

9 October 2019

Senate Community Affairs References Committee
Department of Senate
Parliament House,
Canberra ACT 2600

Submission to Inquiry into Centrelink's Compliance Program

Dear Secretary

Thank you for the opportunity to make a submission to this inquiry. We do so in a private capacity as experts in technology law and public law, and as members of the Allens Hub for Technology, Law and Innovation and Gilbert + Tobin Centre of Public Law at UNSW Law.

We are leading a major research project examining the use of automated systems within government, and the implications of such systems for the rule of law and other principles that underpin good government in Australia. The project is examining the use of such systems in Australia, as well as in overseas jurisdictions, to determine how change can be realised in ways that maximises the benefits to the community. The major findings of our project to date have been published in the attached article as follows:

‘The Rule of Law and Automation of Government Decision-Making’ (2019) 82 *Modern Law Review* 425.

One of the case studies in the article is the Australian robodebt system. The article makes several findings about that system, particularly in contrast to how automated systems have been rolled out in other nations. In implementing automated systems such as the robodebt program, our research concludes that governments should ensure that these systems adhere to the following principles:

- designed in full compliance with the law (which may require changes to the law before the implementation of the system);
- provide at all key points for human judgement and decision-making to ensure the system remains accountable and operates in accordance with community and ethical standards, and democratic structures;
- be transparent by enabling users to understand its operation, including wherever possible by allowing access to the algorithms and other code underpinning the system; and
- be accountable and facilitate due process by anticipating that the system will incorporate errors, and so provide clear public information and easy to access dispute resolution processes.

We refer the Committee to the automated system implemented by the Swedish National Board of Student Finance. It is referenced in this article as an example of better practice in this area.

Yours sincerely

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