Summary Submission Challenging the Oversight Legislation Amendment (Robodebt Royal Commission Response and Other Measures) Bill 2024 for replacement

To: Senate Legal and Constitutional Affairs Committee
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(Preferred method of service and communications)
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Introduction

I am writing to express concerns regarding the Oversight Legislation Amendment (Robodebt Royal Commission Response and Other Measures) Bill 2024. While the intention to respond to the findings of the Robodebt Royal Commission is commendable, the current provisions fall short of addressing the fundamental issues of justice, human rights, and sustainability that have arisen from the Robodebt scandal and its impact on Australians, particularly the most vulnerable.

Key Challenges to the Bill

1. **Inadequate Reparation for Affected Individuals:**
The Bill fails to provide sufficient mechanisms for reparations to those wrongfully targeted by the Robodebt scheme. It is imperative that the legislation includes concrete measures for compensating the victims of the scheme, where financial, psychological,

and social harms have occurred.

2. **Insufficient Accountability Measures**:

While the Bill proposes oversight mechanisms, it does not establish robust provisions to hold individuals or entities accountable for past mismanagement. An effective accountability framework must include clear penalties for any future misuse of data or unjust practices in debt recovery.

3. **Failure to Address Systemic Issues**:

The Bill does not address the underlying systemic issues within the welfare system and the broader legal framework that allowed the Robodebt scheme to function with flaws and lead to the suffering of many. A comprehensive review and reform of these systems are necessary to prevent recurrences of such injustices.

4. **Human Rights Considerations**:

The provisions lack a strong emphasis on safeguarding human rights, particularly those of marginalized groups disproportionately affected by the scheme, including Indigenous Australians and low-income families. Human rights should be a fundamental framework for any welfare reform, ensuring the dignity and wellbeing of all citizens.

5. **Sustainability of Welfare Practices**:

The Bill does not incorporate sustainable practices for debt recovery and welfare administration. Moving toward a humane system that prioritizes support and rehabilitation rather than punitive measures is essential for fostering a fair society.

6. **Public Confidence**:

The absence of substantial reforms may further erode public trust in government services. The legislation should aim to rebuild this trust through transparent practices, equitable treatment, and the involvement of affected communities in shaping welfare policies.

Recommendations

To better align the Bill with principles of justice, sustainability, and human rights, I recommend the following amendments:

- **Inclusion of Comprehensive Compensation Structures**: Establish clear and equitable processes for compensating individuals harmed by Robodebt.

- **Strengthening Accountability Frameworks**: Implement robust oversight and accountability mechanisms for past and future welfare practices.

- **Systematic Reform of Welfare Policies**: Conduct a thorough review of the welfare

system to address structural issues that led to harmful practices.

- **Implementation of Human Rights Protocols**: Adopt measures to ensure that all welfare and debt recovery practices uphold the human rights of affected individuals.

- **Focus on Sustainable Practices**: Shift towards welfare practices that emphasize support and rehabilitation, moving away from punitive measures.

-**Replacement of this Bill and its measures for changes with the introduction of a Bill Of Rights Into The Australian Constitution and other measures.

Conclusion

The Oversight Legislation Amendment (Robodebt Royal Commission Response and Other Measures) Bill 2024 presents an opportunity for substantial reform but requires significant modifications to ensure that justice, human rights, and sustainability are at its core. I urge the Senate Legal and Constitutional Affairs Committee to consider these challenges and recommendations seriously and work towards a legislative framework that truly serves and protects the rights of all Australians.

Thank you for considering this submission.

Sincerely,
Chelsea -Fotra Group Consulting

Managing Owner Director