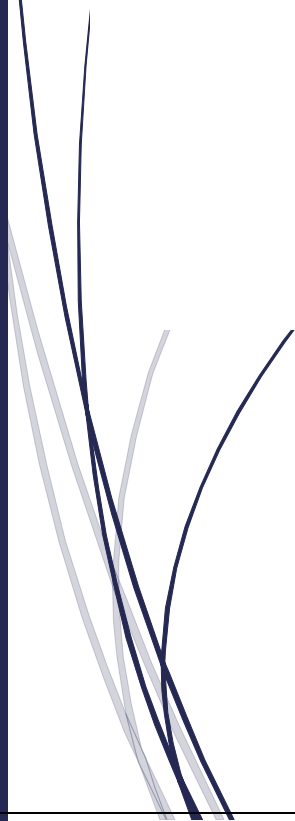


Submission on Safe and Responsible
AI in Australia: Introducing
mandatory guardrails for AI in high-
risk settings | September 2024



Preamble

The National Rural Women's Coalition

The National Rural Women's Coalition (the NRWC) is a grass roots organisation, established in 2002, that works to support and grow vibrant rural, remote, and regional communities throughout Australia. We are a coalition of five rural alliances - the Australian Local Government Women's Association, Australian Women in Agriculture, National Rural Health Alliance, Women in Seafood Australasia and Transport Women Australia Limited.

For over twenty years, we have worked to ensure better social, economic, and environmental outcomes for women in rural townships, in rural communities and in primary production throughout Australia.

The NRWC provides a collaborative, powerful national voice for women living in Rural, remote, and regional Australia through:

- Representing the diverse views and voices of women in rural, remote, and regional Australia;
- Providing advice to the Australian Government on policy issues relevant to the views, circumstances and needs of rural women; and
- Contributing to building a positive profile of rural women, their achievements, and their issues.

We believe it is important that the unique views of rural women who reside in the numerous rural, remote, and regional communities throughout Australia as farmers, businesswomen, community leaders and volunteers, have substantial input into consultations about their communities, industries, needs and issues, including any matters relating to women's rights, gender equality and discrimination.

Background

The Australian Government Department of Industry, Science and Resources published an interim response consultation on supporting responsible AI: discussion paper on 17 January 2024.

The interim response covers:

- what we heard from stakeholders
- how the government will ensure AI is designed, developed and deployed safely and responsibly.

Following on from the supporting responsible AI interim report, Australian Government Department of Industry, Science and Resources released *Introducing mandatory guardrails for AI in high-risk settings: proposal paper* for submissions. Below is an overview of *Introducing mandatory guardrails for AI in high-risk settings*.

Overview

The potential for artificial intelligence (AI) to improve social and economic well-being is immense. AI development and deployment is accelerating and is already permeating

institutions, infrastructure, products and services. This often occurs undetected by those engaging with it.

The Australian Government's consultations on safe and responsible AI have shown that our current regulatory system is not fit for purpose to respond to the distinct risks that AI poses.

Internationally, governments are introducing new regulations to address the risks of AI, with a focus on creating preventative, risk-based guardrails that apply across the AI supply chain and throughout the AI lifecycle. To unlock innovative uses of AI we need a modern and effective regulatory system.

In the Australian Government's interim response to the Safe and Responsible AI in Australia discussion paper, we committed to developing a regulatory environment that builds community trust and promotes AI adoption.

We want your views on:

- the proposed guardrails
- how we're proposing to define high-risk AI
- regulatory options for mandating the guardrails.

These approaches are in our proposals paper, *Introducing mandatory guardrails for AI in high-risk settings*.

Proposed guardrails

The guardrails in this paper set clear expectations from the Australian Government on how to use AI safely and responsibly when developing and deploying AI in Australia in high-risk settings. They aim to:

- address risks and harms from AI

- build public trust
- provide businesses with greater regulatory certainty.

We will use your feedback to inform thinking across government on next steps, including how to best apply the proposed guardrails.

