Gabriel Furlong

Gabofurlong@gmail.com

July 2nd , 2023

Regulatory responses to face the risks of AI.

To address the potential risks of AI in Australia and promote safe and responsible AI practice, a regulatory framework is suggested. The framework can encompass both legal and soft law measures to facilitate a level playing field for people, organizations watching ethical considerations. Here's a proposal f:

1. Australian AI Commission:

Establish an Australian AI Commission as an independent regulatory body comprised of representatives from industry, the Australian Public Service (APS), academia, alliances, and civil society (non profits). The commission should be responsible for overseeing and coordinating AI governance efforts in the country. Its key functions include:

- Setting standards and guidelines: The commission should develop comprehensive standards and guidelines for AI development, deployment, and use, covering areas such as data privacy, bias mitigation, transparency, and accountability.

- Certification program: The commission should create a voluntary certification program that organizations can participate in to demonstrate their adherence to the established standards and guidelines. This certification can serve as a market signal, building trust with consumers and stakeholders.

- Monitoring and enforcement: The commission should monitor AI systems and investigate potential violations of the established standards. It should have the authority to impose penalties and sanctions for non-compliance.

2. Artificial Intelligence Bill of Rights:

Develop an Australian AI Bill of Rights that outlines the fundamental rights and protections for individuals in the context of AI. This bill should encompass principles such as:

- Right to transparency: Individuals should have the right to understand when they are interacting with an AI system and how it operates, including the ability to access meaningful explanations of algorithmic decisions that affect them.

- Right to privacy and data protection: Individuals should have control over their personal data and be informed about how it is collected, used, and stored by AI systems. Privacy-enhancing technologies should be encouraged.

- Right to non-discrimination and fairness: AI systems should be designed and deployed in a manner that avoids unjustified discrimination, bias, or unfair treatment based on protected characteristics such as race, gender, or religion.

- Right to accountability: Organizations should be held accountable for the impacts of their AI systems, including the ability for affected individuals to seek redress for harm caused by AI-related decisions.

3. Soft Laws and Voluntary Programs:

Utilize soft laws and voluntary programs to complement the regulatory framework. These measures offer flexibility, cooperation, and inclusivity while incentivizing ethical behavior. Examples include:

- Soft laws: Develop a program that sets substantive expectations for AI development and use but is not directly enforceable by the government. Soft laws can be drafted by the Australian AI Commission and revised as needed to adapt to technological advancements and emerging risks.

- Voluntary programs: Encourage non-government entities, such as private sector organizations and non-profits, to participate in voluntary programs that adhere to the soft laws and guidelines. Participation can be incentivized through recognition, grants, and access to resources.

4. International Collaboration and Standardization:

Collaborate with international partners to establish global standards for AI governance. Actively participate in standard-setting organizations (SSOs) to address technical needs and promote interoperability. This ensures that Australian regulations align with international best practices, facilitating global cooperation while protecting sovereignty and security.

5. Stakeholder Engagement and Education:

Promote engagement with stakeholders, including industry, academia, civil society, and the public. Foster dialogue and collaboration through public consultations, advisory boards, and multi-stakeholder forums to gather diverse perspectives and expertise.

- AI Ethics Education: Develop educational initiatives to increase awareness and understanding of AI ethics among engineers, developers, and decision-makers. Offer training programs and resources to promote responsible and transparent AI development and deployment.

- Impact Assessment: Encourage organizations to conduct AI impact assessments to identify potential risks, biases, and unintended consequences of AI systems. These assessments can inform decision-making and facilitate responsible AI development.

6. Robust Redress Mechanisms and Whistleblower Protections:

Institute a mechanism that allows individuals and groups affected by AI systems to provide avenues for filing complaints, appealing AI-driven decisions, and being compensated for any harm caused.

- Whistleblower protections: Establish strict whistleblower protections for individuals who expose unethical or unlawful AI practices within organizations. This encourages transparency and accountability within the AI industry by allowing insiders to report issues without fear of retaliation.

7. Inclusion and Diversity in AI Development:

Ensure that AI development teams are diverse and inclusive, with representation from different backgrounds, genders, ethnicities, and areas of expertise. Encourage organizations to adopt diversity in AI development as part of their corporate social responsibility.

- Addressing the underrepresented: Provide incentives for the inclusion of underrepresented groups in AI development, through scholarships, grants, and training programs. This ensures that AI systems are less biased and more reflective of the diversity of society.

8. Sustainable AI Development:

Encourage sustainable and environmentally responsible practices in AI development and deployment.

- Carbon Footprint Reduction: Implement guidelines for reducing the carbon footprint of AI systems, especially for those that require significant computational resources.

- Resource optimization: Encourage practices that optimize the utilization of resources in AI systems to avoid wasteful consumption of energy and materials.

9. R&D and Innovation Support:

Support research and development in AI, particularly in areas that promote ethical AI, human-centric designs, and technologies that address societal challenges.

- Research funding: Provide funding for research into AI ethics, fairness, explainability, and privacy-preserving technologies.

- Public sector use-cases: Develop use-cases for AI technologies in the public sector that can act as models for ethical AI deployment.

10. Children and Vulnerable Populations:

Ensure special protection for children and vulnerable populations whose data might be used by AI systems or who might be particularly susceptible to the impacts of AI.

- Informed consent: Develop strict guidelines around the consent process for the use of data from children and vulnerable populations.

- Sensitivity checks: Mandate sensitivity checks in AI systems that interact with or make decisions about children and vulnerable populations to prevent adverse impacts.

11. Regular Reviews and Updates:

Establish a periodic review process for the AI regulatory framework to ensure its continued relevance and efficacy. This includes updating the framework to reflect technological advancements, societal changes, and lessons learned from implementations.

12. Encourage Public Participation:

Promote an AI-literate citizenry by engaging the public in the understanding of AI technologies and encouraging their input in the formation of AI policies and regulations.

By implementing this comprehensive regulatory framework with additional measures that emphasize redress mechanisms, diversity, sustainability, protection of vulnerable populations, support for R&D, and public participation, Australia can achieve a more comprehensive and robust AI regulatory framework. This will ensure that AI technologies are developed and deployed responsibly, ethically, and in a manner that positively contributes to society.

Australia can address the potential risks of AI while promoting safe, responsible, and ethical AI practice. The establishment of an Australian AI Commission and the development of an AI Bill of Rights will provide the necessary governance and management of AI in the country, ensuring the protection of individuals' rights, the fostering of innovation, and the advancement of AI technology in a manner that benefits society as a whole.