

## Submission on AHRC Human Rights and Technology Discussion Paper - December 2019

### A. My Background

1. My name is Rosa Walden. I am an older Australian. Much of my life I have worked in the fields of human rights and advocacy for equal opportunity and anti-discrimination in Commonwealth and NSW Governments. For 12 years, I was a partner in a training and consultancy business.
2. For the last six years, since retirement, I have lived in Tasmania. I have been working (and volunteering) as a digital coach for older people. I work one to one and in small groups, as well as facilitating larger IT discussion and learning groups. To work more effectively I have undertaken formal training in Information Technology and in Aged Care Support.
3. I was delighted to read the Human Rights and Technology Discussion Paper. Many of the issues raised have concerned me, as well as colleagues and students, for many years.

### B. Focus of this submission

4. My experience and research in the last six years has prompted me to make a submission focussing on the impact of technology on the human rights, social inclusion and independence of older people.

### C. Context

5. *Older people (65+) are consistently identified in Australia's Annual Digital Literacy survey as digitally disadvantaged.*
  - The gap between older Australians and the general Australian population is widening, from 12.9 points in 2014 to 13.9 points in 2019. In Tasmania in 2019 the gap between Tasmanians aged 65+ and the national average was 16.8. (1)
6. *Australian Government initiatives since 2015 to address the digital literacy of older Australians have not been systematic, outcomes focused or resource intensive enough to provide the type of personalised support that older people need to become more confident and regular internet users.*
  - Research in 2018 in the UK on effective methodologies for increasing the digital literacy of older people found that *'effective digital inclusion practice requires intensive, person-centred support and an open ended commitment.'*
  - The predominant digital inclusion strategies in Australia focus on group short courses. The UK research also found *'Rigid and time-limited provision is a false economy. Whatever the positive effects of digital inclusion pilots, tasters and short courses, these will fade quickly when learning opportunities end... This approach may be worse than doing nothing at all. The wrong kind of provision can cause complete digital disengagement.'* (2)

7. *Older people's access to government services, and information about services, in health, income security and aged care are increasingly only accessible online* as governments, community service organisations and businesses move swiftly to reap the savings of digitisation, without monitoring the increased costs and disadvantage to those groups being systemically excluded, and without putting in place adequate support and training for systemically excluded groups.
8. *The aim of government aged care policies, to increase choice and to support the independence and autonomy of older people is being subverted* by the requirement that these services be accessed online. This has in some cases a direct economic cost where it means older people, unable to negotiate digital access, require residential care rather than community support.
9. As businesses and community services, such as shopping and banking increase service provision online and transition away from local and community access points, *many older people become doubly disadvantaged – because of reduced mobility or other disability as well as lack of digital literacy and confidence.*
10. *Lack of digital literacy and decreased access to local services may be placing older people at greater risk of financial abuse* as they become reliant on relatives, neighbours or support personnel and carers to make financial transactions online.
11. There is growing international recognition of the *risks and human rights challenges for older people as a result of digital transformation.*
  - The draft Declaration on the Human Rights of Older Persons (2018) from the International Expert Conference on the Human Rights of Older Persons included the need for measures to better utilise technological progress and ensure that older persons have access to suitable education and training. (3)
  - A discussion paper for the 11<sup>th</sup> Session of the UN General Assembly Open-ended Working Group of Ageing (to be held April 2020) looks at older people's access to justice and points to work done by the Law Council of Australia that identified social, digital and financial exclusion among the barriers to older people's access to justice. (4)
  - The New Zealand Government in 2019 released its Digital Inclusion Action Plan for 2019 to 2024. This plan is an integral part of the Government's digital transformation strategy and is underpinned by a comprehensive Digital Inclusion Blueprint (5)
12. It is arguable that the pattern of digitisation of services, without adequate compensatory education and systematic assistance for older people, is *a form of systemic discrimination against older people.* Digital transformation is being encouraged and supported by government. It is however having the effect of disempowering, isolating and increasing the dependency of many older people who are otherwise healthy. This problem needs to be strategically and systematically addressed as an integral part of the overall modernisation of Australia.

