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Submission to the Joint Select Committee on Artificial Intelligence

The First Nations Digital Inclusion Advisory Group (Advisory Group) welcomes the opportunity to provide a submission to the Joint Select Committee on Artificial Intelligence (the Committee).

The Advisory Group was established by the Minister for Communications in 2023 to provide advice on progressing Target 17 of the National Agreement on Closing the Gap, which aims for equal levels of digital inclusion for First Nations Australians by 2026. Target 17 underpins Outcome 17 of the National Agreement, which is focused on ensuring First Nations Australians have access to information and services enabling participation in informed decision-making regarding their own lives.

The Advisory Group is concerned about the ongoing impact of digital exclusion for First Nations people, including the effect Artificial Intelligence (AI) will have on the experiences of First Nations people in online environments, our cultural knowledge systems, and our creative industries.

The Advisory Group notes that integrating First Nations voices and perspectives into the deployment of AI systems (in line with *Closing the Gap Priority Reform 4*) will be increasingly important as AI and automated decision-making systems take on a larger role in providing access to information and services.

AI and First Nations Digital Inclusion

Terms Of Reference 1(a),(b),(d)

The Advisory Group recognises the opportunity for AI and automated decision-making to improve digital inclusion for First Nations Australians, and to support economic and social opportunities, as well as access to services and information. However, the Advisory Group believes that low levels of digital inclusion for many First Nations Australians will impact on their ability to share the benefits of AI on an equitable basis with other Australians.

The Australian Digital Inclusion Index[1] indicates that First Nations Australians are amongst the most digitally excluded groups in Australia. The national gap between First Nations and non-First Nations households is 10.5 points (63.4 compared with 73.9). Digital inclusion worsens with remoteness, with the gap widening from 6.2 in major cities to 22.8 in remote Australia and 24.2 in very remote areas.

Digital inclusion for First Nations Australians also varies widely based on socio-economic and housing situation, age, education, health and employment status. The National AI plan notes that addressing this gap is critical to ensure inclusive growth and equal access to AI benefits, as the existing digital divide exacerbates barriers to AI adoption.[2]

In response to Sections 1(a), (b), and (d) of the Committee's Terms of Reference, the Advisory Group recommends that a clear pathway be established to guarantee that First Nations cultures are able to safely and enjoyably benefit from AI. We recommend that the elements underpinning First Nations Australians' ability to use and benefit from AI, including connectivity, affordability and digital skills, are an explicit and costed element of future Government AI policy.

[1] Thomas et al., 2025
[2] Department of Industry, Science, and Resources, 2025



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The Advisory Group remains concerned that if First Nations communities do not have the prerequisite ability or skills required to safely and effectively utilise digital technologies, there is a risk that the deployment of this technology may serve to further widen the digital gap and entrench disadvantage for First Nations communities. This risk is compounded by issues of access and affordability – simply put, if First Nations people do not have access to affordable and reliable internet, they will be excluded from the benefits of AI.

Indigenous Data Sovereignty, Governance and Copyright (INDGS&C)

Terms Of Reference 1(e),(f),(g),(i),(j)

The Advisory Group emphasises that Indigenous Data Sovereignty, Governance and Copyright (IDSG&C) must be understood to include not just control and use of data access, but also authority over how data is interpreted, transformed into knowledge, and used within systems. As AI companies develop models that harness and utilise First Nations knowledge, cultural control and access to this knowledge is being eroded. This is compounded by the lack of clear protection within existing copyright laws for Indigenous Cultural and Intellectual Property (ICIP).

In a modern digital landscape, the Advisory Group believes that it is critical to ensure sufficient protection is provided for all material, including 'the long tail' (i.e.material that is openly available online for which striking voluntary deals is unrealistic or impossible). While this long tail of small and individual copyright owners can make identifying and buying licences difficult, this should not preclude its inclusion in regulatory approaches to AI.

The long tail is where many First Nations producers, small productions, histories, and stories that don't come under a production company are situated, with a vast majority of these creators lacking control over the sites in which their works are republished or reproduced. With reproduction in spaces like online open libraries or file-sharing websites, these stories lose their protection and become vulnerable to mass-scraping. The Advisory Group believes that the institution of an 'opt-out' for training will not provide sufficient protection for First Nations artists, producers and creators.

The Advisory Group acknowledges that issues of copyright affect all Australian creatives and their works, and we believe that copyright law and AI policy must be overhauled for all Australians. The Advisory Group notes, however, that First Nations cultural groups and individuals, especially those experiencing digital exclusion, have fewer protections and avenues through which to pursue compensation for traditional knowledge or cultural story. It is important that future consultation on INDSG&C covers these broader issues, including stronger protection for ICIP, in line with Priority Reform 4 of the National Agreement on Closing the Gap.

In response to Sections 1(i) &(j) of the Committee's Terms of Reference, the Advisory Group recommends that the Australian government institute further protections for First Nations content that prioritises the agency of First Nations artists. This could include government-level blacklisting of certain terms/sources for AI scraping, or the creation of a central licensing hub for First Nations content where long tail content may be willingly uploaded in exchange for fair compensation. Although the use of AI may breach copyright in accessing and repurposing material without appropriate approvals for use, there is also the risk that AI models will exhibit significant bias and discrimination, and may also contribute to the spread of misinformation. For First Nations peoples, this can result in discriminatory outcomes that are automated, opaque and difficult to challenge, reinforcing racism through technology rather than through overtly racist conduct.



