



Oversight Legislation Amendment (Robodebt Royal Commission Response and Other Measures) Act 2025

No. 7, 2025

**An Act to amend legislation related to certain
oversight bodies, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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No. 7, 2025

An Act to amend legislation related to certain oversight bodies, and for related purposes

[Assented to 14 February 2025]

The Parliament of Australia enacts:

1 Short title

This Act is the *Oversight Legislation Amendment (Robodebt Royal Commission Response and Other Measures) Act 2025*.

No. 7, 2025

*Oversight Legislation Amendment (Robodebt Royal Commission
Response and Other Measures) Act 2025*

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2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day after this Act receives the Royal Assent.	15 February 2025
2. Schedule 1, Parts 1 to 3	The day after this Act receives the Royal Assent.	15 February 2025
3. Schedule 1, Part 4, Division 1	The later of: (a) immediately after the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of Part 1 of Schedule 1 to the <i>Universities Accord (National Student Ombudsman) Act 2024</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	15 February 2025 (paragraph (a) applies)
4. Schedule 1, Part 4, Division 2	The later of: (a) immediately after the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of item 211 of Schedule 1 to the <i>Intelligence Services Legislation Amendment Act 2025</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
5. Schedule 1, Part 5	The day after this Act receives the Royal Assent.	15 February 2025

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Main amendments

Ombudsman Act 1976

1 After subsection 14(1)

Insert:

- (1A) An authorised person is not entitled to enter or remain at the place if the authorised person fails to produce a written authority on being asked by the Department, prescribed authority or Commonwealth service provider of a Department or prescribed authority under a contract, to produce proof of the authorised person's authority.
- (1B) For the purposes of subsection (1A), a *written authority* means an authority signed by the Ombudsman that states that the authorised person is authorised to exercise the powers under this section.

2 Subsection 14(4)

Repeal the subsection, substitute:

- (4) If an authorised person enters a place under this section, the authorised person may do the following with respect to any documents or other records that may be relevant to the investigation held at the place:
- (a) access any such documents or other records;
 - (b) inspect, take extracts from, or make copies of, any such documents or other records.
- (4A) Subsection (4) does not apply in relation to documents or records for which the Attorney-General has given a certificate under subsection 9(3).

3 After subsection 14(5)

Insert:

- (5A) A person commits an offence if:

- (a) the person is the occupier of, or is in charge of, a place mentioned in paragraph (1)(a); and
- (b) an authorised person exercises, or purports to exercise, a power mentioned in this section in relation to the place; and
- (c) the person does not provide the authorised person with reasonable facilities and assistance for the effective exercise of the power.

Penalty: 10 penalty units.

(5B) Strict liability applies to paragraphs (5A)(a) and (b).

4 At the end of Division 1 of Part II

Add:

14A Power to obtain access to documents etc. by remote means

- (1) For the purposes of carrying on an investigation under this Act, one or more authorised persons may, by remote means:
 - (a) access documents or other records held in electronic form by:
 - (i) a Department; or
 - (ii) a prescribed authority; or
 - (iii) a Commonwealth service provider of a Department or prescribed authority under a contract; and
 - (b) inspect, take extracts from, or make copies of, any such documents or other records.
- (2) Before accessing the documents or other records by remote means, an authorised person must give the Department, prescribed authority or Commonwealth service provider of a Department or prescribed authority under a contract, written notice specifying:
 - (a) the intention of the one or more authorised persons to access the documents or other records by remote means; and
 - (b) the period during which the one or more authorised persons will access the documents or other records by remote means.
- (3) Subsection (1) does not apply in relation to documents or other records for which the Attorney-General has given a certificate under subsection 9(3).

- (4) Subsection (1) does not limit the operation of section 9 or 14.
- (5) A person commits an offence if:
- (a) the person is either:
 - (i) the principal officer of a Department or prescribed authority; or
 - (ii) a Commonwealth service provider of a Department or prescribed authority under a contract; and
 - (b) an authorised person exercises, or purports to exercise, a power mentioned in subsection (1); and
 - (c) the person does not provide the authorised person with reasonable facilities and assistance for the effective exercise of the power.
- Penalty: 10 penalty units.
- (6) Strict liability applies to paragraphs (5)(a) and (b).
- (7) Subsection (5) does not apply if providing the authorised person with reasonable facilities and assistance would pose an unacceptable risk to the security of any of the documents or other records held in electronic form, or otherwise the system where the documents or other records are stored.
- Note: A defendant bears an evidential burden in relation to the matters in subsection (7) (see subsection 13.3(3) of the *Criminal Code*).
- (8) A reference in this section to an authorised person includes a reference to the Ombudsman and a Deputy Ombudsman.

