ASIC
Australian Securities & Investments Commission

Executive Committee Meeting 42

28 September 2023

Report of the Royal Commission into the Robodebt Scheme – relevant recommendations and ASIC action

Executive Summary	
Why is this matter before the Committee?	For the Executive Committee to **note** the work being done and/or planned across ASIC in relation to relevant recommendations of the recent Report of the Royal Commission into the Robodebt Scheme
What is the purpose of the paper?	To inform the Executive Committee of the work being done and planned, as set out in **Attachment A**, and to seek any input the Committee may have
Is the matter time critical?	No
Has the matter been considered by another forum?	No
Entities/persons of interest relevant to the matter	N/A
Attendees with a previously declared conflict	N/A
Teams consulted about this matter	Legal Services; Digital, Data & Technology; People & Development; Finance; Chief Risk Office
Any budget implications?	N/A

Draft Resolution

1. That the Executive Committee (ExCo) **NOTE**:

    a. the work being done and/or planned across ASIC (as set out in **Attachment A**) in relation to relevant recommendations of the recent Report of the Royal Commission into the Robodebt Scheme (**'Robodebt Report'**); and

    b. that further progress reports on relevant aspects of this work will be prepared and submitted to ExCo as required.

Background

2. The Royal Commission into the Robodebt Scheme concluded earlier this year when Commissioner Catherine Holmes presented the Robodebt Report to the Governor-General. The report was tabled in Parliament on 7 July 2023.

3. Following the release of the report, the Department of Prime Minister & Cabinet and the Australian Public Service Commission announced to APS staff that a taskforce led by those agencies and the Attorney-General's Department are supporting Ministers in preparing the Government's response.

4. The report and the upcoming Government response will influence a range of work across a number of agencies (including for example in relation to issues such as automated decision making and design and implementation of AI and advanced analytics tools).

5. The Commonwealth Ombudsman has also recently published its Room for improvement report 2023, which sets out ways in which agencies can develop a culture that prioritizes people and their needs, and improve in the essential areas of fairness, transparency, accountability, and service delivery.

Summary table of relevant recommendations and ASIC action

6. Against that background, a range of teams across ASIC have considered the recommendations of the Robodebt Report, to identify:

   i. the subset of recommendations in the report that (albeit directed at other agencies) are directly relevant to ASIC's work and that ASIC should act on, or is already acting on; and

   ii. the recommendations in the report that, while not directly relevant to ASIC or requiring specific or immediate ASIC action, may otherwise have implications for ASIC.

7. **Attachment A** is a summary table that sets out:

   a) each recommendation in the Robodebt Report that is considered relevant to ASIC

   b) its relevance to ASIC's work

   c) the ASIC action that is underway or proposed, and

   d) the teams undertaking or responsible for the work.

8. The subset of recommendations in the Robodebt Report that are **directly relevant** to ASIC (set out in **black** in Attachment A) relate to:

i. Failures in the Commonwealth budget process

ii. Data matching and automated decision making

iii. Debt recovery

iv. Lawyers and legal services

v. Disclosure of personal or sensitive information (as defined by section 6 of the *Privacy Act 1988* (Cth)) to the media

vi. Obligations of public servants.

9. The teams leading the current or planned work in the areas above are, variously, Finance, PT&T, Legal Services and P&D.

10. The recommendations that are **indirectly relevant** to ASIC - that is, represent general best practice or otherwise have implications for ASIC (set out in **blue** in Attachment A) - relate to issues such as:

    i. Agencies adopting user-centric principles to the design of policies and processes, with emphasis on the people they are meant to serve

    ii. Agencies ensuring that dealings with vulnerable individuals are ethical and appropriate

    iii. Agencies ensuring that engagement by their stakeholders is accessible and efficient for those stakeholders

    iv. Agencies having effective feedback channels for their staff.

11. A range of teams across ASIC, including P&D, PT&T, Communications and the Regulatory Efficiency Unit, are considering those recommendations.

12. The remaining recommendations in the Robodebt Report, that are not at all relevant to ASIC, have not been included in Attachment A.

Attachment

A. **Summary table** of recommendations in the Robodebt Report that are relevant to ASIC, the action underway or proposed, and the teams responsible.

Authorising Officer: s 11C(1)(a) [redacted], Chief of Staff

Author: s 11C(1)(a) [redacted], Senior Manager, Office of the Commission