

# Robodebt reprieves gone

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# Robodebt reprieves gone

**PUBLIC SERVICE** New laws empower APSC to investigate ex-agency heads

Dana Daniel

## EXCLUSIVE

THE Albanese government has drafted new laws to empower the Australian Public Service Commission to investigate former agency heads over alleged misconduct following the robodebt royal commission.

Public Service Minister Katy Gallagher said the legislation would "ensure that senior public servants are clearly accountable for their actions as public service

leaders, even after leaving their roles".

*The Canberra Times* can reveal APS Commissioner Gordon de Brouwer was close to wrapping up his investigations of 16 individuals over potential code of conduct breaches in administering the robodebt scheme, when he was forced to pause after some former agency heads argued they could not be investigated.

An amendment to the Public Service Act, to be introduced into Parliament on Wednesday, will give the

commissioner an "express power" to investigate former agency heads for alleged breaches, make determinations and finalise matters.

"The robodebt scheme was a shameful chapter of public administration," Senator Gallagher said.

"We want to make sure a scheme like this can never happen again."

Senator Gallagher said it was critical the investigations were "concluded as soon as possible".

"Where appropriate, those involved from the public

service must be held to account," she said.

"The commissioner's powers are essential to upholding this standard and maintaining public confidence in the vital institution that is the Australian Public Service."

The royal commission report had referred only current public servants for investigation, but the Public Service Commission extended referrals to include former APS employees, current ones named in the report but not the sealed section, and former agency heads.

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## Ex-agency heads back in firing line on robodebt

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The changes to the Public Service Act, which will apply retrospectively if passed, have been expedited to clarify that former agency heads can be held to account for breaches of the code of conduct while they were an agency head, in the same manner as current and former APS employees.

The illegal robodebt scheme established by the former Coalition government automatically raised debts against welfare recipients by comparing their reported income with averaged annual pay data from the Australian Tax Office.

"It pursued debt recovery against Australians who in many cases had no debt to pay," Senator Gallagher said.

The Public Service Commission decided which bureaucrats to investigate over robodebt by setting up a code of conduct taskforce to weigh whether there were sufficient grounds in each case referred to it.

Agency heads are bound by the code of conduct, which requires them to discharge their duties with care and diligence, honesty and integrity, treat everyone with respect and courtesy and comply with Australian laws.

The code also requires bureaucrats to behave at all times in a way that upholds APS values and the integrity and good reputation of the employee's agency and the Australian Public Service.

The royal commission's final report recommended mechanisms to disci-

pline former agency heads be bolstered.

It included a sealed chapter that recommended referrals of individuals for civil and criminal prosecution, and called out the "repeated failures" and lack of independence by senior public servants who administered the robodebt scheme.

The Albanese government has agreed, or agreed to in-principle, each of the 56 recommendations in the royal commission's 990-page report, tabled in Parliament in July 2023.

"Robodebt was a crude and cruel mechanism, neither fair nor legal, and it made many people feel like criminals," the commission wrote in the report.

"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."