



Beyond the bubble that is Robodebt: How governments that lose integrity threaten democracy

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Abstract

Robodebt describes the automated process of matching the Australian Taxation Office's income data with social welfare recipients' reports of income to Centrelink. Discrepancies signalling benefit overpayment trigger debt notices. The scheme has been criticised for inaccurate assessment, illegality, shifting the onus of proof of debt onto welfare recipients, poor support and communication, and coercive debt collection. Beyond immediate concerns of citizen harm, Robodebt harms democratic governance. Through persisting with Robodebt, the government is launching a regulatory assault on its own integrity. Two Senate inquiries reveal government endorsing (1) incoherence and inconsistency in public engagement, (2) unsound purposes and processes and (3) disregard for citizens. Such actions destroy trustworthiness. Citizens keep their distance and as a result, cooperation falters. At particular risk is the tax system. Citizens harmed by government turn to alternative authorities for help and opportunity, not always along legitimate pathways. The underground economy provides one such opportunity for fearful welfare recipients.

KEYWORDS

robodebt, democracy, trust, integrity, informal economy

1 | INTRODUCTION

The Robodebt scheme is the Australian Government's recently retired, controversial methodology for recovering presumed overpayments to social welfare recipients. Among Australians, it has attracted notoriety: Robodebt is the 2019 People's Choice for the Macquarie Dictionary's word of the year. This article firstly addresses the sum and substance of how the scheme discredited the welfare system. The contribution of the article, however, is to question what it says about government integrity in the eyes of the public. As parliament, its committees and the courts continue to interrogate the Robodebt phenomenon in terms of impact, compliance costs and illegality, one question to be asked lies beyond Robodebt: Are supporters of Robodebt trapped in too small a regulatory bubble? Is there a bigger story of how government is dehumanising citizens, delegitimising itself and harming the democracy in the process?

Robodebt simultaneously increased automation and decreased human oversight of debt calculation and collection for social welfare recipients. The declared purpose was to reduce waste and fraud, but the bigger government agenda was to bring the national budget back in the black (Senate Community Affairs References Committee 2017; Murphy 2019). A data-matching algorithm singled out "debt-suspect" welfare recipients and issued debt notices to them. Removed from this process were departmental officials who once sought to understand the reasons for discrepancies, chased up employer records and checked for accuracy before debts were pursued. With human oversight removed, the computer-generated debt was assumed accurate and the onus was placed on welfare recipients to prove the debt invalid. This scheme, introduced in mid-2016, set in train a series of events that revealed persistent government mismanagement and obfuscation, exposed illegality and unethical conduct, and elicited community outrage. In November 2019, the scheme as described here was abandoned.

The focus of this paper is on what Robodebt, and more particularly the government's response to Robodebt, has to say about the integrity of government and, in turn, the trust that people are likely to place in government in the future. Integrity is a term used frequently by government departments to describe their having adequate control over the actions of others, making sure that others do not exploit the system. In departmental usage, integrity of the tax and welfare systems means that others do not cheat or rip off the system. The definition of integrity adopted in this paper turns the spotlight away from those outside government to those inside. As the protest movement's #notmydebt Website puts it: "Ripped off by Centrelink?"¹ Integrity in this paper refers to wholeness in the way government functions (coherence), soundness in purpose and pursuit of that purpose (good governance), and responsiveness and connection with community needs, including being willing to be held accountable for actions and decisions (Braithwaite 2003a).

2 | BACKGROUND

While Robodebt was a technological innovation, it did not happen in a vacuum. Data matching is commonly used by the Australian Government, from criminal investigation to national security assessment, from tax assessment to welfare payments. Australia has a mature welfare system insofar as it has been in place in some form for more than a century and has transitioned through the neoliberalism era to expand its reach to families, children, parents, carers, students, migrants, jobseekers, Indigenous Australians, older Australians, those living in rural and remote areas, those with disability and those who need healthcare (Herscovitch & Stanton 2008). Robodebt was

managed by the Department of Human Services. The department managing welfare programmes is now called Services Australia.² Centrelink remains the familiar point of contact for those receiving welfare payments.

Because of its many users, the welfare system has a high profile, and Centrelink is among the best-known faces of government, along with Medicare and the Australian Taxation Office. Welfare advocacy groups and policy analysts keep a watchful eye on the adequacy of benefits and whether they are targeted appropriately to achieve their objectives (Herscovitch & Stanton 2008; Australian Council of Social Services 2019). Legal aid and consumer law practitioners, and administrative lawyers more generally, regularly express concerns about the legal protections afforded to welfare recipients, which translates into public concern over whether people are being treated reasonably and fairly (Henman 2017; Carney 2018, 2019a; Lehmann, Lehmann, & Sanders 2018; O'Donovan 2019). A third perspective for review and criticism, which tends to collide with the former two in political debates, is wastage of taxpayer dollars through overpayments and welfare fraud (Prenzler 2011).

All these avenues of criticism converged, however, in condemning the government's response to the problems created by Robodebt. Adding their voices were professionals, lawyers, citizens, politicians, families of welfare recipients and whistle-blowers (see submissions; Senate Community Affairs References Committee 2017). Stories of injustice shared through mainstream and social media brought widespread condemnation of the scheme (see Eltham 2017; Henriques-Gomes 2020a; #notmydebt Website³). Of those in the community who had heard of Robodebt, the majority wanted the scheme to be shut down (Essential Report 2019).

Why did the government take so long to recognise that Robodebt had problems? Why resistance to acknowledging the conclusion of the Senate Community Affairs References Committee (2017): Robodebt had a "key flaw," a "fundamental lack of procedural fairness" that "disempowered people, causing emotional trauma, stress and shame" (p. 107)? The majority of the members of the committee were not part of the government. The government members of the committee wrote a dissenting report (Senate Community Affairs References Committee 2017:122). There was determination from the government to resist at the outset. Was this ideological or was it all about balancing the national budget? Probably both. The literature on welfare systems documents the power imbalance that precipitates a history of the abuse of rights of welfare recipients. Many have made the point that stigma surrounding social welfare recipients and public outrage around welfare fraud have meant that the government has been able to claim social licence to run its Robodebt programme without being held accountable (Prenzler 2011; Henman 2017; Lehmann, Lehmann, & Sanders 2018; Park & Humphry 2019). A further contributing factor is likely to be new technology and lack of preparedness in government bureaucracies for using artificial intelligence functions in responsible, ethical and informed ways (Alston 2019; Park & Humphry 2019). Admitting incompetence is not an appealing option for any government. Retrospectively reviewing the Robodebt scandal, Murphy (2019) offers another conclusion: "robodebt was hatched for a simple, clinical purpose: to return money to the budget at a time when the budget was firmly in the red."