5 Subparagraph 19R(3)(b)(xii)

Omit “14”, substitute “15”.

6 After subsection 19R(4)

Insert:

- (4A) Sections 14 (power to enter premises) and 14A (power to obtain access to documents etc. by remote means) apply as if a reference in any of those provisions to any of the following were a reference to Australia Post or a wholly owned subsidiary of Australia Post:
- (a) a Department;

- (b) a prescribed authority;
- (c) a Department or a prescribed authority;
- (d) a Commonwealth service provider of a Department or prescribed authority under a contract.

7 Paragraph 19ZM(3)(h)

Omit “14”, substitute “14A”.

8 After paragraph 19ZM(3)(k)

Insert:

- (ka) section 32;

9 After Division 4 of Part IID

Insert:

Division 4A—Power to obtain access to documents etc. by remote means

20WA Power to obtain access to documents etc. by remote means

- (1) For the purposes of verifying evidence provided in relation to a complaint made under Division 3, or conducting an investigation under Division 4, the Private Health Insurance Ombudsman may, by remote means:
 - (a) access documents or other records held in electronic form by a person who is:
 - (i) a private health insurer or private health insurance broker; or
 - (ii) a person performing services for, or on behalf of, a private health insurer or private health insurance broker; and
 - (b) inspect, take extracts from, or make copies of, any such documents or other records.
- (2) Before accessing the documents or other records by remote means, the Private Health Insurance Ombudsman must give the person covered by paragraph (1)(a), written notice specifying:

- (a) the Private Health Insurance Ombudsman’s intention to access the documents or other records by remote means; and
 - (b) the period during which the Private Health Insurance Ombudsman will access the documents or other records by remote means.
- (3) A person commits an offence if:
- (a) the person is either:
 - (i) a private health insurer or private health insurance broker; or
 - (ii) a person performing services for, or on behalf of, a private health insurer or private health insurance broker; and
 - (b) the Private Health Insurance Ombudsman exercises, or purports to exercise, a power mentioned in subsection (1); and
 - (c) the person does not provide the Private Health Insurance Ombudsman with reasonable facilities and assistance for the effective exercise of the power.

Penalty: 10 penalty units.

- (4) Strict liability applies to paragraphs (3)(a) and (b).
- (5) Subsection (3) does not apply if providing the Private Health Insurance Ombudsman with reasonable facilities and assistance would pose an unacceptable risk to the security of any of the documents or other records held in electronic form, or otherwise the system where the documents or other records are stored.

Note: A defendant bears an evidential burden in relation to the matters in subsection (5) (see subsection 13.3(3) of the *Criminal Code*).

10 After paragraph 20ZK(1)(d)

Insert:

- (da) section 32 (duty of principal officer etc. to assist Ombudsman);

11 After paragraph 20ZK(2)(b)

Insert:

- (ba) section 32 applies as if:
-

- (i) a reference to a Department or prescribed authority were a reference to a private health insurer or private health insurance broker; and
- (ii) in relation to a private health insurer—a reference to a principal officer were a reference to the individual primarily responsible for the management of the private health insurer; and
- (iii) in relation to a private health insurance broker that is an individual—a reference to a principal officer were a reference to that individual; and
- (iv) in relation to a private health insurance broker that is not an individual—a reference to a principal officer were a reference to the individual primarily responsible for the management of the private health insurance broker; and
- (v) in relation to a private health insurer—a reference to an officer were a reference to a person employed or engaged by, or that is otherwise exercising powers or performing functions for or on behalf of, the private health insurer; and
- (vi) in relation to a private health insurance broker—a reference to an officer were a reference to a person employed or engaged by, or that is otherwise exercising powers or performing functions for or on behalf of, the private health insurance broker;

12 After subsection 20ZS(3)

Insert:

- (3A) Section 14A (power to obtain access to documents etc. by remote means) applies in relation to the VET Student Loans Ombudsman as if:
 - (a) a reference in subsections 14A(1) and (2) to any of the following were a reference to a VET student loan scheme provider:
 - (i) a Department;
 - (ii) a prescribed authority;
 - (iii) a Commonwealth service provider of a Department or prescribed authority under a contract; and

(b) paragraph 14A(5)(a) were omitted and the following paragraph substituted:

“(a) the person is the VET student loan principal executive officer of a VET student loan scheme provider; and”.

