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Attention: Technology Strategy Branch
Department of Industry, Science and Innovation

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Dear People

RE: **SUBMISSION IN RESPONSE TO DISCUSSION PAPER**
SAFE AND RESPONSIBLE AI IN AUSTRALIA

Thank you for receiving this submission. The author is a lawyer who practices in data technology including the development and implementation of artificial intelligence systems.

The overall theme of this submission is that there are “good” uses of AI and “bad” uses of AI. Sometimes those uses involve the same networks. For this reason, the author suggests that the regulation of AI is necessary to enhance the “good” uses, while constraining only the “bad”.

Training

As set out in the discussion paper, AI generally involves training of systems with existing data. Current design of intelligent tools is largely impacted by input data and increasingly is constrained by privacy law. This represents a substantial potential to retard the technology base available to Australians. Such restraint is unlikely to be legally effective (people will find workarounds) and will otherwise reduce Australia’s technological competitiveness.

Recommendation 1 – privacy law should be loosened for training of AI with regulation focussing on the use of AI.

Decision making

There are certain uses of tools, such as for health care purposes, which should not be constrained. On the other hand, those same tools can be used for immoral purposes. A doctor and an insurer can both make use of a predictive health model, but with one providing health care to the patient and the other discriminating against particular patients. Current privacy law does not allow for nuance for training of AI in this regard. This means there needs to be regulation of the use of the AI instead.

For the doctor, using AI is reasonable and rational. Human physiological systems have high levels of commonality and past cases present potential insights which can improve future patient health. For the insurer, using AI creates discrimination on a new patient based on past cases which may create different classes of individuals. This is just one example of a principle that there are useful benefits of tools using past information, while at other times there are unfair and unjust uses of those same tools.

Recommendation 2A – AI should be prohibited for certain uses including any form of discrimination on the basis of other people’s data. This should be an express list of matters where AI is not permitted to be used, including insurance, credit applications, education admission and employment applications.

Recommendation 2B – Where services are provided using AI processes, then the service provider should be required to notify the service recipient of the use of those processes.

Content-generation

AI is reaching the Turing Test point. Content generated by AI can potentially deceive a human into believing the content is real or authentic. That is a potentially dangerous situation. Consumers purchase information and goods often relying on authenticity. It affects value. While the incorporation of AI requirements into the ACL may be a useful approach, the potential for deception by AI is much broader than merely consumer transactions. Deception can affect human dignity and autonomy outside of commercial markets and AI would be a dangerous tool in the wrong hands.

Recommendation 3A – Laws should provide that all AI-generated content must be marked as being AI-generated in its meta-data or as an embedded mark on the content.

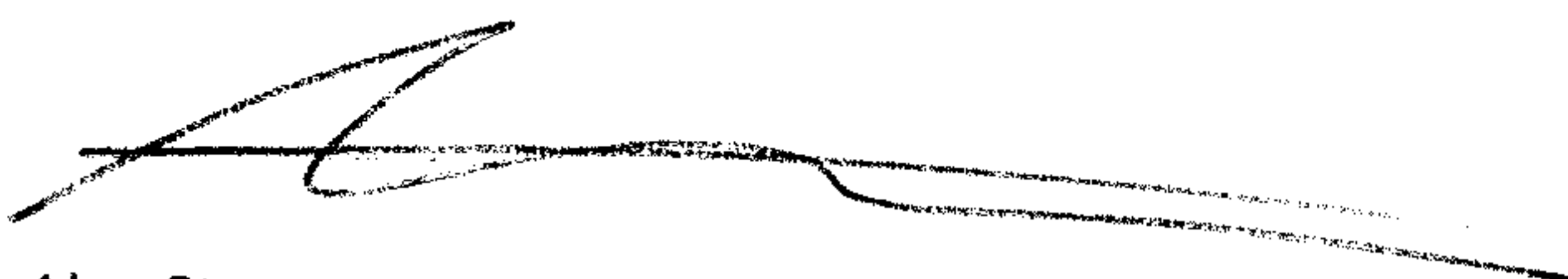
Recommendation 3B – Laws should provide that marking of AI-generated content must not be misleading or deceptive.

Recommendation 3C - AI-generated content which is found that is not marked should be subject to administrative orders (by a relevant agency) for it to be so marked or destroyed.

Conclusion

These recommendations are provided as a high-level discussion of matters raised in the discussion paper. Thank you for your consideration.

Kind regards



Alex Stewart
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--- Nothing in this submission has been generated by AI ---