DP-REG Digital Technologies Working Group

17 May 2023, 2:30pm to 3:15pm AEST

Attendance:
- ACCC – ███████████████████████████████
- eSafety – ████████████████████
- OAIC – ████████████████
- ACMA – ████████████████

Minutes prepared by the ACCC
Open Meeting and confirm minutes

The Chair opened the meeting, and the minutes of the previous meeting were approved.

Agency updates, including attendance at any events and/or any upcoming events

ACCC
- ███
  - The ACCC agreed to (and subsequently did) send through a copy of the standard wording its Media team has been using to respond to inquiries about this code.
- ███
- 20 submissions to the ACCC's Issues Paper for the 7th interim report of the Digital Platform Services Inquiry have now been published on the ACCC's website. The topic of this forthcoming report is the expanding ecosystems of digital platforms, with a focus on consumer cloud storage services and smart home devices. The published submissions include 4 from large digital platforms (Apple, Amazon, Google and Meta), as well as submissions from various industry participants such as Free TV and Family Zone.

ACMA
- The ACMA noted it is hopeful that exposure draft legislation will be released within the next two weeks or so for its proposed mis- and disinformation powers.
- Also on the topic of mis- and disinformation, the ACMA noted it would be meeting with Twitch soon, as part of some engagement efforts to encourage platforms which are not currently signatories to the existing DIGI Code to sign up before the new powers come in.
- Following a restructure effective from 1 June 2023, ███████████ will move to a different part of the agency and be replaced in this working group by ███████████

eSafety
- eSafety continues to progress work on its position statement on generative AI, and advised it intends to send out consultation requests in June 2023.
- eSafety also noted the Government's recent response to the Social Media and Online Safety Inquiry called for an earlier than expected review of the *Online Safety Act*.

Released under FOI

OAIC

- The OAIC noted the Australian Human Rights Commission has been consulting on a federal Human Rights Act for some time, and recently published a position paper outlining its proposal for this Act, including a proposed right to privacy.
- The OAIC also advised that the Administrative Appeals Tribunal had substantially upheld the Information Commissioner's decision that Clearview had breached the *Privacy Act* through its facial recognition AI technology, following an appeal by Clearview.
- The OAIC also gave a brief update on its ongoing enforcement matter against Facebook.

Discussion of Pilot examination of technologies study on LLMs

See also: Draft 3 of the pilot study and Timelines to complete the pilot study

- The ACCC thanked other members for their contributions to this document and gave an update on its progress, noting its aim to complete it and send it up for internal SES and Strategic Data Analysis Unit review in the week commencing 22 May 2023. The ACCC plans to have a clean version available towards the end of that week for other members to review.
- Regarding ▮▮▮▮ suggestion to improve the formatting, visual appeal and readability of the document, the ACMA noted its Editorial team may be able to help with this.
- In terms of whether the document should be published, eSafety noted Morag would like to review it before making a final decision on this. **ACTION ITEM**: The ACCC suggested that members mark up any parts of the document that they wouldn't want to make public.
- On referencing consistency, members agreed that the ACCC would trial replacing endnotes with hyperlinks to sources and see how it looks.
- Subsequently, on 25 May, the ACCC uploaded a third draft of this pilot study to GovTeams and circulated it via email to the working group, including a small number of final questions and suggestions for other members. In this draft, references have been standardised to endnotes for the reasons outlined via email.

Algorithms literature review/summary

See also: Current draft of the literature summary ahead of June steering committee meeting

- Members discussed possible new names for the literature review and settled on the term **'Literature summary'**.
- Members discussed whether an out-of-session decision could be taken to publish the literature summary, but it was ultimately determined that the decision on whether to publish it would be taken at the 2 June Steering Committee meeting, with the final sign-off on this to then be given by the Heads of Agency at their meeting scheduled for mid-June.
  - Members agreed, however, that future joint publications could be approved by Heads of Agency out of session.
- eSafety noted its Editorial team could conduct a grammar, style and formatting check of the study, but members agreed this should occur after the Steering Committee meeting.

Academic consultation on LLMs

- Members noted that by the RMIT next meeting booked on 29 May, the working group would have a finalised version of its LLMs study.
  - However, on 25 May the ACCC noted it could not send the full version of the document to RMIT because it includes content from the NSTC's Rapid Response Report, which is currently confidential within Government.

- The ACCC noted that Professor Kimberlee Weatherall had agreed to give a presentation about LLMs immediately after the Steering Committee meeting. The OAIC subsequently sent an invitation to this call from the DP-REG inbox. The presentation will be recorded.
- Members noted continued difficulties in arranging a call with Professor Amin Beheshti.

Upcoming meetings

- Members noted the TikTok meeting had been postponed, with a date of 16 June subsequently confirmed in late May.
- The ACCC and eSafety noted they were both working on 'back pocket briefs' on generative AI. Both agencies subsequently shared these briefs within the working group via email.

DP-REG workplan discussion

- Members noted that the existing DP-REG workplans and chairing arrangements would likely remain in place for a further 6 months from 1 July 2023.
- Following that, the ACMA noted its Chair had expressed a preference to align workplans to financial years, not calendar years.

Other business

- Multiple members noted they had provided feedback to DISR on 2 papers about generative AI – the Rapid Response Report by the National Science and Technology Council, and a separate DISR discussion paper. Both of these papers are currently confidential within Government, but the ACMA noted its understanding that the discussion paper would be published in late May 2023.
    - Following a subsequent meeting with DISR, the ACCC now understands both papers will be published together, on or about 31 May 2023.
- The ACMA noted Minister Rowland is considering holding an AI roundtable in the near future, and other agencies expressed interest in attending this.

Next steps/action items

- Members agreed to finalise work on the Algorithms Literature Summary and the Examination of Technology Pilot Study on LLMs ahead of the Steering Committee meeting.

Date of next meeting

The next meeting of this working group will take place early in the 2023/24 financial year, though no date has been confirmed as yet.