13. It is also arguable, given the continuing pace of technological change, the short life of digital devices, their software and applications, and given the transformations and system changes brought about through interconnectivity and the Internet of Things, that there will be an ongoing need for systematic digital education and support for older people. That is, it is not just an issue for one generation who are 'not digital natives'. It is my experience and that of my peers and students, that *once a person leaves the peer support and institutional learning environment of the workplace, digital skills currency and digital capabilities are hard to maintain*. Continuing digital transformation may continue to disadvantage those who are not connected to the ongoing training and peer learning that is available when people are in a regular workplace.

15. Analysis of this issue in Australia has been limited. The following reports have identified digital transformation as a significant issue for older people, *but it is not apparent what systematic action or face to face support programs or outcomes monitoring have been introduced as a result*. Relevant outcomes that should be monitored would include increases in the digital literacy and digital safety of older people.

- The AHRC 2012 report A Human Rights Approach to Ageing and Health (6)
- The AHRC Cybersecurity and older people, 2012 (7)
- Joint Select Committee Report Cybersafety for Seniors, 2013 (8)
- Surveys of older people by the Office of eSafety, 2018. (9)

The predominant responses appear to have been the inevitable setting up of yet another website without demographic analysis or outcomes monitoring.

16. *Technology has the potential to be of great benefit to older people* by helping them to

- maintain autonomy and independence, e.g. through online shopping, bill paying, banking, searching for services and engaging in learning
- maintain and build social connections which are important for health and wellbeing, e.g. through email, video calling and conferencing, social media, community event websites, online learning, family history apps, etc;  
UK research has shown the strong connection between loneliness and physical and mental health. For example '*loneliness increases the likelihood of mortality by 26%*'; '*the effect of loneliness on mortality is comparable to the impact of well-known risk factors such as obesity and cigarette smoking*'. (10)
- plan for and use assistive technologies when some physical abilities are deteriorating, e.g. assistive technologies for vision, hearing and mobility impairment.

17. As noted above (*paragraph 5*), older people are one of the most digitally excluded groups in the Australian population (1). *This is especially so where age, disability and low income intersect*.

## D. Human Rights and Technology Discussion Paper - Suggestions for action to remove discrimination against older people

### Digital inclusion in National Strategy

18. There needs to be an additional focus in the Human Rights and Technology report on the *Human Rights of Older People in relation to technology*.
19. The significant financial dividends resulting from digitisation in the public and private sectors should be more generously and systematically allocated to proactively support older people to be included in the benefits of digital transformation.

#### **20. Suggestion 1 – Make digital inclusion a goal, with appropriate KPIs, in the proposed national technology strategy (AHRC Discussion Paper Proposal 1)**

##### *Description*

Make digital inclusion one of the explicit goals, with appropriate performance indicators, in the proposed *National Strategy on New and Emerging Technologies*

##### *Rationale:*

The Executive Summary of the ADII Report 2019 makes the following statement. *‘Collaboration across all levels of government is needed if the benefits of digital technology are to be shared by all Australians, digital inclusion should form an integral part of the state and national economic policy making and strategic planning. With the NBN nearing completion, Digital Ability and Affordability remain critical areas for attention. Collaboration across all three levels of government (which are rapidly moving their services online) is needed to improve the digital skills of excluded communities and people 50+ in the workforce. Consideration should also be given to digital inclusion as a key commitment in the Closing the Gap agenda<sup>3</sup>, with a program of research to measure and monitor digital inclusion in remote Indigenous communities’.*(1)

21. The AHRC Discussion Paper, *Chapter 9: The right to access technology*, focuses on proposals relating to access for people with a disability. These are valuable Proposals and, if implemented, some will also benefit older people with a disability.
22. Additional types of program are needed:

### Acute needs - digital guides / assistants (Access)

#### **23. Suggestion 2 – Acute needs digital support for seniors – digital guides /assistants**

##### *Description*

Digital access services need to be established so that digitally competent people (digital guides/assistants) are available to assist older people to access online services in times of immediate or acute need, including continued support until the need is past or the person understands how to manage their own access to the service.

This might be a similar system to a Translator and Interpreter Service, with the service establishment supported by the government (e.g. as additional funding to a community based organisation to recruit and organise digital guides). Ongoing services could be a fee-for-service charged to the service provider (e.g. hospital, government agency, bank, telco, etc).

#### *Rationale*

In my experience many older people with limited digital literacy are reluctant to use services which require online access until they absolutely need them as the result of accident, death of a partner or health crisis.