Without diminishing the importance of any of these arguments, this article pursues another line of inquiry. As the welfare system has grown to extend its functions, outsource services and connect more strongly with the labour market, has institutional integrity been compromised, and with what consequences for government more broadly? Integrity is important for establishing a relationship of trust with citizens (Braithwaite 2009). Trust is necessary for cooperation and fulfilling the social contract in democracies (Tyler 2006).

3 | **ROBODEBT: UNDERMINING WELFARE INTEGRITY IN PUBLIC VIEW**

Critics of the social welfare system, because of its failure to uphold human rights and deliver social justice, may see Robodebt as business as usual. Even so, critics of the system must concede that these abuses have never before been so evident to the Australian public nor has the government's refusal to rectify problems been so blatantly on public view. At stages of debt calculation, communication, collection and conciliation, evidence has accumulated to show the government at fault, either legally or morally or both (Commonwealth Ombudsman 2017; Senate Community Affairs References Committee 2017; Commonwealth Ombudsman 2019). Another Senate Inquiry (2019) that has uncovered further evidence of wilful wrongdoing is underway.⁴

3.1 | **Robodebt calculation deficits**

Income data held by the Australian Taxation Office are routinely compared with income data reported to Centrelink for the purposes of accessing social welfare payments. The two systems do not store data in comparable ways (Hodgson 2017). Centrelink looks for fortnightly reports of income from certain groups of social welfare recipients. The Australian Taxation Office is primarily interested in annual income and accepts such reports with varying degrees of detail and accuracy around when income was earned. In order to compare annual tax data with fortnightly social welfare data, some data manipulation is required.

The 2017 Senate Inquiry brought into public view the “income averaging” fallacy that had resulted in welfare organisations and legal advocacy groups being inundated with calls for help from the public. Because Centrelink requires fortnightly income for data-matching purposes, a proportional guesstimate of income is derived from tax office data. Estimation of this kind assumes that earnings are equally spread across the working period. It is this estimate that is used to check the veracity of the fortnightly income that welfare recipients are obliged by law to report to Centrelink. The estimation process may not be too wide of the mark if the assumption is correct that earnings are regular and consistent across each fortnight. The assumption will be false, however, for most welfare recipients (O'Donovan 2019). They are likely to be in and out of work, working one or two jobs intermittently, or have casual employment conditions, all of which will result in their working different hours each fortnight with income that may be up and down like a yo-yo. In these circumstances, the estimation process is inaccurate. Inevitably, data-matching algorithms will flag discrepancies between Centrelink's guesstimate income and the welfare recipient's reported income. Under the Robodebt scheme, departmental officials no longer interrogated and resolved these discrepancies.

This placed a class of welfare recipients at risk of wrongly being told that they must repay benefits to the government. Under the Robodebt scheme, such people became entangled in a bureaucratic nightmare simply because their lives did not conform to the prototypes assumed by the data-matching technology. Those welfare recipients, whose case was flagged as potentially non-compliant, automatically received notification from Centrelink. They were given a choice: pay the debt or prove it to be incorrect.

Carney (2018), O'Donovan (2019), and others argued that supposed debtors should not be required to disprove the debt assessed through the data-matching programme. It is a speculative debt. Rather, Centrelink bears the responsibility of proving that a legally recoverable debt exists. The legal system supported this assertion, first through the Administrative Appeals Tribunal in 2017, at which time the then member, Terry Carney, made decisions against the government that

only recently have become public, and more recently in the Federal Court when Victoria Legal Aid successfully challenged the legality of Robodebt on behalf of a client (Easton 2019; Karp 2019; Henriques-Gomes 2020a, 2020b). A class action, currently underway, has been launched on grounds of “unjust enrichment . . . , a term that applies when one entity is enriched at the expense of another in circumstances the law sees as unjust” (Carney 2019b). Part of the class action is to demand compensation from the government in relation to the illegal scheme. Estimates of the false debts to be repaid vary, but most recently are reported to involve 470,000 demands for payment, with the total cost of repayment exceeding one billion Australian dollars (Henriques-Gomes 2020c, d).

3.2 | Robodebt communication deficits

Deficits in the ways Centrelink communicated with those caught up in the Robodebt scheme ranged from incompetent to unethical, if not illegal. Welfare recipients reported distress at receiving a debt notification. Submissions to the 2017 Senate Inquiry conveyed high levels of personal disempowerment around what to do and a sense of being under attack. Vulnerable welfare recipients were reported to experience episodes of mental illness and suicide. Centrelink staff were not readily available to assist. From all accounts, they appear to have been formally absolved of responsibility for doing further risk analysis or making decisions regarding welfare non-compliance (Knaus 2017).

On receiving a debt notice, welfare recipients were not told of the “rough-and-ready” nature of the calculation performed by Centrelink’s computer system, nor given the details of how the debt was calculated. Phone services were inadequate for dealing with inquiries. Seeking a review of a decision was challenging and depended on the person submitting paperwork through a portal, which also was difficult to access because of high demand. Required paperwork included employment records, which in many cases were difficult to access, or not accurately or reliably issued by employers, or nonexistent. In some cases, debt notices extended back 7 years. The businesses may have folded, or welfare recipients may have lost track of contact details of former employers. With no help from Centrelink in digging more deeply into their case, the task for many of proving the debt was incorrect was, to say the least, formidable. Early on in the scheme, there was also threat of a 10 per cent recovery fee. Little wonder that the easier path for many was to pay. The choice architecture offered to welfare recipients was neither fair nor reasonable.

Government is well versed in choice architecture. Governments worldwide have embraced nudge technology (Thaler & Sunstein 2008). The Department of Human Services has used nudge to make it easier and quicker for clients to update accommodation circumstances to avoid incurring a Centrelink debt (Department of Human Services 2018). Reminders, apps, attractive messaging and rewards are all part of the philosophy of nudging people down the “correct” path by making this path preferable to alternatives and thereby avoiding the need for coercion or prescriptive measures to achieve the desired outcome. However, eliciting the correct behaviour, which is the priority for behavioural economists serving governments, is only part of the psychological story of nudge.

Nudge uses psychological principles to manipulate human behaviour. A successful manipulation turns on making one pathway more attractive or more rewarding or easier than another. The psychologically troubling side of nudge is its lack of transparency. Nudges can, of course, be openly discussed by authorities and proceed with the consent of participants. But this is not what makes nudge attractive to governments: nudges tend to be invisible to those being nudged. Without open discussion about the nudge, how can authorities be sure that the more attractive or

appealing pathway is actually beneficial to the individual and not harmful? Or to put it another way, what if the government's nudge provides a frame that offers short-term advantage but distracts from a consideration of long-term harm? Pre-filled tax returns are attractive for nudging people into filing their tax return on time. We check, agree and press a button to submit the pre-filled return. But what about the opportunity we forgo to add additional items relating to tax-deductible expenses? We might think we do not have much to add, it is too troublesome, and if we submit now, we will get a tax refund sooner. None of this may be true. Later, we may reconsider the wisdom of our choice. But at the time, the government's nudging changes our cognitive frame, and with it the questions and thoughts we have as we make our decision.

