



## Message from the Team

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BY THE DEPARTMENT OF HEALTH AND AGED CARE

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## ACROSS THE SERVICE

Message to APS Staff from PM&C Secretary Davis and APS Commissioner de Brouwer about the release last Friday of the findings from the Royal Commission into the Robodebt Scheme. [Read their message.](#)

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**2023-24 Supplementary Budget Estimates**  
**Corporate Operations Group FAS Briefs**  
**Outcome: 0**

**Subject                      Robodebt Royal Commission Recommendations**

**KEY POINTS**

- The Government is yet to formally respond to the findings and recommendations of the Royal Commission into the Robodebt Scheme.
- Notwithstanding that, the Department has been actively considering the recommendations and findings in the Report.
- The actions of Legal and Assurance Division are part of a broader focus on integrity in the department- refer departmental brief on integrity being prepared by PCPD.

**Legal**

- Our Legal and Assurance Division has:
  - recently made training available to legal staff, through its tailored continuing professional development program, about:
    - the ethical issues facing Commonwealth in-house lawyers.
    - key learnings from the Robodebt Royal Commission including the role and independence of in-house lawyers.
  - commenced a stocktake of current internal guidance and support materials used by our in-house lawyers to identify any gaps or areas requiring updating, clarification or strengthening in light of the findings and recommendations in the Report.
  - Commenced a review of guidance material to departmental staff relating to accessing and receiving legal services.
- Clarifying guidance was issued to the Department's legal staff in November 2022 and May 2023 regarding the use of draft legal advice. The guidance made it clear that legal advice cannot be disregarded merely because it is in 'draft', and it is not acceptable for advice to be left in draft because it is inconvenient or unwelcome.
- The Regulatory Legal Services Division, which provides specialist legal services to the Therapeutic Goods Administration, has also taken similar steps by directing its legal staff to read and apply the guidance from the Attorney-General's Department about the use of draft legal advice within government, and has strongly encouraged its legal staff to attend integrity and ethics presentations of AGS in relation to the outcome and recommendations of the Robodebt Royal Commission.
- The Department has rules in place, which pre-date the Robodebt Royal Commission, governing access to legal services by departmental staff. These rules are made by the Secretary of the Department under the *Public Governance, Performance and Accountability Act 2013*.

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Cleared by: Miriam Moore

Date cleared: 09/10/2023

**From:** [WHITE, Robyn](#)  
**To:** [s47E\(d\)](#); [COMLEY, Blair](#); [s22](#); [EXELL, Blair](#); [GOULD, Phillip](#); [KELLY, Paul](#); [LAWLER, Tony](#); [LYE, Michael](#); [MCCABE, Daniel](#); [s22](#); [SHAKESPEARE, Penny](#); [STREET, Celia](#); [s22](#); [WANN, Charles](#)  
**Subject:** Release of the Government Response to the Robodebt Royal Commission Report - support for staff [SEC=OFFICIAL]  
**Date:** Tuesday, 14 November 2023 11:24:49 AM  
**Attachments:** [SES Talking points - Robodebt Royal Commission Government Response.docx](#)  
[image001.png](#)

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Colleagues,

As you may be aware, the Government has now responded to the Robotdebt Royal Commission report and this has been publicly released on the Royal Commission's website. The response addresses the 56 recommendations and reiterates the Government's commitment to restoring public trust and embedding reforms that put people at the centre and strengthen integrity. The release of the response may cause distress for staff who were directly affected by the scheme, attached are talking points to support discussions with your staff.

A range of support services are available through our Employee Assistance Program (EAP). The EAP is provided by Converge International and is free and confidential. The EAP is available 24/7 and can be contacted on 1300 687 327 or via [s22](#). I encourage those affected to engage with our EAP.

