

Artificial Intelligence

Submission to the Joint Select Committee on
Artificial Intelligence

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Australian
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Commission

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About the Australian Human Rights Commission

Our vision is an Australian society where human rights are respected, promoted and protected and where every person is equal in dignity and rights.

The Commission's key functions include:

- Access to justice: We help people to resolve complaints of discrimination and human rights breaches through our investigation and conciliation services.
- Fairer laws, policies and practices: We review existing and proposed laws, policies and practices and provide expert advice on how they can better protect people's human rights. We help organisations to protect human rights in their work. We publish reports on human rights problems and how to fix them.
- Education and understanding: We promote understanding, acceptance and public discussion of human rights. We deliver workplace and community human rights education and training.
- Compliance: We are the regulator for positive duty laws requiring employers and others to address sexual harassment, sex discrimination and other unlawful conduct.

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Overview

1. The Commission refers the Committee to the Commission's body of work on AI. It urges the Committee to consider AI's human rights risks alongside its economic and productivity benefits, revisit relevant but unimplemented recommendations and support a human rights-centred approach to AI development and deployment in Australia.

1 Commission's work on AI

This submission outlines the Commission's body of work relevant to this inquiry. It emphasises that Australia can realise AI's economic and productivity benefits while managing its risks by grounding its development and use in human rights.

2. The terms of reference for the Committee's inquiry are primarily focused on the productivity and economic advantages of AI. It is important that in assessing the benefits, attention is also paid to human rights implications including the risks. If Australia can mitigate the risks while securing the benefits, we can ensure the country will be well positioned moving into an increasingly AI-driven world. In our view, the best way to do this is by grounding the development and deployment of AI in human rights.
3. For nearly a decade, the Commission has examined and reported on the safe and responsible development of AI with a particular focus on its implications for human rights. In 2018, the Commission commenced a national inquiry into human rights and technology.¹ Over the next three years, we produced an [Issues Paper](#), [White Paper](#) and [Technical Paper](#) before the publication of the [Final Report](#) in 2021. This work has contributed to discussions regarding the governance and regulation of AI in Australia. A number of issues considered in the Final Report continue to be reflected in contemporary policy debates, including discussions about AI safety and oversight mechanisms. We encourage the Joint Select Committee to consider this work during its inquiry, particularly as many of the Final Report's recommendations remain relevant to the issues raised by the terms of reference.

This work may be of particular interest in relation to the adoption of AI. Use of AI should be subject to safeguards proportionate to its potential impact. These include human rights impact assessments before deployment, meaningful human oversight, clear public information about when and how AI is used, accessible reasons for use of AI in decisions, avenues for review and remedy, and independent oversight. Data centre development should only proceed where robust legal, security and governance settings are in place to realise benefits and mitigate human rights risks, including those arising from both the data centre infrastructure and AI technology.

4. Building on the 2021 Final Report, the Commission has continued to undertake research on AI with a focus on the human rights considerations arising from its development, deployment and regulation in Australia. The Committee may also wish to consider the Commission's resources examining innovative uses of AI that may significantly affect human rights and the Australian economy. These include:

- [Guidance Resource: AI and Discrimination in Insurance](#)

Commission's work on AI

- [AI in Banking: Human Rights Impact Assessment Tool](#)
 - [AI and Recruitment: Compliance Checklist](#)
 - [Protecting Cognition: Background Paper on Neurotechnology](#)
 - [Peace of Mind: Navigating the Ethical Frontiers of Neurotechnology and Human Rights](#)
5. Also of relevance to this inquiry, the Commission has provided evidence calling for a human rights-centred approach to AI across several national inquiries on:
- [Use of Generative AI in the Australian Education System](#)
 - [Responsible AI Discussion Paper](#)
 - [Adopting AI in Australia](#)
 - [Mandatory Guardrails for AI in High-risk Settings](#)
 - [Use of Automated Decision-making by Government](#)
 - [Criminal Code Amendment \(Deepfake Sexual Material\) Bill 2024](#)
 - [AI and Data Centres](#)
6. We also note the important role that the proposed Digital Duty of Care, privacy and other recent law reform proposals may play in addressing safety and human rights concerns in relation to the development and deployment of AI.
7. We look forward to engaging with the Committee during its inquiry and are available to provide any further information or assistance that may be useful.

Endnotes

Endnotes

- ¹ See e.g. Australian Human Rights Commission, *Issues Paper: Human Rights and Technology* (Issues Paper, 2018).