We can be nudged into opting for non-material gratifications, just as we are nudged into pursuing material rewards. Non-material gratifications in the case of Robodebt include freeing up time, release from paperwork, ridding oneself of anxiety and distress, and freedom from uncertainty and conflict. More practical considerations that were revealed in submissions to the 2017 Senate Inquiry were risks to one's credit rating and future welfare benefits (Senate Community Affairs References Committee 2017:102). For peace of mind, to preserve one's benefit or credit rating, or to protect limited time to meet daily responsibilities to family, friends and work, the pathway that was easiest to choose for those who had capacity to pay was to pay up. Responding to the Robodebt nudge in a way that satisfied government meant agreeing to play a game where material benefits were reaped by those in authority, while non-material benefits accrued to self. Applying nudge to Robodebt is a kind way of interpreting government intentions. If instead of enticements one sees the choice architecture as punishment, Robodebt takes on the character ascribed to it by Carney (2019a) of "extortion" (p. 4).

Communication between the government and the welfare recipients has been woefully inadequate: government had no interest in listening. Similar problems arose with other stakeholders. The 2019 Senate Inquiry brought to light how departmental officials were tone-deaf to warnings, not only from outside government but from inside (Henriques-Gomes 2020b). Warnings also were sent through decisions of the Administrative Appeals Tribunal, which routinely resulted in debts being reduced or overturned. In this case, the courts' decisions were not made public. If the government had chosen to appeal the decision, an open hearing at the Administrative Appeals Tribunal would have allowed public scrutiny of the legalities of Robodebt. The government avoided such scrutiny through choosing not to appeal (Carney 2018; O'Donovan 2019).

3.3 | Robodebt collection deficits

Also in question from an ethical, if not legal, standpoint have been the debt collection methods used by Centrelink. Consumer protection legislation demands that debt collection be suspended while disputes over the debt are in progress. Robodebt led to action being taken to collect debts prior to review and resolution. Submissions to the 2017 Senate Inquiry revealed that debt payments were deducted from benefits, future benefits were threatened, and garnishee notices were used to take debt payment from tax returns. In cases where these options were not available, private debt collectors were contracted to collect payment, without knowledge of whether the debt had been substantiated. There were also reports to the 2017 Senate Inquiry of coercive and threatening practices being used. If consumer law applied to government activities, such practices would be illegal (Senate Community Affairs References Committee 2017). The Department of Human Services has not helped its reputation through contracting out debt collection to an intermediary that is owned by a company being sued by the government watchdog, the Australian

Competition and Consumer Commission, for coercive and unconscionable tactics in debt collection (Henriques-Gomes 2019a).

3.4 | Robodebt conciliation deficits

Social welfare experts would predict that it is unlikely that apology will be made to welfare recipients over Robodebt. They observe that welfare recipients routinely are denied basic procedural justice and respect for human rights (Carney 2018, 2019a; Lehmann, Lehmann, & Sanders 2018; O'Donovan 2019). But what is particularly striking about Robodebt is the failure of those responsible for its administration in the government and in the public service to address more quickly the illegality of their actions, after they had been repeatedly advised that they were breaking the law, that they were failing to comply with best practice in government administration and that they were doing enormous harm to so many innocent Australians. It took three and a half years for the Department to acknowledge it was in the wrong. Yet for all that time, bright lights were flashing that all was not well. There were warnings from departmental staff and the government's in-house lawyers of illegality. There were repeated instances of changes to the size of debts as a result of formal internal reviews and Administrative Appeals Tribunal hearings, giving insight into the incidence of false debts. There were serious and detailed criticisms of the scheme made through parliamentary inquiries and Ombudsman reports. Finally, Robodebt stopped. The #notmydebt support group had galvanised those affected into action, but arguably, the single most important trigger was Victoria Legal Aid's challenge in the Federal Court to test the legality of the scheme (Easton 2019). After the Federal Court found Robodebt to be illegal, the momentum surrounding a class action for compensation sent a clear message to government that Robodebt was not going to quietly fade away. Those administering Robodebt did not meet the standard of integrity that the public expected of them.

Failures of transparency, poor information and the absence of open conversations about the legality of Robodebt allowed unprincipled action to flourish within the Department of Human Services. Administrative lawyers have condemned Robodebt for its departures from model litigant policy, which requires government to uphold the principle of fair play and avoid conducting litigation in ways oppressive of citizens (Carney 2018:9). Even to the naïve observer, there appears a substantial gap between model litigant policy and a situation where, according to the 2017 Senate Inquiry and 2017 Ombudsman's Report, welfare recipients often had no understanding of how they acquired a debt, could not make contact with Centrelink, were denied an explanation by Centrelink, and were passed to debt collectors or had debt payments deducted from expected income prematurely before the completion of a review. Galloway (2017) has described Robodebt as "a breakdown in standards of governance" (p. 94) and concludes that "the ill-conceived Centrelink data-matching process in particular demonstrates government that has lost its way" (p. 95). With so much new surveillance technology at its disposal, Galloway raises important questions about "whether government can be effectively constrained in its exercise of power" (p. 95). Robodebt offers salutary lessons not just for the social welfare silo of government, but also for the whole of government.

4 | LOSING GOVERNMENT INTEGRITY: ASSESSING THE RISKS

Democratically elected governments are expected not only to comply with the rule of law but also to show care in arriving at accurate assessments of citizen obligations without inflicting

unnecessary harm on those they govern. Ordinary citizens should not fear engagement with their government. The loss of integrity associated with Robodebt erodes the social contract between government and the people. Humans are not immutable objects. Rather, they are responsive and adaptive to their environment. As government changes its relationship with the people, the people change their relationship with government. As the Robodebt saga plays out in the public arena, we might expect further consolidation of the much-discussed mistrust of institutions (Galloway 2017; Lehmann, Lehmann, & Sanders 2018). In the remainder of this article, I argue that mistrust of government and its institutions occurs via perceptions of lost integrity during incidents such as Robodebt. What happens in one part of government affects the whole. Lost integrity becomes salient to the public when high-profile incidents shine a spotlight on policies and practices that are not coherent or sound in their purpose, when there is unfairness and unreasonableness in demands, and when government is not responsive to democratic demands for accountability and to the needs of those they govern.

4.1 | **How does Robodebt undermine wholeness or coherence of government?**

Wholeness means that activity in one part of government does not undermine or contradict what another part of government is trying to achieve. Coherence of operations is another way of thinking about this aspect of integrity. Government is frequently criticised for its lack of coherence. We often hear the phrase, “the left hand does not know what the right hand is doing” in relation to government at all levels – local, state and national. Such stories are daily media fodder: waterways are rehabilitated downstream, and a factory is given a licence to pollute upstream; applications need to be made online, while the people who most need to make the applications live in areas with Wi-Fi black spots. The above example of Centrelink awarding a debt collection contract to an agency owned by a company being sued by another part of government for illegal debt collection conduct is another example of the failure of government to function as a well-coordinated whole.

