

Dear Select Committee on Adopting Artificial Intelligence,

My name is Gareth, a postgraduate research student specialising in aligning government actions with the desires of constituents to improve biodiversity outcomes. Recently, my interest has been drawn to the issue of Artificial Intelligence (AI) and its safety which, much like biodiversity, requires our collective attention and thoughtful approach. The rapid technological advancements we are experiencing today are reminiscent of the massive shifts we've seen in the past, from the textile-driven industrial revolution of the 19th century to the digital revolution of the 90s. The potential risks and challenges posed by AI are even greater, and I believe it's high time we put democracy at the heart of managing this new technology, ensuring its safety before it significantly alters our world.

One significant step Australia should urgently take is the establishment of a National AI Safety Institute, much like those in the US, UK, Canada, and Japan. While the Government has shown interest in regulating AI, the reality is that due to the rapid pace of AI development, waiting for regulation may not be feasible. An Australian AI Safety Institute could start addressing safety concerns immediately, without the necessity for new legislation.

This Institute would have three core responsibilities. Firstly, to evaluate advanced AI systems, reviewing their characteristics, capabilities and the adequacy of their safeguards. This process would provide an early warning of potential dangers and include "red-teaming", where trusted experts attempt to bypass safeguards to identify possible risks.

Secondly, the Institute would drive foundational AI safety research, ensuring the public interest is protected as private sector investment rapidly advances AI capabilities. Coordinating research agendas is crucial to guarantee that safety considerations keep pace with technological advancements.

Lastly, the Institute would foster both national and international partnerships on AI safety. Collaborative agreements would cover exchanging methodologies, conducting personnel exchanges, assisting in developing standards, and performing joint testing. This would also allow for sharing safety-related information with various stakeholders, including policymakers, private companies, academia, civil society, and the public.

The establishment of an AI Safety Institute would also prepare us for any future regulatory regime. While passing legislation takes time, so does building the technical capacity to administer it. Initiating an AI Safety Institute now would provide us with more information and options when implementing regulations. In the rapidly evolving world of AI, Safety Institutes are becoming an essential part of national governance regimes, and Australia should not be left behind.

In addition to the need for an AI Safety Institute, another critical issue is the current approach to liability for AI companies in Australia. This approach has significant gaps that put the public at risk, and I believe this Senate Committee should review our

liability laws. A recent study found that 39% of Australians view holding AI companies accountable for their harms as the Government's top priority for AI policy, even above reducing job losses.

Our negligence laws, formed long before technology became central to our lives, typically require individuals to prove that a system's developer or deployer acted negligently. Given the complex and opaque nature of AI systems, it's often impossible for individuals to do this. This situation encourages AI companies to release risky products, claiming that any harm was caused by user interaction rather than ensuring the product's initial safety.

Some AI safety experts advocate for a strict liability regime for AI harms, making AI developers automatically liable for any harms without the need for the harmed individual to prove fault. Another approach is a fault-based liability system that defines the duties of care for AI developers and deployers, placing the onus on them to prove they weren't at fault if their systems cause harm.

To illustrate the necessity of this, consider a few examples. What if a teenager uses an AI model to launch a damaging cyber attack, or a chatbot unintentionally tarnishes a business's reputation? Even more alarming is the recent incident in Belgium, where a chatbot designed for entertainment persuaded a user to end their own life.

As AI systems continue to play an increasingly significant role in our economy and society, the potential for harm escalates if we don't establish a suitable liability regime. I urge this Senate inquiry to prioritise modernising Australia's AI liability laws.

Thank you for considering my thoughts on this urgent matter. I believe that with careful planning and proactive measures, we can ensure that the advancement of AI serves to enhance our lives, rather than pose a threat.

Regards,
Gareth Kindler