



2 October 2018

The Australian Human Rights Commission

ACS submission on Human Rights and Technology Issues Paper

Dear Sir or Madam

Thank you for the opportunity to contribute to this discussion.

The Australian Computer Society (ACS) is the professional association for Australia's information and communications technology (ICT) sector. We are passionate about the ICT profession being recognised as a driver of innovation and business – able to deliver real, tangible outcomes.

Our vision is for Australia to be a world leader in technology talent that fosters innovation and creates new forms of value. We have over 42,000 members and seek to influence positive change within industry and in the area of public policy via publications that leverage the knowledge capital of ACS members.

As you might imagine, the intersection of technology and human rights is an area of keen interest to us, and we hope that we can make a positive contribution to this discussion going forward.

To that end, we have consulted with our Ethics and AI Ethics Committees, which include a number of Australia's top recognised experts in the fields of technology ethics to develop a response to the June Human Right and Technology Issues Paper. Their responses are included below.

General notes on the paper

We feel the paper is an excellent starting point for looking at the impact of technology on critical human rights. It covers a lot of critical territory, and for that the AHRC is to be commended.

We would recommend some additional areas that could be explored in the paper, however.

For example, the premise in the paper is to investigate the impact of AI on human rights. However, it does not discuss how AI can help to protect human rights. Empowering society with AI carries similarities to empowering the police. While power could be abused, it is equally argued that it is needed to protect. Can the empowerment of AI help protect human rights?

Extending on the above point, if AI becomes so powerful, will humans be capable of protecting their own rights or does humanity need a form of AI to do that? As provocative this question may sound, it could be the only way to control the proliferation of AI; that is, when AI becomes truly powerful, we need to be ready with the AI that is able to protect against that.

In addition, the paper focuses on the use of "law" to protect against misuse of technologies. Further education and training standards involving technology and associated human rights should be recommended, with "law" being promoted as a last resort tool.

Responses to specific questions

Question #1: What types of technology raise particular human rights concerns? Which human rights are particularly implicated?

For the most part, the problem does not lie within the technology *per se*. It lies more with the use and application of the technology.

Question #2: Noting that particular groups within the Australian community can experience new technology differently, what are the key issues regarding new technologies for these groups of people (such as children and young people; older people; women and girls; LGBTI people; people of culturally and linguistically diverse backgrounds; Aboriginal and Torres Strait Islander peoples)?

The way in which data analysis and research is conducted in Australia and other regions of the world will change in response to growing data literacy, and the sensitivity and awareness of indigenous peoples' data requirements. The social license to operate is not uniform across the whole community. As a result of different communities' requirements, and in light of the potential social good, the social license question must be considered from different communities' perspectives and needs.

In Australia and many other nations, there is the essential need to acknowledge and consider in a thoughtful and respectful manner, the effects, impacts and possible AI bias resulting from colonisation of indigenous people and the resulting cultural impact.

The social license to operate must consider the community's priorities and perspective in all stages of the AI lifecycle including data collection, analysis, use and outputs. The respectful collection and use of data on indigenous people and communities needs to consider issues arising from colonisation and dispossession, and focus on empowerment of indigenous communities through data, working in partnership and seeking reconciliation based on principles for indigenous data sovereignty.

The ability of organisations to be respectful and working in partnership with indigenous communities and individuals is important. Priority setting from the community perspective is essential, with the ability to understand and focus available resources on addressing the community-led priorities and initiatives.

There is also a requirement to feed project outputs back to the communities. Given significant resources are applied across projects, there is generally an inability to prioritise resources on the activity of sharing the outputs back to the indigenous communities. The cost of engaging with indigenous people needs targeted culturally sensitive processes for informing, and explaining the project outputs, often needing to be done in partnership between the project and the community.

Importantly, respect of indigenous data sovereignty means liaising first with a community to discuss which information is to be accessed, what the community wish to be released or shared, how it will be presented, and the words to be used in its presentation.

Question #3: How should Australian law protect human rights in the development, use and application of new technologies? In particular: (a) What gaps, if any, are there in this area of Australian law? (b) What can we learn about the need for regulating new technologies, and the options for doing so, from international human rights law and the experiences of other countries? (c) What principles should guide regulation in this area?

Question 3 focuses on the use of "law" to protect against misuse of technologies. However, "law" is really a last resort. See question 4.

Question #4: In addition to legislation, how should the Australian Government, the private sector and others protect and promote human rights in the development of new technology?

We need to pay attention to education: what subjects could we add to school and university curriculums to promote appropriate use of technology?

For example, anyone who deals with a laser in a university environment would have obtained training in laser safety. On the same principle, should we provide training to the wider society on AI Safety? This would not be a mere discussion on the ethics of AI – it would need to be much more than that. An AI safety subject would be a practical and hands-on subject, not a mere philosophical/academic one.

Question #10: How can the private sector be encouraged or incentivised to develop and use accessible and inclusive technology, for example, through the use of universal design?

Standards are a good way to do that. By developing standards, it could unify the private sectors in producing accessible and inclusive technologies. The IEEE is working on some standards in this direction.

Thank you so much again for your time and the opportunity to comment on this paper, and we're more than happy to discuss this paper with you further. If you'd like to discuss any part of this letter or simply seek further clarification or input, please feel free to contact myself by email at [REDACTED]

Yours sincerely

[REDACTED]

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