PO Box 4093
Ainslie ACT 2602
T (02) 6230 1775
F (02) 6230 1704
anglicare@anglicare.asn.au
www.anglicare.asn.au

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Automated Decision-Making Reform Team
Attorney-General's Department
ADM@ag.gov.au

To whom it may concern

Re: Use of automated decision-making by government

Anglicare Australia welcomes the opportunity to contribute to the Attorney Generals Department's Automated Decision-Making Reform consultation. The Royal Commission into the Robodebt Scheme exposed the deeply cruel and callous consequences of misusing automation in government services. In the instance of the Robodebt Scheme, the unregulated and careless use of automated decision-making (ADM) processes contributed directly to the extremely poor treatment of people receiving social security payments. As a result, people were harmed by the automated scheme. This cannot be allowed to happen again.

Anglicare Australia remains concerned about the use of systems that remove human oversight within government services. However, in the face of increasing technological evolution we recognise the necessity of discussing options for automation and as such, we welcome the goal of this consultation to create consistency in the use of ADM by government.

The consultation paper[i] notes that the Attorney-General's Department identified 46 instances in primary legislation that provide for the use of automated decision making, each provision differing in complexity. In pursuing harmonisation of existing provisions, governments must remain alert to the risk faced by individuals in circumstances of wrong decision-making. It is vital that all compliance regimes, particularly those related to social services, be subject to continuous assessment, testing, and human oversight to mitigate the risk of error.

Need for transparency

Anglicare Australia recognises the tensions that can arise from the need to balance privacy and transparency and in the development of an ADM framework. We believe there is much to learn from the lessons from the Robodebt Scheme. Anglicare Australia supports the findings of the Robodebt Royal Commission, including the need for "transparency regarding the use of automation in decision making, and the ability of affected persons to review such decisions, are vital safeguards in the use of automated decision making."[ii]

An ADM framework must require full transparency in where and how ADM is utilised across government services. This should include instances where automation is being used throughout

decision making processes, decisions that are subject to automation, how personal information is used to make the decision, and the channels available to review decisions. All processes that involve ADM should be regularly monitored and evaluated. Part of this should involve ongoing review of ADM outcomes and compliance insights regarding the use of ADM across government should be made publicly available. This information should be readily available for all users, be universally accessible, and available in plain language.

The impacts of the Robodebt Scheme are still being felt by many Australians. As such, not is transparency needed to ensure automation is being used fairly, but it is necessary to rebuild trust in government processes.

Safeguarding in ADM use

While transparency is an essential safeguard in the proper use of automation, Anglicare Australia believes a robust suite of safeguards should apply to all use of automation in government services. These safeguards should be seen as necessary across all stages of ADM use including design, implementation, delivery, monitoring, and review.

In developing a framework for ADM use by government, we believe that there is no single area of that shouldn't be subject to some level of human oversight. While not all aspects of ADM will require significant human oversight, ADM that could have dramatic impacts on a person's life, such as reducing or cutting off access to social security payments, must be accompanied by human oversight and accountability.

Within Anglicare Australia's submission to the Robodebt Royal Commission[iii] we identified a range of potential safeguards that should apply to automation in government social services. We continue to remain supportive of these safeguards and recommend them for inclusion within a broader ADM framework. These include:

- Ensuring responsibility for compliance accuracy for decisions lies with the relevant government body;
- Where decisions introduce a potentially adverse outcome for someone's welfare, such as debt recovery, ensuring compliance activities are undertaken contemporaneously;
- Banning the outsourcing of compliance activities to private agencies, specifically where there is risk to a person's welfare; and
- Regular testing and assessment for errors collaboratively with clients of the relevant service (i.e. Centrelink).

Ultimately, all frameworks should be codesigned between government, experts, advocates and individuals with lived or living- experience of the relevant system. This approach can avoid instances where ADM outcomes have a negative impact.

The simple reality is that computers and algorithms are unable to consider factors they have not been programmed to. The complexity of human need and unique individual circumstances must be taken into account when introducing automation in any government decision-making process, especially where decisions may result in punitive action.

We would welcome the opportunity to expand on our recommendations, or further discuss our proposals in this area. Please do not hesitate to be in touch if you would like to discuss the issues raised in greater detail.

Yours sincerely

Kasy Chambers
Executive Director

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[i] Attorney Generals Department (2024) Automated Decision-Making Reform – Consultation Paper

[ii] Royal Commission into the Robodebt Scheme (2023) Royal Commission into the Robodebt Scheme - Full Report

[iii] Anglicare Australia (2023) Submission to the Robodebt Royal Commission