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An assessment of Australia's approach to AI regulation

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Guardrails & Gap Analyses

An assessment of Australia's approach to AI regulation

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ABOUT GLOBAL SHIELD AUSTRALIA

Global Shield Australia is an independent, non-profit policy advocacy organisation dedicated to reducing global catastrophic risk, including from artificial intelligence. Global Shield Australia forms part of the broader Global Shield enterprise, with staff in the United States and Europe.

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Acronyms and abbreviations

ACCC	Australian Competition and Consumer Commission
ACL	Australian Consumer Law
AI	artificial intelligence
AISI	Australian AI Safety Institute
APRA	Australian Prudential Regulation Authority
ASD	Australian Signals Directorate
ASIC	Australian Securities and Investments Commission
Defence	Department of Defence
DFAT	Department of Foreign Affairs and Trade
DISR	Department of Industry, Science and Resources
DP-REG	Digital Platform Regulators Forum
DTA	Digital Transformation Agency
FOI	Freedom of Information
Home Affairs	Department of Home Affairs
NAIRA	National AI Risk Assessment
OAIC	Office of the Australian Information Commissioner
SOCI Act	Security of Critical Infrastructure Act 2018 (Cth)
SYNAPSE	Synthetic Biology and AI Protection and Security Effort
TGA	Therapeutic Goods Administration

Executive Summary

Australia's approach to regulating AI has seen significant shifts over the past two years. In 2024, the Commonwealth was preparing 'mandatory guardrails' for artificial intelligence (AI) in high-risk settings. In December 2025, Australia's National AI Plan opted not to pursue AI-specific legislation, but to instead rely on existing regulatory frameworks to address AI harms.

The December 2025 decision primarily rested on two premises. First, that Australia's laws had been assessed and determined to be sufficient to address AI risk. Second, that agencies would continue to review and reform regulatory frameworks in light of the impact of AI.

Just over eight months since the release of the National AI Plan, this report provides the first assessment of both of these premises, drawing from Freedom of Information (FOI) releases and extensive desktop research across most Commonwealth departments and agencies. The report provides new insights into the view of AI risk within government and identifies 50 separate processes across the Commonwealth bearing on the sufficiency of Australia's regulatory frameworks in light of AI developments.

Key findings

1

The analysis undertaken in 2025 provided a valuable starting point for understanding Australia's exposure to AI risk, but its focus on actualised harms was overly narrow.

2

There is work underway in most Commonwealth portfolios to review regulatory frameworks in light of the impact of AI, but this work would benefit from clearer prioritisation and improved visibility of harms and 'near misses'.

3

Clear central coordination is needed to ensure that reviews and reforms are not inconsistent or duplicative.

4

Transparency associated with AI-related regulatory processes has been mixed, limiting public engagement and reducing trust.

5

Several previous reviews of regulatory frameworks have identified the value of economy-wide AI regulation.

6

Increased funding and urgency are needed for key review and reform processes.

Recommendations

1. The Office of AI should commission and publish a National AI Risk Assessment (NAIRA)

The Office of AI should commission and publish a comprehensive assessment of Australia's exposure to AI-related risk, considering the full range of AI risks — including prospective, cross-cutting and potentially catastrophic risks — and the effectiveness of Australia's regulatory frameworks. This analysis would establish a shared basis for prioritising and funding reviews and reforms.

2. The Government should legislate mandatory monitoring and reporting of serious AI incidents

The Government should establish a mandatory monitoring and reporting mechanism for serious AI incidents, harms, and near misses, to give agencies the visibility needed to prioritise reforms. The National AI Plan commits the Australian AI Safety Institute (AISI) to monitor AI risks and harms, and regulators to identify, assess and address AI-related harms. AI incident monitoring and reporting would provide the evidence base to enable these bodies to do this work. Established models, in specific sectors in Australia and for AI overseas, could inform the design of such a mechanism. These include Australia's reporting regimes for aviation, therapeutic goods, and ransomware payments, and the incident reporting obligations in the European Union's AI Act and California's Transparency in Frontier Artificial Intelligence Act.

3. The Department of Industry, Science and Resources (DISR) or the Office of AI should coordinate and publicly report on AI-related reviews and reforms

DISR or the Office of AI should be funded to coordinate and track the ongoing reviews and reforms of regulatory frameworks. This should also involve a public, whole-of-government register of AI-related reforms and reviews, and annual reports to Parliament.

4. The Joint Select Committee on AI should use its inquiry to examine options for mitigating risk created primarily at the model level of the AI supply chain

The Joint Select Committee on AI's inquiry is a key opportunity to review the role of frontier AI developers and the regulatory interventions available to mitigate risk at the level of AI models, where controls can be most effective across multiple policy areas. The Committee should consider and make recommendations on Australia's ability to regulate frontier AI developers, how best to address model-level risk, and options for Australia to contribute to international rules and norms on AI. The Committee should also review obligations legislated in overseas jurisdictions (including the European Union, South Korea, Vietnam, California and New York) and identify which may be suitable for Australia to adopt. This is particularly important to inform the design of the Australian Standards for AI, which are expected to come to Parliament in early 2027.

5. The Government should provide specific funding for AI-related reviews and reforms and set clear timeframes for their conclusion

The Australian Government should fund priority review and reform processes, based on the NAIRA (Recommendation 1), with dedicated expertise and clear timeframes. Increased funding for the AISI would also enable it to better achieve its mandate to support agencies in their reviews and reforms.

6. The Government should enact framework or coordinating legislation to support the AI-related reviews and reforms

The Government should enact framework legislation setting baseline, cross-cutting expectations, definitions, and obligations to support the range of AI-related reviews and reforms taking place. This could include rules on attribution and liability for AI agents, information-sharing provisions, and foundational obligations (such as to manage risk when developing or deploying AI models). It could also include mandatory incident monitoring and reporting (Recommendation 2), obligations arising from the review of frontier AI developers (Recommendation 4), and empower a coordinating body to oversee and report on Australia's AI-related reforms.

As the capabilities of AI systems continue to rapidly increase, risks that were once just speculative are becoming present dangers. This includes risks of catastrophic-level harms that cannot be easily responded to or recovered from. The National AI Plan's third pillar commits the Government to "keep Australians safe". This report provides an assessment of Australia's progress towards meeting that aim and sets out concrete actions to enable the Government to deliver on that commitment.

SECTION 1

1

INTRODUCTION

SECTION 1

Introduction

Effectively regulating artificial intelligence (AI) is one of the greatest challenges facing governments today. AI capabilities are advancing on cycles measured in months if not weeks, and AI models are outpacing human experts in an increasing range of tasks. As a general-purpose technology, AI's impact will also be felt across every area of public policy and society more broadly.[1] This creates the potential for enormous benefits, and also poses serious risks.[2] Seizing those benefits while ensuring there are safeguards against harms will be key to Australia's future prosperity, safety, and security. This report focuses on the latter part of this challenge, while recognising the importance of non-regulatory measures being undertaken to keep Australians safe, including the work of the Australian AI Safety Institute (AISI) and by a range of other agencies.

Australia's December 2025 National AI Plan represented a significant shift in how the Australian Government would regulate AI. As part of the Plan's commitment to "keep Australians safe", the Government moved away from previously proposed "mandatory guardrails" for AI in high-risk settings[3] (see Table 1), and instead decided to rely on "existing legal and regulatory frameworks" to address potential AI harms.[4]

This decision was based primarily on two premises. First, that Australia's existing laws and regulations were largely sufficient to address AI risk. Second, that agencies would continually "assess the suitability of existing laws in the context of AI" and address 'gaps' where they were identified.[5]

The determination that Australia's existing laws were largely sufficient to address AI risk relied on what the Government has called a 'gap analysis' of Australia's regulatory frameworks and their ability to address potential AI harms. In August 2025, the Treasurer referred to the "gap analysis … to see whether we can meet our objectives with existing legislation, or whether it requires one overarching bill".[6] The Department of Industry, Science and Resources (DISR) also told Senate Estimates in February 2026 that "the assessment [of the gap analysis] was largely that there were arrangements in place to cover significant areas of activity" and that where "there were any gaps … regulators identified them and they've got action plans" in place to respond.[7] The Minister for Industry and Innovation also confirmed that work was underway across government to identify and address regulatory gaps.[8]

> **"… the gap analysis … to see whether we can meet our objectives with existing legislation, or whether it requires one overarching bill."**
>
> **The Treasurer**, August 2025[6]

> **"the assessment [of the gap analysis] was largely that there were arrangements in place to cover significant areas of activity"**
>
> **Department of Industry, Science and Resources**, February 2026[7]

This report examines the substance of the analysis that informed the approval of the National AI Plan and the progress made by the Commonwealth on reviewing and updating regulatory regimes to ensure AI risk is being addressed. It provides the most detailed picture yet of the Commonwealth Government's understanding of and approach to dealing with Australia's exposure to AI risk.

The report concludes with recommendations to strengthen and complete the work the Government has begun, to deliver on its commitment to "keep Australians safe", and help Australia become a leader on the safe, secure and responsible development and adoption of this transformative technology.

TABLE 1 **The ten proposed mandatory guardrails for AI in high-risk settings**

1	Establish, implement and publish an accountability process including governance, internal capability and a strategy for regulatory compliance.
2	Establish and implement a risk management process to identify and mitigate risks.
3	Protect AI systems, and implement data governance measures to manage data quality and provenance.
4	Test AI models and systems to evaluate model performance and monitor the system once deployed.
5	Enable human control or intervention in an AI system to achieve meaningful human oversight.
6	Inform end-users regarding AI-enabled decisions, interactions with AI and AI-generated content.
7	Establish processes for people impacted by AI systems to challenge use or outcomes.
8	Be transparent with other organisations across the AI supply chain about data, models and systems to help them effectively address risks.
9	Keep and maintain records to allow third parties to assess compliance with guardrails.
10	Undertake conformity assessments to demonstrate and certify compliance with the guardrails.

Source: DISR, *Safe and Responsible AI in Australia: Proposals Paper for Introducing Mandatory Guardrails for AI in High-risk Settings* (September 2024).

SECTION 2

2

THE GAP ANALYSIS

SECTION 2

The Gap Analysis

To understand the gap analysis that informed the decision to move away from mandatory guardrails for AI, Global Shield Australia lodged *Freedom of Information Act* (FOI Act) requests with 40 Commonwealth agencies, spanning the full range of Commonwealth regulatory functions and portfolios. The requests sought documents that constituted or summarised the "gap analysis" that the Government said informed the adoption of the National AI Plan.[9]

The outcomes of the requests are set out in Appendix A. Of the 40 agencies requested, 19 advised that they held no relevant documents, 11 transferred the request to DISR, six refused access under FOI Act exemptions, and three (the Department of Home Affairs (Home Affairs), Digital Transformation Agency (DTA), and IP Australia) released redacted documents.[10] One request remained outstanding at the date of this report.

The released materials evidenced two separate processes that the Commonwealth undertook in 2025. First, in early 2025, DISR engaged in a range of work across government testing the Commonwealth regulatory landscape against potential AI harms. Second, in October 2025, DISR asked agencies to map AI harms against their regulatory responsibilities.

While there are likely to be additional, non-public processes that informed the ultimate decision to move away from mandatory guardrails, the material associated with these two processes provides useful new insights into at least one part of what informed that decision.

