

Australian Senate committee calls for an economy-wide law on high-risk AI

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Final report

– Parliament of Australia

Final report

REPORT - November 2024

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List of recommendations Recommendation 1 2.172 That the Australian Government introduce new, whole-of-economy, dedicated legislation to regulate high-risk uses of AI, in line with Option 3 presented in the government's Introducing mandatory guardrails for AI in high-risk settings: proposals paper. Recommendation 2 2.174 That, as part of the dedicated AI legislation, the Australian Government adopt a principles-based approach to defining high-risk AI uses, supplemented by a non-exhaustive list of explicitly defined high-risk AI uses. Recommendation 3 2.178 That the Australian Government ensure the non-exhaustive list of high-risk AI uses explicitly includes general-purpose AI models, such as large language models (LLMs). Recommendation 4 3.68 That the Australian Government continue to increase the financial and non-financial support it provides in support of sovereign AI capability in Australia, focusing on Australia's existing areas of comparative advantage and unique First Nations perspectives. Recommendation 5 4.186 That the Australian Government ensure that the final definition of high-risk AI clearly includes the use of AI that impacts on the rights of people at work, regardless of whether a principles-based or list-based approach to the definition is adopted. Recommendation 6 4.189 That the Australian Government extend and apply the existing work health and safety legislative framework to the workplace risks posed by the adoption of AI. Recommendation 7 4.192 That the Australian Government ensure that workers, worker organisations, employers and employer organisations are thoroughly consulted on the need for, and best approach to, further regulatory responses to address the impact of AI on work and workplaces. Recommendation 8 4.197 That the Australian Government continue to consult with creative workers, rightsholders and their representative organisations through the CAIRG on appropriate solutions to the unprecedented theft of their work by multinational tech companies operating within Australia. Recommendation 9 4.198 That the Australian Government require the developers of AI products to be transparent about the use of copyrighted works in their training datasets, and that the use of such works is appropriately licenced and paid for. Recommendation 10 4.199 That the Australian Government urgently undertake further consultation with the creative industry to consider an appropriate mechanism to ensure fair remuneration is paid to creators for commercial AI-generated outputs based on copyrighted material used to train AI systems. Recommendation 11 5.127 That the Australian Government implement the recommendations pertaining to automated decision-making in the review of the Privacy Act, including Proposal 19.3 to introduce a right for individuals to request meaningful information about how substantially automated decisions with legal or similarly significant effect are made. Recommendation 12 5.130 That the Australian Government implement recommendations 17.1 and 17.2 of the Robodebt Royal Commission pertaining to the establishment of a consistent legal framework covering ADM in government services and a body to monitor such decisions. This process should be informed by the consultation process currently being led by the Attorney-General's Department and be harmonious with the guardrails for high-risk uses of AI being developed by the Department of Industry, Science and Resources. Recommendation 13 6.107 That the Australian Government take a coordinated, holistic approach to managing the growth of AI infrastructure in Australia to ensure that growth is sustainable, delivers value for Australians and is in the national interest.

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❖DOCPROPERTY "Formatted Title"❖Dissenting report from Senator the Hon James McGrath and Senator the Hon Linda Reynolds CSC❖

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To inquire into and report on the opportunities and impacts for Australia arising out of the uptake of AI technologies in Australia.

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