The National Rural Women’s Coalition emphasises the importance of addressing the dangers of AI as a matter of urgency. This includes regulation, guardrails, mandatory ethical frameworks, auditing and accountability of implementation of mandatory guardrails, as per the proposed mandatory guardrails for high-risk AI. The sense of urgency is that if that if this does not occur, it may become impossible for the Australian Government to regulate. ¹

Recommendation:

NRWC urgently requests the Australian Government to commit to and publicly report on the implantation of guardrails and regulation of AI in Australia. NRWC is concerned any delay could result in AI becoming impossible to regulate.

¹ Bozic, V. (11 May 2023) *The dangers of Artificial Intelligence*. General Hospital Koprivnica.

AI in Primary Production, Agriculture and Agribusiness in RRR Australia

Primary production and agriculture in rural, regional, and remote (RRR) Australia provided \$93 billion to the Australian economy. Women make up 29% of Agriculture's farmers and managers and 84 % off farm income. RRR women are central to communities thriving in RRR Australia.² AI has the power to ensure food security, combat climate change and move towards regenerative agriculture, boosting health and vitality of people, communities and the planet.³ Sustainable development could be enhanced by AI, if intrinsic motivation exists to move towards green behaviour.⁴ The importance of psychology, science and regulated technology advances working together to improve the efficiency and sustainability of agribusiness and primary production in RRR Australia is vital. This comes at a time when food security, pandemics and severe natural disasters have placed immense pressure on RRR Australia and farmers.

Women are central to life in RRR Australia and communities, importance must be placed on the psychological, emotional and wellbeing of RRR women to continue to facilitate the health and wellbeing of RRR communities, their families and the environment, including responding

² ABARES (Australian Bureau of Agriculture and Resources Economics and Sciences) (2023). *Snapshot of Australian Agriculture 2023, ABARES Insights*, Canberra, March, DOI: <https://doi.org/10.25814/rk1z-qm36>. CC BY 4.0; a, S., Stachan, G., Rogers, M., Ball, K., and McPhail, R. (20 June 2022) Farm Businesswomen's Aspirations for Leadership: A case study of the Agricultural sector in Queensland Australia. *Frontiers in Sustainable Food Systems*. <https://doi.org/10.3389/fsufs.2022.838073>

³ Fourth Industrial Revolution. World Economic Forum. (10 September 2024) *Farms of the future: How can AI accelerate regenerative agriculture?*

⁴ Al Sharafi, Mohammed, A; A Emranim; Arpaci, I, Iahand; Noorminshah, A; Alqudah, Ahmal, Adi; Ivanmaneta M; & Ahmal, Adi. (2023) Generation Z use of Artificial Intelligence products and its impact on Sustainable Development: A Cross-Cultural Comparison. *Computers in Human Behaviour* 12, 3 (2023) p 107-108.

to and recovering after natural disasters, pandemics and animal-human influenza strains (bird flu) whilst negotiating the rapid changes of AI. Digital technology is likely to exclude RRR women in algorithms and potentially discriminate against women in RRR Australia, mandatory guardrails must be in place to protect RRR women and not create further disadvantage.⁵

AI potentially poses significant dangers to food safety and supply chains and fundamental human rights which could impact not only Australia but the world.⁶

The United Nations stated an 'irrefutable' need for global regulation of AI: UN experts as AI may be monopolised, with '*only a few States, companies and individuals benefiting, contributing to further inequalities.*'⁷

Further noting:

'Autonomous weapons systems could make decisions without human intervention, raising ethical and legal questions about accountability and the protection of civilians during conflict. Increasing potential for an arms race driven by advancements in AI technology could also endanger human security.'⁸

⁵ Bozic, V. (11 May 2023) *The dangers of Artificial Intelligence*. General Hospital Koprivnica.

⁶ United Nations, UN News. Global perspective Human stories. 19 September 2024. 'Irrefutable' need for global regulation of AI: UN experts. Sparrow, R., Howard, M., & Degeling, C. (2021). Managing the risks of artificial intelligence in agriculture. *NJAS: Impact in Agricultural and Life Sciences*, 93(1), 172-196.

⁷ United Nations, UN News. Global perspective Human stories. 19 September 2024. 'Irrefutable' need for global regulation of AI: UN experts. Fourth Industrial Revolution. World Economic Forum. (10 September 2024) Farms of the future: How can AI accelerate regenerative agriculture?

⁸ United Nations, UN News. Global perspective Human stories. 19 September 2024. 'Irrefutable' need for global regulation of AI: UN experts.