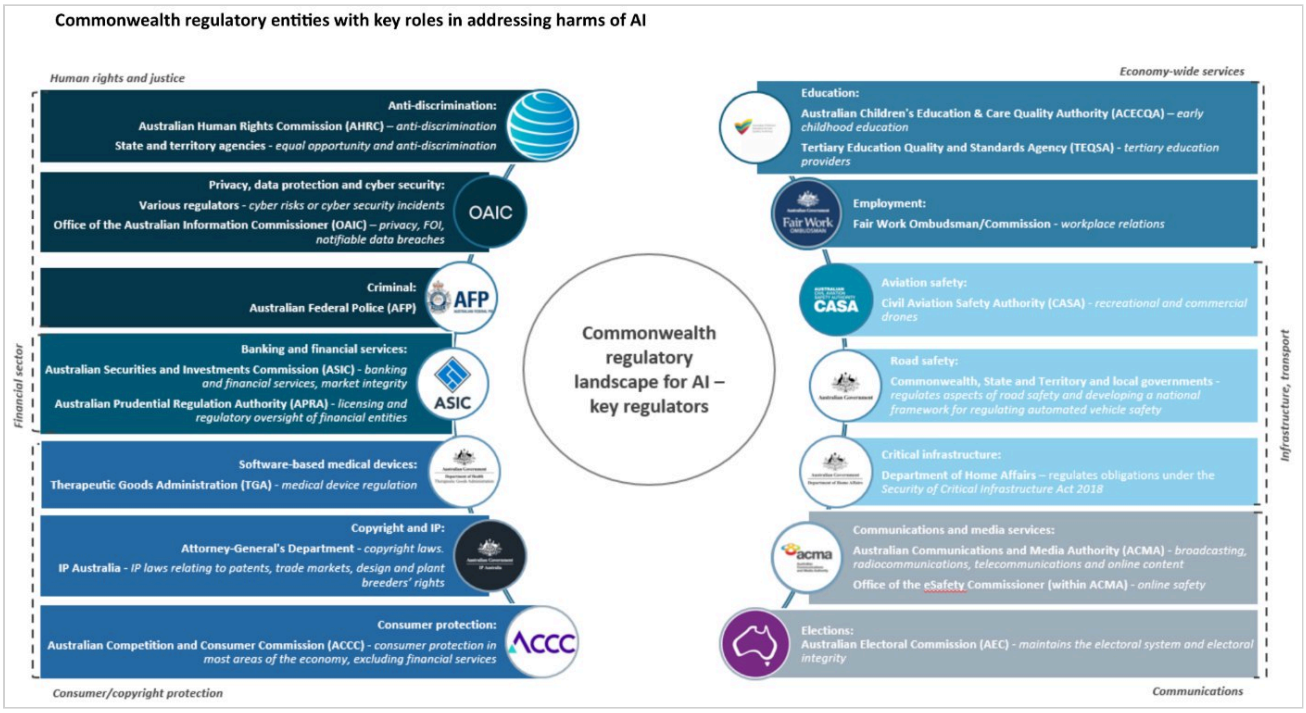
2.1 The early 2025 DISR analysis

The documents released from DTA include a series of attachments to a July 2025 email from DISR setting out internal analysis of the "Commonwealth regulatory landscape" and initial testing of how well existing laws could manage AI harms.[11] While it is not possible to identify precisely what role these played in the Government's adoption of the National AI Plan, nor what other processes and materials may have superseded this work, they provide a point-in-time perspective on at least part of the Government's assessment of Australia's AI risk exposure.

Government entities impacted by AI

DISR, through its work with other agencies, identified government entities likely to be "most heavily impacted" by the "rapid uptake of AI", and those that had a role in addressing AI harms (see Figure 1 and Appendix B). The listing demonstrates the broad and whole-of-government impact of AI. Agencies from all areas of government were identified as being relevant, with the operational independence of some regulators noted as adding "further complexity to cross-sector coordination".

FIGURE 1 **DISR's mapping of Commonwealth entities particularly relevant to addressing AI harms**



Source: DTA, FOI Release 032, 5 August 2026.

Initial assessments of Australia's regulatory frameworks

DISR also prepared an initial summary of how specific bodies of Australian law treat AI related harms, focused on the law of negligence, privacy law, consumer law, discrimination, defamation, intellectual property and copyright, and criminal law. The analysis noted that there "is uncertainty regarding the extent to which Australian laws are effective in addressing the harms of AI…[which] will become clearer as cases progress through the courts" and that several laws are "responsive, rather than preventative" (see Figure 2).

FIGURE 2 **Extract from DISR's snapshot of key laws and AI**

Snapshot of Key Laws and AI

This summary outlines how several areas of law currently operate and how AI would be treated. It also notes where the Government has commenced reviews.

- There is uncertainty regarding the extent to which Australian laws are effective in addressing the harms of AI. Whilst this will become clearer as cases progress through the courts, there are gaps in the current laws.
- A number of laws referred to below are responsive, rather than preventative, in that they rely on an individual identifying that they have been harmed, commencing proceedings after the event, and/or making a complaint to the relevant regulator after the event. This is not an exhaustive list of all relevant laws. For example, relevant laws apply to certain sectors or industries including those administered by the Australian Securities and Investment Commission and the Australian Prudential Regulation Authority.

Source: DTA, FOI Release 032, 5 August 2026.

Separate internal analysis contained further "[o]bservations about preventing harm using existing law". This noted that "protections do not exist to address the scale, speed and severity of all harms that arise from the use of AI in high-risk settings", "[l]egal protections [are] insufficient for AI harms", there is "[h]eavy reliance on remedies post-harm" (which "individuals can struggle to access"), there are "[u]ncertainties and issues with liability and consumer law", and that there are limited requirements for "transparency across the AI supply chain". The work noted work underway to better understand the application of the law to high-risk AI use, including in relation to health care, consumer law, and copyright.

FIGURE 3 **Extract from DISR's observations on existing laws**

Observations about preventing harm using existing law

Protections do not exist to address the scale, speed and severity of all harms that arise from the use of AI in high-risk settings. This attachment presents observations regarding the application of existing law to the development and deployment of AI. Section 47C [redacted]

Source: DTA, FOI Release 032, 5 August 2026.

Identification and categorisation of AI harms

There was also work done to identify and categorise the risks and harms posed by AI, including how advances in AI could "translate to new, wider-scale or more impactful harms".

This work was broad-ranging, covering malicious use risks, malfunctions in AI systems, and systemic and societal risks (such as to labour markets or the environment). It identified direct harms to individuals across multiple domains (such as human rights, health and safety, workplace rights, privacy, and psychological harms), as well as new and emerging risks (such as from autonomous AI agents, AI mimicry of individuals, and loss of control scenarios).

The analysis included consideration of AI-specific legislation and guidance that could help address these risks and mitigate the potential for harm (see Figure 4). This identified measures that could help mitigate both harms to individuals and systemic risks, including clarification of accountability and liability, obligations to manage risk, and AI system monitoring requirements.

FIGURE 4 **Extract from DISR's summary of risks and harms of AI in high-risk settings**

How the application of new AI-specific legislation or guidance would mitigate risks of harm

The below table shows how obligations would assist in mitigating the harms outlined above. Different regulatory approaches can be taken to communicate these obligations and make them enforceable (refer Attachment C).

Regulatory design feature	Obligation placed on developers/ deployers of AI in high-risk settings	How the application of **AI-specific legislation or centralised guidance** would mitigate risk of harm	Mitigation against existing harms to individuals?							Mitigation against systemic risks?		
			Harms to rights	*Health and safety*	*Employees*	*Privacy*	*Consumers*	*Psychological harms*	*Synthetic content*	*Mis- and dis-information*	*Terrorism and organised crime*	*Critical infrastructure*
Preventative obligations	**Accountability measures**	Ensures individuals can be held to account where harms occur, by assisting in allocating liability. Aim to deter individuals from neglecting their preventative obligations.	✓	✓	✓	✓	✓	✓	✓			
	Risk management obligations	Will incentivise developers and deployers of AI to invest more in risk mitigation strategies, including reducing the risk from unintended but foreseeable harm.	✓	✓		✓	✓	✓	✓	✓	✓	✓
	Data governance measures	Ensuring data quality and protection should minimise the risks of discriminatory outcomes and impacts to privacy, and maximise the quality and safety of outputs.	✓	✓		✓	✓			✓	✓	✓
	Supply chain transparency measures	Will maximise downstream deployers and users' ability to mitigate risks and maximise product safety.	✓	✓		✓	✓	✓	✓	✓	✓	✓
	Testing obligations	Will ensure developers and deployers invest in comprehensively identifying potential risks of misuse and failure points of their AI models and systems.	✓	✓		✓	✓	✓	✓	✓	✓	✓
Incident control	**Human control and intervention obligations**	Will require developers and deployers to ensure that human operators are able to maintain decision-making authority and step in when safety incidents occur.		✓							✓	✓
	System monitoring requirements	Monitoring obligations will incentivise deployers of AI to intervene in a timely manner when harms occur, before they escalate.	✓	✓		✓	✓	✓	✓	✓	✓	✓
Prevention against highest risks	**Unacceptable risk prohibitions**	The proposed regulatory regime will provide you with the capability to prohibit developers and deployers of AI from enabling unacceptable risk use-cases.	✓	✓	✓			✓	✓	✓	✓	✓
Consumer empowerment	**Consumer transparency obligations**	The proposed regulatory approach would require deployers of AI to be transparent about AI-enabled decision making and synthetic content, empowering consumers in choosing the goods and services they engage with, and in seeking redress.	✓	✓	✓	✓	✓	✓	✓	✓		
	Consumer complaints mechanism	The proposed approach requires deployers of AI to provide a mechanism for people	✓	✓	✓	✓	✓		✓			
		impacted by their AI to challenge outcomes or the use of the technology.										
Compliance mechanisms	**Record-keeping and conformity assessment obligations**	While compliance mechanisms don't directly target any individual harm, they are important mechanisms to ensure effectiveness and enforceability of the regulatory regime.										

Source: DTA, FOI Release 032, 5 August 2026.

Scenario testing

The effectiveness of existing laws was tested with key agencies through three AI harm scenarios. The first scenario concerned an AI chatbot exposing a child to harm. The second involved an agentic AI system manipulating consumers into accepting unsuitable financial products. The third involved AI agents reinforcing bias in credit decisions and damaging individuals' financial records.

The findings from this scenario testing included that there were limited "ex ante obligations on developers, deployers and users of AI" including in relation to "AI specific accountability, transparency and testing" and that the extent of redress available would "become evident as regulators and courts grapple with new scenarios of harm". This work also noted that, in the absence of specific regulation, testing the suitability of existing laws or changes in laws would require actions through courts (either by individuals after harms occur or regulators) or existing laws being updated over time to clarify their application to when AI use causes harm.

The scenario testing also considered "preventative measures to reduce risk of AI harms occurring", including obligations to "identify, manage and mitigate AI specific risks…, provide transparency when AI is used, clarify and enforce accountability…, test AI models and systems, and monitor operation over time."

2.2 The October 2025 mapping exercise

The FOI material from Home Affairs[12] and DTA also sheds light on how assessment of AI risk informed the finalisation and approval of the National AI Plan in late 2025. These materials show that in late October 2025, DISR asked departments to provide information that informed a 'Final Agency Submission' to Cabinet that mapped out agencies responsible for AI harms and the work being done to address these (see Figure 5).

