



Date 6 June 2024

National Anti-Corruption Commission decides not to pursue Robodebt Royal Commission referrals but focus on ensuring lessons learnt

On 6 July 2023, the National Anti-Corruption Commission (Commission) received referrals concerning six public officials from the Royal Commission into the Robodebt Scheme (Robodebt Royal Commission) pursuant to section 6P(2B) of the *Royal Commissions Act 1902* (Cth).

The Commission has carefully considered each referral and reviewed the extensive material provided by the Robodebt Royal Commission, including its final report, and the Confidential Chapter.

The Commission has become aware that five of the six public officials were also the subject of referrals to the Australian Public Service Commission (APSC).

The Commission is conscious of the impact of the Robodebt Scheme on individuals and the public, the seniority of the officials involved, and the need to ensure that any corruption issue is fully investigated.

However, the conduct of the six public officials in connection with the Robodebt Scheme has already been fully explored by the Robodebt Royal Commission and extensively discussed in its final report. After close consideration of the evidence that was available to the Royal Commission, the Commission has concluded that it is unlikely it would obtain significant new evidence.

In the absence of a real likelihood of a further investigation producing significant new evidence, it is undesirable for a number of reasons to conduct multiple investigations into the same matter. This includes the risk of inconsistent outcomes, and the oppression involved in subjecting individuals to repeated investigations.

In deciding whether to commence a corruption investigation, the Commission takes into account a range of factors. A significant consideration is whether a corruption investigation would add value in the public interest, and that is particularly relevant where there are or have been other investigations into the same matter. There is not value in duplicating work that has been or is being done by others, in this case with the investigatory powers of the Royal Commission, and the remedial powers of the APSC.

Beyond considering whether the conduct in question amounted to corrupt conduct within the meaning of the Act and, if satisfied, making such a finding, the Commission cannot grant a remedy or impose a sanction (as the APSC can). Nor could it make any recommendation that could not have been made by the Robodebt Royal Commission. An investigation by the Commission would not provide any individual remedy or redress for the recipients of government payments or their families who suffered due to the Robodebt Scheme.

The Commission has therefore decided not to commence a corruption investigation as it would not add value in the public interest. However, the Commission considers that the outcomes of the Robodebt Royal Commission contain lessons of great importance for enhancing integrity in the Commonwealth public sector and the accountability of public officials. The Commission will continue through its investigation, inquiry, and corruption prevention and education functions, to address the integrity issues raised in the final report, particularly in relation to ethical decision making, to ensure that those lessons are learnt, and to hold public officials to account.

In order to avoid any possible perception of a conflict of interest, the Commissioner delegated the decision in this matter to a Deputy Commissioner.

The Commission will not be making further comment.