26 May 2022

National Committee for Brain and Mind submission on the
Issues Paper: Positioning Australia as a leader in digital economy regulation
- Automated Decision Making and AI Regulation

The National Committee for Brain and Mind welcomes the opportunity to comment on the Department of the Prime Minister and Cabinet's Issues Paper on Positioning Australia as a leader in digital economy regulation - Automated Decision Making and AI Regulation.

The National Committee believes there is a need for:

- a formal approval process for AI applications to ensure ethical conduct and the safety of the community
- an expert body (ombudsman) who can assist the public in investigating whether their data has been used in a manner that disadvantages them. .

Bias as a result of inadequate databases

Discussion within the field of psychology and brain sciences more generally has focused on the difficulty in artificial intelligence (AI) achieving appropriately informed decision making. There are many examples of inadequate databases, leading to biased outcomes that favour Caucasian, Western world male groups over others, including women, the elderly and minority groups. These are biases arising from the evidence base used to train AI decision processes, which are likely to be present in online databases due to the inherent difference between the online and broader communities. This leads to a series of questions that are mentioned in the documents but that are passed over lightly.

Ethical conduct of AI applications

The consideration of bias producing adverse automatic decisions leads to questions of control, ethics and consent. The document alludes to ethical guidelines but does not provide information about their implementation. Who decides whether a particular application is beneficial and at what point is that decision to be made? For example, a manufacturer may benefit from knowing the detailed online behaviour of an individual, which could allow the manufacturer to target messages more effectively, but if the product leads to poorer health or financial outcome for the individual then it is not of benefit to them. At present, the individual has no control over whether manufacturers can use their personal data for such a purpose, and they usually do not have the online expertise to ensure they are not being manipulated in such a manner. This calls for an ethical approval process for applications and an expert body (such as an ombudsman) to assist individuals with concerns. The EU data protection rules[1] are a good example of such protections.

Recommendations

Ethics approval processes are a strongly enforced requirement in Australia for the grant-funded research community to ensure public safety. Given the potential impact on the welfare of individuals in the community, appropriate ethics approval processes should be developed and applied for research into machine learning and automated decision-making. These provisions could be enhanced by requiring:

- an EU-like model of data ownership and consent, which emphasises an individual's ownership of data pertaining to themselves
- professional training for executives, both government and private sector, around data and algorithms including biases, to educate them on privacy issues relating to data and the algorithms used to collate data, including the distorting impact of biases
- employing Chief Data Officer roles in all government departments, who are responsible for ensuring fair and equitable use of government data that protects the interests of private citizens.

To discuss or clarify any aspect of this submission, please contact Mr Chris Anderson, Director Science Policy at Chris.Anderson@science.org.au.

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[1] Data protection. (2019). Your Europe - Citizens. https://europa.eu/youreurope/citizens/consumers/internet-telecoms/data-protection-online-privacy/index_en.htm