FIGURE 5 **DTA's draft entry in DISR's data collection template to inform the Final Agency Submission**[13]

AI Harms Overview			Legal and Regulatory Mapping								Work in Progress (Legislative and Non-Legislative)					
AI Harm Type	Specific AI Harm	Example/Description	Legal Area/Reg Domain	Is it Covered by Any Existing Instruments?	Name of Relevant Instruments	Legislation (Cth)	State Legislation	Portfolio	Responsible Agency / Oversight Role	Enforcement Mechanisms	Are agencies undertaking upcoming reforms?	Reforms targeting	Work in progress: legislation (stage)	Work in progress: non-legislative (stage)	Description of reforms	Timelines (next anticipated deadline for reform)	Responsible Agency for Reforms
POLITICAL			Government Use/Public Sector AI		Policy for the Responsible Use of AI in Government	N/A	N/A	Finance	Digital Transformation Agency	Monitoring	Yes	Policy - new or clearer policy and guiding materials		Other	Policy for the Responsible Use of AI in Government 2.0		Digital Transformation Agency
POLITICAL			Government Use/Public Sector AI								Yes	Policy - new or clearer policy and guiding materials		Other	Australian Government AI Impact Assessment Tool		Digital Transformation Agency
POLITICAL			Government Use/Public Sector AI								Yes	Policy - new or clearer policy and guiding materials		Other	AI Review Committee		Digital Transformation Agency

While the full final submission to Cabinet is not public, and it is clear that broader information sources and analysis informed the adoption of the National AI Plan, three features stand out regarding the tasking reflected in these documents:

First, the aim of the exercise was to "produce a map of portfolio responsibilities" and "provide government with visibility of how existing laws address AI-related risks". But, as DISR's email specified, this was "not a gap analysis".

Second, the exercise was predominantly backwards-looking, focused on "actualised" harms. Departments were "not expected to consider future AI harms". Where there was "evidence of harm occurring overseas … assess[ed] … to be relevant to Australia, this … [could] be included with the caveat that the portfolio does not have knowledge that the harm is occurring in Australia".

Third, the work was done under time pressure. DISR acknowledged "the limited timeframe and note[d] the opportunity to build on this initial mapping exercise over time."

FIGURE 6 Instructions from DISR to departments[14]

Context

This information-gathering exercise will produce a map of portfolio responsibilities as at October 2025, identifying who may be responsible for known AI harms depending on the nature of the harm and the stakeholders involved. We acknowledge that this mapping will not comprehensively capture all government responsibilities that interact with AI, nor all reviews and reforms with AI implications across portfolios. We also recognise the limited timeframe and note the opportunity to build on this initial mapping exercise over time. Defence and national security matters have been considered in terms of harm impacts, to enable flexibility for relevant agencies in preparing their input.

Instructions

Portfolio leads are responsible for coordinating and capturing relevant information across their portfolio, including from regulators.

- A first edition taxonomy has been provided to standardise the interpretation of harms across government (**Attachment A**). We have engaged with portfolios to develop this taxonomy.
  - This taxonomy will evolve over time as we observe actualised harms presenting domestically and internationally.
- Populate the data collection template (**Attachment B**) with information about the harm types captured by your portfolio's remit – for each harm type, include a description or example, and provide details of the relevant legislation or regulation.
  - You may use multiple rows per harm to provide necessary context.
  - Subcategories are optional as their primary purpose are to assist portfolios in conceptualising the scope of each harm category.
- Indicate where a harm type or instrument is in scope for a current or planned review or reform.

FIGURE 7 Extract from FAQs provided to departments[15]

Can we identify gaps or concerns?	This report is intended to provide government with visibility of how existing laws address AI-related risks, and is not a gap analysis. You are welcome to discuss your information around harms you consider not covered by existing regulation with DISR/Finance.
Should we include potential AI harms that are not yet realised?	The emphasis for the report is on 'what we know' today and actualised AI harms. Agencies are not expected to consider future AI harms. Where there is evidence of harm occurring overseas and agencies assess this to be relevant to Australia, this can be included with the caveat that the portfolio does not have knowledge that the harm is occurring in Australia.
Can we include risks or	s. 47C(1)

2.3 Assessing the Gap Analysis

The material from early 2025 shows that DISR was clearly and deeply engaged on AI risk and potential regulatory responses in the lead-up to the National AI Plan. DISR's July 2025 risk analysis reflects a range of expert analyses and views, and sets out current, systemic, and near-term AI risks, and how these are harming and will harm Australians. DISR had also prepared a full picture of the regulatory regimes and regulators impacted by AI, as well as the limits on their ability to comprehensively and proactively address and prevent all AI harms.

It is not possible to evaluate the extent to which the views expressed in the July 2025 material were formal departmental positions. It is also unclear how those views informed the later preparation of the National AI Plan or evolved over time. Indeed, without access to the final Cabinet submission and associated documents (including the broader work known to be undertaken in other agencies), the decision to move away from mandatory guardrails will always be difficult to fully assess.

However, from the material that has been made public, at least one of the assessments informing the adoption of the National AI Plan appears to have been limited in its ability to assess the full range of risks associated with AI. In particular, its focus on "actualised AI harms", if taken at face value, would have limited its potential to ensure proper consideration of emerging, novel and catastrophic risks. The compressed timeframe of this work also calls into question whether it could comprehensively consider the sufficiency of existing regulatory frameworks.

While not determinative, these potential limitations reinforce earlier concerns raised regarding the basis of the December 2025 decision not to continue with mandatory guardrails.[16] They also suggest that the success of the Government's chosen approach to managing AI risk depends critically upon the extent, depth, and speed of work done since the release of the National AI Plan.

> **"The emphasis for the report is on 'what we know' today and actualised AI harms. Agencies are not expected to consider future AI harms."**
>
> **Department of Industry, Science and Resources**, FAQs provided to departments, October 2025[15]

> **"The report is intended to provide government with visibility of how existing laws address AI-related risks, and is not a gap analysis."**
>
> **Department of Industry, Science and Resources**, FAQs provided to departments, October 2025[15]

SECTION 3

3

THE ONGOING WORK

SECTION 3

The Ongoing Work

While there are regular references to the breadth of processes underway to review and reform Australia's regulatory frameworks in light of the impact of AI, there is no public catalogue of this work. This report aims to help address that gap by providing a systematic catalogue of regulatory processes and high-level evaluation of progress made to-date.

To do this, Global Shield Australia conducted a desktop review of Commonwealth processes relevant to assessing the "suitability of existing laws in the context of AI". The review adopted a broad scope, capturing concrete regulatory and legislative reforms, reviews and consultations, policy statements, and advice or guidance issued by agencies (see Box 1).[17]

50

relevant processes identified as underway or complete as at June 2026

Box 1 · Categories of processes reviewed

Reforms: changes to laws, regulations or other binding instruments. Examples include the Criminal Code amendments on non-consensual sharing of AI-altered explicit material; new codes issued by the eSafety Commissioner; critical infrastructure and cybersecurity law reforms; Copyright Act reviews; and commitments to reform automated decision-making rules, electronic surveillance regulations, and the Privacy Act.

Reviews and consultations: processes that assess whether existing regulatory settings are appropriate, regardless of whether these lead to reforms. Examples include the review of the Australian Consumer Law; the Australian Cyber Security Strategy consultations; the Synthetic Biology and AI Protection and Security Effort (SYNAPSE); the independent review of the Security of Critical Infrastructure Act (SOCI Act); and the tripartite AI Employment and Workplaces Forum.

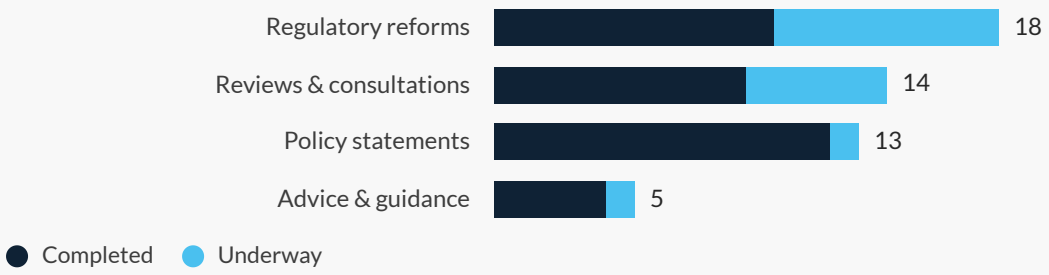
Policy statements: statements on how an entity will use AI, expressing regulatory expectations, or communicating future policy settings. Examples include statements by the Australian Signals Directorate, Department of Defence (Defence), and financial regulators; the Expectations of Data Centres and AI Infrastructure Developers; and the Australian Government Strategy for International Engagement and Regional Leadership on Artificial Intelligence.

Advice and guidance: advisory material to help regulated entities meet existing obligations. Examples include Office of the Australian Information Commissioner (OAIC) guidance on privacy and AI; the Department of Foreign Affairs and Trade (DFAT) advice on AI-related sanctions risk; and the Commonwealth Ombudsman's better practice guidance on automated decision-making.

The review identified 50 processes underway or complete as of June 2026 that are relevant to regulating AI risk (see Appendix C). Of these, 18 processes were regulatory reforms, 14 were reviews and consultations, 13 were policy statements, and five were advice or guidance (Figure 8).

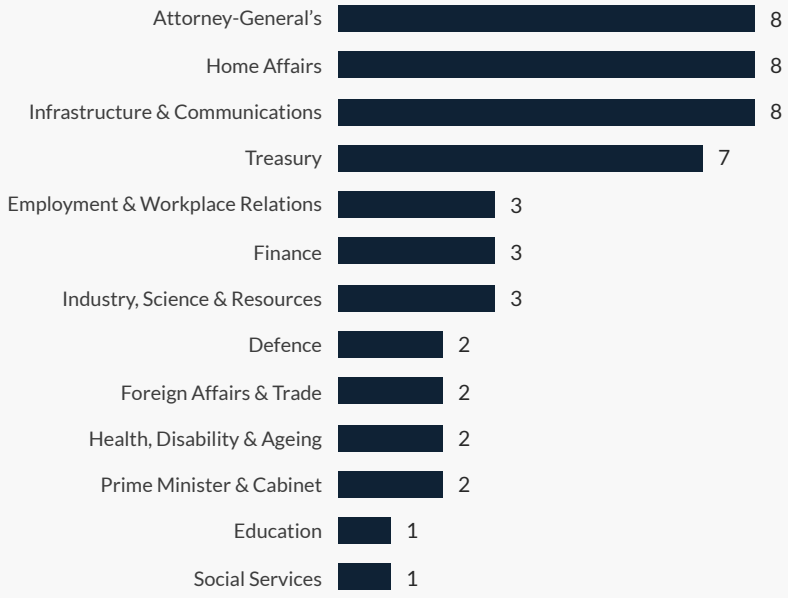
While the counts of processes outside of reforms and reviews should be taken as indicative only, they provide a useful snapshot of the broad range of activity that is occurring across the Commonwealth (see Box 2). These figures also make clear that work is occurring across most Commonwealth portfolios (see Figure 9).

FIGURE 8 Processes identified, by type and status



Source: Desktop review conducted by Global Shield Australia.

FIGURE 9 Processes identified, by portfolio



Source: Desktop review conducted by Global Shield Australia.

BOX 2 **Summary of processes identified by category**

National security, foreign policy, cyber and crisis preparedness

14 processes

Dominated by broader non-AI specific work on cybersecurity and critical infrastructure, such as the 2024 Cyber Security Legislative reforms and associated consultations, the Independent Review of the SOCI Act, and Horizon 2 of the 2023-2030 Australian Cyber Security Strategy. AI-specific work included the SYNAPSE work on synthetic biology and the review of Australia's crisis management arrangements. The grouping also contains several policy statements and internal reviews, including Defence's and ASD's statements on their use of AI and the Inspector-General of Intelligence and Security's preliminary inquiry into the use of AI by Australia's intelligence agencies.

