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ASIC
Australian Securities & Investments Commission

Robodebt Royal Commission report - ASIC actions		
October 2023		
Contact		**Executive Director**
s 11C(1)(a) [redacted]		[redacted]
[redacted]		[redacted]

Key messages

- ASIC is actively and carefully considering the recommendations of the Robodebt Report.
- We have identified those recommendations that are most relevant to ASIC, and we will address any gaps we identify in ASIC's work that are related to those recommendations.
- Many of the recommendations in the Robodebt Report relate to practices ASIC has already incorporated into its work. For example:
  - our data matching is subject to relevant Data Ethics Principles, the ethics assessment includes consideration of legal risks, and legal review is built into the workflow
  - the guidance from the Attorney-General's Department about principles and duties applying to government lawyers is incorporated into our Lawyer Handbook.

s 22 [redacted]

Background

- The report of the Royal Commission into the Robodebt Scheme ('Robodebt Report') was tabled in Parliament on 7 July 2023.
- The Government response to the Robodebt Report is being coordinated by a cross-agency taskforce, led by the Department of Prime Minister & Cabinet, the Australian Public Service Commission, and the Attorney-General's Department.
- The report and the Government response will influence a range of work across a number of agencies, in the areas covered by the report.

ASIC action in response to the Robodebt report

- The Commission and ASIC's senior leadership have considered the recommendations of the Robodebt Report, to identify those recommendations that, while directed at other agencies or departments, are relevant to ASIC's work.
- The recommendations that are most relevant to ASIC's work relate to:

ASIC
Australian Securities & Investments Commission

a. data matching and automated decision making
b. the role of public sector lawyers and legal services
c. disclosure of personal or sensitive information to the media
d. the Commonwealth budget process and NPP preparation.

- The recommendations that are more broadly or indirectly relevant to ASIC's work relate to:
  a. obligations of public servants
  b. ensuring that dealings with vulnerable individuals are ethical and appropriate
  c. adoption of user-centric principles to the design of policies and processes, with emphasis on the people that agencies are meant to serve.

- ASIC is actively and carefully considering the recommendations in these areas. We are currently identifying the most important issues for priority attention.

- Many of the recommendations relate to practices that ASIC has already incorporated into its work. For example:
  - Ensuring data-matching is lawful: ASIC's data matching is subject to the Data Ethics Principles under the Data Governance Policy/Handbook. The ethics threshold assessment includes consideration of potential legal risks, and a legal review is built into the workflow.
  - Duties applicable to government lawyers: ASIC has circulated all relevant guidance from AGD about principles and duties applying to government lawyers and is incorporating these into our Lawyer Handbook.
  - Dealing with vulnerable people: ASIC has learning modules currently available in relation to dealing with distressed and vulnerable people.

AGD survey about automated decision making

- To help inform the Government's response to the Robodebt Report, the Attorney-General's Department asked agencies including ASIC to complete a survey to identify and map the extent to which automated decision-making is relied upon to deliver government services.

- The survey defines automated decision making as both where the technology makes an administrative decision, and/or where automated systems are used to support a human making an administrative decision.

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- ASIC's use of automated systems is subject to all relevant ASIC policies and governance frameworks, including in relation to risk management.