Sometimes criticism can be overly harsh in that coordination of policies across bureaucracies and across different levels of government is complex and difficult, and timeliness in achieving alignments suffers. It is such a common complaint about government that possibly this manifestation of an integrity deficit is tolerated remarkably well by the public. But this is only one part of the story of loss of wholeness or coherence in government decision making and implementation of those decisions.

Loss of wholeness can take the form of disjuncture in how government engages with its citizens at the level of values and principles. Does government consistently put the interest of citizens first, before its own political interests? Are citizens to be treated with care and respect and as participants in an active and empowered citizenry? Or are citizens to be controlled, manipulated and dominated? And if the answer is both, what are the rules defining when one can expect one to apply and when the other?

Possibly it does not matter insofar as citizens cope with such unpredictability in how government deals with them through a strategy of wariness and keeping distance from government. Wariness and distance are likely to do little to reinforce an obligation to comply with government laws, rules and regulations. This idea is captured by the notion of motivational posturing (Braithwaite 2009, 2017). We choose how we want to position ourselves in relation to government: Do we want to tell all, do we want to engage or do we want to stay below the radar? We might even choose to tell a story that will keep officials at bay. Wariness and distance are not

the postures to government that are conducive to cooperation with and trust in government authority (Braithwaite 2009, 2017). Keeping distance from government means not being attentive or listening to its messaging because to do so means one risks feeling afraid, anxious or angry.

People link experiences with one part of government with how they will engage with other parts. The flouting of law hypothesis suggests that poor treatment by one part of government carries over into other parts that are totally unrelated (Nadler 2005). An encounter with welfare that we regard as unfair may lead us to withdraw cooperation on another matter and flout the law, for example taxpaying. Previous work has shown increases in tax evasion when the tax system takes on unpopular functions such as the administration of policies on child support payments and higher education loans formulated by policymakers in other parts of government (Ahmed & Braithwaite 2004). Not everyone responds in this way, but a substantial proportion do. It is possible that feelings of harm from the Robodebt scheme combined with wariness of government intensify to adversely affect cooperation with the tax system.

How might we expect this to happen given what we know from past research? The highest priority of citizens who are involved with both the tax system and the social welfare system is likely to be reducing the threat posed by Robodebt. Opting out of the social welfare system is probably not financially viable for the vast majority. If they are relying on welfare payments to make ends meet, they must seek other ways of avoiding being victims of Robodebt. The 2017 Senate Inquiry and media reports have brought to light the stories of people overestimating the income they are likely to earn in the coming year to ensure they would not be Robodebt victims. This did not always have the successful outcome that they anticipated of avoiding Robodebt harassment (Maloney 2019). Another pathway to escape and avoid Robodebt harassment is to bypass the tax system. This means working in the underground or informal economy.

Working in the underground economy may be an attractive pathway for those who have either been caught in the Robodebt scheme or who fear being caught in the scheme in the future and who are in a situation where an employer offers work of this kind. Underground economy work can be found at the intersection of the formal and informal economy (Braithwaite 2003b). People work in both economies, and businesses operate in both economies. Workers may do a number of formal hours and supplement this income with cash work that is undocumented. They may have been scrupulously honest in reporting paid work in the past but take the pathway of reporting only regular formal work to avoid the threat of the algorithm mistakenly singling them out as a suspicious case. This is also likely to be the preferred pathway of those reporting the system of course. Innocents who fear Robodebt and experienced tax evaders are drawn to helping each other and sharing the same path to avoid government harassment.

The underground economy is growing rapidly in both dollar terms and seriousness of criminal activity (Black Economy Task Force 2017). If Robodebt is encouraging participation in the underground economy among those who want to avoid government harassment, costs to tax system integrity may be substantial. So too may be costs to the formal economy, as well as the costs imposed on the community by organised crime who have access to an expanded unsuspecting workforce. The dollar gains to the social welfare system may be far less impressive when stacked alongside the costs incurred through growth in informal economy activity and organised crime (Henriques-Gomes 2020d).

In sum, the first integrity failure that threatens trust in government and democratic governance is its incoherent and arbitrarily hostile behaviour toward citizens. Past the immediate “crisis of government” (Galloway 2017:95) associated with Robodebt is the flow-on disruption to society caused by the arbitrary use of power and coercion, which threatens citizens and pushes them down pathways for economic survival that are illegal but beyond the reach of government.

Once distance is created between government and those they govern, it is difficult to communicate persuasively and elicit cooperation: in other words, to build relationships of trust.

4.2 | How does Robodebt undermine soundness of governance?

Soundness is a term that describes acting in accordance with the organisation's mission – doing what the organisation is supposed to do with commitment and honouring the values that are espoused by the organisation. Soundness means being able to rely on an organisation to perform its duties well and honourably. The antithesis of acting with soundness is acting corruptly or unethically or being a minimalist or ritualist in performing duties.

Collecting taxes, protecting revenue and ensuring that welfare payments are not going astray are government goals that the vast majority of Australians would regard as meaningful and desirable, and sound and beneficial to the nation. In other words, government officials are expected to perform the task of administering the tax and transfer systems in accordance with the law, managing non-compliance in the form of ensuring people pay the tax they should pay, and ensuring people who use the welfare system do not receive payments to which they are not entitled. Seeking compliance is part of the integrity work of government and often difficult and expensive (see Prenzler 2011, for example).

Soundness, however, does not mean one can take shortcuts using automated decision-making tools and coercive tactics because it is difficult work. A “whatever it takes” philosophy is no more appropriate to Centrelink than it is to political parties accepting undisclosed donations to fight and win elections (Select Committee into the Political Influence of Donations 2018), or to the Australian Taxation Office harassing and bullying taxpayers in dispute with them (Murphy 2004; Inspector-General of Taxation & Taxation Ombudsman 2019). Soundness is about doing difficult work with commitment to the values that underpin the tax-welfare systems.

These values are set out formally in documents espousing overarching principles for good democratic governance (United Nations Economic & Social Commission for Asia & the Pacific 2009). One set of principles refers to accountability, transparency and the rule of law. A second set of principles refers to voice, participation, equity and social inclusion. The third set of principles refers to competence, capability and being consensus oriented in decision making and implementation. Through these democratic good governance principles, citizens can feel confident that their government works competently in their interests, that civil liberties are respected and that they need not be afraid to take their seat at the table in democratic deliberation. Even if they do not agree with the outcome, they agree to abide by government decisions because their expectations of how democratic governance works have been satisfied.

