

From: [Australian Human Rights Commission](#)
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The following is our response to your call for submissions regarding AI. Our position as technology innovator and as an Australian owned small business, can be summed up concisely: it is imperative that the government does not take any action that would potentially impair Australia's ability to conduct business in technology or related areas. Since AI touches upon almost everything, changing policy levers (even delicately) can have unintended consequences and therefore omitting any government action will likely be the safest course of action at this point, unless it is extensively modelled and tentatively introduced.

AI has now become the building block of any technology development and is present in some form across all industries in Australia and globally. Any sort of regulation of AI is highly likely to inhibit the growth and development of Australian businesses by either restricting their access to products, or restricting their ability to build new technologies for the local and international markets. National leadership on this matter should be more of representative of community (Proposal 1) and not restricted to academia and government interest groups. Having "think tanks" around the application of technology and human rights is obviously important, but we have to consider the global scale of this. AI is not just contained to Australia, many businesses and organisations utilise and develop AI technology that are not restricted to Australian boundaries. If we try leading the charge here by implementing novel regulations that could stifle technology development, there could be a negative impact on Australian industry, economy and everyday users of digital services.

Regulation to the level laid out in this discussion paper would remove Australia's standing as an innovation leader and inhibit the country from adding to, and accessing, the latest technological developments internationally. If any new digital service required consultation and the overview of an ethical body (Proposal 6 and 2), the federal submission of risk assessments (Proposal 14), an analysis of how the technology worked

(Proposal 7), or endow liability to the creative team (Proposal 10), this lengthy red tape would force a company like Amazon to cut off all services that are using AI - which is most of them - immediately from Australia. It would completely hamper and contradict the global nature of many Australian businesses and technology development.

The idea that whenever an AI decision is generated, a human must be able to explain how that decision was made to a layperson isn't and shouldn't be possible (Proposal 7). That would put a 'speed break' on AI, as the algorithms are discovering things that a human would not pick up - and that's the entire point of AI. For example, most of academia is focused on people's data and analysing it. So any regulation could step on the toes of this type of work unless the regulation stipulates that it is excluded, however the management and classification of such work would nearly be impossible. Ultimately, it is a redundant need that would remove the chance of incredible discoveries that can be made from a machine reading and analysing data, uncovering patterns invisible to the human mind.

Question B through to Question E enters into such grey areas where legal questions don't match to the business and technological reality. Even currently, many would not be able to explain what AI does and how it works. Asking companies to be liable and create risk assessments during software development is likely to stifle innovation and extend the time it takes to produce anything. As mentioned previously, all these steps are likely to lead to many companies heading offshore to less confining environments.

When it comes to the accessibility of technology to those with a disability, accessibility is already built into many programs, as per existing standards. However, we can see many positives to come from discussions in Part D. For Proposal 22, the minimum of 14 hours a week can be quickly exceeded through the application of AI technologies in the voice to text space. This minimum is too low, and does not support those that require access to audio descriptions. Proposal 24 is certainly one that needs to be undertaken, as indeed countries have labelled - and the UN inferred - that internet access as a human right. Just in this area, the proposals do not go far enough.

In summary, with regards to Parts A, B and C, we urge the government to err in the direction of inaction as opposed to taking action as this could have the unintended consequences of seriously curbing Australian participation in global technological development and economic activity. Ultimately, many of the initiatives mentioned in the document are already covered in other existing Australian laws, including privacy, security, consumer protection and human rights more broadly.