13 Before section 33

Insert:

32 Duty of principal officer etc. to assist Ombudsman

- (1) A principal officer of a Department or prescribed authority must ensure the Department or prescribed authority uses its best endeavours to assist the Ombudsman in the performance of the Ombudsman’s functions.
- (2) An officer of a Department or prescribed authority must use the officer’s best endeavours to assist the Ombudsman in the performance of the Ombudsman’s functions.

14 At the end of section 37

Add:

- ; (c) the provision of reasonable facilities and assistance for the effective exercise of a power under section 14 or 14A (including that section as applied by another provision of this Act).

Part 2—Other amendments

Inspector-General of Intelligence and Security Act 1986

15 At the end of section 14

Add:

Inspector-General entitled to all reasonable facilities and assistance

- (4) In making preliminary inquiries of the head of an intelligence agency under this section, the Inspector-General is entitled to all reasonable facilities and assistance that the head of the agency is capable of providing.

Inspector-General of Taxation Act 2003

16 After paragraph 15(i)

Insert:

(ia) section 32;

Part 3—Technical amendments

Ombudsman Act 1976

17 Paragraph 6(6)(b)

Omit “made to the Australian Communications and Media Authority”, substitute “made to the ACMA”.

18 Paragraph 6(6)(b)

Omit “that Authority”, substitute “the ACMA”.

19 Subsection 6(6)

Omit “complaint to the Australian Communications and Media Authority”, substitute “complaint to the ACMA”.

20 Subsection 6(7)

Omit “Authority” (wherever occurring), substitute “ACMA”.

21 Paragraph 19ZM(3)(m)

Repeal the paragraph, substitute:
(m) subsections 34(2B), (5) and (7);

22 Paragraph 19ZM(3)(p)

Omit “, other than subsection (3A)”.

23 Subsection 19ZM(4) (cell at table item 6, column 2)

Repeal the cell, substitute:
paragraph 6(4D)(e)

24 Paragraph 20ZK(2)(d)

Omit “or 6(18)(d)”.

25 Subsection 20ZS(1) (table item 9, column 2)

Omit “or 6(18)(d)”.

26 Subsection 20ZS(3)

Omit “14(a)”, substitute “14(1)(a)”.

27 Subsection 35(6A)

Omit “or paragraph 6(18)(d)”.

Part 4—Contingent amendments

Division 1—Amendments contingent on the Universities Accord (National Student Ombudsman) Act 2024

Ombudsman Act 1976

28 After paragraph 21AZC(2)(f)

Insert:

- (fa) section 14A (power to obtain access to documents etc. by remote means), other than subsection 14A(3);

29 After subsection 21AZC(8)

Insert:

Application of section 14A—power to obtain access to documents etc. by remote means

- (8A) Subsection 14A(4) applies as if the reference to the operation of section 9 were a reference to the operation of section 21AZA (notice requiring information, documents or attendance to answer questions).

Division 2—Amendment contingent on the Intelligence Services Legislation Amendment Act 2025

Ombudsman Act 1976

30 Subsection 35(5)

Omit “(c) or (d)”, substitute “(c), (d) or (f)”.

Part 5—Application provisions

31 Application provisions

- (1) The amendments made by items 1 to 7, 9 (so far as it relates to an investigation), 12 and 14 of this Schedule apply in relation to investigations:
 - (a) starting after the commencement of this item; or
 - (b) that started before the commencement of this item but had not been completed before that commencement.
- (2) The amendment made by item 9 (so far as it relates to a complaint) of this Schedule applies in relation to a complaint:
 - (a) made after the commencement of this item; or
 - (b) made before the commencement of this item but not dealt with before that commencement.

*[Minister's second reading speech made in—
House of Representatives on 10 October 2024
Senate on 25 November 2024]*

(124/24)