Not every case will be dealt with openly, fairly and reasonably in practice, and the public generally is tolerant of departures that are not intentionally malicious. But when these values are flouted by government in a systemic and unapologetic way, one can conclude that the integrity that comes from soundness of purpose and pursuit of that purpose has been compromised in full public view. The 2017 Senate Inquiry into Robodebt provided evidence of serious breaches of transparency and accountability with many of those targeted having no understanding of why, and having learnt nothing about how to avoid or effectively challenge accusations of debt in the future.

Governance principles of voice, equity and social inclusion were also dismissed as unimportant through failure to make it practicable to review debt assessments. Those who have been watching the operations of social welfare for decades may respond to this statement quizzically. Welfare recipients traditionally have been treated as second-class citizens, and for decades, the public

have been prepared to look the other way. But much has changed in the welfare state through the era of neoliberalism. Welfare is part of steering the economy, and recipients vary in background, class, education and position in society. Certainly, those who have suffered the most at the hands of Robodebt have been vulnerable members of society. But others have been adversely affected. A substantial proportion reported paying the debt, not because they thought they owed the money, but because they were distressed and feared consequences of harassment by debt collectors, because their life circumstances prevented them from having the kind of retrospective documentation that government demanded of them, or because it was difficult to contact anyone in the government who could help resolve the problem, or all of the above. Extortion extended to middle-class, time-poor people who chose to pay what they firmly believed they did not owe. The abuses of Robodebt extended even further beyond welfare recipients, rippling out to distress families, friends and communities, all of whom are expected to pay their taxes with goodwill and comply with other forms of government regulation without complaint. Welfare is becoming part of everyone's life, directly or indirectly. Most likely in the future, welfare systems will not be siloed from broader expectations that government act with soundness of purpose.

Soundness of purpose can refer not only to behaving morally and ethically (are you transparent, lawful, fair and inclusive?) but also to basic competence (are you capable of doing what is expected and fixing problems through consensus building?). The 2017 Senate Inquiry provided evidence of how Robodebt could seriously miscalculate the so-called overpayments, thereby demonstrating lack of competence. The external assessment of competence is worsened by the recent revelation that the government is liable to repay over a billion Australian dollars of unlawful Robodebt to approximately 400,000 people (Henriques-Gomes 2020c, d).

The extent to which the incompetence of Robodebt adversely affects the credibility of other parts of government is ambiguous. Australia's string of Royal Commissions (8 in the last decade) has revealed stunning competence failings across our institutions. As this knowledge has been shared with the Australian public through widespread reporting of these inquiries, it is possible that incompetence is something the public now anticipates and watches out for when dealing with large organisations across the public-private divide. The readiness to use complaint mechanisms may be as much a reflection of expecting organisations to get things wrong as genuine organisational incompetence.

What may be more important for generalising the low-integrity message is dismissing concerns of illegality and the failure, or at least slowness, to correct mistakes and acknowledge wrongdoing. In other words, incompetence at an individual level need not threaten an institution's overall integrity if that institution responds appropriately. An institution's attitude to incompetence and its failure to have effective corrective mechanisms in place is the far greater integrity threat. A decade of Royal Commissions has repeatedly revealed this to be a weakness across government and the private sector. In the remainder of this article, failure to be responsive to community need and to show willingness to be held accountable is discussed as the likely Achilles heel for the government's future integrity struggles with the public.

4.3 | What does Robodebt say about government's capacity to respond and connect with community need?

Of central importance in research on compliance and cooperation between government and those they govern is the idea of relational regulation. If government wishes to shape the flow of events democratically, it cannot assume cooperation from its citizens. Fair elections certainly give governments "social licence" to govern, but in the course of a parliamentary term, there are likely to

be many decisions made by government that are not considered by the public to be sound policy. The voice of opposition in a democracy is a healthy way to signal to a government that its actions are not acceptable. There are many avenues for the legitimate expression of that opposition including debate in parliament, government inquiries, Royal Commissions, Ombudsman audits and reviews, public opinion surveys, petitions, media exposés, public meetings and protests. Argumentative relationships in a democracy are as important as like-minded relationships. Relational regulation recognises that conversations about such matters are vital and each side must be open to being persuaded by the other as to the best course of action. When dialogue of this kind is not possible or is shut down, parties can be lured down alternative pathways that may be illegitimate.

Dominating the field of relational regulation is the work of Tom Tyler (2006) and his colleagues on procedural justice. Procedural justice has the meaning that administratively processes must be fair and equitable, without discrimination or social exclusion. Tyler extended this idea to how people perceived they were being treated by government. In this sense, his work provides a psychological mirror to the work that administrative lawyers do on procedural justice. Tyler focused on what people think and feel as opposed to the provisions enshrined in the law. For governance systems to work, the legal and psychological frames need to reinforce each other.

Tyler's work has revealed that when procedural justice is seen as a relational quality, the most important element is for people to feel that they are treated with respect and as honest and valued citizens. People expect to be treated as if their life matters and that they are no less worthy than anyone else. Procedural justice is a relational gift by government to its citizens. A substantial body of research demonstrates that treating people in a way that they perceive as being procedurally fair will increase the likelihood that they will trust and cooperate with an authority and perceive its power as legitimate. The submissions to the 2017 Senate Inquiry illustrated repeatedly that those targeted by Robodebt did not regard their treatment as procedurally fair nor respectful (Senate Community Affairs References Committee 2017). The written report of the inquiry opened with a statement from a citizen attending a public hearing. The quote reflected a shared understanding of how Australians expect government to treat citizens:

I do not support or condone the abuse of the welfare system in any way, and strongly feel that anyone who wilfully rorts the system by providing false information should be caught and punished. However, there may be some—as we have just heard—on variable incomes or in casual work who inadvertently have been overpaid. They need to be dealt with differently. The system of debt recovery needs to be respectful and it needs to be fair and ethical.
(Senate Community Affairs References Committee 2017:1)

This quote underlines the idea of integrity as sound purpose and reasonable and fair treatment. In addition, it opens discussion on pathways: Do we have pathways for treating people differently so that we can be respectful?

In a complex welfare system, the idea of treating everyone the same to achieve a desirable outcome is not necessarily going to communicate respect. In order to comply with the wishes of authorities, citizens must have information (know what to do), capacity (have ability to do it) and an institutional pathway (steps to follow to meet government requirements) (Bandura 1986; Mitchell 1994). This basic formulation guides best practice for regulators and is a particularly strong driver of investments by the tax office in eliciting taxpayer cooperation. Compliance strategies are tailored to the needs of various groups – small business, large business, sole traders and individuals. To fail to understand the conditions under which these groups raise income and

their different needs invites non-compliance. Submissions to the 2019 Senate Inquiry reveal continuing failure to solve Robodebt problems for different segments of the population around lack of knowledge, lack of capacity and lack of pathways to resolution (See National Legal Aid (2019) submission, for example), problems that have been apparent since mid-2016. The lack of connection of the Department of Human Services with the public and the government's refusal to address the harms uncovered by the first inquiry has not only undermined government's integrity, but has made it impossible for government to understand how to get their relationship with the affected community back on track.