AI transcends territorial boundaries, state sovereignty and poses threats to the safety and security of humanity and fundamental freedoms.⁹

Recommendation:

- *NRWC urges the Australian Government to expand on 'mandatory guardrails' focusing exclusively on domestic law and move towards global peace and security. (including food security).*
- *NRWC urges the Australian Government to strengthen International mandatory guardrails. AI transcends State borders and has the potential to make AI weapons systems without human oversight.*
- *NRWC urges the Australian Government to consider advocating for the Rome Statute of International Criminal Court to include rapidly changing AI, AI systems and AI weapon systems as breaches of a Country's peace and security and offences under the Rome Statute.*

The UN Charter Objectives are 'maintaining international peace and security.' NRWC advocates maintaining universal peace must be a priority for the Australian Government.

AI poses a threat to universal peace (including food security) and must be included in any mandatory guardrails, due to AI ability to penetrate State Sovereignty and Territories without human oversight.

⁹ United Nations, UN News. Global perspective Human stories. 19 September 2024. 'Irrefutable' need for global regulation of AI: UN experts.

Specific guardrails for Primary Production, Agribusiness and Farmers

Precision Agriculture has used technology to increase farm productivity since inception. Precision Agriculture has now turned to automated agriculture machines, GPS guidance, sensors, drones and use of AI to assist in responding to climate change, environmental changes, field mapping, crop health, managing water and resources all tailored to specific place-based conditions.¹⁰ Precision Agriculture in America is estimated to make 33.2 billion by 2033.¹¹ Most concerns for farmers, remain around viability and profitability due to rising input costs of technology. Other concerns remain on the dependability on technology and loss of traditional, placed base knowledge and farm practices.¹² This is also particularly concerning for Bush Food business and businesses that rely solely on First Nations culture and traditions. Remembering that the stories and connection to Country are first and foremost and could potentially be lost or invisible in farming practice that becomes unable to function without AI.¹³ Further concerns are around humans' loss of survival skills with an over reliance on AI.

It would appear in the ABARES snapshot released July 2024, of Agriculture in Australia, precision technology is not explicitly referred to and referenced. NRWC would advocate that ABARES and data aggregation of Australian Agriculture, include precision farming.¹⁴

¹⁰ Pierci, Francis J & Nowak, P. (1999) Aspects of Precision Agriculture. *Advances in Agronomy*. (Vol 1, 67. P 1-85)

¹¹ Trishita, D. (24 April 2024). *Precision Farming, Statistics, 2024, by Agri Tech, Resource Growth*. <https://media.market.us/precision-farming-statistics/>

¹² Ibid. Bozic, V. (11 May 2023) *The dangers of Artificial Intelligence*. General Hospital Koprivnica.

¹³ Ibid. McGabbing, Gus. (4 November 2022) *Bushfood Industry worth 80m but could double by 2025: Study*.

¹⁴ ABARES (2024). *Snapshot of Australian Agriculture 2024, ABARES Insights, [Issue1]*. Australian Bureau of Agricultural and Resource Economics and Sciences, Canberra, March, DOI: <https://doi.org/10.25814/473z-7187>. CC BY 4.0

Further, inequality between those who have access to internet and precision farming and those who don't in Agribusiness will perpetuate and divide primary production and Agribusiness.

Agribusiness can be a prime target for cybercrime and perpetuate existing problems by data discriminating on certain crops, this combined with the possible monopolisation of technology in Agribusiness has a potential to greatly impact Agribusiness and Agriculture in Australia.

NRWC and RRR women have expressed that they have inconsistent availability to stable internet, this has the potential to further exacerbate inequities and inequality divides across RRR communities and the potential to leave some RRR women behind.

Recommendations

NRWC recommends the Australian Government to report through ABARES on precision technology's:

- *Impact on productivity*
- *Impact on environment*
- *Cost and monopolisation of the market*
- *Implications on traditional land practices (including bush foods, Caring for Country and First Nations Connection to Country)*
- *Mandatory Guardrail's specifically for precision technology*
- *Education and training for RRR Australia against cybercrime*
- *Mandatory guardrail's specifically for Australian Agriculture, Agribusiness and Bush Foods primary production*
- *Specific mandatory guardrails protect against discrimination of women in Agriculture and in RRR Australia, including First Nation's women, women who live with a disability and CALD women*
- *Inequities and inequalities, for example report on percentage of Farmers, Agribusinesses and primary production without access to stable internet and or precision technology.*

NRWC urges the Australian Government to have Action Plans for accountability and transparency of mandatory guardrails for high-risk AI in precision technology in Australian Agriculture.

