

Proposed Robodebt Bill – Legislative changes to prevent a repeat of Robodebt

EJA’s proposed legislative reform agenda is outlined below, with references to Robodebt Royal Commission Recommendations where relevant. Unless specifically noted, these changes should apply to all of social security law, which may require changes in multiple Acts, including *Social Security Act 1991* (Cth), *Social Security (Administration) Act 1999* (Cth), *A New Tax System (Family Assistance) Act 1999* (Cth), *A New Tax System (Family Assistance) (Administration) 1999* (Cth), and *Student Assistance Act 1973* (Cth). These changes must be legislated to ensure Robodebt never happens again.

1. Establish a positive duty on the Secretary of the Department of Social Services which emphasises and prioritises the needs of social security recipients when administering the social security law and designing systems and policies, giving effect to **Robodebt Royal Commission Recommendation 10.1**.
2. Mandating an annual review of the rate of payment of all social security payments to assess the adequacy of indexation and other changes.
3. Mandating periodic review and reporting on compliance activity. This is related to a number of **Robodebt Royal Commission Recommendations**, notably **10.1, 11.2, 11.4, 16.2, 17.1** and **Chapter 23**.
4. Restricting the kinds of decisions which can be automated or made without human oversight. Specifically, decisions to cancel a payment or raise a large debt should be checked by a Centrelink officer. This would in part work to implement **Robodebt Royal Commission Recommendation 17.1**.
5. Requiring that where a decision has been automated in some way, notice of that decision explains this, and provides options for seeking further information or review, in part working to implement **Robodebt Royal Commission Recommendation 17.1**.
6. Modifying administrative error waiver provisions so that debts resulting from errors in data matching are waived without the need to demonstrate ‘good faith’ or financial hardship. This would complement **Robodebt Royal Commission Recommendation 18.1** by providing a fairer and more equitable waiver mechanism.
7. Modifying special circumstance waiver provisions to better allow waiver in circumstances of family violence. Specifically, waiver should be available whether or not a person has knowingly given Centrelink false information if that information was given maliciously by the perpetrator of family violence, or under duress in the context of family violence. This would complement **Robodebt Royal Commission Recommendation 18.1** by providing a fairer and more equitable waiver mechanism.
8. Reinstating the six-year limit on recovery of debts, as per **Robodebt Royal Commission Recommendation 18.2**.
9. Increasing the length of time to claim Crisis Payment to a minimum of 14 days in all circumstances.