To create pathways that are tailored to the knowledge and capacity of welfare recipients is expensive, no doubt, but so too is refusal to engage beyond the technocratic, one-size-fits-all solutions that are so appealing because of presumed cost-effectiveness (Galloway 2017). The cost-benefit defence of the technocratic approach may be that government is unable to tailor all schemes to individual circumstances. It cannot always oblige the person who expects the local barista to deliver "a half latte with double shot of almond milk, please." That is no reason, however, for resorting to coercion, which effectively is deterrence without cause and without regard for consequence. Those adversely affected by Robodebt could be forgiven for defining themselves as misfits: that they do not matter to government and government does not matter to them. Greater distance and game playing between government and those they govern are more likely when a large swathe of the public is expected to adjust to a system that is visibly non-responsive to their collective needs (Braithwaite 2009). If government creates misfits, it will only be able to gain compliance through control and coercion.

This heralds a future that will be highly undemocratic and divided, not only economically, but also socially and politically.

5 | HOW DOES ROBODEBT AFFECT TRUST IN GOVERNMENT?

Public perceptions of the loss of integrity of government beyond Robodebt and Centrelink spread through storytelling that shocks and horrifies. Values of law abidingness, responsibility, accountability, transparency, fairness, justice, respect and competence define standards of good governance that are shared by Australians. Failures to honour these standards repeatedly without apology or remediation become stories that are likely to be shared. These stories might have remained in the margins of society decades ago, but the extended reach of our welfare system today means these narratives also have the potential to travel broadly. Our connections with each other, the welfare state's connections with such a broad cross section of society and our capacity to share stories, including with officialdom, means that integrity failings are hard to suppress in the long run.

There are times, such as the current COVID-19 pandemic, when government needs to make demands on the whole population and be seen as a credible authority. When one part of government is seen to take morally unacceptable shortcuts and the rest of government cooperates with the abuse – and when these actions are broadcast widely as they have been with Robodebt – government puts its capacity to lead the nation at risk. The intention here is not to be overly alarmist. Research suggests that in most cases, our democratic society is robust enough to elicit a pragmatic cooperative response from the public even when credibility problems are rife (Braithwaite 2009). This appears to have happened to a considerable degree in managing the spread of the new coronavirus. The same research tells us, however, that a proportion of the population,

10–20 per cent, will cut themselves off from government influence, disengaging from communications from government or game playing with its messaging (Braithwaite 2009). The challenge for government is to act with integrity to prevent the growth of this group.

Arguably, the single indicator of lifting performance on integrity is trust in government. When people see government behaving with integrity, that is with coherence of purpose, soundness, treating people fairly and reasonably, and responding to community with honesty, care and solutions to their problems, we would expect to see positive trends in restoring trust in government. Trust means there is a relationship in which one accepts that another party will pursue courses of action that are consistent with one's expectations and that will not undermine one's position. When that other party is the government, then the government is assumed to be trustworthy (Braithwaite 1998). Of course, there will be times when individually we lose out for the benefit of others. But that too is inscribed in our understanding of democratic governance. All we need is an explanation that is meaningful: that government accounts for its decisions credibly and honestly.

Integrity is what we look for in government, and when we see integrity, we feel more comfortable that we have a trust relationship with those who govern us (Braithwaite 2009). These Laanela (forthcoming) has proposed a model of trust after observing and interviewing participants involved in the process of running elections in democracies. Stakeholders needed to see those running elections as proficient in technical delivery, offering assurance that unexpected problems were recognised and managed successfully, and being relationally responsive, that is showing empathy and understanding when difficulties arose. These elements for having trust in those running elections are not so dissimilar from the elements that are necessary for a government to claim that it governs with integrity. What authorities associated with government do to monitor and reflect on their own standards of integrity in decision making and implementation flows through to influence their trustworthiness in the eyes of the people.

The link between integrity and trust is empirically strong (Braithwaite 2009). It is also supported by the notion of trust norms (Braithwaite 1998). Trust norms are the qualities that people say are important in helping them decide whom they trust. In a series of studies, I have asked Australians: What does government have to do to be considered trustworthy by you? As is the case with all norms, there is a high level of agreement among the public on what government has to prioritise to be considered trustworthy. In a 2005 survey on Trust, Hope and the Democracy (Braithwaite, unpublished data), fewer than 3 per cent of the public rejected trust norms as important. The most strongly endorsed trust norms, meaning the vast majority considered these trust norms as very important or essential, were as follows: (1) treating clients and citizens with respect (86 per cent); (2) having interest in the well-being of ordinary Australians (85 per cent); (3) understanding the position of their clients (80 per cent); (4) being accountable for its actions (79 per cent); (5) being efficient in its operations (80 per cent); (6) being consistent in its decision making (79 per cent); and (7) keeping citizens and clients informed (78 per cent). On the basis of the 2017 Senate Inquiry, it could be argued that the Robodebt scheme was in breach of all of these norms. More importantly, the many parts of government that were seen to be in a position to remediate the scheme were non-responsive.

6 | CONCLUSION

Robodebt offers important messages for the sustainability of our democracy. Robodebt is a regulatory project. Like all regulatory projects, its strengths and weaknesses must be assessed within

the context of implementation and from multiple perspectives. As part of social welfare administration, there are repeat themes from government around punishing those who rely on welfare benefits, making it difficult to access support and reducing costs of administering the welfare system. There has been pushback from many sections of society who argued for justice, compassion and support for those in need. But on top of these recurring themes, there are revealing and shocking insights into the failure of government to regulate responsibly and be accountable. Eventually, government was held accountable by the Federal Court's decision that Robodebt was illegal. Robodebt ceased, but it has not gone away (Henriques-Gomes 2020c). It is likely that we will see a new version, not so blatant in its illegality, but nevertheless damaging to the relationship between government and citizens.

The lure of big data to absolve government, or any authority for that matter, of owning decisions is probably irresistible for cash-strapped bureaucracies. Big data allows risk shifting, from human being to machine. Risk shifting denotes a shift in responsibility as well and opens the door to a plethora of excuses that Australians know so well from their Royal Commissions, captured best by the claim of ignorance, "I did not know." Of further concern for the future is the fact that there is still no sign of remorse from government. Failing to see the fallacy of the approach taken in Robodebt betrays any commitment government makes to care about Australians. The same might be said for saving administration costs by cost shifting. Imposing a heavy compliance burden on vulnerable populations who need support is not the act of a trustworthy authority. Outsourcing queries and complaints to call centres with uninformed staff and outsourcing debt collection to services with disreputable histories also make a mockery of the overarching high-integrity ambition of "Better Management of the Welfare System." But perhaps most untrustworthy is the willingness to nudge or coerce people to pay debts that they probably did not have. Deciding when untrustworthy behaviour becomes unconscionable conduct is a question that is best left to lawyers. The 2017 and 2019 Senate Inquiry submissions and hearings are rife with accounts of citizens experiencing coercion and harassment and fearful of losing benefits or losing a good credit rating. The stories of fear, insecurity, anxiety, depression, sleeplessness and powerlessness created by government should set alarm bells ringing for all citizens. That the Australian Government is engaging in such tactics with its own citizens, with no remorse or apology for innocent people inadvertently caught up in the scheme, does not augur well for the future.

