



Tasmanian Aboriginal Legal Service (“TALS”) Written Submission:

Our Digital Future Consultation Paper

May 2025

As an advocate for law reform, justice and equity for all Tasmanian Aboriginal peoples, the Tasmanian Aboriginal Legal Service (‘TALS’) welcomes the opportunity to provide feedback on the *Our Digital Future Consultation Paper*. TALS acknowledge the Tasmanian Government’s commitment to digital transformation and strongly advocate for digital inclusion to be embedded as a core principle of Tasmania’s strategy for digital transformation.

TALS is an Aboriginal and Torres Strait Islander Legal Service (ATSILS) that specialises in criminal, civil and family law matters for Tasmanian Aboriginal peoples. TALS also operates SiS Tasmania a Family Violence and Prevention Legal Service (FVPLS) that specialises in supporting Aboriginal victim/survivors of family violence with legal and non-legal services.

As a Tasmanian Aboriginal Community Controlled Organisation incorporated under the Office of the Registrar of Aboriginal Corporations (ICN 9283), TALS is committed to improving the life outcomes of Aboriginal peoples.

In this submission, any reference to Aboriginal peoples is understood to encompass Torres Strait Islander peoples.

In providing our feedback, TALS submission draws on the *First Nations Digital Inclusion Plan 2023–26*, which outlines a rights-based approach to digital justice and aligns with Target 17 of the *National Agreement on Closing the Gap*.¹ TALS reinforce the urgent need for culturally safe, community-led, and equity-focused initiatives that strengthen justice, self-determination, and Aboriginal data sovereignty across Tasmania.

¹ Closing the Gap, *Closing the Gap Targets and Outcomes* (25 February 2025).

BACKGROUND

The purpose of the *Our Digital Future Consultation Paper* is to initiate a refresh of the Tasmanian Government strategy for digital transformation, in an era that is embracing a range of new technologies that are rapidly changing lives, jobs and industries.

However, it must be noted that digital access should not be a luxury; it should be a contemporary gateway to equity in participation, fairness, and dignity. Technological transformation must be approached not merely as a technological challenge but as fundamental to full participation in a developing technological world.

TALS RESPONSE

This response consists of three sections. First, there will be discussion on key themes regarding digital access and inclusion, relative to Aboriginal peoples and Aboriginal justice. Second, this response will offer broad recommendations relating to the key themes and the Tasmanian Government's digital transformation. The last section will provide short responses to the key questions posed in the *Our Digital Future Consultation Paper*.

Key Themes

1. Digital Inclusion as a Justice and Equity Priority

Digital access is essential for full participation in society and is central to fair access to legal, health, education, and employment systems. In practice, digital exclusion acts as a silent gatekeeper, reinforcing existing barriers and limiting opportunities for Aboriginal people to assert their rights and engage with systems intended to support them. Where digital exclusion persists, so too do patterns of marginalisation and disproportionate justice system contact.² For Aboriginal children and young people, digital exclusion limits access not only to education and social connection, but to protective systems and early interventions that could divert them from justice system pathways.

2. Addressing Structural Barriers to Close the Digital Divide

National data highlights the persistent gap in digital inclusion for First Nations people, particularly in regional and remote areas.³ These disparities are rooted in longstanding structural inequities, limited infrastructure, unaffordable services, low digital literacy, and digital systems that often reflect unfamiliar or unsafe cultural contexts. These barriers are not incidental; they reflect broader patterns of disadvantage that have been allowed to reproduce over generations.

Closing the digital divide requires more than devices and connections. It demands long-term investment in place-based solutions, designed by and for Aboriginal communities, that centre on trust, cultural relevance, and community control.⁴

² Thomas, J, McCosker, A, Parkinson, S, Hegarty, K, Featherstone, D, Kennedy, J, Holcombe-James, I, Ormond-Parker, L, and Ganley, L, *Measuring Australia's Digital Divide: Australian Digital Inclusion Index: 2023*, ARC Centre of Excellence for Automated Decision-Making and Society, RMIT University, Swinburne University of Technology (2023).

³ Ibid.

⁴ National Indigenous Australians Agency, *First Nations Digital Inclusion Plan (2023–26)*, Australian Government (July 2023).

