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FEDERAL MEMBER FOR CURTIN

Fairer and Faster Government Decisions

Safeguards for automated decision-making in government



A new framework for automated decision-making in government

Automated decision-making (ADM) is the use of automated technology to make decisions or assist humans to make decisions. ADM is increasingly used across government to deliver services at scale and, when designed and governed well, can improve efficiency, consistency and timeliness in decision-making.

However, without clear rules, ADM can produce unlawful, incorrect and harmful outcomes that significantly impact Australians' rights, wellbeing and trust in government. This was experienced by hundreds of thousands of Australians in the Robodebt scandal.

Recent reports indicate that the government is using ADM in aged care and the NDIS to calculate support packages, without a human decision-maker able to override the outcome. This is raising significant concern in the community.

Australia does not currently have a legislated or mandatory framework governing the use of ADM across government. Existing protections are fragmented, limited and often voluntary. As the use of ADM expands, these gaps create growing risks to legality, fairness, transparency and accountability.

Based on research and consultation with experts, advocates and my community, **I propose a framework for the use of ADM in government that:**

- **is legislated and mandatory** for government departments and agencies;
- **includes transparency requirements**, so Australians can understand decisions that affect them;
- **includes decision-level controls**, so the government gets the decisions right; and
- **embeds review and oversight provisions**, so Australians can be confident that the government is following the rules for ADM.

This framework would support the government in unlocking increased efficiency from automation and present minimal, risk-based compliance requirements to departments and agencies. It would also build community trust in ADM, and most importantly, ensure government is getting decisions right for Australians.



Kate Chaney MP

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What is automated decision-making?

Automated decision-making (ADM) is the use of automated technology to make decisions or assist humans to make decisions.

This policy paper addresses the use of ADM in government decision-making. ADM in government decision-making is of particular interest because it can involve the exercise of government power and may directly impact individuals' legal rights and access to essential services. Government ADM operates in contexts where individuals often cannot opt out, decisions are made at population scale and outcomes are subject to principles of administrative law, procedural fairness and public accountability.

ADM covers any decision that is made or materially influenced by an automated process. It includes both the use of artificial intelligence (AI) systems, which may generate their own decision logic, and rules-based systems, which carry out predefined instructions and calculations exactly as programmed.

There is significant breadth in the type of automated decisions and the risks they present. For example, ADM would include:

