

Part B: Submission

You may choose to send a document, a video, a voice recording or picture as your submission. *Please contact the Human Rights and Technology Project Team to send a file larger than 20 MB, such as an Auslan submission.*

This section includes a series of questions developed by the Commission that you may respond to. You do not need to answer every question.

Consultation questions

Guiding reference

ARTICLE 3: Everyone has the right to life, liberty and security of person

Acknowledgement

I am grateful to the Australian Human Rights Commissioner Mr Edward Santow, and Mr Nicholas Davis for giving me an opportunity to participate in the consultation process in relation to the Australian Human Rights Commission's project on human rights and technology by submitting this response to the white paper focusing on whether Australia needs an organisation to take a central role in promoting responsible innovation in AI and related technology.

Preamble

Certain terminology such as Artificial Intelligence mean different things to different people. I have set out my understanding of such terms below for the purposes of clarifying their use in my responses that follow this section.

Device:

A nonhuman artefact capable of performing predetermined functions with or without human intervention; it may incorporate software. (Eg. Hammer, WhatsApp running on iOS 12 , Amazon Echo (2nd gen), Roomba 500- robotic vacuum cleaner)

Machine Learning:

Ability of the software incorporated in the device to acquire, optionally accrue and process information during its use in such a way that one or more functions of the device produce a response which is an improvement over its previous response.

Artificial Intelligence:

Ability of software incorporated in the device to make autonomous decisions in response to stimuli that the software is designed and manufactured to receive. The decision may or may not be associated with machine learning.

1. What should be the main goals of government regulation in the area of artificial intelligence?

It is assumed along with their human rights implications, the regulations will also focus on other aspects of Artificial Intelligence.

Suggestions for the main goals for government regulation:

- to provide clear definitions
- to assign accountability
- to assert supply of devices incorporating machine learning or artificial intelligence are subject to all applicable provisions of supply of devices in Australia
- to identify provisions that would enable the agencies to ban further supply/ recall existing devices in case of external/unforeseen circumstances
- to identify provisions to dictate the equal applicability of terms of use and penalties for violation of human rights irrespective of the environment of use (eg., in research, civilian or defence environment)

2. Considering how artificial intelligence is currently regulated and influenced in Australia:

(a) What existing bodies play an important role in this area?

Unclear if AI is explicitly regulated in Australia. AI, if incorporated in medical devices is regulated by TGA as with other medical devices incorporating software; ACCC performs the same function for non medical devices.

(b) What are the gaps in the current regulatory system?

Provisions as identified in response to question 1 developed by law makers in conjunction with the Human rights Commission, Department of cyber Affairs, ACCC, ACMA, TGA, Standards Australia, Australian Signal Directorate, Australian Securities and Investments Commission, Institution of Engineers Australia, Law Council of Australia, Business council of Australia, Fair work Commission, Australian Medical Association, State transit authorities and general public.

3. Would there be significant economic and/or social value for Australia in a Responsible Innovation Organisation?

I sincerely believe the responsible innovation framework in Australia will benefit by the establishment of two independent bodies to effectively drive responsibility and accountability.

- An Autonomous Systems Commission(ASC) to lead the national policy, and to act as an independent ombudsman to triage complaints for referral to other authorities, with the authority to enforce compliance as appropriate; the

commission will draw on the services of other agencies listed in Q 2 b) as appropriate and vice versa when it comes to autonomous system

- Responsible Innovation Organisation(RIO), a national peak body setting the code, advise, advocacy and education to the industry/research institutions on self governance(including checklists for systematic self assessment of existing AI solutions and solutions under development for violations or potential violations of human rights and guidance on appropriate follow-up action)

4. Under what circumstances would a Responsible Innovation Organisation add value to your organisation directly?

Started in April 2018, Izerobzero is a nascent organisation, propelled by my assessment as a human being, that some of the technology proliferating the market place today may be inadvertently facilitating serious violation of established human rights, that it is deployable on every one with equal ease makes the reparation complex in unprecedented proportions. Its grounded in my belief that today we have the economic and technical clout to take stock, change course and make the required level of progress.