Economy, markets, and intellectual property

10 processes

Contains a broad range of processes including the Treasury's review of the Australian Consumer Law (funded in the 2024-25 budget), the Copyright and AI Reference Group, a minor change to the Patent Manual of Practice and Procedure, the ACCC's Digital Platform Services Inquiry, automated-vehicle reforms, APRA and ASIC letters to industry and ASIC's consultation on proposed market integrity rules amendments relating to automated trading.

Government and the courts

9 processes

Focused on how government agencies are deploying AI and how AI use is affecting court practice. This includes the Digital Transformation Agency's policy and technical standard for government use of AI, the National Framework for the Assurance of AI in Government, Services Australia's automation and AI strategy, the automated decision-making reforms prompted by the Robodebt Royal Commission, and three court instruments on AI use in proceedings.

Online harms and deepfakes

8 processes

Contains the largest set of completed reforms, most not specific to AI. This includes revisions to the eSafety Commissioner's age-restricted and unlawful material codes, the Basic Online Safety Expectations amendments, and the ongoing work on a Digital Duty of Care. Others are targeted at AI harms specifically, including Criminal Code Act amendments relating to non-consensual sharing of AI-created or altered sexually explicit material and commitments to restrict access to 'nudify' apps.

Privacy, health, education and work

8 processes

Contains two reviews funded in the 2024-25 budget, namely the Therapeutic Goods Administration's review of medical devices and the Department of Health, Disability and Ageing's Safe and Responsible AI in Health Care review. It also includes the Privacy Act modernisation process that has been underway since 2023, OAIC guidance on privacy and AI, Safe Work Australia's review of model workplace health and safety laws, policy frameworks and statements relating to AI and Australia's education system, and the tripartite AI Employment and Workplaces Forum.

The remaining process, the 2024 mandatory guardrails consultation, is cross-cutting and not included in the categories above.

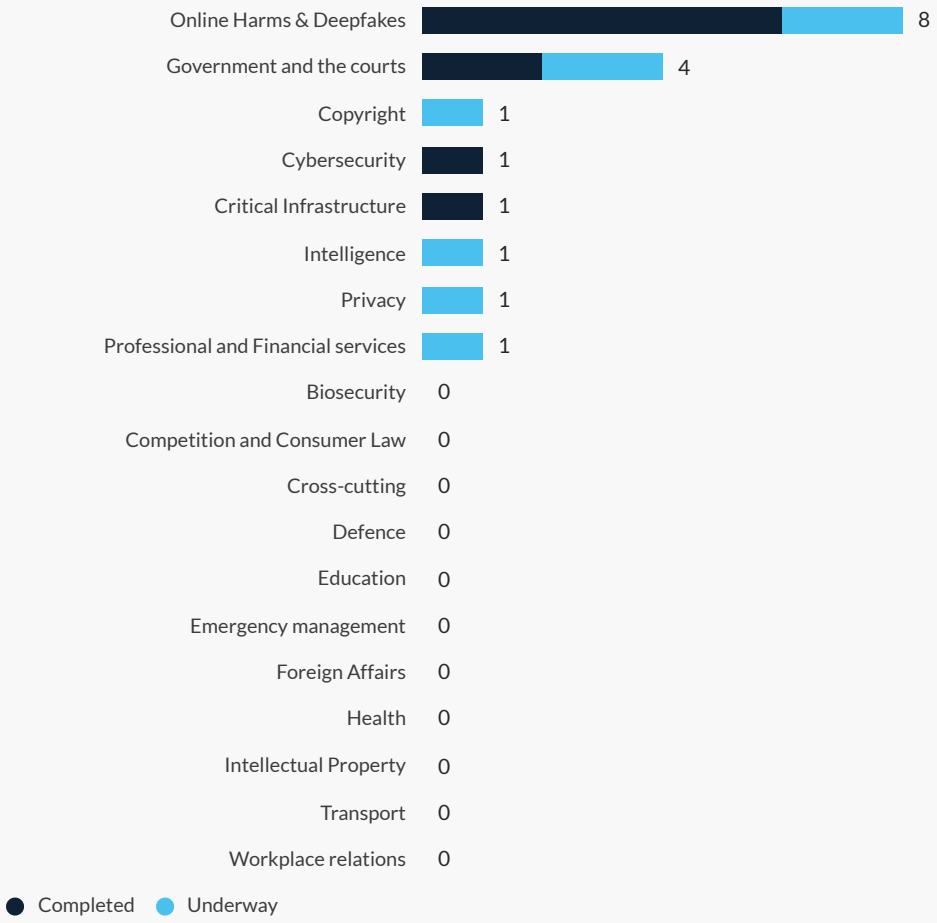
3.1 Reforms and reviews

The 18 identified reforms are focused on a relatively narrow set of policy areas. Eight concern online harms and deepfakes, four relate to government and the courts, and copyright, cybersecurity, critical infrastructure, intelligence, privacy, and financial services each account for a single process (see Figure 10).

18

regulatory reforms identified in the desktop review

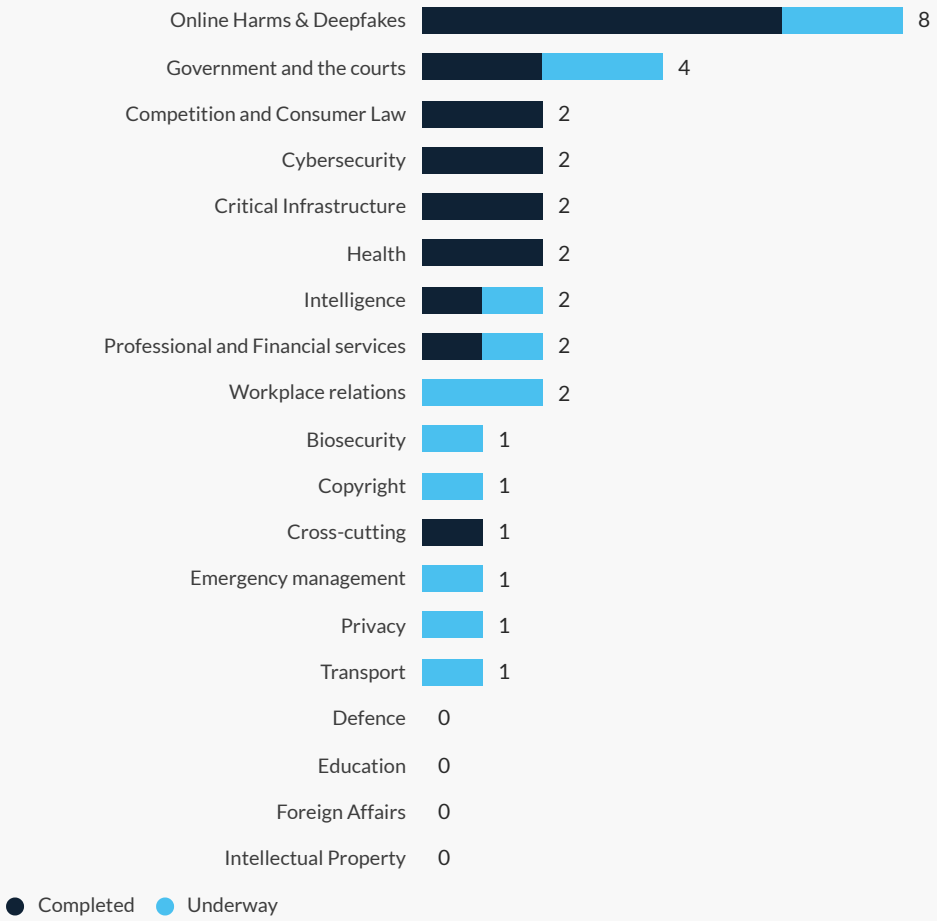
FIGURE 10 **Reforms by policy area**



Source: Desktop review conducted by Global Shield Australia.

Including reviews, in addition to reforms, broadens the spread of processes across a greater number of policy areas, although still with a clear focus on online harms, deepfakes and government use (see Figure 11).

FIGURE 11 Reforms and reviews by policy area



Source: Desktop review conducted by Global Shield Australia.

These quantitative assessments do not, however, evaluate the quality or significance of each of these reviews and reforms. On that measure, three processes are particularly noteworthy: Treasury's review of the Australian Consumer Law (ACL review),[18] the Department of Health, Disability and Ageing's Safe and Responsible AI in Health Care review (Health Care review),[19] and the Therapeutic Goods Administration's (TGA) review of medical devices (TGA review).[20]

These are three clear examples of explicit testing of existing regulatory settings to ensure they remain appropriate in light of AI. Each of these processes specifically focused on how AI impacted the relevant regulatory framework or regulated sector, involved consultation with stakeholders, and resulted in public reports detailing their findings. They were also properly resourced, drawing from $15.7 million in funding the 2024-25 Budget had allocated over two years to support "industry analytical capability and coordination of AI policy development, regulation and engagement activities across government".[21]

$15.7m

allocated in the 2024-25 Budget over two years to support AI policy capability across government[21]

Not all regulatory frameworks need to adopt the exact approach taken in these three examples. However, specific and clear evaluation of the impact of AI, and responding to concerns raised through external consultation, help ensure a credible and effective outcome can be achieved.

Most other reform and review processes identified for this report considered AI as part of a broader process. For example, several courts have issued practice notes or similar instruments on the use of AI in proceedings;[22] AI was considered as part of the development of Horizon 2 of Australia's Cyber Security Strategy;[23] and the eSafety Commissioner's online safety work included a range of measures applicable to AI chatbots and generative AI tools.[24] The Australian Competition and Consumer Commission's (ACCC) Digital Platform Services Inquiry report and Home Affairs' reviews and reforms of critical infrastructure legislation are also good examples of processes that incorporated AI-related or AI-driven changes as part of a broader process of review or reform.[25]

3.2 Policy statements, advice and guidance

Beyond specific reforms and reviews, there were also 13 policy statements and five advice items identified in the review. Key examples of these include expectations issued by the Australian Prudential Regulation Authority (APRA) and the Australian Securities and Investments Commission (ASIC),[26] the Australian Signals Directorate's (ASD) guidance on the ethical use of AI,[27] DFAT's advice on AI-related sanctions risk,[28] and Defence's policy for the responsible use of AI in its operations.[29]

3.3 Unaddressed gaps in regulatory regimes

Despite the breadth of the processes reviewed for this report, there remain significant issues that experts and practitioners have identified but that have not yet been addressed (see Box 3).[30]

BOX 3

Unaddressed issues identified by experts and practitioners

Australia's electoral law and overall democratic resilience: including whether protections are needed to prevent AI-enabled mis- and disinformation campaigns.[31]

Legal and criminal liability for AI agents and actions: including who is liable for the actions of agentic AI systems, particularly when they do not follow user instructions.[32]

Taxation and social safety nets: including how tax and social benefits may need to adapt in light of AI's impact on jobs, income, and the concentration of value.[33]

Human rights, anti-discrimination law, and algorithmic bias: including discrimination by AI systems in situations such as recruitment and the provision of services.[34]

Law-enforcement use of AI: including consideration of facial recognition, biometric surveillance, and automated and predictive policing.[35]

Financial services: including in relation to accountability, bias, discrimination and fairness, particularly in the context of algorithmic advice and insurance.[36]

Obligations on frontier AI developers themselves: such as obligations to ensure their products and services are safe, secure, and trustworthy.