Online Gender Based Violence

The newest category of Violence Against Women

New technologies have increased and facilitated gender-based violence both online and offline. Online Gender Based Violence (OGBV) is the term used to describe how technology is facilitating and enabling violence against women.¹⁵

OGBV uses autonomy of the perpetrator to facilitate violence against women through technology. Alwin states, '*A veil of autonomy*'¹⁶ exists for perpetrators, meaning OGBV can be perpetrated from anywhere in the world, there is no need for physical presence, making it easier for perpetrators to evade detection and or be prosecuted for harms caused, effectively Alwin states providing perpetrators '*detachment and impunity*'. This autonomy of OGBV amplifies and magnifies violence against women, in a silent, hidden and insidious way through the internet, AI and technology. The pace of this technological development is outpacing Domestic laws and International Covenants. This potentially exposes RRR women and children to great harms. Urgent review of Violence Against Women policy and law, must review to include AI classification of OGBV, with greater protections and greater prosecution powers to deter and allow RRR women to live their life free of violence.¹⁷

OGBV includes but is not limited to:

- cyber stalking

¹⁵ Awis, Rangitade Silvade. (March 2024) *A Rapidly 'Shifting Landscape': Why digitized violence is the newest category of Gender Based Violence*. (University of Pennsylvania Carey Law School: Penn Carey Law: Legal Scholarship Depository).

¹⁶ Ibid.

¹⁷ Ibid.

- online harassment
- non-consensual dissemination of intimate images (image-based violence)
- doxing
- sexting
- derogatory and denigration of women online (shaming)
- trolling
- cyberflashing
- gendered hate speech
- disinformation
- misinformation
- cyber smear campaigns
- threats of sexual violence, threats and intimidation, including coercion
- proliferation of AI generated sexually explicit material.¹⁸

Recommendation:

NRWC critically emphasises the Australian Government urgently recognise, respond and strengthen National, State and Territory policy, laws and legal systems (including Australian Criminal Justice System) to stringently protect RRR women and children from online violence.

This includes protecting RRR vulnerable women, young women and children (First Nations, CALD, women who live with a disability, women and children who are isolated and vulnerable to exploitation) from online harm and the impacts of online violence against women and children.¹

¹⁸ Alwis, Rangitade Silvade. (March 2024) *A Rapidly 'Shifting Landscape': Why digitized violence is the newest category of Gender Based Violence*. (University of Pennsylvania Carey Law School: Penn Carey Law: Legal Scholarship Depository).

Particularly the Australian Government must consider implementing urgent mandatory guardrails and strengthening policy, *including expanding Federal, State and Territory laws to recognise and prosecute Technological / Online Sexual Violence* including but not limited to:

- sexual exploitation (including through coercion such as chatbots, chatrooms and platforms that continue to perpetrate abuse in many forms, and are also abused)
- sexual violence of any form
- sexual harm and predatory behaviour
- hold technological companies and AI companies and internet providers accountable and responsible and culpable of vicarious liability of causing detrimental and irreversible harm to women and young women and children especially with relation to:

- (a) Deepfakes
- (b) Sextortion
- (c) Sexting
- (d) Sexual exploitation (including child sexual exploitation material) and image-based violence
- (e) Trafficking or sexual servitude (including technology facilitated)
- (f) Use of GPS and AI to track and perpetrate acts of violence against women and children.¹⁹

¹⁹ Alwis, Rangitade Silvade. (March 2024) *A Rapidly 'Shifting Landscape': Why digitized violence is the newest category of Gender Based Violence*. (University of Pennsylvania Carey Law School: Penn Carey Law: Legal Scholarship Depository); New South Wales Crime Commission. 'NSW investigation into the criminal use of tracking and other surveillance devices.