3. Aboriginal Data Sovereignty and Technological Safety

Technologies that collect, store, and act upon data must respect the integrity of Aboriginal knowledge systems and uphold cultural safety. Predictive policing tools, risk assessment algorithms, and other automated decision-making systems are increasingly being used without transparency or accountability, heightening the risk of digitally encoding racial bias into policing and sentencing practices.⁵ Without clear safeguards, these technologies risk replicating systemic discrimination in new forms, including racialized surveillance and digital redlining.

Aboriginal people must not be subjected to the same forms of over-surveillance and control in digital spaces that have historically characterised their experiences with the justice system.⁶ Consent must be informed, free, and ongoing, not assumed. Protecting Aboriginal data sovereignty is central to ensuring that digital justice does not become digital injustice.⁷

4. Aboriginal Leadership and Shared Governance

Sustainable digital futures must be grounded in Aboriginal leadership and governance. This includes meaningful involvement across every phase, policy design, implementation, monitoring, and review. Community-led digital hubs and digital governance models can drive innovation and build trust, particularly when they reflect local needs and knowledges.

Establishing a First Nations Digital Advisory Group will help ensure that strategies are guided by lived experience, cultural intelligence, and justice-focused leadership. The principles outlined in the *Uluru Statement from the Heart*, voice, truth, and self-determination, provide a solid foundation for this model.⁸

5. Collaboration that Centres Aboriginal Justice and Inclusion

Digital transformation must not mirror or reinforce the systemic failures of the past. Achieving a just and inclusive digital future requires cross-sector collaboration grounded in equity, cultural integrity, and a recognition that Aboriginal communities are best placed to define their own digital futures.

Partnerships between Aboriginal organisations, government, and the private sector must be built on shared responsibility, reciprocal learning, and genuine power-sharing.⁹ For justice strategies to succeed, they must begin with those most impacted by digital exclusion and systemic inequality.

Community-led digital resilience strategies, built on cultural knowledge, collective care, and strong mutual support networks, must be central to planning for crisis preparedness, emergency response, and long-term

⁵ Lungu, M, *Predictive policing AI is on the rise – making it accountable to the public could curb its harmful effects*, The Conversation (6 May 2025).

⁶ Feerick, C, *Policing Indigenous Australians: Arrest as a method of oppression*, Alternative Law Journal (accessed 22 May 2025).

⁷ Ibid (n 4).

⁸ The Uluru Statement, *The Uluru Statement from the Heart* (accessed 22 May 2025).

⁹ Australian Institute of Health and Welfare, *Engaging with Indigenous Australia – exploring conditions for effective relationships with Aboriginal and Torres Strait Islander communities*, Australian Government (4 October 2013).

infrastructure investment.¹⁰ These strategies strengthen not only technological capacity, but also community autonomy and sustainability in the face of disruption.

6. Ethical Concerns and the Need for Safeguards

New technologies must not reproduce old harms. The increasing use of surveillance, including facial recognition, presents risks of racial profiling and biased enforcement that Aboriginal people already face in physical settings.¹¹ These technologies can intensify harmful encounters, especially without proper safeguards, transparency, and oversight.

Artificial intelligence is being adopted across sectors without proper checks to ensure cultural safety or prevent bias.¹² Without governance frameworks that include Aboriginal voices, these systems risk reinforcing inequality and embedding discrimination into digital infrastructure. Ethical design must not be an afterthought, it must be the foundation.¹³

RECOMMENDATIONS

Considering the key themes discussed in this response, TALS offer the following recommendations to the Tasmanian Government regarding the digital transformation strategy.

- Recognise digital inclusion as a foundational justice and equity issue in all policy and legislative reforms.
- Establish a dedicated First Nations Digital Advisory Group to guide all phases of digital strategy development which is inclusive of community groups across the state.
- Embed Aboriginal data sovereignty principles into all technology and justice system reforms.
- Prohibit the use of facial recognition and surveillance technologies in Aboriginal communities without free, prior, and informed consultation and consent.
- Invest in culturally safe digital literacy and capability programs that are co-designed with Aboriginal communities and reflect their languages, knowledge systems, and aspirations.
- Ensure that Aboriginal leadership must be embedded within co-governance structures for all digital justice initiatives.