Catastrophic-level risks: including AI providing capability uplift to bad actors, loss of control, and biosecurity risks.[37]

A particularly concerning gap is the limited extent of work being done to address novel, catastrophic and cross-cutting AI risk. This is the risk of harms that would be extremely difficult, if not impossible, for society to recover from, including AI-enabled biological threats, severe cyber attacks on essential services, and loss of control of powerful AI systems.

Government agencies are engaged in important work to improve Australia's resilience against some of these threats if they eventuate. This includes multi-agency groups considering AI-enabled synthetic biology threats, an ongoing review of Australia's crisis management arrangements to ensure they appropriately address AI crisis incidents, and enhancing cybersecurity requirements in critical infrastructure and more broadly.[38]

However, some of this work would benefit from greater public communication and engagement, as well as increased urgency. This is particularly the case in relation to biological threats, where simple measures such as screening imports of synthetic genetic material are readily available and have been actively called for by experts.[39] Further, as recognised in DISR's July 2025 analysis explored earlier in this report, work on response and protective measures needs to be accompanied by efforts to prevent catastrophic harms from materialising. For Australia, this could include regulation of AI models and their developers, as well as engaging with and leading international efforts to address catastrophic AI risk.

Without such action, Australia remains reliant on regulations set by other governments, and practices of private companies, to protect Australians from the most severe risks this technology presents.

SECTION 4

4

KEY FINDINGS

SECTION 4

Key Findings

The review of the work leading up to the National AI Plan and ongoing work to review and reform regulatory frameworks point to six key findings.

FINDING 1

The analysis undertaken in 2025 provided a valuable starting point for understanding Australia's exposure to AI risk, but its focus on actualised harms was overly narrow

The FOI materials show that within DISR, and more broadly, there is deep knowledge of the broad range of risks that AI poses to Australia and appreciation of how AI-specific regulation can help address these. The October 2025 process also appears to have created a useful, whole-of-government picture of where key responsibilities for addressing specific AI risks lie.

However, to the extent that this work was a large component of the decision to move away from mandatory guardrails, it appears to have been overly narrow, focused on actualised AI harms and mapping regulatory responsibilities.

This points to the need for a proper evaluation of Australia's AI risk exposure, building on the work DISR and other agencies have already undertaken, and a reconsideration of the need for AI-specific regulation (see Recommendations 1 and 6). It also makes the successful and urgent completion of the ongoing reviews and reforms all the more critical to safeguarding Australians.

> **"The emphasis for the report is on 'what we know' today and actualised AI harms."**
>
> **Department of Industry, Science and Resources**, FAQs provided to departments, October 2025 [15]

FINDING 2

There is work underway in most Commonwealth portfolios to review regulatory frameworks in light of the impact of AI, but this work would benefit from clearer prioritisation and improved visibility of harms and 'near misses'

The Government's chosen approach to AI regulation is heavily dependent on the completion of comprehensive reviews and reforms of regulatory frameworks. The stocktake conducted for this report found a broad range of such work underway across the Commonwealth. However, this work is variable in how it has been undertaken and clustered in particular areas without clear prioritisation (beyond addressing the most salient and immediate issues).

These processes have also struggled to keep pace with technological developments. The October 2025 ACL review, for example, observed that "the emergence of new technologies over time, including agentic AI, may necessitate further consideration of the mechanisms available under the law to ensure the ACL is realising its policy intent". This is despite warnings of the risks associated with agentic AI dating back to at least 2024.[40] Indeed, the 'OpenClaw' agentic AI assistant was released within weeks of the ACL review being made public, but options to address "agentic commerce" under the ACL are only now being examined.[41] Further, to the extent agencies are focusing on actualised harms, they need to have a strong evidence base of harms and 'near-miss' incidents as they occur.

A systematic identification and prioritisation of AI risks would provide a framework for sequencing and resourcing the most urgent reforms (see Recommendation 1). Incident monitoring and reporting obligations would give agencies visibility of AI harms as they arise and of potential systemic risks (see Recommendation 2), which in turn could inform more effective regulatory reforms. Establishing economy-wide baseline obligations and standards would provide a proactive foundation to guard against emerging threats (see Recommendation 6).

> **"The emergence of new technologies over time, including agentic AI, may necessitate further consideration …"**
>
> **Review of AI and the Australian Consumer Law**, October 2025

FINDING 3

Clear central coordination is needed to ensure that reviews and reforms are not inconsistent or duplicative

It is unclear to what extent the many different review and reform efforts have been able to draw on central coordination and oversight to ensure common issues are dealt with in consistent ways. Without such oversight, agencies risk arriving at overlapping, duplicative or inconsistent approaches in different contexts. The approach taken to different reviews can also depend on the internal capability and resourcing of each agency. This risks creating regulatory fragmentation, higher compliance costs, and legal uncertainty.[42] It also means that, as the Senate Select Committee on Adopting AI noted, "without a whole-of-economy approach to AI regulation there is a risk … certain rights and protections fall through the cracks".[43]

> **"… there is a risk … certain rights and protections fall through the cracks."**
>
> **Senate Select Committee on Adopting Artificial Intelligence**, Final Report[43]

Prime Minister Albanese's July 2026 speech recognised the need for enhanced coordination of Australia's AI policy processes. The newly established Office of AI within the Department of the Prime Minister and Cabinet could address this issue, provided that its responsibilities and remit are set appropriately (see Recommendation 3). Baseline, framework legislation would also provide some consistency to the expanding body of work being undertaken (see Recommendation 6).

FINDING 4

Transparency associated with AI-related regulatory processes has been mixed, limiting public engagement and reducing trust

The availability of public information and consultation on AI-related reviews and reforms has been variable. The use of consultations is not systematic, depending on each agency's individual approach. The Government has referred to the work that is being done in the National AI Plan and other documents,[44] but generally at a high level only. There is also no public tracking of the Commonwealth's overall progress in addressing AI harms and risks.

> **"… building Australians' confidence and trust in AI and our nation's capacity to manage it."**
>
> **Prime Minister Anthony Albanese**, July 2026[45]

Opacity limits the ability of stakeholders to engage with this work, including by contributing external expertise and community views. Obstacles to parliamentary and public scrutiny also affect trust, in a context where surveys consistently record high levels of public concern about AI and the Prime Minister has highlighted the importance of "building Australians' confidence and trust in AI and our nation's capacity to manage it".[45]

Stronger central tracking of this work, with regular reporting to Parliament and the public on progress in identifying and closing regulatory gaps, would help address these concerns (see Recommendation 3).

FINDING 5

Several previous reviews of regulatory frameworks have identified the value of economy-wide AI regulation

Several processes examined for this report highlighted the value of economy-wide measures to address AI risk, such as the previously proposed mandatory guardrails, as useful foundations to support their own sector-specific work. DISR's own internal analysis from July 2025 similarly recognised the potential value of AI-specific measures to address a broad range of risks.

The Health Care review stated that "[e]conomy-wide mandatory guardrails incorporating data governance measures and supply chain transparency may go some way in mitigating the risks for the use of AI in high-risk settings".[46] The ACL review suggested that "[i]f required, consumers and businesses would benefit from this consideration [of agentic AI] occurring in a coordinated way across legislative frameworks, to avoid regulatory dislocation and preserve certainty".[47] ASIC's review of governance arrangements said that it "supports the introduction of regulatory measures to mandate guardrails for the use of AI in high-risk settings".[48]

Coordinating legislation would provide consistency and certainty for individual agencies grappling with AI-related reforms, and embed cross-cutting mechanisms to support this work (see Recommendation 6).[49]

> **"ASIC supports the introduction of regulatory measures to mandate guardrails for the use of AI in high-risk settings."**
>
> **ASIC**, Report 798, October 2024[48]

FINDING 6

Increased funding and urgency are needed for key review and reform processes

In December 2025, the Productivity Commission recommended that the AI gap analyses be completed and acted upon "as soon as possible".[50] However, it is not clear that the pace of work examined for this report matches the urgency of the challenge posed by AI's rapid development.

Several of the processes identified in this report have been underway for multiple years and have no clear end date. These include work on copyright and AI,[51] Privacy Act reforms,[52] and work on automated decision-making, which dates back to 2023 and is still ongoing.[53] Some of the best examples of AI-related reviews also received specific funding in the 2024-25 budget.

The Government's announced prioritisation of these lines of work in July 2026 is a welcome recognition of the importance of not allowing these reform processes to stall.[54] Similar attention may be needed in other areas, particularly where there have been expert calls for specific regulatory changes but little public reporting on progress being made (such as in relation to biosecurity). Increased funding may also be needed to ensure priority processes are properly resourced, such as those identified through an assessment of key AI risks to Australia (see Recommendations 1 and 5).

> **"Complete, publish and act on ongoing reviews into the potential gaps in the legal framework posed by AI as soon as possible."**
>
> **Productivity Commission**, December 2025[50]

SECTION 5

5

RECOMMENDATIONS

SECTION 5

Recommendations

There are six key ways that the Australian Government could build upon and enhance its current approach to AI regulation.

1 **The Office of AI should commission and publish a National AI Risk Assessment (NAIRA)**

The Office of AI should commission and publish a comprehensive assessment of Australia's exposure to AI-related risk, considering the full range of AI risks — including prospective, cross-cutting and potentially catastrophic risks — and the effectiveness of Australia's regulatory frameworks. It should also include consideration of AI's future impact, not just actualised harms, to enable Australia to proactively prepare its regulatory responses. This analysis would establish a shared basis for prioritising and funding future reviews and reforms. A NAIRA could also build upon DISR's mapping of responsibilities and AI risk in 2025, and learn from similar projects such as Australia's National Climate Risk Assessment and the United Kingdom's National Risk Register.

2 **The Government should legislate mandatory monitoring and reporting of serious AI incidents**

The Government should establish a mandatory monitoring and reporting mechanism for serious AI incidents, harms, and near misses, to give agencies the visibility needed to prioritise reforms.[55] The National AI Plan commits Australia's AISI to monitor AI risks and harms, and regulators to identify, assess and address AI-related harms. AI incident monitoring and reporting would provide the evidence base to enable these bodies to do this work. Established models, in specific sectors in Australia and for AI overseas, could inform the design of such a mechanism. These include Australia's reporting regimes for aviation, therapeutic goods, and ransomware payments, and the incident reporting obligations in the European Union's AI Act and California's Transparency in Frontier Artificial Intelligence Act.

3 **DISR or the Office of AI should coordinate and publicly report on AI-related reviews and reforms**

DISR or the Office of AI should be funded to coordinate and track the ongoing reviews and reforms of regulatory frameworks. This should also involve a public, whole-of-government register of AI-related reforms and reviews, and annual reports to Parliament. This work could also build on or learn from the Digital Platform Regulators Forum's (DP-REG) work on digital economy regulation collaboration, Treasury's Regulatory Initiatives Grid,[56] and the United Kingdom's AI Opportunities Action Plan tracking website.[57]

4 **The Joint Select Committee on AI should use its inquiry to examine options for mitigating risk created primarily at the model level of the AI supply chain**

The Joint Select Committee on AI's inquiry is a key opportunity to review the role of frontier AI developers and the regulatory interventions available to mitigate risk at the level of AI models, where controls can be most effective across multiple policy areas. The Committee should consider and make recommendations on Australia's ability to regulate frontier AI developers, how best to address model-level risk, and options for Australia to contribute to international rules and norms on AI. The Committee should also review obligations legislated in overseas jurisdictions (including the European Union, South Korea, Vietnam, California and New York) and identify which may be suitable for Australia to adopt. This is particularly important to inform the design of the Australian Standards for AI, which are expected to come to Parliament in early 2027.

