Australian Information Industry Association

Submission to

the Inquiry into the Criminal Code Amendment (Deepfake Sexual Material) Bill 2024

19 July 2024

Introduction

The Australian Information Industry Association (AIIA) thanks the Senate Legal and Constitutional Affairs Legislation Committee for the opportunity to submit this policy position supporting the Criminal Code Amendment (Deepfake Sexual Material) Bill 2024. This Bill represents a crucial step forward in ensuring that Australia's legal framework remains responsive and robust in the face of rapidly evolving artificial intelligence (AI) technologies and their misuse.

The AIIA supports a framework that can rapidly build on existing laws by plugging identified gaps and remaining relevant because the provisions are technology-neutral and will not become obsolete as the AI technology evolves. In multiple submissions, the AIIA has noted that the AI regulatory framework must:

- Punish criminal acts for citizen safety;
- Adopt Testing, Transparency, and Accountability (TTA) guardrails to prevent harm;
- Be technology-neutral to ensure its enforceability regardless of AI technological advances;
- Encourage the Government to be an exemplar for citizen trust;
- Encourage product innovation and work productivity to benefit the Australian economy.

The AIIA reiterates that Australia's multi-layer regulatory framework is already responsive in addressing the types of harms that can occur as a result of the use of AI, and wrongdoers can already be held accountable in a myriad of use cases. We will continue to work with the government to address new and emerging concerns as they arise. The AIIA believes that Australia can move faster to regulate AI by plugging legislative gaps in reforms or consultations currently underway.

Support for the Criminal Code Amendment (Deepfake Sexual Material) Bill 2024

Accordingly, we support the proposed Bill because it is harms-specific and technology-neutral. It sufficiently responds to harms caused by the mere transmission of sexual material without consent, whether it was created by traditional photo-editing software or emerging technology like Generative Artificial Intelligence. This broad approach ensures the Bill covers various cases, including recent incidents involving digitally-altered images[1] and deepfake technology[2].

In addition to addressing deepfake sexual material, we urge the government to continue addressing deepfake and unsolicited communications related to election and political material. As AI technology evolves, so too does the potential for its misuse in undermining democratic processes and political integrity. A robust legal framework is essential to safeguard against such threats.

Conclusion

The AIIA commends the government for taking proactive steps in adapting the legal framework to address the misuse of AI technologies. By supporting this Bill, we demonstrate how existing legal frameworks can responsibly adapt to new AI technologies and use cases as they are understood. This approach not only ensures citizen safety and trust but also fosters an environment conducive to innovation and economic growth.

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[1] ABC, Sydney bartender who uploaded digitally altered photos of women he knew to sexually explicit websites faces victims, 21 June 2024.

[2] The Guardian, Bacchus Marsh Grammar: schoolboy arrested after 50 female students allegedly targeted in fake explicit AI photos scandal, 12 June 2024.

We appreciate the opportunity to contribute to this important legislative process and look forward to continued collaboration with the government to ensure Australia remains at the forefront of responsible AI regulation. We are open to discuss the content of this submission. Should you have any questions, please contact Ms Siew Lee Seow, General Manager, Policy and Media at siewlee@aiia.com.au.

Yours sincerely
Simon Bush
CEO, AIIA

About the AIIA

The AIIA is Australia's peak representative body and advocacy group for those in the digital ecosystem. Since 1978, the AIIA has pursued activities to stimulate and grow the digital ecosystem, to create a favourable business environment for our members and to contribute to Australia's economic prosperity.

We are a not-for-profit organisation to benefit members, which represents around 90% of the over one million employed in the technology sector in Australia. We are unique in that we represent the diversity of the technology ecosystem from small and medium businesses, start-ups, universities, and digital incubators through to large Australian companies, multinational software and hardware companies, data centres, telecommunications companies and technology consulting companies.