

15 April 2020

Australian Human Rights Commission
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Carers NSW would like to thank the Australian Human Rights Commission (AHRC) for the opportunity to respond to the *Human Rights and Technology Discussion Paper*. This submission is informed by the experiences of family and friend carers and the people they care for in engaging with technology. It will explore access to digital government service systems, increasing the accessibility of technology through regulation, and protecting carers' rights in automated decision making.

A carer is any individual who provides care and support to a family member or friend who has a disability, mental illness, drug and/or alcohol dependency, chronic condition, terminal illness or who is frail. Carers NSW is the peak non-government organisation for carers in New South Wales. Our vision is an Australia that values and supports all carers, and our goals are to:

- Be a leading carer organisation in which carers have confidence
- Actively promote carer recognition and support
- Actively support carers to navigate a changing service landscape that will be characterised by ongoing policy reform
- Promote connected community experiences and opportunities for carers that are inclusive of diverse carer groups
- Lead and advocate for carer-specific and carer-inclusive policy making, research and service delivery
- Continue to be a quality-driven, responsive and carer-focused organisation.

Thank you for accepting our submission. For further information, please contact [REDACTED] [REDACTED] Policy and Development Officer, on [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]

[REDACTED]
CEO
Carers NSW

Background

Carers represent a significant proportion of the Australian population, and their contribution to society and the economy is considerable. According to the Australian Bureau of Statistics 2018 Survey of Disability, Ageing and Carers (SDAC), there are approximately 2.65 million carers in Australia.¹ Carers NSW would like to commend the AHRC on identifying the role of technology in sustaining the rights of carers and their care recipients, and acknowledging the specific barriers that carers and care recipients may face when accessing technology.

Carers NSW supports the development and implementation of a *National Strategy on New and Emerging Technologies* to promote and protect the human rights of carers and other Australians. Carers NSW also supports the development of a new *Digital Communication Technology Standard* and the addition of technology as a priority for the *National Disability Strategy*. Carers NSW strongly advocates that carers and their care recipients should be consulted in the development of proposed strategies and standards in alignment with the *Carer Recognition Act 2010 (Cwth)*.²

Ensuring adequate support to access digital service systems

The 2018 Survey of Disability, Ageing and Carers (SDAC) found that 15% of primary carers in Australia, or approximately 120,000 primary carers in total reported that they had not used the internet in the last 3 months.³ Of those primary carers, the most common reasons for not accessing the internet were that they have no need/no interest (74%), lack confidence/knowledge in accessing the internet (27%), can rely on friends/family to use the internet for them (13%) and no access to a computer or mobile technology (13%).⁴

As highlighted by the Discussion Paper,⁵ carers are over-represented in groups with low rates of digital inclusion and as such may face significant barriers to accessing digital service systems. While many carers are highly digitally literate, the increasing digitalisation of services is likely to result in some carers being excluded from government or subsidised private services and supports, which may jeopardise the long term sustainability of caring arrangements.

The recent and sudden closures of a number of regional Services Australia (previously Department of Human Services) offices in NSW and Victoria,⁶ to be replaced by scaled down access points with a part time staff member, has raised significant concerns for Carers NSW. While there is an increasing uptake in digital government services (i.e. Centrelink and Medicare), many carers will continue to have limited access to digital services due to geographic isolation which limits connectivity, affordability and low digital literacy. Failure to provide adequate face-to-face support to assist carers to access and navigate digital government service systems is likely to have detrimental impacts on the financial security, housing security, health and wellbeing of carers and their care recipients.

¹ Australian Bureau of Statistics, (2018). *Survey of Disability, Ageing and Carers*. Australia: Summary of Findings, 2018

² Cwth *Carer Recognition Act 2010*

³ Australian Bureau of Statistics (2019) *Survey of Ageing, Disability and Carers 2018*, TableBuilder Dataset. Australian Government, Canberra. Available online at: www.abs.gov.au, viewed 05/03/2020.

⁴ Ibid.

⁵ Australian Human Rights Commission (AHRC) (2019), *Human rights and technology: Discussion paper*, AHRC: Sydney.

⁶ Bill Shorten (2019), *Save our Centrelink*, [Media Release] 23 February 2020.

Carers NSW believes that **Proposal 20(b)** should be extended to ensure that beyond increasing easy read communication and human supports, there be a legislative requirement for Governments to provide in person supports where services have been digitised. This support will ensure that carers have more equitable access to Government services while assisting them to continue to build their digital capacity.