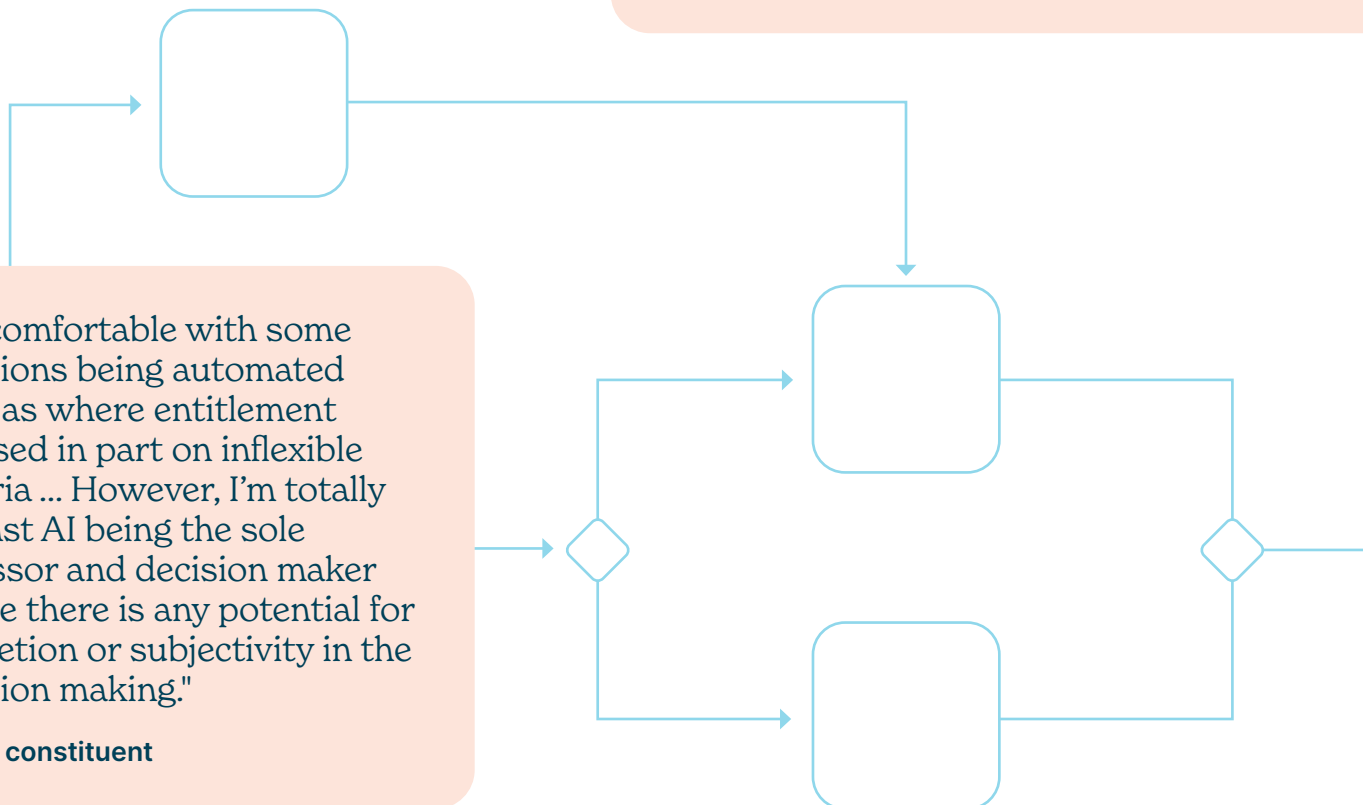
- using a rules-based tool to automatically advise a human decision-maker as to whether a visa application is invalid due to missing details in the application form;
- using a rules-based tool to automatically calculate, process and transfer your Medicare rebate, after you visit the doctor; and
- using an AI tool with its own logic to automatically calculate the level of support a NDIS participant should receive.

"Automated decision-making should never be the final answer, any algorithm needs oversight by a human who is capable of understanding the nuance of people's complex and unique lives and situations."

Curtin constituent

"I'm comfortable with some decisions being automated such as where entitlement is based in part on inflexible criteria ... However, I'm totally against AI being the sole assessor and decision maker where there is any potential for discretion or subjectivity in the decision making."

Curtin constituent



Why is ADM important?

ADM can unlock improvements and efficiencies in the public service.

As digital technologies (particularly AI) improve, there are significant opportunities to introduce automation into the public service. When done well, this can automate rules-based decisions and streamline high-volume administrative processes. This allows more time for public servants to focus on complex matters, where human judgement is needed.

ADM can also lead to **faster, more accurate and more consistent government decision-making**, by reducing human error and biases. As well as more accurate decisions, ADM presents an opportunity to reduce the cost to taxpayers of delivering government services.

ADM also presents significant risks to Australians.

Without proper safeguards, ADM can lead to wrong and unlawful decisions that have significant and negative impacts on Australians. The Robodebt case study, on this page, is a prime example of what can go wrong.

Australians face significant risks when ADM is used for high-impact decisions related to the NDIS, aged care, social services, defence and beyond.

"[We need] clear and transparent parameters, human oversight, ability to challenge decision makers, overhaul of NACC and a proper review of the Robodebt debacle. Until prosecutions occur for Robodebt, no Australian will feel comfortable with automated decision making in government."