Recommendation

NRWC recommends that the Australian, State and Territory Governments urgently review existing legal frameworks to encompass online gender-based violence crimes, including but not limited to all forms of sexual violence, sexual coercion. (as above)

NRWC urges the Australian, State and Territory Governments to consider:

Including improving and expanding current definitions of online sexual violence, sexual abuse and online coercion.

Including expanding aggravated and prosecutable offences to punish those who seek OGBV (including sexual violence) material, those who distribute OGBV (including sexual violence) material, those who recklessly or unknowingly distribute OGBV (including sexual violence) material, with no defence of honest and reasonable mistake available.

Include expanding prosecutable offences to include OGBV offences to intimidation, threats and coercion, including strengthening domestic family violence (DFV) and sexual violence (SV) legislation and domestic family sexual violence (DFSV) responses to reflect the same.

Including expanding laws, to remove the veil of autonomy and immunity for those who are perpetrating OGBV (including sexual violence) against women and children.

Democracy | Fundamental Freedoms to participate political life

United Nations General Assembly has raised growing concern towards those who defend women's human rights, particularly journalists, politicians and women in leadership who are intentionally targeted online. Women in these positions out of fear and for their safety, retreat from using social media platforms and or resign from positions.²⁰ This is a growing

²⁰ Ibid. G.A. Res. 68/181, U.N. Doc. A/RES/68/181 (Jan. 30, 2014) (stating that “[ICT]-related violations, abuses, discrimination and violence against women, including

concern, as the internet is used without checks and balances or constraints, these shared images and information/ misinformation then reinforce bias, beliefs and values that form the structural underpinnings that allow gender-based violence to continue to occur at alarming rates.²¹

Growing concern is particularly towards those who defend women’s human rights, particularly journalists, politicians and women in leadership who are intentionally targeted.²²

“In August 2020, Speaker Nancy Pelosi and other American women lawmakers, along with legislators around the world, wrote a letter to Facebook calling upon the platform to take action to protect female political actors from online attacks. The letter went on to say: “Make no mistake... [t]hese tactics, which are used on your platform for malicious intent, are meant to silence women, and ultimately undermine our democracies.”²³

Alwin states, the disproportionate and often strategic targeting of women politicians has both direct and indirect impact on the democratic process by driving women out of political office and muffling those who remain online.²⁴

women human rights defenders, such as online harassment, cyberstalking, violation of privacy, censorship and the hacking of e-mail accounts, mobile phones and other electronic devices, with a view to discrediting them and/or inciting other violations and abuses against them, are a growing concern and can be a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights.”).

²¹ Sydney Morning Herald. (April 2024) <https://www.smh.com.au/national/a-woman-is-being-violently-killed-in-australia-every-four-days-this-year-20240424-p5fmcb.html> ; Counting Dead Women Australia researchers of Destroy The Joint, <https://www.facebook.com/photo/?fbid=874669554667472&set=a.469136718554093>. The Guardian. (27 April 2024) <https://www.theguardian.com/australia-news/2024/apr/27/as-regional-australia-reels-from-several-womens-deaths-advocates-seek-both-policing-and-prevention>, Alwin, Rangitade Silvade. (March 2024) *A Rapidly ‘Shifting Landscape’: Why digitized violence is the newest category of Gender Based Violence*. (University of Pennsylvania Carey Law School: Penn Carey Law: Legal Scholarship Depository).

²² Ibid.

²³ Ibid. Emma Goldberg, *Fake Nudes and Real Threats: HowOnline Abuse Holds Back Women in Politics*, NY Times (June 7, 2021), <https://www.nytimes.com/2021/>

²⁴ Emma Goldberg, *Fake Nudes and Real Threats: HowOnline Abuse Holds Back Women in Politics*, NY Times (June 7, 2021), <https://www.nytimes.com/2021/>

Recommendation

NRWC recommend that the Convention on the Elimination for all forms of Discrimination Against Women (CEDAW) be considered as a legislative and policy framework for combating online gender-based violence, protecting fundamental freedoms and protecting from online discrimination and harassment.