Last but not least, this article addresses possible flow-on effects of government abuse of its citizens. Failure to cooperate with government is one costly outcome discussed. The other unwanted flow-on effect is how previously law-abiding citizens are enticed by alternative welcoming authorities to engage in illegal activity. The temptation to engage in the informal economy is one avenue that we know people regularly confront. People acquiesce to find support, hope and opportunity. Stories of modern slavery in Australia show how readily alternative authorities take control, not always for people's betterment (Joint Standing Committee on Foreign Affairs, Defence & Trade 2017). Finding alternative and possibly dangerous pathways is more likely when governments stop caring and make no apology for doing so (Braithwaite 2009, 2017).

Robodebt should be a signal event to reflect on how our government behaves toward us and our fellow Australians. Lack of trust in government has not come about through any one incident or a stroke of bad luck. Trust has steadily eroded as government has taken its eye off performing to the highest standards of public integrity. Persistent neglect of integrity will undoubtedly pose a flow-on threat to our democracy. The argument for Australia to have a wide-ranging integrity commission that not only uncovers corruption but also raises integrity standards across all government institutions has never been stronger. When government loses integrity on a grand scale, it is not at all clear from history how that integrity is regained peaceably.

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CONFLICTS OF INTEREST

The Author declares that there is no conflict of interest.

NOTES

¹ <https://www.notmydebt.com.au/> accessed 31 March 2020.

² <https://www.servicesaustralia.gov.au/> accessed 31 March 2020.

³ <https://www.notmydebt.com.au/> accessed 31 March 2020.

⁴ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Centrelinkcompliance

REFERENCES

- Ahmed, E. and Braithwaite, V. (2004) 'When tax collectors become collectors for child support and student loans: jeopardizing the revenue base?', *Kyklos*, **57**, 303–26.
- Alston, P. (2019) *Report of the United Nations Special Rapporteur on extreme poverty and human rights: digital technology, social protection and human rights*, OHCHR, United Nations, Geneva. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25156>
- National Legal Aid Australian Council of Social Services (2019) Surviving, not living: the (in) adequacy of Newstart and related payments. Submission No. 7 to the Senate Community Affairs References Committee Inquiry into Centrelink's Compliance Program, September. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Centrelinkcompliance/Submissions (accessed 18 June 2020).
- Bandura, A. (1986) *Social Foundations of Thought and Action: A Social Cognitive Theory*, Englewood Cliffs, NJ, Prentice-Hall.
- Black Economy Task Force (2017) *Black Economy Task Force Final Report*, Canberra, The Treasury, Australian Government.
- Braithwaite, V. (1998) 'Communal and exchange trust norms, their value base and relevance to institutional trust'. In V. Braithwaite and M. Levi (eds) *Trust and Governance*, New York, Russell Sage, pp. 46–74.
- Braithwaite, V. (2003a) 'Tax system integrity and compliance: the democratic management of the tax system'. In V. Braithwaite (ed.) *Taxing Democracy: Understanding Tax Avoidance and Evasion*, Aldershot, UK, Ashgate, pp. 269–87.
- Braithwaite, V. (2003b) Cash economy: summary of CTSI research findings and questions for future research, Centre for Tax System Integrity Research Note 6, Australian National University. http://archives.cap.anu.edu.au/ctsi_org_au/publications/RN6.pdf (accessed 18 June 2020).
- Braithwaite, V. (2009) *Defiance in Taxation and Governance: Resisting and Dismissing Authority in a Democracy*, Cheltenham, UK and Northampton, MA, Edward Elgar.
- Braithwaite, V. (2017) 'Closing the gap between regulation and the community'. In P. Drahos (ed.) *Regulatory Theory: Foundations and Applications*, Acton, ANU Press, pp. 25–41.
- Carney, T. (2018) 'The new digital future for welfare: Debts without legal proofs or moral authority', *University of New South Wales Law Journal Forum*, **1**, 1–16.
- Carney, T. (2019a) 'Robo-debt illegality: the seven veils of failed guarantees of the rule of law', *Alternative Law Journal*, **44** (1), 4–10.
- Carney, T. (2019b) Robodebt class action could deliver justice for tens of thousands of Australians instead of mere hundreds, *The Conversation*, 18 September. <https://theconversation.com/robo-debt-class-action-could-deliver-justice-for-tens-of-thousands-of-australians-instead-of-mere-hundreds-123691> (accessed 18 June 2020).
- Commonwealth Ombudsman (2017) *Centrelink's Automated Debt Raising and Recovery System: A Report about the Department of Human Services' Online Compliance Intervention System for Debt Raising and Recovery*, Canberra, Commonwealth Ombudsman.

