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Dear Committee Secretary

Submission by Civil Liberties Australia:

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Oversight Legislation Amendment (Robodebt Royal Commission Response and Other Measures) Bill 2024

Of course agencies must be answerable to requests for information. Access goes to the core of transparency and accountability. It speaks volumes about the attitude of agencies that these amendments are even necessary.

When department-agency officials know their decision can be subject to review and criticism, the prospect of being hauled over the coals should improve their decision making by an order of magnitude.

However, the proposed amendments are piecemeal. All the amendments do is improve the ability of the ATO and the Ombudsman to get information. They do nothing to address or solve an individual's legitimate complaints or possible breaches of human rights. They do not address the fundamental issue of complaints handling by people.

Mistakes based on flawed political mandates badly interpreted by senior bureaucrats need be sheeted home to inane government policy making. The way such doubly erroneous decisions can be corrected is by the faults in the system being exposed, as early as possible.

Complaints spotlight problems – they are not "difficulties" for governments, but a reliable and quick early warning system. It was shown that the Ombudsman was deficient: reports to government were watered down. So no Ombudsman process can be guaranteed to work. <https://www.theguardian.com/australia-news/2023/feb/24/robodebt-inquiry-evidence-contradicts-witness-claim-he-didnt-know-unlawful-method-was-being-used>

The Ombudsman has no power to conciliate and adjudicate complaints. The Ombudsman is only an effective, final oversight body for complaint resolution if two parameters are met:

- The Ombudsman can be relied on to be a tough, external arbiter of truth and honesty: the proposed amendments contain no such guarantee; and
- The agency, provider or organisation must be open to re-evaluating, re-thinking and changing their stance or decision: the amendments contain no such guarantee.

The way complaints can be properly handled is by Australia having a federal Human Rights Act, which allows quick, cheap and easy access to complaint resolution, particularly when large numbers of people are wrongly or badly affected by the one process.

The absence of a national human rights correction mechanism became mainstream during Covid 19 when rights and liberties most Australians assumed were inherent and fundamental were removed by governments without any practical avenue of complaint or appeal. Robodebt was further evidence of the federal government's capacity to act without regard to rights. The debacle of Robodebt, which caused such angst and cost, is fresh in people's minds. The human and financial cost of that scheme remains on high rotation in the news cycle.

Now is the most opportune time to introduce a federal Human Rights Act. The Australian Human Rights Commission report *Free+Equal* in late 2023, and the report of the Parliamentary Joint Committee on Human Rights on 30 May 2024 have both recommended a federal Human Rights Act which includes a robust and effective complaints handling mechanisms (*No Rights Without Remedy*), engaging early conciliation as a first resort and making a tribunal ruling available where appropriate to achieve relative quick finality at little personal or public cost.

Public opinion surveys show around 73% of the population are in favour of protecting human rights. Opposition is minimal, just 3% (Amnesty International survey 2022).

A federal Human Rights Act provides a comprehensive mechanism of ensuring a gross miscalculation like Robodebt never again inflicts four years of suffering on the community...or at least ensuring that executive government and/or bureaucratic bastardry is nipped in the bud, at the minimal financial cost and mental anguish to citizens of Australia.

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