Enabling independence through technology

Procurement

Carers NSW supports the notion that all levels of government should commit to using digital technology that complies with recognised accessibility standards. However, Carers NSW believes that under **Proposal 20(a)** Governments should adopt an accessible procurement policy which *requires* the procurement of goods, services and facilities that use digital technology in a way that meets recognised standards.

Standards are legally binding regulations, as such, the government should not procure any goods, services or facilities that do not meet these standards, as this may result in the exclusion of carers and their care recipients from vital services and supports. Any technology that is acquired should be accessible to all users, including being able to utilise the full functionality and complete all necessary tasks. Where care recipients are unable to access acquired technology, additional strain may be placed on carers to assist care recipients or complete tasks on their behalf.

Increasing industry compliance with accessibility standards

As highlighted in the Discussion Paper,⁷ removing accessibility barriers to technology is likely to have a positive impact on carer health and wellbeing. Beyond the promotion of compliance with WCAG 2.1 in **Proposal 21**, Carers NSW believes that the Government should audit industry with requirements for the private sector to meet prescribed standards. To compliment this, the Government should work with Standards Australia as noted in **Proposal 23** to develop and provide support to industry in the form of training, advice and guidance to enable them to meet prescribed accessibility standards.

Ensuring the affordability of assistive technology

Carers have reported to Carers NSW that difficulty accessing Assistive Technology (AT) as the result of delays and service gaps can lead to serious consequences for care recipients, their families and carers. When a person who is ageing or frail, living with disability, or has limited mobility or communication is not able to access appropriate AT in a timely manner, many carers are either forced to self-fund – which may not be possible or sustainable – or to fill the gap themselves, such as by lifting the person, which may place them at risk of injury. In some cases, the lack of appropriate equipment is also detrimental to a care recipient's health or access to the community.

To ensure that care recipients can access the available and necessary assistive technology or modifications for optimal independence, Carers NSW believes that a full review of equipment schemes and subsidies (e.g. My Aged Care, National Disability Insurance Scheme, EnableNSW) is required. Carers NSW recommends that **Proposal 25** be extended to require the Council of Australian Governments to review equipment funding schemes across federal

⁷ AHRC (2019), *Human rights and technology: Discussion paper*, AHRC: Sydney.

and state governments to identify service gaps and ensure timely, consistent access to AT for all care recipients, their families and carers.

Safeguarding carers in automated decision making

Many carers have recently been adversely affected by Centrelink's Compliance Program (Robodebt), as highlighted in prior Carers NSW submissions.⁸ The automated decision making algorithm employed by the program resulted in the miscalculation of debts for a number of people receiving or formerly receiving Commonwealth income support payments. The National Disability Insurance Scheme and Government Services Minister, Stuart Robert, has disclosed an error rate of at least one in five overpayment calculations.⁹ With decision making becoming increasingly automated, Carers NSW believes that there must be additional safeguards in place to protect those who are most vulnerable, including carers and their care recipients.

Carers NSW supports the introduction of an external independent body, such as the suggested AI Safety Commission, for the review, approval, monitoring and auditing of automated decision making by governments. Carers NSW believes that the AI Safety Commission should also provide information and referrals to individuals, including carers and care recipients, to enable them to understand automated decision making outcomes and to assist them to access the appropriate advocacy or legal services to challenge automated decisions.

Furthermore, Carers NSW believes that where an automated decision making process has occurred, the onus should be placed on the decision making body to review and investigate the accuracy and appropriateness of decisions before they are applied. Where the onus is placed on the person the decision is made against, carers may be disadvantaged, feeling unable to challenge decisions due to time constraints, financial constraints or a lack of adequate information or education.

Conclusion

Carers NSW commends the Australian Human Rights Commission's work to ensure the protection and promotion of human rights in the use of technology. The *Human Rights and Technology: Discussion Paper* presents a valuable opportunity for significant and meaningful change in the context of new and emerging technology, and allows for key stakeholders to highlight their issues and concerns. Carers NSW thanks the Commission for the opportunity to provide feedback that includes the perspectives and experiences of carers who may face barriers to accessing or navigating digital service systems, or support someone who may face barriers to accessing technology.

⁸ Carers NSW (2019) Carers NSW submission to the Senate Standing Committee on Community Affairs inquiry into Centrelink's Compliance Program. Available online at: <http://www.carersnsw.org.au/Assets/Files/Carers%20NSW%20Centrelink%20Compliance%20Program%20Submission%202019.pdf>, viewed 04/03/2020.

⁹ The Australian (2019), Robo-torment might be a state-sanctioned extortion, [Media Release] 2 September 2019