RESPONSES TO KEY QUESTIONS

1. *What digital capabilities should be the focus of the strategy refresh?*

Prioritise justice-centred digital literacy initiatives that empower Aboriginal communities to safely

¹⁰ Verbunt, E, Luke, J, Paradies, Y, Bamblett, M, Salamone, C, Jones, A and Kelaher, M, *Cultural determinants of health for Aboriginal and Torres Strait Islander people – a narrative overview of reviews*, International Journal for Equity in Health (12 August 2021).

¹¹ Limante, A, *Bias in Facial Recognition Technologies Used by Law Enforcement: Understanding the Causes and Searching for a Way Out*, Nordic Journal of Human Rights (17 November 2023).

¹² Ibid.

¹³ Ibid (n 4).

navigate and challenge digital systems. Build community expertise in data governance, ethical technology use, and culturally responsive design.

2. ***What are Tasmania's digital strengths and how can we build on these?***

Tasmania's strong community networks and improving infrastructure offer fertile ground for innovation. Partnering with Aboriginal organisations to co-create digital community hubs and knowledge-sharing platforms will build trust and ensure cultural relevance.

3. ***What digital solutions will have the highest impact?***

Telejustice systems that reduce barriers to legal assistance and improve rehabilitation outcomes for those in custody. Aboriginal-led digital storytelling platforms, and community-controlled knowledge repositories, have the greatest potential to increase access, visibility, and agency.

4. ***What would working in Tasmania look like in five years?***

A digitally inclusive Tasmania will ensure that Aboriginal communities lead technological innovation, digital literacy is culturally embedded, and both access to justice and rehabilitation is no longer impeded by digital barriers. Aboriginal knowledge and leadership will shape inclusive, safe, and future-focused workplaces.

5. ***What digital services should government implement to better serve the community?***

Telehealth and telelegal services that embed cultural safety and are co-designed with Aboriginal communities. Transparent and accessible feedback loops must be standard, ensuring accountability and trust. Improved digital connection for those in custody to connect with family, kin and community, and that will reduce the digital divide upon release.

6. ***Which industry sectors offer digital innovation opportunities?***

Justice, health, education and cultural heritage sectors offer rich potential for Aboriginal-led digital innovation that heals, empowers, and connects.

7. ***What are the major challenges for R&D and commercialisation?***

Challenges include digital infrastructure gaps, affordability, and the absence of pathways that support culturally safe, community-driven research and development. Empowering Aboriginal-led innovation hubs is essential to shifting these dynamics.

8. ***What infrastructure is critical?***

Reliable, affordable high-speed internet and digital hubs in Aboriginal communities, along with long-term investment in device access and technical support.

9. ***What skills and training are most needed?***

Community-tailored digital literacy, data governance, and ethical technology training, grounded in cultural safety and lived experience, are essential.

10. ***What are barriers to attracting and retaining skilled digital workers?***

Cultural unsafety, geographic isolation, and limited career pathways are key barriers. These can be addressed through mentorship, scholarships, and flexible, culturally respectful work models.

11. ***Should industry components be integrated into the Advanced Technology Industries Strategy?***

Yes, with dedicated Aboriginal-led strategies and culturally embedded digital government service frameworks that protect rights and foster inclusion.

12. ***What are key barriers to digital adoption?***

Barriers include structural exclusion, affordability, lack of culturally relevant content, and exclusion from decision-making. These must be addressed through sustained, community-led, and place-based approaches.

CONCLUSION

It is acknowledged that we are in an era of rapid digital transformation, which brings both opportunities and challenges for the Tasmanian Government to navigate as they seek to shape Tasmania's digital future.

TALS are of the view that for Tasmania's digital transformation strategy to be sustainable and equitable, digital inclusion must be embedded as a core principle.

TALS strongly recommends that the Tasmanian Government engage with a diverse range of Aboriginal Community Controlled Organisations (ACCOs), Aboriginal community leaders and TALS during the ongoing development and implementation of its digital transformation strategy. This will ensure the perspectives of Aboriginal people are taken into account and that the Tasmanian Government prepare a digital transformation strategy that fully considers cultural safety, place-based solutions and community-led, equity-focused initiatives drive fair and impartial outcomes for all Aboriginal peoples.

If you have any questions regarding the contents of this document, please reach out to me directly.

Warmest regards,

Lee-Anne Carter

Policy and Programs Manager

P: 1800 595 162 | M: 0490 520 480 | E: lcarter@tals.net.au

Level 1, Office 1A, 67-69 Brisbane Street, Launceston