5 **The Government should provide specific funding for AI-related reviews and reforms and set clear timeframes for their conclusion**

The Australian Government should fund priority review and reform processes, based on the NAIRA (Recommendation 1), with dedicated expertise and clear timeframes. Increased funding for the AISI would also enable it to better achieve its mandate to support agencies in their reviews and reforms and match the work of other leading institutes such as the United Kingdom's AI Security Institute.

6 **The Government should enact framework or coordinating legislation to support the AI-related reviews and reforms**

The Government should enact framework legislation setting baseline, cross-cutting expectations, definitions, and obligations to support the range of AI-related reviews and reforms taking place. This could include rules on attribution and liability for AI agents, information-sharing provisions, and foundational obligations (such as to manage risk when developing or deploying AI models). It could also include mandatory incident monitoring and reporting (Recommendation 2), obligations arising from the review of frontier AI developers (Recommendation 4), and empower a coordinating body to oversee and report on Australia's AI-related reforms.

SECTION 6

Conclusion

The regulation of AI has been described as the largest and most complex law reform exercise Australia has ever confronted.[58] This report has considered the Government's answer to that challenge.

The report's findings confirm the deep expertise and appreciation within government of the risks posed by advanced AI and the substantial efforts underway across government to address these. However, they also raise concerns in relation to the Government's decision to rely on existing regulatory frameworks rather than pursue economy-wide, AI-specific regulation.

Substantive review and consultation processes have been completed or are underway in areas where AI bears on existing regulatory regimes, including copyright, privacy, the ACL, medical devices, cyber security and critical infrastructure. This work, though, would benefit from clearer prioritisation, increased transparency, and greater urgency. Greater proactivity is also needed to match the rapid pace at which AI capabilities are developing.

The recommendations flowing from the report's findings are directed at strengthening the Government's chosen approach to managing AI risk and enabling it to better protect Australians. Systematically assessing Australia's risk exposure, giving agencies visibility of AI incidents as they occur, and coordinating, resourcing, and reporting on the work underway are all concrete actions that would significantly enhance Australia's ability to grapple with the regulatory challenge posed by AI.

As the capabilities of AI systems continue to rapidly increase, risks that were once just speculative are becoming present dangers. This includes risks of catastrophic-level harms that cannot be easily recovered from once they materialise.

The National AI Plan's third pillar commits the Government to "keep Australians safe". Delivering on that commitment requires having mechanisms in place to know what the risks are, track them as they emerge, and act before harms eventuate.

This report has set out how those mechanisms can be built. The question is whether they will be built in time.

APPENDIX A

FOI requests and outcomes

AGENCY	OUTCOME
Attorney-General's Department	● Transferred to DISR
Australian Communications and Media Authority	● No responsive documents held
Australian Competition and Consumer Commission	● Partially transferred to Treasury; no responsive documents held
Australian Electoral Commission	● Refused access, section 47B (Commonwealth-State relations)
Australian Federal Police	● Awaiting final response
Australian Financial Security Authority	● No responsive documents held
Australian Maritime Safety Authority	● No responsive documents held
Australian Public Service Commission	● No responsive documents held
Australian Securities and Investments Commission	● Refused access, section 34(3) (Cabinet documents)
Australian Skills Quality Authority (National Vocational Education and Training Regulator)	● No responsive documents held
Australian Taxation Office	● Refused access, sections 34 (Cabinet documents), 47C (deliberative processes) and 47E(d) (agency operations)
Australian Transport Safety Bureau	● No responsive documents held
Civil Aviation Safety Authority	● No responsive documents held
Clean Energy Regulator	● No responsive documents held
Creative Australia	● No responsive documents held
Department of Agriculture, Fisheries and Forestry	● Transferred to DISR
Department of Climate Change, Energy, the Environment and Water	● Transferred to DISR
Department of Defence	● Refused access, sections 34 (Cabinet documents), 47C (deliberative processes) and 47F (personal privacy)
Department of Education	● Transferred to DISR
Department of Employment and Workplace Relations	● Transferred to DISR

APPENDIX A · CONTINUED

AGENCY	OUTCOME
Department of Finance	Transferred to DISR
Department of Foreign Affairs and Trade	Transferred to DISR
Department of Health, Disability and Ageing	Transferred to DISR
Department of Home Affairs	Provided documents
Department of Industry, Science and Resources	Refused access, section 34 (Cabinet documents)
Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts	Transferred to DISR
Department of Social Services	Transferred to DISR
Department of the Prime Minister and Cabinet	No responsive documents held
Department of the Treasury	Initial request transferred to DISR; transfer from ACCC refused access, sections 47C (deliberative processes) and 47E(d) (agency operations)
Department of Veterans' Affairs	Refused access, sections 34 (Cabinet documents) and 47C (deliberative processes)
Digital Transformation Agency	Provided documents
eSafety Commissioner	No responsive documents held
Infrastructure Australia	No responsive documents held
IP Australia	Provided documents
National Emergency Management Agency	No responsive documents held
Office of the Gene Technology Regulator	No responsive documents held
Reserve Bank of Australia	No responsive documents held
Safe Work Australia	No responsive documents held
Services Australia	No responsive documents held
Tertiary Education Quality and Standards Agency	No responsive documents held

No responsive documents · Transferred to DISR · Refused access · Documents released · Awaiting final response

Source: FOI requests lodged by Global Shield Australia with 40 Commonwealth agencies; outcomes as at the date of this report.

APPENDIX B

DISR's initial assessment of government agencies likely to be heavily impacted by AI uptake

Commonwealth

AREA OF LAW	REGULATOR / REGULATORY ENTITY	RELEVANT LEGISLATION
ATTORNEY GENERAL'S PORTFOLIO		
Administrative law	Commonwealth Ombudsman	*The Ombudsman Act 1976*
Anti-corruption	National Anti-Corruption Commission (NACC)	*National Anti-Corruption Commission Act 2022*
Anti-discrimination	Australian Human Rights Commission (AHRC)	*Australian Human Rights Commission Act 1986*
Copyright law	Administered by the Attorney-General's Department (AGD), enforced through courts	*Copyright Act 1968*
Criminal law	AGD International Law & Human Rights Division - Modern Slavery & Human Trafficking · Australian Federal Police (AFP) and jurisdictional law enforcement agencies · Australian Transaction Reports and Analysis Centre (AUSTRAC)	*Modern Slavery Act 2018 · Australian Federal Police Act 1979 · Criminal Code Act 1995 · Anti-Money Laundering and Counter-Terrorism Financing Act 2006*
Finance	Australian Financial Security Authority (AFSA)	*Bankruptcy Act 1966 · Bankruptcy (Estate Charges) Act 1997 · Personal Property Securities Act 2009.*
Intelligence	Australian Criminal Intelligence Commission (ACIC) · Office of the Communications Access Coordinator · Transparency and Administrative Law Branch - Foreign Influence Transparency Scheme	*Australian Crime Commission Act 2002 · Telecommunications (Interception and Access) Act 1979*
Privacy	Office of the Australian Information Commissioner (OAIC)	*Privacy Act 1988*
CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER PORTFOLIO		
Climate and energy	Australia Energy Regulator (AER) · Clean Energy Regulator (CER) · Greenhouse & Energy Minimum Standards Regulator	*Multiple, including the National Greenhouse and Energy Reporting Act 2007.*
DEFENCE PORTFOLIO		
Defence	Defence Export Controls	*Defence Trade Controls Act 2012 · Weapons of Mass Destruction Act 1995 · Customs Act 1901 – section 112BA*
EDUCATION PORTFOLIO		
Education – early childhood	Australian Children's Education & Care Quality Authority (ACECQA)	*Education and Care Services National Law Act 2010*
Education - tertiary	Tertiary Education Quality and Standards Agency (TEQSA)	*Higher Education Standards Framework 2021*
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO		
Skills	Australian Skills Quality Authority (ASQA)	*National Vocational Education and Training Regulator Act 2011*
Workplace relations	Fair Work Ombudsman	*Fair Work Act 2009*
Work health and safety	Comcare · Federal Safety Commissioner	*Work Health and Safety Act 2011*
FINANCE PORTFOLIO		
Data	Office of the National Data Commissioner	*Data Availability and Transparency Act 2022*
Electoral	Australian Electoral Commission (AEC)	*Commonwealth Electoral Act 1918*
FOREIGN AFFAIRS AND TRADE PORTFOLIO		
Nuclear and chemical non-proliferation	Australian Safeguards and Non-Proliferation Office (ASNO)	*Nuclear Non-Proliferation (Safeguards) Act 1987 · Chemical Weapons (Prohibition) Act 1994 · Comprehensive Nuclear-Test-Ban Treaty Act 1998*

APPENDIX B · COMMONWEALTH · CONTINUED

AREA OF LAW	REGULATOR / REGULATORY ENTITY	RELEVANT LEGISLATION
HEALTH, DISABILITY AND AGEING PORTFOLIO		
Health and aged care	Aged Care Quality and Safety Commission · Australian Digital Health Agency (ADHA) · Australian Health Practitioner Regulation Agency (AHPRA) · Department of Health and Aged Care Hearing Services Program · National Disability Insurance Scheme Quality and Safeguards Commission · Office of the Gene Technology Regulator · Private Health Insurance Ombudsman · Professional Services Review Scheme	*National Health Act 1953 · Health Insurance Act 1973 · Private Health Insurance Act 2007 · My Health Records Act 2012 · Healthcare Identifiers Act 2010 · Aged Care Act 2024*
Therapeutic goods	Therapeutic Goods Administration (TGA)	*Therapeutic Goods Act 1989*
HOME AFFAIRS PORTFOLIO		
Border enforcement and customs	Australian Border Force	*Australian Border Force Act 2015 · Customs Act 1901 · Migration Act 1958 · Maritime Powers Act 2013*
Critical infrastructure	Department of Home Affairs	*Security of Critical Infrastructure Act 2018*
National security	Department of Home Affairs	*Protecting Australia's Critical Technology (PACT) regulations*
INDUSTRY, SCIENCE AND RESOURCES PORTFOLIO		
Intellectual property	IP Australia	*Multiple, including the Trade Marks Act 1995 and the Patents Act 1990*
Space	Office of the Space Regulator · Australian Space Agency	*Space (Launches and Returns) Act 2018*
INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT, COMMUNICATIONS, SPORT & ARTS PORTFOLIO		
Aviation	Air Services Australia · Civil Aviation Safety Authority (CASA)	*Air Services Act 1995 · Civil Aviation Act 1988 · Airspace Act 2007*
Information integrity	The Australian Communication and Media Authority (ACMA)	*Broadcasting Services Act 1992*
Maritime	Australian Maritime Safety Authority (AMSA)	*Australian Maritime Safety Authority Act 1990*
Online safety	eSafety Commissioner	*Online Safety Act 2021*
Transport	Department of Infrastructure, Transport, Regional Development, Communications, Sport & Arts (DITRDCSA)	*Automated Vehicle Safety Law (AVSL) in development · Road Vehicle Standards Act 2018*
PRIME MINISTER AND CABINET PORTFOLIO		
Workplace gender equality	Workplace Gender Equality Agency	*Workplace Gender Equality Act 2012*
SOCIAL SERVICES PORTFOLIO		
Disability insurance	National Disability Insurance Scheme Quality and Safeguards Commission	*National Disability Insurance Scheme (NDIS) Act 2013*
Social Services	Services Australia	*Human Services (Centrelink) Act 1997*
TREASURY PORTFOLIO		
Charities and non-profits	Australian Charities and Not-for-profits Commission	*Australian Charities and Not-for-profits Commission Act 2012*
Consumer protections	Australian Competition and Consumer Commission (ACCC)	*Competition and Consumer Act 2010*
Corporate and financial services	Australian Prudential Regulation Authority (APRA) · Australian Securities and Investments Commission (ASIC)	*Australian Securities and Investments Commission Act 2001 · Banking Act 1959 · Financial Accountability Regime Act 2023 · Financial Sector (Collection of Data) Act 2001 · Financial Sector (Shareholdings) Act 1998 · National Consumer Credit Protection Act 2009 · Payment Systems (Regulation) Act 1998 · Tax Agent Services Act 2009 · Corporations Act 2001 · Australian Prudential Regulation Authority Act 1998*
Financial and payments systems	Payments System Board (Reserve Bank of Australia)	*Corporations Act 2001 · Payment Systems (Regulation) Act 1998 · Payment Systems and Netting Act 1998 · Reserve Bank Act 1959*
Taxation	Australian Taxation Office (ATO)	*Fringe Benefits Tax Assessment Act 1986 · Income Tax Assessment Act 1936 · Income Tax Assessment Act 1997*