- Commonwealth Ombudsman (2019) *Centrelink's Automated Debt Raising and Recovery System: Implementation Report*, Canberra, Commonwealth Ombudsman.
- Department of Human Services (2018) *Annual Report 2017–2018*, Canberra, Commonwealth of Australia.
- Easton, S. (2019) 'Robodebt defeated: Commonwealth caves in and accepts debt and 10% penalty both invalid', *The Mandarin*, 27 November, <https://www.themandarin.com.au/121517-robodebt-defeated-commonwealth-caves-in-and-accepts-debt-and-10-penalty-invalid/> (accessed 10 June 2020).
- Eltham, B. (2017) 'High farce: the Turnbull government's Centrelink 'robo-debt' debacle continues to grow', *newmatilda.com*, 6 January, <https://newmatilda.com/2017/01/06/the-turnbull-governments-centrelink-robo-debt-debacle-continues-to-grow/> (accessed 10 June 2020).
- Essential Report (2019) 'Support or oppose calls to shut down 'Robodebt' program', *Essential Research*, 6 August, p. 19, <https://www.essentialvision.com.au/wp-content/uploads/2019/08/Essential-Report-050819-V2-1.pdf> (accessed 10 June 2020).
- Galloway, K. (2017) 'Big data: a case study of disruption and government power', *Alternative Law Journal*, **89**, 93–4.
- Henman, P. (2017) 'After the robo-debt debacle, here's how Centrelink can win back Australians' trust', *The Conversation*, 21 March. <https://theconversation.com/after-the-robo-debt-debacle-heres-how-centrelink-can-win-back-australians-trust-74256> (accessed 18 June 2020).
- Henriques-Gomes, L. (2019a) 'Robodebt collector's parent company harassed consumers, ACC says', *The Guardian Australia*, 24 September, <https://www.theguardian.com/australia-news/2019/sep/24/robodebt-collectors-parent-company-harassed-consumers-acc-says> (accessed 10 June 2020).
- Henriques-Gomes, L. (2019b) 'Robodebt scheme costs government almost as much as it recovers', *The Guardian Australia*, 22 February, <https://www.theguardian.com/australia-news/2019/feb/22/robodebt-scheme-costs-government-almost-as-much-as-it-recovers> (accessed 10 June 2020).
- Henriques-Gomes, L. (2020a) 'I've spent many nights crying': welfare recipients on the true cost of robodebt', *The Guardian Australia*, 23 February, <https://www.theguardian.com/australia-news/2020/feb/23/welfare-recipients-true-cost-centrelink-robodebt> (accessed 10 June 2020).
- Henriques-Gomes, L. (2020b) 'Coalition warned Robodebt Scheme was unenforceable three years before it acted', *The Guardian Australia*, 12 February, <https://www.theguardian.com/australia-news/2020/feb/12/coalition-warned-robodebt-scheme-was-unenforceable-three-years-before-it-acted> (accessed 10 June 2020).
- Henriques-Gomes, L. (2020c) 'Robodebt: government admits it will be forced to refund \$550m under botched scheme', *The Guardian Australia*, 27 March, <https://www.theguardian.com/australia-news/2020/mar/27/robodebt-government-admits-it-will-be-forced-to-refund-550m-under-botched-scheme> (accessed 10 June 2020).
- Henriques-Gomes, L. (2020d) Robodebt: total value of unlawful debts issued under Centrelink scheme to exceed \$1bn. *The Guardian Australia* (10 June), <https://www.theguardian.com/australia-news/2020/jun/10/robodebt-total-value-of-debts-issued-under-unlawful-centrelink-scheme-to-exceed-1bn-refund> (accessed 10 June 2020).
- Herscovitch, A. and Stanton, D. (2008) History of social security in Australia. *Family Matters*, **80**, 51–60.
- Hodgson, H. (2017) 'Why Centrelink should adopt a light touch when data matching', *The Conversation*, 10 January. <https://theconversation.com/why-centrelink-should-adopt-a-light-touch-when-data-matching-70989> (accessed 18 June 2020).
- Inspector-General of Taxation and Taxation Ombudsman (2019) Review into the Australian Taxation Office's use of garnishee notices: tax administration management report. <https://www.ato.gov.au/About-ATO/Commitments-and-reporting/Our-scrutineers/Inspector-General-of-Taxation-and-Taxation-Ombudsman/> (accessed 18 June 2020).
- Joint Standing Committee on Foreign Affairs, Defence and Trade (2017) *Hidden in Plain Sight: An Inquiry into Establishing a Modern Slavery Act in Australia*, Canberra, Commonwealth of Australia.
- Karp, P. (2019) 'Government admits robodebt was unlawful as it settles legal challenge', *The Guardian Australia*, 27 November, <https://www.theguardian.com/australia-news/2019/nov/27/government-admits-robodebt-was-unlawful-as-it-settles-legal-challenge> (accessed 10 June 2020).
- Knaus, C. (2017) 'Centrelink staff told not to fix mistakes in debt notices – whistleblower', *The Guardian Australia*, 19 January. <https://www.theguardian.com/australia-news/2017/jan/19/centrelink-staff-told-not-to-fix-mistake-s-in-debt-notices-whistleblower> (accessed 10 June 2020)
- Laanela, T.P. (forthcoming) Trust in electoral management bodies. Ph.D thesis, Australian National University.
- Lehmann, C., Lehmann, J. and Sanders, R. (2018) 'Missing out: the intergenerational ramifications of current social security arrangements', *Children Australia*, **43** (3), 163–8.

- Maloney, M. (2019) 'Centrelinks robodebt program continues to hurt Tasmanians, says Andrew Wilkie', *The Courier*, 18 March, <https://www.thecourier.com.au/story/5961345/centrelink-robodebt-complaints-continue-to-roll-in/> (accessed 10 June 2020).
- Mitchell, R.B. (1994) *Intentional Oil Pollution at Sea: Environmental Policy and Treaty Compliance*, Cambridge MA, The MIT Press.
- Murphy, K. (2004) 'The role of trust in nurturing compliance: a study of accused tax avoiders', *Law and Human Behavior*, **28** (2), 187–209.
- Murphy, K. (2019) 'The robodebt horror was all about boosting the budget. That's the brutal truth', *The Guardian Australia*, 30 November, <https://www.theguardian.com/australia-news/2019/nov/30/the-robodebt-horror-was-all-about-boosting-the-budget-thats-the-brutal-truth> (accessed 10 June 2020).
- Nadler, J. (2005) 'Flouting the law', *Texas Law Review*, **83** (5), 1399–441.
- National Legal Aid (2019) Rethink Robo-debt: building a fair and accurate system people can trust. Submission No. 26 to the Senate Community Affairs References Committee Inquiry into Centrelink's Compliance Program, 27 September. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Centrelinkcompliance/Submissions (accessed 18 June 2020).
- O'Donovan, D. (2019) Submission No. 15 to the Senate Community Affairs References Committee Inquiry into Centrelink's compliance program. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Centrelinkco (accessed 18 June 2020).
- Park, S. and Humphry, J. (2019) 'Exclusion by design: intersections of social, digital and data exclusion', *Information, Communication & Society*, **22** (7), 934–53.
- Prenzler, T. (2011) 'Welfare fraud in Australia: dimensions and issues', *Trends and Issues in Crime and Criminal Justice*, No. 421 June, Canberra, Australian Institute of Criminology, Australian Government.
- Select Committee into the Political Influence of Donations (2018) *Political influence of Donations*, The Senate, Canberra, Commonwealth of Australia. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Political_Influence_of_Donations/PoliticalDonations (accessed 18 June 2020)
- Senate Community Affairs References Committee (2017) *Design, scope, cost-benefit analysis, contracts awarded and implementation associated with the Better Management of the Social Welfare System initiative*, Canberra, Commonwealth of Australia.
- Thaler, R.H. and Sunstein, C.R. (2008) *Nudge: Improving Decisions about Health, Wealth, and Happiness*, New Haven, CT, Yale University Press.
- Tyler, T. (2006) *Why People Obey the Law*, Princeton, Princeton University Press.
- United Nations Economic and Social Commission for Asia and the Pacific (2009) What is good governance?, UNESCAP, Bangkok, Thailand. <https://www.unescap.org/sites/default/files/good-governance.pdf> (accessed 18 June 2020).

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