NUS National University of Singapore | Centre for Technology, Robotics, Artificial Intelligence & the Law
Faculty of Law

Rule of Law and Automation of Government Decision-making

L-R: Associate Professor David Tan (NUS Law), Justice Kannan Ramesh (Supreme Court), Justice Pang Khang Chau (Supreme Court), Professor George Williams AO (Dean, University of New South Wales), Associate Professor Daniel Seng (NUS Law), JC Vincent Hoong (Supreme Court), Mr Paul Neo (CEO, Singapore Academy of Law)

On 20 August 2019, Professor George Williams, Dean of UNSW Law, addressed an 80-member strong audience at the Moot Court at NUS Law on the perils of increasing use of automation in government decision-making and the threats to the rule of law. Amongst the audience were Justices Kannan Ramesh and Pang Khang Chau, and Judicial Commissioner Vincent Hoong from the Supreme Court of Singapore. This seminar titled "The Rule of Law and Automation of Government Decision-making" is the inaugural seminar of the new Centre for Technology, Robotics, Artificial Intelligence & the Law (TRAIL) at NUS Law, and was moderated by its deputy director Professor David Tan.

According to Dean Williams, governments around the world are deploying automation tools in making decisions that affect rights and entitlements. The interests affected are very broad, ranging from time spent in detention to the receipt of social security benefits. Drawing on examples from the United States, Australia, Sweden and the People's Republic of China, the talk focused on the impact on rule of law values of automation using: (1) pre-programmed rules (for example, expert systems); and (2) predictive inferencing whereby rules are derived from historic data (such by applying supervised

machine learning). It explored the tension between the rule of law and rapid technological change and concludes with observations on how the automation of government decision-making can both enhance and detract from rule of law values such as due process rights.

Participants at the seminar were deeply engaged in a discussion of the implementation of possible legal safeguards against the increasing use of technology in assisting judges when making sentencing or bail decisions, in detention without trial scenarios and tax liability. On a lighter, but perhaps depressing note, the audience were invited to contemplate a dystopian future such as the one portrayed in the movie *Minority Report* where a PreCrime unit may be created based on foreknowledge provided by artificial intelligence instead of psychics.

Those interested to find out more may refer to the article Monika Zalnieriute, Lyria Bennett Moses & George Williams, "The Rule of Law and Automation of Government Decision-making" (2019) 82 *Modern Law Review* 425.

About Professor George Williams

George Williams AO is the Dean, the Anthony Mason Professor, and a Scientia Professor at UNSW Law. He has written and edited 36 books, including *Australian Constitutional Law and Theory*, *The Oxford Companion to the High Court of Australia* and *Global Anti-Terrorism Law and Policy*. He has appeared as a barrister in the High Court in many cases over the past two decades, on matters including freedom of speech, freedom from racial discrimination and the rule of law. He has also appeared in the Supreme Court and Court of Appeal of Fiji, including on the legality of the 2000 coup.

As chair of the Victorian Human Rights Consultation Committee in 2005, he helped bring about Australia's first State bill of rights, the Victorian Charter of Human Rights and Responsibilities. In 2007 he chaired a NSW Government inquiry into Options for a New National Industrial Relations System that produced the historic referral of State industrial power over the private sector to the Commonwealth. He has also served on a High Level Advisory Group on Federal-State Relations, was a member of the NSW Government's Panel to Examine Recall Elections and assisted the Northern Territory in its attempt to become Australia's seventh State as a member of its Constitutional Convention Committee. George is a well-known media commentator on legal issues, and is a columnist for *The Australian*.