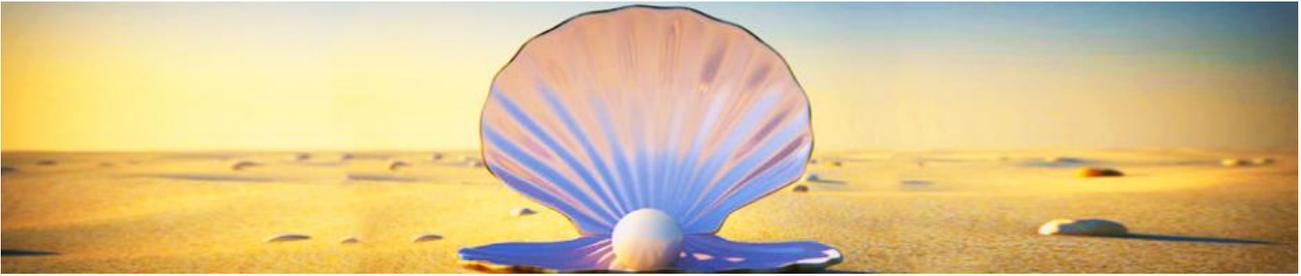


# John Menadue : Pearls and Irritations



## **The life and times of Robodebt and its victims**

By [IAN CUNLIFFE](#) | On [5 August 2020](#)

*On 4 August, my [article](#) described the surprising criminal law traps which lie in wait for anyone who is robust towards Centrelink in their defence of Robodebt victims.*

*Until researching the Commonwealth Criminal Code recently in relation to so-called national security offences, I had no idea of the existence or scope of those traps. But, of course, ignorance of the law is no defence.*

*Robodebt and its victims was the subject of a tense and gripping exchange between the head of the Department of Social Services, Kathryn Campbell and Labor Senator, Deborah O'Neill in the Senate Committee on Community Affairs on the last day of July.*

*According to the ABC, in February last year Ms Campbell's Department told the Committee that more than 2,000 people died after receiving Robodebt letters. It is not clear how many were suicides, but – according to the report, the Department revealed that roughly a fifth were under 35, and nearly a third had been classified as “vulnerable”.*

*Gordon Legal, which is running a class action for Robodebt clients, says that at least 600,000 Robodebts have been raised. Ms Campbell's Department said last year that it sent more than 900,000 debt letters in the period 1 July 2016 to 31 October 2018.*

*The tense exchange between Senator O'Neill and Ms Campbell began when Ms Campbell said she did not know what “Robodebt” means – apparently because it is not a term of art, nor is it a term used by her Department.*

*Senator O'Neill responded: “People have died over Robodebt, and you don't even acknowledge the word!” Ms Campbell vehemently denied the accusation but seemed unable to bring herself to use the word suicide in her denial: “I do not accept those assertions that are being made. They are not correct. ... I do not accept that people have died over Robodebt.”*

*But then she added: “We know that suicide is a very difficult subject. We know mental health issues are very difficult. We have apologised for the hurt and harm; none of us can imagine what goes on in individuals' lives.” Who could disagree? Ms Campbell added: “So I do not accept that” – presumably meaning, I do not accept that people have suicided over Robodebt*

*Ms Campbell came across as a stone-hearted bureaucrat. However, it seemed to me that that reading was not entirely accurate. More likely she is deeply troubled by the fact that the unlawful revenue-raising Robodebt scheme for which she has a large responsibility backfired so badly. She told Senator O'Neill that it was her view "when we introduced this, that it was legal. ... Clearly, I was wrong."*

*The weight of lives lost lives – whatever the number of suicides was – is a heavy one. Bureaucrats are human. Ms Campbell and other officers deserve some compassion. However the Commonwealth has been extremely cruel and reckless at best with its Robodebt scheme, and its actions deserve condemnation.*

*There is an issue as to what "Robodebt" means. An ABC report on the exchange between Ms Campbell and Senator O'Neill described Robodebt as a scheme under which notices are automatically issued to welfare recipients having debts identified by income averaging – comparing a person's reported income with income information collected by the Australian Tax Office.*

*To me, Robodebt is wider than that: under Robodebt, Centrelink issued letters of demand for money to hundreds of thousands of people, many of whom had no conceivable ability to pay the amount demanded. The letters were generated automatically – without the tempering hand of human judgment. Many were based on the iniquitous practice of income-averaging – assuming that if a person earned \$1,000 in one week of a year, they must have received \$52,000 for the full year. But that was not the only such assumption made by the robot. For example, a random deposit into a bank account is assumed to be income; gross receipts are taken as net receipts, and so on. These latter assumptions are still being defended by Centrelink in the courts and the Administrative Appeals Tribunal. If Robodebt is defined as going beyond income-averaging to these other assumptions, Robodebt is robustly alive.*



### [Ian Cunliffe](#)

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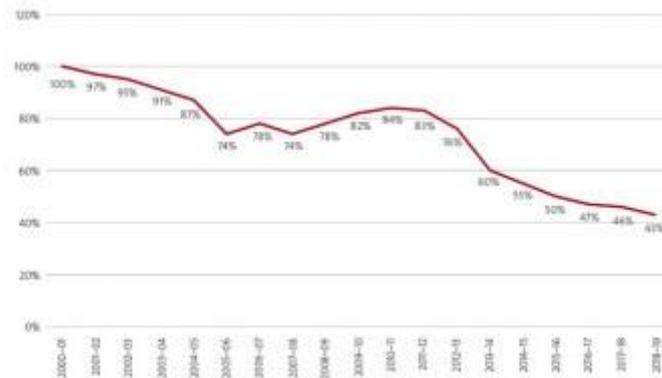
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