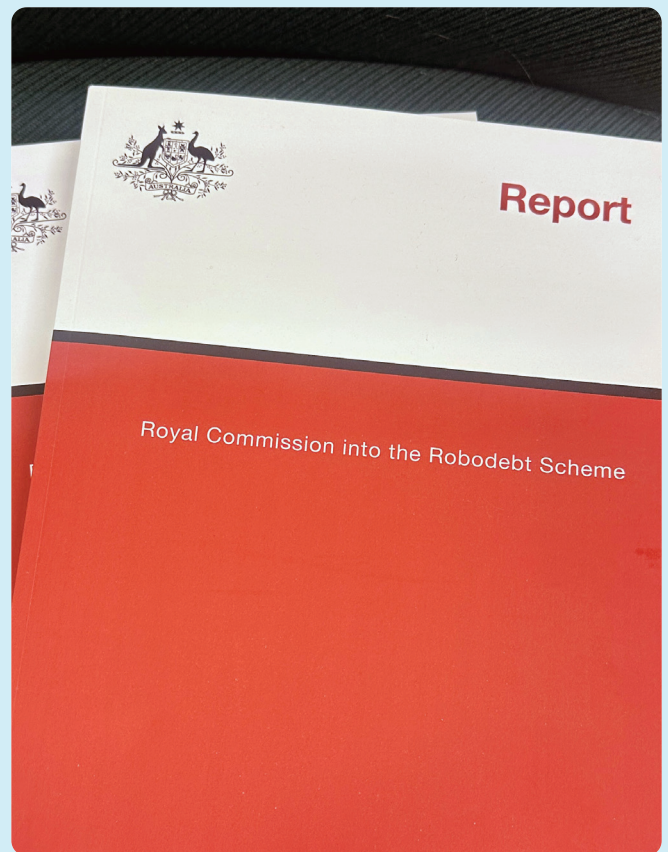
Curtin constituent

Case study:

Robodebt

From 2016 to 2019, the Robodebt scheme used ADM to calculate welfare debts owed by **more than 400,000 Australians**, many of whom were on low incomes and highly vulnerable. The system automatically calculated alleged debts, often without human oversight or reliable evidence from individuals. Eventually, the system was found to be inaccurate. The impacts were severe, including financial hardship, mental distress, loss of trust in government, and, in some cases, links to self-harm and suicide.

The Royal Commission found the scheme was illegal at the time and failed to meet basic requirements of administrative law. The Robodebt Royal Commission recommended a **legislative framework** for ADM, improved transparency and **independent oversight** to prevent future failures.



Why do we need to act now?

Building community trust in ADM is essential.

There have been increasing media reports about the use of ADM in the aged care and NDIS sectors (see below for case studies), where the government has introduced tools that calculate support packages for participants. The use of ADM in complex, high-risk decisions, with limited or unseen human oversight, and no guiding framework, has created significant community concern.

ADM may support greater efficiency in decision-making, but if there is no community trust, it will make it much more difficult for the government to roll out more ADM. A new framework that includes transparency requirements and safeguards is essential for trust.

Better policies are overdue.

Australians have been waiting on reform of the use of ADM in government for **over five years**.

By 2019, it was obvious that something had gone wrong with the government's use of ADM, as the Robodebt scandal came to light. In July 2023, the Royal Commission into the Robodebt Scheme handed down its report, recommending a new framework for the use of ADM in government (see case study, on page 4).

In January 2025, the Attorney-General's Department concluded a public consultation into the government's use of ADM. Despite all this, little has changed since before Robodebt.

ADM is likely to increase.

As technologies (particularly AI) improve, the use of ADM is very likely to increase. Greater uptake of ADM in government could support greater efficiency, consistency and accuracy in service delivery – but only with appropriate safeguards.