Kind Regards, Robyn

**Robyn White**

A/g First Assistant Secretary

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*The Department of Health and Aged care acknowledges First Nations peoples as the Traditional Owners of Country throughout Australia, and their continued connection to land, sea and community. We pay our respects to their cultures, and to all Elders both past and present.*

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## **SES TALKING POINTS**

### **GOVERNMENT RESPONSE TO THE ROYAL COMMISSION INTO THE ROBODEBT SCHEME**

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#### **Background**

- The Royal Commission into the Robodebt Scheme was established on 18 August 2022. Ms Catherine Holmes AC SC was appointed as the Commissioner.
- Over the course of its inquiry, the Royal Commission published over 8,000 exhibits, and heard from over 100 witnesses across nine weeks of public hearings. It brought to light the harm caused to affected members of the Australian community.
- The Royal Commission delivered a report with its findings to the Governor-General on 7 July 2023.
- The final report is published on the Royal Commission's website.
- In response to the Royal Commission's recommendations, the Government formed a taskforce with the Department of the Prime Minister and Cabinet, Attorney General's Department and the Australian Public Service Commission.
- The Government Response has now been released.
- The talking points below are to support SES officers and other leaders in talking to staff about the Robodebt Royal Commission and the Government response.

#### **Talking points**

##### **Release of the Government's Robodebt Royal Commission Response**

- The Australian Government has carefully considered the Royal Commission into the Robodebt Scheme report and has released its response, available at [www.pmc.gov.au](http://www.pmc.gov.au).
- The Government accepts or accepts in-principle, all 56 recommendations made by the Royal Commission.
- The Royal Commission heard from over 100 witnesses across nine weeks of public hearings. It brought to light the harm caused to affected members of the Australian community.
- It exposed failures in the APS and it was a hard lesson for us, one we aren't shying away from.
- We know there were failures of leadership and judgement and that people felt they couldn't speak up, or weren't listened to.
- It's important to remember, at the same time many good people were trying to do the right thing.
- You matter, your work matters, and your integrity matters.
- The response will likely bring renewed attention to the Robodebt scheme and the harm it caused to many Australians.
- Many people in the community and APS staff were affected by the Robodebt Scheme and many bravely gave evidence to the Royal Commission.

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**EMBARGOED UNTIL ROBODEBT RESPONSE IS RELEASED****The wellbeing of our staff**

- You may be experiencing a range of emotions in response to the renewed attention on Robodebt.
- The wellbeing of our people is our top priority.
- APS staff can be proud of the work they do to support the community and serve the Government.
- The events surrounding the Robodebt Scheme affected many APS staff.
- Some may have had close involvement with the Royal Commission.
- Some may have been personally affected by the Robodebt Scheme.
- Some may feel a direct impact as a public servant because we take pride in delivering for the community and upholding the APS Values each day.
- Speak to your manager, a friend or family member if you are feeling upset or distressed.
- Ask for help if you need it. Support is available for you through agency wellbeing support services like the Employee Assistance Program.
- Other support is also available for staff who are experiencing distress.
  - **Beyond Blue Support Service** – Provides immediate, short-term counselling, advice and referral services. Phone 1300 224 636, [webchat](#), or search their [forum](#) for free.
  - **Lifeline Crisis Support** – This is a confidential service providing you with support for when you feel overwhelmed, for when you have difficulty coping, or are thinking about suicide. Phone 13 11 14 or chat to a [crisis supporter online](#).
  - **13YARN** – Provides crisis support for First Nations people. Phone 13 92 76 or view their services online at [www.13yarn.org.au](http://www.13yarn.org.au).
- I encourage you to read the Response and discuss it in your teams.
- It's important we are all part of leading the change we want to see and building a stronger APS.

**Where to next**

- Confidential processes are underway to ensure that public servants are appropriately held to account if they have not met their obligations as professional public servants.
- Work is also underway to implement the report's recommendations.
- Achieving real change will mean a commitment from all of us about how we go about our work.
- There will be a focus on integrity and accountability, and how we can bring empathy and understanding to the way we engage with people and communities.
- There will also be changes to process and a bigger focus on proper decision-making and record keeping, and enhanced statutory powers for oversight bodies.
- This complements other reform work underway, like the APS Reform program and other reforms that focus on building a strong public service that puts people at the centre.
- Across the APS, there is a strong push to elevate the importance of integrity in everything the APS does – both at the systemic and individual levels.
- There will be many opportunities ahead to boost capability and integrity through the recommendations and the APS Reform program.
- Through the response the Government has committed to ensuring that the APS works in partnership with the community to improve the lives of Australians and deliver better services.

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## Legal and Assurance Division's "Big Rocks" – key deliverables

- Ensuring the department's posture in relation to the role of lawyers and legal advice is appropriate. Particularly in light of the findings and recommendations of the Robodebt Royal Commission, ANAO findings and the broader Commonwealth legal posture.

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