Izerobzero's vision is to foster systematic preparedness at a local level for assurance of core/critical services resulting from unintended interruption to core services offered through connected solutions.

Izerobzero is yet to make its mark with a project, however I do not envisage Izerobzero's own solutions to incorporate AI. The principles I have designed thus far indicate the back up or alternate solutions to be offered by Izerobzero requires reliable primary systems for effective handover; in my 22 years industry experience systems built under strong regulatory framework are typically more reliable.

At a personal level, the ASC and RIO once established will allow me to go back to what I wanted to do ten years ago- promote classical music education and vegetarian cooking!!!

5. How should the business case for a Responsible Innovation Organisation be measured?

A probable measure for ASC is its ability to lead a proportionate response by engaging all levels of government and non governmental stakeholders on potential threats to avoid realisation of mishaps introduced by innovative technology

A probable measure for RIO is its ability to lead the industry/research institutions in establishing systematic self-assessment measures commensurate with the consequences to the Australian public of what they offer, how they develop their offerings, and how they ensure their offerings continue to serve their intent.

6. If Australia had a Responsible Innovation Organisation:

(a) What should be its overarching vision and core aims?

The vision and core aims are essentially what the entities should be measured on. Thus in line with my response to Q5, the following could be the vision and core aims. If alternate measures are chosen then the below may not be applicable.

ASC provides leadership in the area of assuring the Australian public that innovative solutions incorporating technologies based on Artificial intelligence/machine learning will not violate the human rights protected by various arms of the law in this country, that if such violation eventuates, has then authority to enforce corrections and preventative measures as appropriate. The ASC will achieve its goals in conjunction with other government and non governmental bodies as required.

RIO provides leadership to the industry and research institutions in defining the parameters in full transparency, under which innovative solutions can be conceived, developed and deployed such that the Australian public are aware of the obligations of the industry as well as research institutions. RIO will also provide guidance and education to the industry and research institutions in establishing systematic self assessment measures commensurate with the consequences to the Australian public of what they offer, how they develop their offerings, and how they ensure their offerings continue to serve their intent.

(b) What powers and functions should it have?

Both ASC and RIO should have three functions: Engineering Affairs, Medical Affairs, Legal Affairs

ASC should have the powers to enforce or referent to referent to other agencies with a recommendations for mandatory follow-up actions

RIO should have the powers define and publish the parameters under which innovative solutions can be conceived, developed and deployed.

(c) How should it be structured?

The concerns that ASC is trying to address relate to the technical merit of the solution and given the potential for irrecoverable harm to the Australian public, require continuity of function and should span political boundaries requiring the undivided support of the executive arm of the government. I am unaware if such a construct exists in our political system, if not, I think our times demand that a path way is developed. In the meanwhile, a suggestion could be to sit ASC under the office of the Governor General.

RIO should have strong leadership to shape the industry and research institutions through collaboration. RIO should also have strong functional expertise in-house given the enormity of the task at hand. RIO will be an independent organisation sustained by impartial seed funding and revenue from services.

(d) What internal and external expertise should it have at its disposal?

Both organisations should have engineering, medical, legal and communication expertise in house.

(e) How should it interact with other bodies with similar responsibilities?

To be thought through- but I envisage it will be on two counts: 1) seeking advise/information on specifics 2) referring a case for further action or enforcement

(f) How should its activities be resourced? Would it be jointly funded by government and industry? How would its independence be secured?

ASC could receive funding from the Futuresfund initially until a suitable ongoing funding model is worked out.

RIO could receive seed funding from entities that do not have a conflict of interest or no longer have a conflict of interest with RIO's offerings augmented on an ongoing basis with revenue from services.

(g) How should it be evaluated and monitored? How should it report its activities?

Self monitoring is appropriate. Reporting should focus on technicality and with no reference to person or organisation.