Case study:

ADM in aged care and the NDIS

There have been increasing media reports about the use of ADM in aged care and NDIS assessment processes, with very limited transparency about how these tools operate. Based on available reporting, ADM tools are currently being used to calculate aged care support packages and are expected to be introduced for NDIS support packages. In both cases, a human assessor conducts a clinical assessment, which is then entered into a program that determines the support outcome.

Crucially, **neither assessors nor reviewers can override the automated decision**. While individuals can request a review, this may take up to 90 days, which may be too long for some of the vulnerable people in these systems. Reviewers cannot re-make the decisions themselves; they can only re-assess the individual and re-enter the information into the ADM tool. Within the NDIS, even if an individual appeals the decision to the Administrative Review Tribunal (ART), the ART can only instruct the department to re-assess the individual and re-enter the information into the ADM tool. A human cannot manually make or change the program's decision at any point.

While these tools may improve consistency and efficiency, and may rely on fixed rules rather than AI, **the lack of transparency has undermined trust** and left affected communities feeling excluded from decisions that profoundly affect their lives. Experts and frontline practitioners have warned that these systems are producing incorrect or inappropriate outcomes in practice, raising serious risks to health, safety and wellbeing and fears of systemic harm unless safeguards are strengthened.

The current ADM policies aren't good enough.

There are three key government policies that partially cover the use of ADM in government. Each has significant limitations.

Administrative law principles apply across all decision-making, whether by humans or algorithms. Administrative law requires that all decision-making processes are legal and that Australians affected by a government decision are provided with a meaningful explanation for the decision that is made. These are two important safeguards for ADM. However, administrative law principles were insufficient to prevent the Robodebt scandal. Clearly, further improvements to ADM policy are required.

In 2007, the Commonwealth Ombudsman issued the Automated Decision-Making Better Practice Guide (the Guide), which outlines important principles to guide the government's use of ADM. The Guide was updated again in March 2025. However, the Guide is entirely voluntary, and it is unclear if any government departments or agencies comply with it.

In December 2025, the latest version of the Policy for the Responsible Use of AI in Government (the Policy) was introduced. It puts mandatory requirements on the use of AI in government. Many of its mandatory rules create important transparency requirements and safeguards around the use of AI in government (these are outlined in the following section). However, the policy has significant limitations:

- it does not cover ADM that uses non-AI tools (noting that the majority of ADM involves non-AI tools, including the aged care and Robodebt case studies, above);
- it does not seem to include sufficient oversight to ensure compliance; and
- it is not legislated, which limits its enforceability.

Research from the ARC Centre of Excellence for ADM and Society suggests the Policy is not being complied with by all departments and agencies.

We do not currently have a framework for the use of ADM in government to prevent a repeat of Robodebt.

What should a new ADM framework include?

We need to legislate a mandatory framework for ADM.

To capture the opportunities of ADM and build trust in new technologies, a new framework must include **mandatory requirements for transparency, decision-level controls and provisions for review and oversight**. It should also **minimise the compliance burden** on government. ADM is an opportunity for increased efficiency in government, which is an important goal.

Legislating a mandatory framework will send a clear message to government departments and agencies that compliance is essential.

Based on research and engagement with community and experts, I propose that the ADM framework should include the requirements for transparency, decision controls, and review and oversight provisions outlined below. This framework is mapped against the current policy landscape on the final page.

Curtin community survey

I consulted my community of Curtin about perspectives on ADM through a survey. There were **761 responses**, which have informed my policy proposal.

More than 80% were 'very uncomfortable' or 'somewhat uncomfortable' with the government using automated systems to help make decisions. This clearly demonstrates the importance of a robust ADM framework, not just to ensure that the right decisions are being made, but also to build trust and confidence within the community – which doesn't currently exist.

Nearly 80% support legislated, mandatory rules around the use of ADM in government. Support for specific elements of the proposed ADM framework are outlined in the tables below.

The new framework for ADM should introduce transparency requirements.

