



The Hon Mark Furner MP  
Minister for Agricultural Industry Development and Fisheries

Our ref: CTS 31454/19

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Mr Gerry McNally  
Committee Secretary  
Senate Rural and Regional Affairs and Transport Legislation Committee  
[rrat.sen@aph.gov.au](mailto:rrat.sen@aph.gov.au)

Dear Mr McNally

Thank you for your email of 3 December 2019 regarding the Senate Inquiry into the *Agriculture Legislation Amendment (Streamlining Administration) Bill 2019* (the Bill). I welcome your invitation to make a submission addressing the issues identified in the Bill.

The Department of Agriculture and Fisheries (DAF) is generally supportive of the changes outlined in the Bill and the supporting explanatory notes, noting that that decisions requiring the written approval or consent of the Director of Biosecurity are not intended to be deemed suitable for computer based decisions. It is also recognised that “There is no intention to make determinations in relation to all relevant provisions.” and that “The intention is to develop determinations for decisions under provisions where there is a pressing need or compelling benefits for using automated decision-making.”

DAF supports the changes if the computer based decision framework is used in non-discretionary decisions, or for discretionary decisions that are supported by detailed, well tested and risk assessed business rules. It is also critical that this and other principles set out in the Administrative Review Council (ARC) report<sup>1</sup> are adhered to, where this is consistent with maintaining biosecurity and food health and safety standards.

In recognition of the potential biosecurity risks associated with the risk pathways not being detected through an automated system, DAF would like to offer the following recommendations:

- implement regular and frequent spot audits on automated decisions, particularly for high risk pathways
- tracking of any reversal of automated decisions under s154A (7) (decision substitution) should be introduced and should be used for continual improvement of the system

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<sup>1</sup> Administrative Review Council (2004), Automated Assistance in Administrative decision making, Report to the Attorney-General, report number 46, Commonwealth of Australia

- automated decision making should in the first instance only be used for simple, frequent, repeatable decisions that have a low biosecurity risk
- automated decision making should not be used for high risk pathways (e.g. import of pork for human consumption due to risk of African Swine Fever)
- application of the precautionary principle be used as the basis of decision making
- recording and/or tracking of the destination of high risk imported goods so that trace-back to the source approval process is possible if a biosecurity incursion is detected.

DAF specifically requests that, if a biosecurity breach occurs that could impact significantly on Queensland's interests, information is provided immediately to inform the management of residual risks.

Yours sincerely

**Dr Elizabeth Woods**  
**Director-General**  
**Department of Agriculture and Fisheries**