APPENDIX B · CONTINUED

States and Territories

NEW SOUTH WALES (NSW)

Administrative Law	NSW Ombudsman
Anti-Discrimination	Anti-Discrimination NSW
Anti-Corruption	Independent Commission Against Corruption
Consumer Protection	NSW Fair Trading
Criminal Law	NSW Police
Education	NSW Education Standards Authority
Education	NSW Department of Education
Employment	Professional Standards Authority
Gambling	NSW Independent Casino Commission
Insurance	State Insurance Regulatory Authority
Liquor and Gambling	Independent Liquor and Gaming Authority
Insurance	State Insurance Regulatory Authority
Motor Vehicle Accidents	Independent Review Office
Pricing and Utilities	Independent Pricing and Regulatory Tribunal
Privacy and Information Access	Information and Privacy Commission NSW
Real Property	Office of the Registrar General
Work Health and Safety	SafeWork NSW
Work Health and Safety: Personal Injury	Personal Injury Commission
Work Health and Safety: Mines and Petroleum	NSW Resources Regulator

VICTORIA (VIC)

Administrative Law	Victorian Ombudsman
Anti-Discrimination	Victorian Equal Opportunity and Human Rights Commission
Anti-Corruption	Independent Broad-based Anti-Corruption Commission
Consumer Protection	Consumer Affairs Victoria
Criminal Law	Victoria Police
Education	Department of Education
Electoral	Victorian Electoral Commission
Energy	Energy Safe Victoria
Environment	Environmental Protection Authority
Environment	Commissioner for Environmental Sustainability for Victoria
Privacy	Office of the Victorian Information Commissioner
Health Care	Department of Health Victoria
Industrial Relations	Industrial Relations Victoria and its independent statutory bodies: Wage Inspectorate Victoria, Labour Hire Authority, and Portable Long Service Authority
Transport	Safe Transport Victoria
Work Health and Safety	WorkSafe Victoria

QUEENSLAND (QLD)

Administrative Law	QLD Ombudsman
Anti-Discrimination	Anti-Discrimination Commission QLD
Anti-Corruption	Crime and Corruption Commission QLD
Biosecurity	QLD Department of Primary Industries
Consumer Protection	QLD Office of Fair Trading
Criminal Law	QLD Police Service
Education	QLD Department of Education
Education	QLD Early Childhood Regulatory Authority
Education	QLD Curriculum and Assessment Authority
Education	Non-State Schools Accreditation Board
Electrical	Electrical Safety Office
Employment	QLD Industrial Relations Commission
Environment	Department of the Environment, Tourism, Science and Innovation
Health Care	QLD Health
Health Care	Office of the Health Ombudsman
Maritime Safety	Maritime Safety QLD
Land-use Planning	QLD Department of State Development, Infrastructure, Local Government and Planning
Liquor and Gambling	Office of Liquor and Gaming Regulation
Racing Animal Welfare	QLD Racing Integrity Commission
Road Transport, Vehicle and Driver Licensing	QLD Department of Transport and Main Roads
Utility and Infrastructure Economics	QLD Competition Authority
Work Health and Safety	Work Health and Safety
Work Health and Safety	Workplace Health and Safety Queensland: Office of Industrial Relations
Work Health and Safety: Mines and Petroleum	Resources Safety and Health QLD
Water Resources and Supply	QLD Department of Regional Development, Manufacturing and Water

NORTHERN TERRITORY (NT)

Administrative Law and Privacy	Ombudsman NT
Anti-Discrimination	NT Anti-Discrimination Commission
Consumer Protections	NT Consumer Affairs
Criminal Law	NT Police
Education and Care	Quality Education and Care NT
Environment	NT Environment Protection Authority
Electoral	NT Electoral Commission
Health and Aged Care	NT Department of Health
Police	NT Police Force
Transport	Department of Logistics and Infrastructure
Utilities	Utilities Commission of the NT
Workplace Relations: Public Sector	Office of the Commissioner for Public Employment
Work Health and Safety	NT WorkSafe

APPENDIX B · STATES AND TERRITORIES · CONTINUED

WESTERN AUSTRALIA (WA)

Administrative Law	Ombudsman WA
Anti-Discrimination	Equal Opportunity Commission WA
Anti-Corruption	Corruption and Crime Commission WA
Consumer Protection	Consumer Protection WA
Criminal Law	WA Police Force
Education	WA Department of Communities, Education and Care Regulatory Unit
Elections	WA Electoral Commission
Environment	Environmental Protection Authority of WA
Gaming and Gambling	Gaming and Wagering Commission of WA
Health Care	WA Department of Health, Licensing and Accreditation Regulatory Unit
Health and Disability	Health and Disability Services Complaints Office
Industry Regulation	WA Department of Local Government, Industry Regulation, and Safety
Privacy	Office of the Information Commissioner
Road Safety	Road Safety Commission WA
Transport	Public Transport Authority of WA
Utility Economic Regulation	Economic Regulation Authority WA
Work Health and Safety	Work Safe WA

SOUTH AUSTRALIA (SA)

Administrative Law	Audit Office of SA
Anti-Discrimination	Equal Opportunity SA
Anti-Corruption	Independent Commission Against Corruption SA
Consumer Protection	Consumer and Business Services
Criminal Law	SA Police
Education	Education Standards Board SA
Education	SA Department for Education
Elections	Electoral Commission of SA
Energy	Office of the Technical Regulator
Environment	Environment Protection Authority
Essential Services	Essential Services Commission
Health	SA Health, Department for Health and Wellbeing
Skills	South Australian Skills Commission
Social Services	SA Department of Human Services
Workplace Health and Safety	Safework SA

TASMANIA (TAS)

Administrative Law and Privacy	Ombudsman Tasmania
Anti-Discrimination	Equal Opportunity Tasmania
Consumer Protections	Consumer, Building and Occupational Services
Criminal Law	Tasmania Police
Education	Department for Education, Children and Young People
Education	Skills Tasmania
Electoral	Tasmanian Electoral Commission
Energy	Office of the Tasmanian Economic Regulator
Environment	Biosecurity Tasmania
Health and Aged Care	Department of Health Tasmania
Liquor and Gambling	Tasmanian Liquor and Gaming Commission
Public sector	Tasmanian Integrity Commission
Transport	Department of State Growth – Transport
Work Health and Safety	WorkSafe Tasmania

AUSTRALIAN CAPITAL TERRITORY (ACT)

Anti-Discrimination	ACT Human Rights Commission
Consumer Protection	Independent Competition and Regulatory Commission
Education	ACT Teacher Quality Institute
Elections	Elections ACT
Environment	Commissioner for Sustainability and the Environment
Gambling	ACT Gambling and Racing Commission
Government	ACT Integrity Commission
Government	ACT Ombudsman
Government	ACT Public Sector Standards Commissioner
Health Care and Community Housing	Health and Community Services Directorate
Land Development and Building	Territory Planning Authority
WHS	WorkSafe ACT

Source: Tables from DISR material released in DTA, FOI Release 032, 5 August 2026, with minor amendments for clarity and accuracy.

APPENDIX C

Commonwealth processes considering the impact of AI on regulatory regimes

#	ACTION	AGENCY	STATUS	KIND
1	**APRA Letter to Industry on Artificial Intelligence (AI) (30 April 2026)**	APRA	COMPLETED	Policy Statement
2	**Report: Beware the Gap – Governance Arrangements in the Face of AI Innovation (REP 798) (29 October 2024)**	ASIC	COMPLETED	Review / Consultation
3	**Consultation on Proposed Amendments to the ASIC Market Integrity Rules: Trading Systems and Automated Trading (CP 386) (27 August 2025)**	ASIC	UNDERWAY	Regulatory Reform
4	**Open Letter to AFS Licensees and Market Participants (8 May 2026)**	ASIC	COMPLETED	Policy Statement
5	**Modernisation and Clarification of the Privacy Act 1988 (Cth) (16 February 2023)**	Attorney-General's Department	UNDERWAY	Regulatory Reform
6	**Criminal Code Amendment (Deepfake Sexual Material) Act 2024 (Cth) (2 September 2024)**	Attorney-General's Department	COMPLETED	Regulatory Reform
7	**Automated Decision-Making Reforms (in response to the Robodebt Royal Commission) (13 November 2024)**	Attorney-General's Department	UNDERWAY	Regulatory Reform
8	**Copyright and AI Reference Group (CAIRG) Consideration of Copyright and AI Policy Issues (28 October 2025)**	Attorney-General's Department	UNDERWAY	Regulatory Reform
9	**Commercial Radio Code of Practice 2026 (AI-disclosure rules) (February 2026)**	Australian Communications and Media Authority	COMPLETED	Regulatory Reform
10	**Digital Platform Services Inquiry 2020-25 (Final Report) (March 2025)**	Australian Competition and Consumer Commission	COMPLETED	Review / Consultation
11	**Ethical Artificial Intelligence in the Australian Signals Directorate (January 2023)**	Australian Signals Directorate	COMPLETED	Policy Statement
12	**Automated Decision-Making Better Practice Guide (March 2025)**	Commonwealth Ombudsman	COMPLETED	Advice / Guidance
13	**Policy Settings for Responsible Use of Artificial Intelligence in Defence (March 2026)**	Department of Defence	COMPLETED	Policy Statement
14	**Australian Framework for Generative Artificial Intelligence (AI) in Schools (17 November 2023)**	Department of Education	COMPLETED	Policy Statement
15	**AI Employment and Workplaces Forum (28 April 2026)**	Department of Employment and Workplace Relations	UNDERWAY	Review / Consultation
16	**National Framework for the Assurance of Artificial Intelligence in Government (21 June 2024)**	Department of Finance	COMPLETED	Policy Statement
17	**Advisory Note: Sanctions Risks from Misuse of AI and New Technologies (6 November 2025)**	Department of Foreign Affairs and Trade	COMPLETED	Advice / Guidance