Deepfakes | Chatrooms | Data as ultimate use of power and control

Deepfakes are found to be 95% pornographic and reinforce structural violence against women that is formed by intersectional inequality and beliefs, that women are chattels, possessions to objectify and dehumanise.²⁵ This impacts women and young women in all parts of Australian society, particularly this can magnify and impact democracy and women in positions of power, for example politics.²⁶

Technology and AI can perpetrate abuse more profoundly with little effort by the perpetrator. There are echo chambers, technological platforms such as FaceMash which compared women's physical features and chatrooms facilitating online abuse against women.

²⁷

For example, structural harm and interpersonal harm occurs two-fold when bias data discriminates against First Nations women and perpetuates a cycle of facilitating beliefs that

²⁵ Alwis, Rangitade Silvade. (March 2024) *A Rapidly 'Shifting Landscape': Why digitized violence is the newest category of Gender Based Violence*. (University of Pennsylvania Carey Law School: Penn Carey Law: Legal Scholarship Depository).

²⁶ Ibid.

06/03/us/disinformation-online-attacks-female-politicians.html.

²⁷ Ibid.

underly gender-based violence in a public space where AI controls the dissemination of bias data that facilitates OGBV and discrimination against women.²⁸

Recommendation

NRWC advocates that the Australian Government protect RRR women's fundamental Freedoms and right to participate in political life, through specific mandatory guardrails.

NRWC advocates that human rights theory, critical gender theory and critical information theory be incorporated into mandatory guardrails to reflect the structural power imbalances and power inequities that can disrupt democracy through AI and technology bias.

NRWC advocates that transformed convention CEDAW be strengthened to protect RRR women's fundamental freedoms to live free of violence, participate in political life, have access to information and a right to privacy.

Online modern slavery

NRWC notes the lack of adequate data to fully understand the prevalence and nature of modern slavery (including online sexual servitude and online sexual violence) in Australia, and particularly RRR areas. Many culturally and linguistically diverse women quite often move to rural and regional areas of Australia, where they are further vulnerable to exploitation, trafficking and modern slavery.

Recommendation

NRWC recommends that mandatory guardrails consider RRR CALD women who are vulnerable to online exploitation.

All AI education and campaigns should be available in multiple languages, including Aboriginal languages.

²⁸ Alwis, Rangitade Silvade. (March 2024) *A Rapidly 'Shifting Landscape': Why digitized violence is the newest category of Gender Based Violence*. (University of Pennsylvania Carey Law School: Penn Carey Law: Legal Scholarship Depository).

E safety Commissioner | Due Diligence internet providers, big tech and digital platforms

We commend the Australian e safety Commissioner for their strong stance against child exploitation material, given the increased and more globalised use of the online exploitation of women, young women and girls, and those who experience intersecting forms of discrimination such as First Nations, migrant women and women with disabilities. Noting the diverse population groups in RRR Australia, and the higher risk of isolation and lack of support services there, it is vital to increase prosecution of technology-facilitated abuse and exploitation, including in its role in facilitating the trafficking of women, young women and girls.²⁹ NRWC urges the Australian Government not to ever let tech giants regulate themselves, with particular emphasis on not regulating OGBV against women and children.

Australia has increased e safety with the e safety commissioner being able to remove imaged based violence from social media and or the internet.³⁰ ***However, the e safety commissioner has no prosecuting powers to make those who perpetrated imaged based violence accountable and responsible.***

Technology is fast being used to facilitate violence against women. GPS tracking of offenders was recommendation 123 in the 'Not Now: Not Ever: Putting an End to Domestic and Family Violence in Queensland.' (The Taskforce Report), however a Queensland Police Evaluation

²⁹ Alston, M, 2003, *Women's Representation in Rural Context, Sociologia Ruralis*, V43, I4; Australian Government. eSafety Commissioner. (24 July 2024) Tech giants to face uncomfortable truths as eSafety compels them to life their game in tackling child abuse. [Tech giants to face uncomfortable truths as eSafety compels them to lift their game tackling child abuse | eSafety Commissioner](#)

³⁰ Australian Government. E Safety Commissioner. <https://www.esafety.gov.au/key-topics/image-based-abuse>

Report 2019 found they do not provide a risk reduction effect for victims of crime.³¹ GPS tracking has been found by the New South Wales Commission to be used by high-risk offenders:

‘One in four known individuals who purchased tracking devices since 2023 have a history of domestic violence and Project Hakea also revealed a significant and concerning overlap between organised crime and DFV offending.’³²