Element	Current policy	Proposed ADM policy
Transparency about ADM use in government	There are currently very limited transparency requirements. At most, the <i>Policy for the Responsible Use of AI in Government</i> (the Policy) requires departments and agencies to prepare an internal register of AI use cases. It does not cover the majority of ADM tools, which are not AI, and it is not public.	<p>A register of ADM systems used in government should be published.</p> <p>This provides transparency about the use of ADM by government, permitting public scrutiny, without affecting government decision-making.</p>
Transparency about how a specific ADM system works	There is currently no transparency about how individual ADM systems operate. At most, the Policy requires departments and agencies to prepare an AI transparency statement, which outlines how they use AI broadly. It does not cover specific use cases of AI and does not cover the majority of ADM tools, which are not AI.	<p>Details should be published about how each ADM system works.</p> <p>For example, this should include publication of system weights and publication of pre-implementation testing results.</p> <p>This ensures that the process by which automated decisions are made is transparent and can be scrutinised.</p> <p>This was supported by nearly 65% of the Curtin community survey respondents – a majority, but noticeably lower than other transparency requirements.</p> <p>There may be some exceptions, where an ADM tool is ‘commercial in confidence’, or there are concerns that publishing the algorithms could lead to ‘gaming’ of the system. These exceptions should be minimised.</p>
Transparency about the use of ADM for a particular decision	There is currently no mandatory requirement for people to be told if a decision that affected them was automated.	<p>Anyone impacted by automated decisions should be informed that ADM was used.</p> <p>This ensures Australians know when significant decisions are being automated.</p> <p>This was supported by nearly 85% of respondents to the Curtin community survey.</p>
Explanation of decision	Administrative law requires that an explanation for decisions is provided to people. Compliance with this law is unclear.	<p>Anyone impacted by automated decisions should be given a meaningful explanation for the decision.</p> <p>This was supported by nearly 85% of respondents to the Curtin community survey.</p> <p>This should include a plain English set of reasons for a decision, as well as a technical explanation, if requested. This ensures Australians understand why a decision has been made.</p> <p>Some AI tools may not be able to provide meaningful explanations of their decisions, due to the ‘black box’ nature of their internal logic. These may be unlawful.</p>

The new framework for ADM should introduce decision-level controls.

Element	Current policy	Proposed ADM policy
Risk assessment	<p>There is currently no mandatory requirement for a risk assessment before implementation of ADM tools. At most, the Policy requires departments and agencies to undertake an impact assessment before use of AI tools. This does not cover the majority of ADM tools, which are not AI.</p>	<p>Before implementation, a risk assessment of ADM use cases should be undertaken.</p> <p>This was supported by nearly 75% of respondents to the Curtin community survey.</p> <p>There may be some circumstances where ADM is not appropriate or presents an unacceptable risk. This may include where it has a significant impact on human rights or is likely to be unlawful.</p> <p>There may be other circumstances where the use of ADM presents a high, but not unacceptable, risk. High-risk uses of ADM could include where a decision has a significant impact on an individual's rights (e.g., cancelling a Centrelink payment), where there is a high degree of complexity or where there is minimal human oversight.</p> <p>Other safeguard requirements should be set at levels appropriate for the risk. High-risk uses should have stronger safeguards.</p>
Human accountability and involvement	<p>There is currently no mandatory requirement for human accountability or oversight of high-risk automated decisions. At most, the Policy requires that departments and agencies designate accountable officials for each AI use case. This does not cover the majority of ADM tools, which are not AI.</p>	<p>High-risk ADM use cases should have human accountability and oversight.</p> <p>A human should be accountable and responsible for the deployment and functioning of the automated system. Without this, there is a risk that no one will take responsibility for ensuring the decisions are right.</p> <p>Additionally, a human should be required to check and permitted to override and modify an automated decision for high-risk uses of ADM.</p> <p>In the Curtin community survey, nearly 85% of respondents supported human oversight for all decisions. The remainder supported human oversight for complex decisions, but not for simpler decisions with clear rules.</p>

The new framework for ADM should introduce requirements for review and oversight.