They then have an acute and urgent need at a time when they are least capable of, or interested, in learning a new skill. Currently community aged care providers do not seem to be funded to provide this kind of online/digital guidance, especially on a short term basis.

Systemic exclusion of older people from access to services, independence and community activities is increasing as digital technology becomes ever more central to public and private life. The digital divide is widening for older Australians, especially where age intersects with disability and low income.

### Proactive digital inclusion in aged care strategies

24. There has been a continuing start-stop chain of online initiatives targeted at older people since 2012, including Broadband for Seniors, Tech Savvy Seniors, GoDigi, BeConnected. There are likely more.
25. These programs are useful and many people have participated or logged on at least once.
26. *But these programs are not reducing the digital divide for older people.* They are not systematic, not targeted to those most needing learning assistance, and not based on research on what works best with older people (2).
27. The My Aged Care system requires digital access, but formal aged care assessments apparently take little or no account of an older person's digital abilities in assessing what support they might need to maintain 'independence', conduct their personal and financial affairs and maintain social and community inclusion.
28. I have been advised by aged care service providers that more could be done to support older people's digital inclusion if this was an element considered during formal assessment for aged care packages. My Aged Care policy objectives could be enhanced if more older people were able to confidently manage more of their needs online.

**29. Suggestion 3 – Department of Health proactively address digital inclusion in My Aged Care strategy policy and procedures.**

*Description*

Department of Health should incorporate a Digital Inclusion Strategy in the My Aged Care program, with particular focus on elements of human rights, independence, safety and social inclusion.

*Rationale*

The aim would be to

- ensure that digital competency relevant to these elements is included in assessments, guidelines and service provision options;
- enable older people who choose to do so to access digital support and equipment as part of an aged care package;
- focus digital inclusion for older people towards agencies whose primary role is working with older people.

**E. Comments on all Proposals in the Discussion Paper**

**30.** In addition to the issues outlined above related to the particular issues facing older people, many of the issues raised in the discussion paper have been the subjects of concern among the older people I coach and support and in the IT discussion groups that I am a member of. These include particularly

- Safety. This should include penalising the growing number of unethical business practices aiming to trick people who are not digitally savvy. Many older people fear they are being targeted by scammers for this reason;
- Algorithmic decision making, especially the responsibility of government to model ethical practices and be accountable for decision-making that affects people's lives;
- Privacy and the difficulty of navigating a variety of complex settings, options and agreements just to achieve basic control over who has access to your data and communications.

**31.** The following comments include suggestions outlined above in this paper as well as additional suggestions related to specific proposals.

**a) Proposal 1 –**

Strongly supported with the following addition (*see also my paragraph 20 above*)  
**Make digital inclusion one of the explicit goals, with appropriate KPIs, in the National Strategy on New and Emerging Technologies**

**b) Proposal 2**

Supported

**c) Proposals 3 to 18**

Supported

d) **Proposal 19**

Strongly supported

e) **Chapter 9: The Right to Access Technology**

**Additional proposals relating to access for older people** need to be added to this section. Suggestions made in this paper above include:

1. **Acute needs digital support for seniors - digital guides / assistants** (*see paragraph 23 above*)
2. **Department of Health actively addressing digital inclusion in My Aged Care strategy, policies and procedures** (*see paragraph 29 above*). This should include particular focus on human rights, independence, safety and social inclusion.

f) **Proposals 20 to 23**

Strongly supported – consultations should include older people’s advocacy organisations as well as organisations supporting people with a disability.

g) **Proposal 24**

Strongly supported.

In relation to the Question: What other measures could be taken - the following suggestions are submitted. They are drawn from community consultations by TasCOSS on the Tasmanian Government’s *Our Digital Future Consultation Draft 2019*

- *Telecommunications concessions scheme for low-income Tasmanians.*
- *Work with the federal government and other state and territory governments to encourage telecommunications providers to develop low cost mobile plans designed for people on low incomes. These could include automatic rollover of unused credit and data; allowing customers choice to purchase extra data rather than being automatically charged for extra data; providing extra data at low speeds; greater consumer protections for excess data charges.*
- *Work with NBN Co to offer a low-cost service for low-income households to have access to fixed broadband at home.*
- *Work with telecommunications providers to allow unmetered access to online government services. (11)*

h) **Proposal 25**

Strongly supported. With the following reservation:

