

## Committee

Public Hearing – 29 March 2021  
ANSWER TO QUESTION ON NOTICE

Department of Social Services

**Topic:** Senate Community Affairs References Committee - Inquiry into Centrelink's Compliance Program

**Question reference number:** IQ21-000040

**Senator:** Deborah O'Neill

**Type of Question:** Spoken. Hansard Page/s:

**Date set by the Committee for the return of answer:** 30 April 2021

### Question:

Senator O'NEILL: Mr Birrer, when did you personally become aware that the policy of robodebt was unlawful?

Mr Birrer: I only joined the agency in August of 2020.

Senator O'NEILL: In your role as the general manager did you get a handover from your predecessor?

Mr Birrer: We had some handover discussions of a general nature.

Senator O'NEILL: Who was that person?

Mr Birrer: The person acting at the time that I came into the agency was Robert McKellar.

Senator O'NEILL: Given the scale and the importance of this, I'm sure there's a file note somewhere on record about the relevant CEO in the period of time that we're discussing, which goes from construction basically at 2015 by Mr Morrison as the minister through his expansion of it as the Treasurer through to recent times. I ask you, Mr Birrer, to take on notice to find out when the general manager of the Compliance Assurance Division of Services Australia became aware that the policy of robodebt was unlawful—the date and the person.

Mr Birrer: Ms Skinner already took on notice the reference in relation to the agency and that would be the agency's response. That's the best response from an agency perspective.

Senator O'NEILL: I know it's a little while back, but I'm trying to understand at what level who had what information and when, so that's why I'm asking each one of you separately. Mr Flavel, were you there, or has the staff change been so significant that there's virtually no corporate memory?

Mr Flavel: I wouldn't say no memory, but I commenced in this position earlier this year. In respect of any of those inquiries you're making insofar as they pertain to officials of the Department of Social Services, I'm happy to take that on notice.

**Answer:**

The Department of Social Services became aware in November 2019 that the use of averaged Australian Taxation Office (ATO) income data alone did not present a legally sufficient basis on which to raise the debt in the matter of *Amato v the Commonwealth of Australia*. This raised the potential that there may have been a broader issue associated with debts raised using income averaged ATO income data, without other proof points.