Element	Current policy	Proposed ADM policy
Process for reporting issues	<p>There is currently no mandatory requirement for reporting issues with ADM systems. At most the Policy requires an incident reporting process for the use of AI tools, but not for other ADM tools.</p>	<p>There should be a clear and efficient process for reporting problems.</p> <p>People affected by decisions should quickly and clearly be able to communicate concerns to the government department or agency, to be monitored and actioned.</p>
Internal monitoring, testing and oversight	<p>There is currently no mandatory requirement for strong internal monitoring of ADM systems. At most, the Policy requires departments and agencies to undergo an undefined process to monitor and evaluate AI use cases and report to the Digital Transformation Agency (DTA). It is unclear whether the DTA ensures compliance with the Policy.</p> <p>The Policy does not cover the majority of ADM tools, which are not AI.</p>	<p>There should be internal monitoring, testing and oversight of ADM.</p> <p>Within government, there should be a mechanism to oversee and test the ADM tools, to ensure they are continuing to get the decisions right. Monitoring and testing requirements should be greatest for high-risk uses of ADM.</p> <p>In the Curtin community survey, nearly 80% of respondents supported regular monitoring and testing of ADM systems.</p>
Internal and external review	<p>There is currently no mandatory requirement for an internal review of automated decisions. External merits reviews are available for some decisions made by government.</p>	<p>There should be an opportunity for both a quick internal review and external merits review of automated decisions for high-risk uses of ADM.</p> <p>An individual's right to review must be clearly communicated to them.</p> <p>Nearly 85% of respondents to the Curtin community survey supported an opportunity to review the decision and clear communication of how to request this review.</p> <p>A rapid review or appeal to be actioned within the department or agency is essential for high-risk uses of ADM, to ensure important decisions are correct. As outlined in the case study on page 5, a review of an automated decision within the NDIS system may take up to 90 days. This is too long for a decision with potentially life-threatening consequences.</p> <p>An external merits review should also be available. External review of the decision is essential to ensure accuracy and accountability of government decision-making. For high-risk decisions, it is important to ensure that the external review can re-make the decision manually, rather than simply requiring another use of the ADM tool.</p> <p>The requirement for internal and external review does present a potential burden to government, if there is a flood of reviews. There may be some low-risk uses of ADM where review rights are not required.</p>

Independent oversight

There is currently very limited oversight of ADM in government. The Commonwealth Ombudsman has oversight over government decision-making and can assess whether decisions, including automated decisions, are unlawful. But without a legislated, mandatory ADM framework, and with limited resourcing, this provides a very limited safeguard.

There must be independent oversight of ADM.

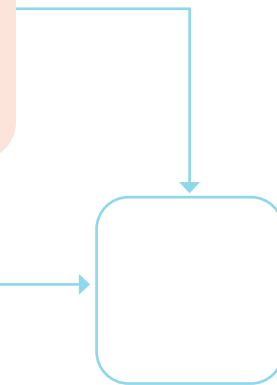
A body independent from government, such as the Commonwealth Ombudsman, should ensure compliance with the entire ADM framework. It must have adequate resourcing and powers to effectively assess how government departments and agencies are using ADM.

This is one of the most important requirements, because independent oversight is the mechanism that ensures the rules actually apply. Robodebt, for example, was unlawful at the time. But without proper independent oversight, this was not identified or rectified.

In the Curtin community survey, nearly 80% of respondents supported independent oversight of the government's use of ADM.

"[We need] oversight from an ombudsman or similar that has sufficient funding to resolve matters. Public reporting annually on the effectiveness of the technology and whether the promised efficiency has been delivered."