**The COAG Disability Reform Council’s Terms of Reference are the NDIS. People over 65 are excluded from the NDIS.**

**Older people with a disability need to be included in this proposal**

Perhaps an additional point could be added to make clear that the process should include **consideration of older people with a disability** and involve the AHRC Age Discrimination Commissioner and agencies advocating for older Australians such as the Council on the Ageing (COTA)

Assistive technology can be of great assistance to older people with a disability. Further there are a number of assistive technologies available globally specifically designed to support independent living of older people with a disability.

i) **Proposals 27 and 28**

These proposals are outside my experience

j) **Proposal 29**

Strongly supported

The following needs to be made explicit in the proposal as intersections between age and disability are not always considered where legislation or the scope of an inquiry or review appears to focus on one aspect (such as disability). For this reason it would be desirable to:

**Explicitly include consideration of older people with a disability to ensure that their needs are a focus and that appropriate expert organisations are consulted.**

## References

1. Thomas, J, Barraket, J, Wilson, CK, Rennie, E, Ewing, S, MacDonald, T, 2019, *Measuring Australia's Digital Divide: The Australian Digital Inclusion Index 2019*, RMIT University and Swinburne University of Technology, Melbourne, for Telstra. [www.digitalinclusionindex.org.au](http://www.digitalinclusionindex.org.au).
2. Centre for Ageing Better. *The digital age: new approaches to supporting people in later life get online* May 2018. [www.ageing-better.org.uk/sites/default/files/2018-06/The-digital-age.pdf](http://www.ageing-better.org.uk/sites/default/files/2018-06/The-digital-age.pdf)
3. UN, Human Rights for Older Persons, *Conference Declaration: International Expert Conference on the Human Rights of older Persons ICHRoP 2018*, November 2018, Vienna <http://www.ageing.at/en/document/conference-declaration>
4. UN General Assembly, *Discussion paper for the 11th session of the United Nations General Assembly Open-ended Working Group of Ageing (6 to 9 April 2020)*, January 2020 <https://social.un.org/ageing-working-group/documents/eleveth/Discussion%20paper%20on%20access%20to%20justice%20January%202020.pdf>
5. Department of Internal Affairs Te Tari Taiwhenua, New Zealand Government, *The Digital Inclusion Blueprint*, March 2019. <https://www.digital.govt.nz/digital-government/digital-transformation/digital-inclusion/>
6. Australian Human Rights Commission, *A Human Rights Approach to Ageing and Health: Respect and Choice*. 2012. [www.humanrights.gov.au/sites/default/files/content/age/ageing/human\\_rights\\_framework\\_for\\_ageing\\_and\\_health.pdf](http://www.humanrights.gov.au/sites/default/files/content/age/ageing/human_rights_framework_for_ageing_and_health.pdf)
7. Australian Human Rights Commission, *Submission to the Joint Select Committee on Cybersafety - Inquiry into Cybersafety for Senior Australians* 2012. <http://www.humanrights.gov.au/inquiry-cybersafety-senior-australians-2012>
8. Australian Parliament, Joint Select Committee on Cyber-Safety, *Cyber-Safety for Seniors: a worthwhile journey*. 2013. [https://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=jsc/senior\\_australians/report.htm](https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=jsc/senior_australians/report.htm)
9. Office of the eSafety Commissioner, *Understanding the digital behaviours of older Australians: Summary of national survey and qualitative research*. May 2018. <https://www.esafety.gov.au/sites/default/files/2019-08/Understanding-digital-behaviours-older-Australians-summary-report-2018.pdf>
10. Campaign to End Loneliness, *Risks to Health: Summary and References*. 2020. <https://www.campaigntoendloneliness.org/threat-to-health/>
11. Tasmanian Council of Social Service Inc, *Submission to the Tasmanian Government's Our Digital Future Consultation Draft*, November 2019. [http://www.dpac.tas.gov.au/data/assets/pdf\\_file/0018/503307/Submission\\_8\\_-\\_TasCOSS\\_20191128.pdf](http://www.dpac.tas.gov.au/data/assets/pdf_file/0018/503307/Submission_8_-_TasCOSS_20191128.pdf)