Further demonstrating the need for national laws which prohibit the use of tracking devices to further locate, intimidate and harm victims or potential victims of DFSV and SV and to prohibit the sale of GPS tracking devices to those with known DFSV offending histories and or links to organised crime. ³³ *Technology is proving to not work to protect women’s safety, instead technology is being used to further perpetrate violence and cause harm to women and children.*

³⁴

Tech companies are not above the rule of law and must comply with universal human rights, regardless of the fact they are borderless and can transcend territorial boundaries. Technological providers, companies and AI corporations, are legally bound by Guiding

³¹ Queensland Police. (2019) The Domestic and Family Violence GPS enabled Electronic Monitoring Technology Evaluation report. <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/2a943b54-8fa6-4635-b781-9a78a83bd608/gps-evaluation-report.pdf?ETag=22cab3d80ddc68e8f33519e60ec1e9f8>

³² New South Wales Crime Commission. ‘NSW investigation into the criminal use of tracking and other surveillance devices.

³³ Ibid 41.

³⁴ Ibid 41.

Principles on Business and Human Rights. Remedies must be available for those who have been harmed by corporate violation and abuses of inalienable human rights through AI.³⁵

Recommendation

NRWC recommends that the Australian Government review the *Corporations Act 2001 (Cth)* to strengthen corporate responsibility and due diligence for online OGBV.

NRWC urges the Australian Government to review the *Corporations Act 2001 (Cth)* for technological companies, internet providers and internet platforms possible vicarious liability from AI causing detrimental harm, including complicit in critical incidents related to AI capabilities and AI technology. Including but not limited to deepfakes, chatrooms and echo chambers.

NRWC commends the Australian Government for introducing mandatory guardrails that protect RRR women and communities, further urging the Australian Government not to let tech giants self-regulate themselves, or OGBV against women and children.

NRWC advocates that the Australian Government legislate to have ongoing timely accountability and transparent oversight and public reporting of mandatory guardrails, through proposed mandatory guardrails for high-risk AI. The Australian Government must have recourse to punishment and prosecution for corporation, tech companies and internet providers who are non-compliant with mandatory guardrails.

NRWC recommends that the Australian Government review Federal, State and Territory DFV and SV laws, to strengthen protections victim survivors have of GPS, AI and surveillance being used to perpetrate acts of violence against women and children.

³⁵ Alwis, Rangitade Silvade. (March 2024) *A Rapidly 'Shifting Landscape': Why digitized violence is the newest category of Gender Based Violence*. (University of Pennsylvania Carey Law School: Penn Carey Law: Legal Scholarship Depository).

‘Lens of Humanity’

The proposed mandatory guardrails for high-risk AI, must ensure the ‘lens of humanity’ prevails, how do we protect online human rights online, like we protect human rights offline.³⁶

The CEDAW General Recommendation 35 Paragraph 6 acknowledges that:

Gender-based violence against women, whether committed by States, intergovernmental organisations, or non-State actors, including private persons... It manifests itself on a continuum of multiple, interrelated and recurring forms, in a range of settings, from private to public, including technology-mediated settings...

RRR women should be afforded and have human rights protections strengthened online through mandatory guardrails for high-risk AI, that protect:

- Fundamental freedoms
- Their livelihood (agriculture, primary production, agribusiness, bush foods)
- Connection to Country and culture
- To live a life free from violence (including online gender-based violence)
- To freely participate in political spaces, including online
- To freely participate in democracy
- To not be discriminated against online (or invisible through AI bias)

³⁶ Government of United Kingdom. (July 2024) *The Kings Speech*. (Kings Speech July 2024)

Final Recommendation

NRWC recommends that the proposed mandatory guardrails be co-designed with RRR women, including co-designed with First Nations women.

NRWC recommends that mandatory guardrail five (5): meaningful human control and intervention in AI systems includes at least 50 % women as part of meaningful human oversight. This is because AI has the potential to cause detrimental harm to women, young women and children through online gender-based violence (OGBV), facilitating structural violence and perpetuating existing frameworks, AI, platforms and technology that enables and increases violence against women.

Please contact NRWC CEO Keli McDonald if you have any questions or require further information.

Yours Faithfully,

Keli McDonald

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