Curtin constituent

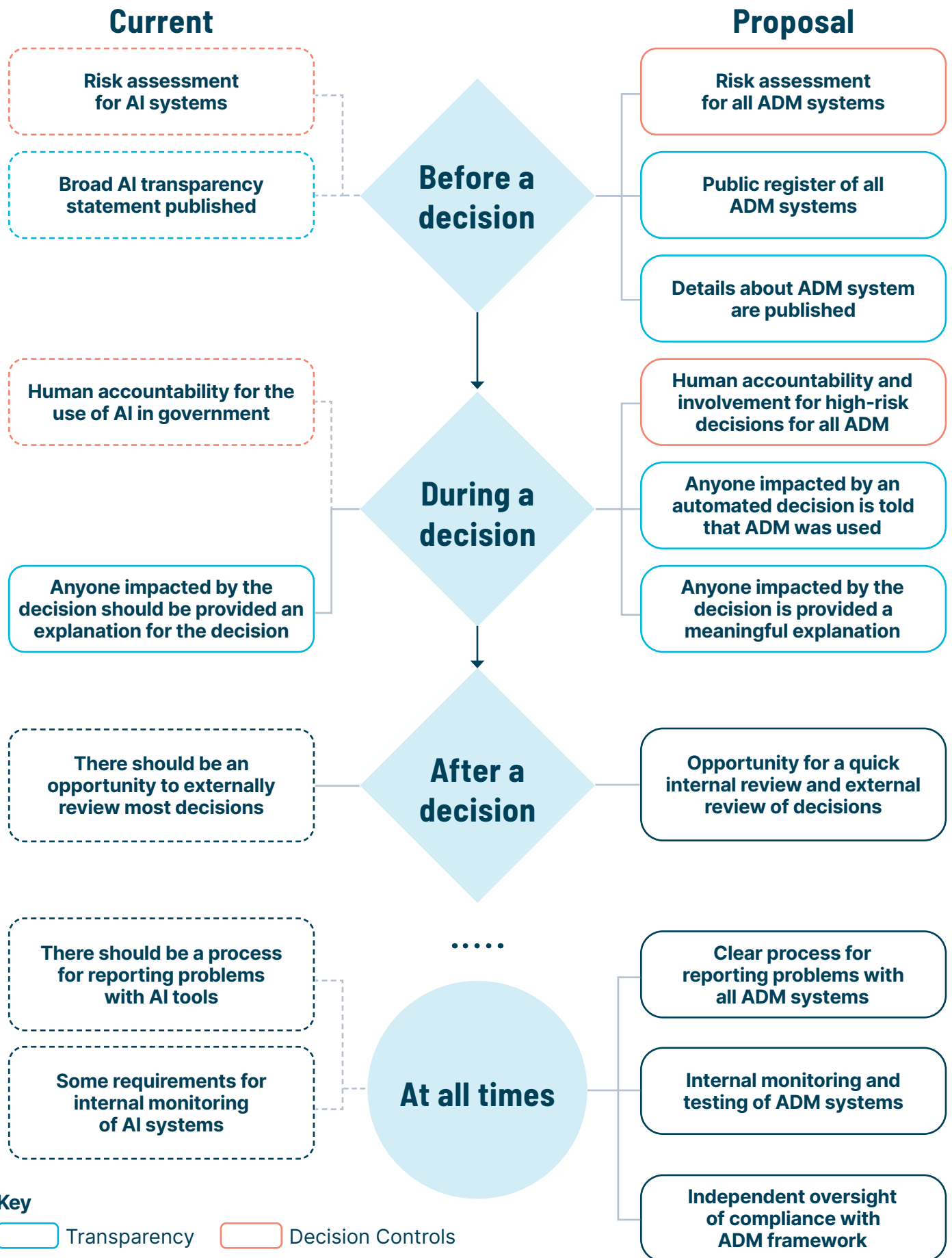


"The ability to appeal a decision to a real person is essential but need some way to 'qualify' these appeals to avoid every decision being appealed and clogging up the system."

Curtin constituent



A new framework for ADM





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