

Executive Summary: Standing Against the Robodebt Royal Commission Bill – Advocating for Justice and Human Rights

The proposed **Oversight Legislation Amendment (Robodebt Royal Commission Response and Other Measures) Bill 2024** (the "Robodebt Bill") marks a critical juncture in the evolution of public administration and oversight mechanisms in Australia. While the bill purports to enhance transparency, accountability, and efficiency in public service delivery, its provisions raise significant concerns about the erosion of fundamental human rights, breaches of constitutional principles, and the exacerbation of inequalities in access to justice.

This executive summary outlines key concerns, principles of governance and law at risk, and recommendations for a rights-based, sustainable, and equitable approach to public administration reform. By placing the lens of justice and human rights at the forefront, this campaign advocates for legislative amendments that protect vulnerable individuals, ensure the integrity of public services, and align with Australia's constitutional and international legal obligations.

Key Concerns with the Robodebt Bill

1. **Erosion of Human Rights and Privacy:** The bill's provisions expand investigatory powers, enabling departments to conduct forensic financial investigations of private individuals without adequate judicial oversight. These powers contravene rights to privacy enshrined in international frameworks such as the **International Covenant on Civil and Political Rights (ICCPR)** and pose risks of disproportionate and invasive measures against marginalized groups.
2. **Administrative Overreach:** The proposed changes to the **Services Australia Act** empower administrative bodies to cancel payments as penalties and engage in investigatory actions that blur the line between administrative and judicial functions. This undermines the rule of law, violating constitutional protections under **Section 75(v)** of the Australian Constitution and principles of administrative fairness.
3. **Weak Accountability Mechanisms:** While the bill introduces stronger powers for the Ombudsman and Auditor-General, it lacks comprehensive safeguards to prevent misuse. Enhanced investigatory powers without robust oversight could perpetuate systemic abuses akin to those witnessed during the Robodebt Scheme.
4. **Exclusion of a Rights-Based Framework:** The absence of a **Bill of Rights** or explicit human rights protections within the legislation fails to safeguard individuals from administrative overreach. Without codified protections, vulnerable communities remain at heightened risk of harm.
5. **Contradiction with International Commitments:** The bill's provisions conflict with Australia's obligations under the **United Nations Sustainable Development Goals (Goal 16)** and the **OECD Anti-Corruption Guidelines**, which emphasize transparency, accountability, and respect for human rights in governance.

Signature: C.J.Scanlan

Name: Chelsea Jay Scanlan

Date: 19th December 2024

Contact Information:

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- ## Campaign Objectives

1. Legislative amendments that prioritize human rights and constitutional safeguards.
2. Increased public awareness of the risks associated with unchecked administrative powers.
3. Mobilization of civil society, legal experts, and advocacy groups to influence legislative outcomes.
4. Establishment of a precedent for rights-based governance reforms in Australia.
5. Prevent administrative servants from using legislative powers of administration as a punitive measure.
6. Increase the responsibilities and rights to privacy of sensitive information.
7. Enforce and limit the requirements for administrative servants to follow a procedure of operations for administrative processes such as forensic investigations, request for additional information and tax information, keeping sensitive matters separate.
8. Implement the code of conduct and procedure of civil administration for services organisations and departments.
9. Codify the administrative requirements of documents and their use in the civil, private and public services departments or organisations.

Conclusion

The Robodebt Bill, while presented as a step toward greater accountability, risks perpetuating the systemic flaws it seeks to address. Without incorporating robust protections for human rights, privacy, and access to justice, the legislation undermines public trust and violates core principles of governance.

Contact Information:

By advocating for targeted reforms, this campaign underscores the imperative of aligning legislative changes with constitutional protections, international obligations, and sustainable development goals. **Fotra Group Consulting** calls on policymakers, civil society, and legal practitioners to champion these reforms, ensuring a just, equitable, and transparent public service for all Australians.

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Contact Information: