Use of Automated decision-making by government – consultation paper summary

Overview

The Australian Government is looking at introducing consistent rules about how government agencies use automated decision-making (ADM) systems. These rules might be part of new laws or in guidelines for agencies that use these systems.

These changes are in response to the Royal Commission into the Robodebt Scheme. The Royal Commission recommended the Australian Government looks at changing the laws. We need to make sure ADM systems work as intended, and are legal, fair and respect human rights.

About this consultation

We'd like to know your experiences with and views on ADM. This will help us design the rules for government agencies using ADM.

This consultation paper summary outlines some of the key issues and background about ADM. This a summary of the full consultation paper. The full paper is suitable for people who want to give feedback on the more technical issues.

The options for rules in this consultation paper are not the final ideas of the government. We will consider your feedback when we decide which rules to set for using ADM.

How to share your views

There are 2 ways to give feedback:

- **Online survey**: Fill out the online survey. The survey questions focus on your experiences with ADM and government decisions. You don't have to answer all the questions.
- **Written submission**: Send a written response to the full consultation paper. We recommend reading the full consultation paper first.

The consultation opens on **13 November 2024** and closes on **15 January 2025**.

About automated decision-making

ADM is a process where a government agency uses a computer program to make decisions. For example, to decide if someone can get a social welfare payment, visa or licence. The computer program might make the decision on its own, based on information a human provides. Or it might provide information to help a human decide.

Benefits and risks of automated decision-making

ADM can help government agencies provide better services. It can help agencies make faster and more accurate decisions, including for large numbers of decisions. This can be critical to meet the needs of businesses. For example, if a business needs an urgent decision about international trade. Delays could have a major impact on how the business operates.

But there can be risks when using ADM. For example:

- The computer program could apply the wrong law. This could be because the program was not updated when the law was changed.

- The decision might be unfair. This might happen if the program used information that was out of date or wrong.

Possible rules for using automated decision-making

To protect rights, we already have some rules that apply. For example, we have rules about being open, fair, and legal. These rules apply whether a human or a computer makes a decision.

We can change and add to the rules to reduce different risks for ADM. We explain some options below.

Be open about using automated decision-making

Government agencies should be as open as possible about when and how they use ADM to provide services. This helps build trust in government.

Examples of rules to make sure government agencies are more open about using ADM:

- The agency publishes on its website that it uses ADM for certain services.
- The agency gives an overview on its website of how the computer program makes decisions.
- The agency tells you if it used ADM to make a decision about you when it tells you the decision.
- The agency publishes statistics about its use of ADM.

Assess risk

We could have rules to make sure agencies assess and deal with any risks before using ADM.

Some risks might be more of a concern for ADM. For example, risks to human rights, privacy and data security. The rules could include which risk assessments agencies must do for ADM systems.

Make sure the system is working

For agencies using ADM, we could have rules to make sure the system is working correctly. For example, one rule could require an agency to regularly check that the ADM system is working as it should. This includes checking the data used to build and run the system is good quality and up to date.

Protect rights and improve openness about decisions

We could have rules to protect rights and improve openness after an agency uses ADM to make a decision. For example:

- A human can fix an error made by ADM.
- The agency explains why the ADM system made a decision.
- You can ask for review of a decision made by ADM. You can usually do this for a decision made by a human. We will consider if there should be extra rights to challenge ADM decisions.