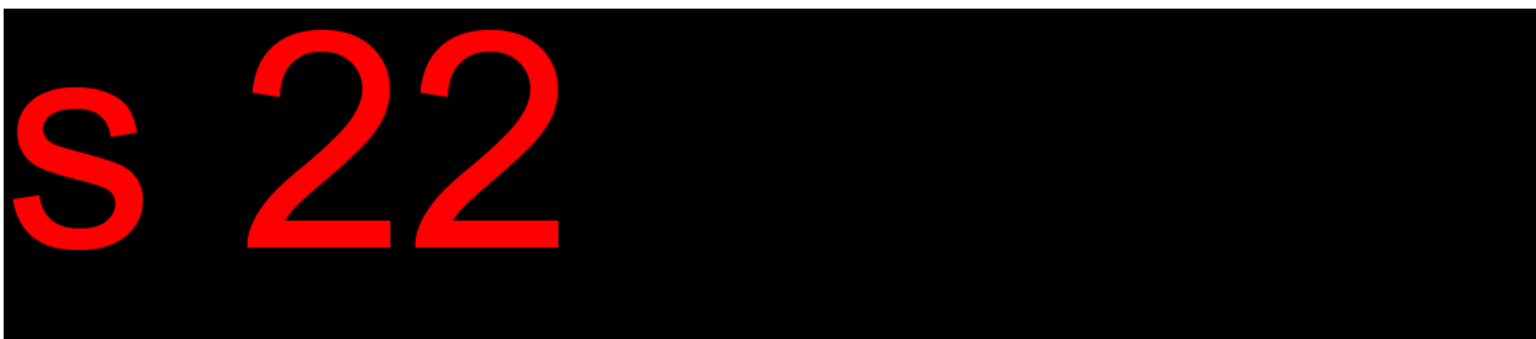
by [Iain Anderson](#)

1 month ago

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Hi everyone,



S 22

On Friday the Royal Commission into the Robodebt scheme will deliver its report to the Governor-General.

It is likely that the report will be published on Friday, possibly by midday.

The Robodebt scheme was a poorly conceived policy and a poorly implemented program that was ultimately held to be unlawful – but not before impacting the lives of hundreds of thousands of people who were asked to repay alleged overpayments of benefits.

We looked at the scheme, having received a number of complaints about it, and we published reports on it in 2017, 2019 and 2021.

We pointed to a number of problems in the way the scheme was administered.

It is likely however that the Royal Commission will say that we could have done more – in particular, that we could and should have publicly commented on the question of whether the scheme was lawful.

The fact that we did not do so is not a reflection on the Office's staff who carried out those investigations: they did good investigations, in difficult situations where agencies withheld documents and information that we had asked for, and they identified the legality of the scheme as an issue when they prepared our draft reports.

Ultimately my predecessors made difficult discretionary decisions as to what should be said in the final reports – which is something I similarly have to consider whenever we finalise a significant investigation and, while my role requires me to independently form opinions on issues, in my experience it is not necessarily straightforward deciding what to say about issues and what to publish.

The Robodebt scheme is also not a reflection on everyone who works or has worked in DSS or in Services Australia: many staff in those agencies were not involved in the development or administration of the scheme, and the Royal Commission heard from staff of those agencies who had tried to raise concerns about the scheme within their organisations and who were distressed about the scheme they were having to administer.

I will have more to say to you all about the Royal Commission's report and what we can learn from it, once I have read the report.

Ultimately there will be lessons for the whole APS, as well as suggestions for how we can best play our roles of helping complainants and helping the public sector to address problems and improve itself.

I anticipate posting a summary of the key findings on the intranet on Friday, and then holding a town hall meeting with all staff next week.

Regards,

Iain

Alexandra Feo

From: Brett [REDACTED]
Sent: Friday, 7 July 2023 11:04 AM
To: Senior Leadership Group
Cc: Policy Team
Subject: Tabling of the Report of the Royal Commission into the Robodebt Scheme [SEC=OFFICIAL]

OFFICIAL

Dear colleagues

The Report of the Royal Commission into the Robodebt Scheme has been tabled: [Tabled documents | Document 2743 \(aph.gov.au\)](#)

Thanks

Brett

Brett [REDACTED]
Assistant Director, Policy
COMMONWEALTH OMBUDSMAN
Phone: [REDACTED]
Email: [REDACTED]
Website: www.ombudsman.gov.au



The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.