

Process 1: Department of Industry Science and Resources consultations on safe and responsible AI in Australia

It is essential that the beneficial cultural, artistic and educational potential of new and evolving AI synthetic video applications is acknowledged in the proposed federal regulatory process.

While deepfakes and other synthetic audio-visual media applications continue to have a malicious impact on women in particular (90% of deepfake video is pornographic and of that, 90-95% target women and girls), AI generated Multi Modal Foundation Models (MIM) are also increasingly being used by film, TV and SVOD production companies, independent filmmakers and screen artists to streamline and enhance conventional film production practices such as dubbing, de-aging, simulation, location design, sound design, visual effects including computer-generated imagery (CGI) and actor replacement for a fraction of the cost.

As a novel special effect, deepfake video also represents a continuation of the screen industry's long-standing quest to create believable human simulations, and is, in this context, an enriching creative tool with considerable artistic and educational potential and value.

With AI technologies already firmly entrenched in the US film, TV and SVOD production system, the Australian film and TV industry would be severely disadvantaged by any "blanket ban" on the use of Generative AI models and synthetic media technologies, including deepfakes, in the film, TV and screen arts production, distribution and exhibition sectors.

The right of filmmakers and screen arts practitioners to use deepfake technology and other AI generated MIMs to create artistic works that foster social engagement and public discussion, educate audiences, and reflect the pressing issues of our time should be protected in any AI legislation, in line with the fair use and freedom of speech protections afforded to screen content creators in the US. This should include the right to utilise AI and synthetic media applications for the purposes of parody, socio-political critique or satire - which is protected under current Australian arts and entertainment regulation mechanisms.

I strongly recommend that the Department of Industry Sciences and Resources factor the economic, cultural and artistic advantages of AI screen applications listed above into any proposed legislation, and avoids implementing a wholesale ban on the use of synthetic media, including deepfakes, in artistic screen works developed, produced or exhibited in Australia.