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In response to Sections 1(e),(f), and (g) of the Committee's Terms of Reference, implementing IDSG&C in this context serves to guarantee:

- knowledge sovereignty, including whose knowledge is recognised as authoritative
- sovereignty, including which cultural, ethical and legal frameworks are embedded in digital systems
- decision-making sovereignty, including who has oversight and accountability when systems affect First Nations peoples.

While the First Nations Digital Inclusion Roadmap does not explicitly mention AI, Recommendation 24 (*Commit to data sovereignty in government and industry programs which impact First Nations communities and organisations*) calls for all governments and telecommunications providers to embed Priority Reform 4 and data sharing into connectivity and digital ability programs.[3]

Without First Nations governance over data, digital systems risk privileging non-First Nations worldviews as a default, while marginalising First Nations knowledges, lore, values and lived realities. In Aotearoa/New Zealand, *Te Hiku Media* has built a community-controlled speech-recognition model that can transcribe and teach te reo Māori. *Te Hiku* has retained cultural control over this technology through their *Kaitiakitanga* License, protecting the code by providing access to those deemed fit through *tikanga* (Māori customs and protocols).[4]

The *Kaitiakitanga* License demonstrates that advancing IDSG&C is essential to ensuring digital inclusion under Target 17 supports not only access and participation in decision-making regarding their own lives, but cultural authority, fairness and self-determination in increasingly automated digital environments.

The Advisory Group recommends the Committee consider how to embed IDSG&C in the policy and regulatory frameworks for AI, including implementing Priority Reform 4 of Closing the Gap and stronger safeguards around First Nations cultural content. A practical first step in achieving this could come from including core elements of a culturally grounded Data Sharing Agreement in Commonwealth data-sharing or AI-procurement agreements. As services and technology are increasingly shifting towards AI adoption, the ability to access the internet in a culturally safe and secure way must be regarded a key metric in understanding how connected First Nations people are.

Real-world AI harms facing First Nations communities

Terms Of Reference 1(k),(l)

The Advisory Group would like to emphasise that deployment of AI services must be done in a way which does not further expose First Nations Australians to online harms, such as racism and misinformation, and which empower them to shape the narratives that affect their communities. The 2025 National AI Plan explicitly recognises that AI has manifested harms to First Nations people, including through perpetuating harmful stereotypes and the use, misattribution and falsification of First Nations cultural and intellectual property.[5] We are concerned that without the skills to be online safely and effectively, First Nations Australians continue to be more vulnerable to online harms, such as scams and misinformation, both of which will become more prevalent with the growth of AI.

[3] First Nations Digital Inclusion Advisory Group, 2024
[4] Te Hiku Media, 2022
[5] Department of Industry, Science and Resources, 2025



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In response to Sections 1(k) and (l) of the Committee's Terms of Reference, the Advisory Group recommends that deployment of AI in settings where there is a likelihood of impact on First Nations Australians should be deemed inherently 'high risk'. We are also concerned that current avenues for reporting and responding to online harms are not culturally appropriate or effective for many First Nations people. Services that give agency to the individual to tell their story, such as the '*Call it Out*' register, provides an exemplar of a considered and culturally informed line of reporting. Led by the Jumbunna Institute for Indigenous Education and Research at the University of Technology Sydney (UTS), in partnership with the National Justice Project, the register is the only national, First Nations-led collection of such data.[6] As online moderation shifts to increasingly AI-run systems, it is imperative that these systems operate properly and in a culturally appropriate way to prevent further harm.

Opportunities for AI to benefit First Nations Australians

Terms Of Reference 1(c)

While the Advisory Group has noted the negative impact of AI, we believe there are opportunities to provide benefits for First Nations Australians. Active co-design of AI systems and the use of community insights has shown positive results for First Nations groups, where AI has worked as an enabler, not a replacement, for human and community expertise.

For example, Winyama Geospatial Consultancy is a First Nations-run business in Western Australia that contribute mapping and imagery to environmental and land projects. Winyama assist traditional owners by using advanced AI learning to rapidly process satellite imagery, helping them to identify native vegetation across large areas. In line with Target 17, the business also provides training and support to more than 1,000 people working across First Nations land in Australia, as well as eight paid internship opportunities for First Nations Australians.[7]

Programs like these have benefitted First Nations communities through their purpose-built nature, including extensive First Nations input into design, implementation, and operation.

In line with both Section 1(c) of the Committee's Terms of Reference and the National AI Plan, the Advisory Group recommends that First Nations perspectives be embedded into instruments Government has already built or funded, including the mandatory Framework for Governance of Indigenous Data, the new Guidance for AI Adoption, the AI Safety Institute, the National AI Centre, and Closing the Gap's own intergovernmental architecture.

The Advisory Group also recommends that the the use of AI systems by governments is informed by:

- genuine engagement with impacted First Nations communities,
- alignment with Closing the Gap reforms and data sovereignty principles,
- accountability and justice for First Nations people
- authentic co-design, purpose-built to drive empowerment, research and innovation.

To assist in the above, we similarly recommend that Australia implement a nationally recognised First Nations AI governance body to guide governments in implementing First Nations-owned, domain-specific language and cultural-data models, built and governed under IDSG&C principles.

[6] Prime Ministers' Office, 2026
[7] Supply Nation, 2025

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Conclusion

Thank you for this opportunity to provide feedback. Beyond closing the gap, our vision is for First Nations communities and people to use digital technologies confidently and safely in their daily lives. In line with Outcome 17, First Nations Australians should have the access to information and services that enable informed decision-making regarding their own lives, including AI, digital and creative industries, and the development of digital tools and applications to support local community. If you would to discuss any of the issues raised in this submission, please contact our secretariat at [redacted].

[redacted]

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