APPENDIX C · CONTINUED

#	ACTION	AGENCY	STATUS	KIND
18	**Australian Government Strategy for International Engagement and Regional Leadership on Artificial Intelligence (2026)**	Department of Foreign Affairs and Trade	UNDERWAY	Policy Statement
19	**Safe and Responsible Artificial Intelligence in Health Care — Legislation and Regulation Review: Final Report (23 July 2025)**	Department of Health, Disability and Ageing	COMPLETED	Review / Consultation
20	**Electronic Surveillance Framework Reforms (4 December 2020)**	Department of Home Affairs	UNDERWAY	Regulatory Reform
21	**Cyber Security Legislative Package (29 November 2024)**	Department of Home Affairs	COMPLETED	Regulatory Reform
22	**Protective Security Policy Framework (AI-related amendments) (24 July 2025)**	Department of Home Affairs	COMPLETED	Policy Statement
23	**Independent Review of the Security of Critical Infrastructure Act 2018 (2 February 2026)**	Department of Home Affairs	COMPLETED	Review / Consultation
24	**Security of Critical Infrastructure Legislation Amendment (Enhanced Critical Infrastructure Risk Management Program) Rules 2026 (4 June 2026)**	Department of Home Affairs	COMPLETED	Regulatory Reform
25	**2023-2030 Australian Cyber Security Strategy: Horizon 2 Action Plan (11 June 2026)**	Department of Home Affairs	COMPLETED	Review / Consultation
26	**Synthetic Biology and AI Protection and Security Effort (SYNAPSE) (3 April 2025)**	Department of Home Affairs (lead)	UNDERWAY	Review / Consultation
27	**Review of AI-Related Incidents under the Australian Government Crisis Management Framework (AGCMF) (December 2025)**	Department of Home Affairs (lead)	UNDERWAY	Review / Consultation
28	**Consultation on Safe and Responsible AI in Australia: Proposals Paper for Introducing Mandatory Guardrails for AI in High-Risk Settings (September 2024)**	Department of Industry, Science and Resources	COMPLETED	Review / Consultation
29	**Expectations of Data Centres and AI Infrastructure Developers (23 March 2026)**	Department of Industry, Science and Resources	COMPLETED	Policy Statement
30	**Online Safety (Basic Online Safety Expectations) Amendment Determination 2024 (30 May 2024)**	Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts	COMPLETED	Regulatory Reform
31	**Commitment to Restrict Access to 'Nudify' and Online Stalking Tools (2 September 2025)**	Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts	UNDERWAY	Regulatory Reform
32	**Digital Duty of Care Reforms (26 May 2026)**	Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts	UNDERWAY	Regulatory Reform
33	**Policy for the Responsible Use of AI in Government (1 September 2024)**	Digital Transformation Agency	COMPLETED	Policy Statement
34	**Technical Standard for Government's Use of Artificial Intelligence (22 August 2025)**	Digital Transformation Agency	COMPLETED	Policy Statement

APPENDIX C · CONTINUED

#	ACTION	AGENCY	STATUS	KIND
35	**Internet Search Engine Services Online Safety Code (Class 1A and Class 1B Material) (12 September 2023)**	eSafety Commissioner	COMPLETED	Regulatory Reform
36	**Unlawful Material Standards (Designated Internet Services and Relevant Electronic Services, Class 1A/1B) 2024 (19 June 2024)**	eSafety Commissioner	COMPLETED	Regulatory Reform
37	**Age-Restricted Material Codes (9 September 2025)**	eSafety Commissioner	COMPLETED	Regulatory Reform
38	**Guidance Note: Use of Generative Artificial Intelligence in Commission Cases (24 March 2026)**	Fair Work Commission	UNDERWAY	Regulatory Reform
39	**Practice Direction: Use of Artificial Intelligence (PD-AI) (29 May 2026)**	Federal Circuit and Family Court of Australia	COMPLETED	Regulatory Reform
40	**Use of Generative Artificial Intelligence Practice Note (GPN-AI) (16 April 2026)**	Federal Court of Australia	COMPLETED	Regulatory Reform
41	**Patent Manual Update: Inventions Produced by AI (s.5.4.3) (8 January 2025)**	IP Australia	COMPLETED	Policy Statement
42	**Automated Vehicle Safety Law (AVSL) Reform (April 2024)**	National Transport Commission	UNDERWAY	Review / Consultation
43	**Guidance on Privacy and the Use of Commercially Available AI Products (21 October 2024)**	Office of the Australian Information Commissioner	COMPLETED	Advice / Guidance
44	**Guidance on Privacy and Developing and Training Generative AI Models (21 October 2024)**	Office of the Australian Information Commissioner	COMPLETED	Advice / Guidance
45	**Preliminary Inquiry — Use of Artificial Intelligence by Intelligence Agencies (29 May 2024)**	Office of the Inspector-General of Intelligence and Security	COMPLETED	Review / Consultation
46	**Best Practice Review of the Model Work Health and Safety Laws (1 September 2025)**	Safe Work Australia	UNDERWAY	Review / Consultation
47	**Automation and Artificial Intelligence Strategy 2025-27 (May 2025)**	Services Australia	COMPLETED	Policy Statement
48	**Draft Guidance: The Use of Artificial Intelligence and the Code of Professional Conduct (July 2026)**	Tax Practitioners Board	UNDERWAY	Advice / Guidance
49	**Clarifying and Strengthening the Regulation of Medical Device Software including Artificial Intelligence (AI) - Outcomes from the Review of Therapeutic Goods Legislation, Regulation and Guidance (30 July 2025)**	Therapeutic Goods Administration	COMPLETED	Review / Consultation
50	**Review of AI and the Australian Consumer Law (3 October 2025)**	Treasury	COMPLETED	Review / Consultation

Note: This table reflects processes and statuses as of June 2026.

APPENDIX D

Methodology

The desktop review sought to identify all Commonwealth processes relating to or evidencing an assessment of the suitability of existing laws and regulations in light of AI-related developments up to June 2026. This includes processes considering whether regulatory frameworks were sufficient to address AI harms and those considering whether AI developments impacted on the effectiveness of existing regulatory regimes.

The review began from the Government's own references to such work, particularly in the National AI Plan, the Government's response to the Senate Select Committee on Adopting Artificial Intelligence, and similar statements. It then extended to searches across all Commonwealth government departmental and agency websites. This work was then cross-checked through the use of AI research tools.

Identified processes were classified into four categories (reforms, reviews and consultations, policy statements, and advice and guidance, see Box 1) and by status (completed or underway). They were also coded by the Commonwealth portfolio and policy area. This then informed a clustering of the processes into five high-level policy areas (see Box 2).

While every effort was made to capture all relevant materials, the policy statements and advice and guidance categories should be read as representative rather than exhaustive. The review does not claim to have captured every instance of this work, given the broad range of documents that could feasibly fall into this category. Instead, the review focused on such documents where they evidenced specific consideration of AI's impact on a regulatory regime or were likely to have a substantive impact on a regulated sector or policy regime. Given the pace of technological and regulatory change, several processes identified in this review may have already advanced or been completed by the time of publication.

The review did not include parliamentary inquiries given these sit outside the executive's remit. It also did not include each of the AI Transparency Statements published by Commonwealth agencies.[59]

Notes

SECTION 1 · INTRODUCTION

1 See Peter Slattery et al, 'The AI Risk Repository: A Comprehensive Meta-Review, Database, and Taxonomy of Risks From Artificial Intelligence' (MIT FutureTech, 14 August 2024) https://futuretech.mit.edu/publication/the-ai-risk-repository for a taxonomy of AI risk demonstrating the breadth of concerns the technology raises. See also National AI Centre, 'AI and Australian Law', which summarises the general laws that apply to AI harms. https://www.ai.gov.au/staying-safe-and-responsible/ai-and-australian-law

2 Yoshua Bengio et al, *International AI Safety Report 2026* (3 February 2026) 12; Independent International Scientific Panel on AI, *Preliminary Report* (July 2026) 9.

3 DISR, 'Introducing mandatory guardrails for AI in high-risk settings: proposals paper', September 2024. https://consult.industry.gov.au/ai-mandatory-guardrails

4 DISR, *National AI Plan* (December 2025) 29.

5 Ibid.

6 The Hon Dr Jim Chalmers MP, Treasurer, 'Press Conference' (Canberra, 21 August 2025). https://ministers.treasury.gov.au/ministers/jim-chalmers-2022/transcripts/press-conference-canberra-26

7 Senate Economics Legislation Committee, *Estimates* (Canberra, 12 February 2026) 102-103.

8 Ibid.

SECTION 2 · THE GAP ANALYSIS

9 At a high level, with amendments depending on the agency, the FOI requests asked for: (1) documents constituting or summarising either: any gap analysis of existing legislation or regulatory frameworks as they apply to AI, produced between 3 May 2025 and 13 March 2026; or the AI regulatory gap analysis referenced in the Senate Estimates proceedings in the Economics Legislation Committee on 12 February 2026; (2) any submissions or contributions made to the AI gap analysis referenced in those Senate Estimates proceedings; (3) any associated correspondence (including emails), terms of reference, or scoping documents that defined the purpose, parameters, or methodology of any gap analysis including the gap analysis referred to in Senate Estimates; (4) any document that compiles, consolidates or summarises regulatory gap analyses related to AI conducted by other Commonwealth departments and agencies, including any summary or stocktake documents; and (5) any list or schedule identifying all published outputs or publicly available documents produced as part of, or in connection with, any AI gap analyses undertaken by Commonwealth departments and agencies known to the Department. These requests were also refined and narrowed in consultation with agencies, where agencies considered the requests to be overly broad.

10 Note: part of the request to the Australian Competition and Consumer Commission was also transferred to the Treasury where access was refused on the basis of an FOI Act exemption.

11 DTA, FOI Release 032, 5 August 2026.

12 Home Affairs, FOI Release 26/03/01036, 19 June 2026.

13 DTA, FOI Release 032, 5 August 2026.

14 Home Affairs, FOI Release 26/03/01036, 19 June 2026.

15 Ibid.

16 See, e.g., Scimex, 'Expert Reaction: National AI Plan Shifts Away from "Mandatory Guardrails"' (2 December 2025); https://www.scimex.org/newsfeed/expert-reaction-national-ai-plan-shifts-away-from-mandatory-guardrails
Jake Goldenfein, Christine Parker, and Kimberlee Weatherall, 'Australia's National AI Plan Has Just Been Released. Who Exactly Will Benefit?', *The Conversation* (2 December 2025). https://theconversation.com/australias-national-ai-plan-has-just-been-released-who-exactly-will-benefit-270981

NOTES · CONTINUED

SECTION 3 · THE ONGOING WORK

17 See Appendix D for the full methodology. Two exclusions were parliamentary inquiries and Commonwealth agency AI transparency statements.

18 Treasury, *Review of AI and the Australian Consumer Law* (Final Report) (October 2025).

19 Department of Health, Disability and Ageing, *Safe and Responsible Artificial Intelligence in Health Care – Legislation and Regulation Review* (July 2025).

20 Therapeutic Goods Administration, *Report: Clarifying and strengthening the regulation of Medical Device Software including Artificial Intelligence (AI)* (July 2025).

21 Treasury, *Budget Paper No. 2: Budget Measures 2024–25* (14 May 2024) 141.

22 Fair Work Commission, *Exposure Draft: Guidance Note: Use of Generative Artificial Intelligence in Commission Cases* (24 March 2026); Federal Court of Australia, *Use of Generative Artificial Intelligence Practice Note (GPN-AI)* (16 April 2026); Federal Circuit and Family Court of Australia, *Use of Artificial Intelligence* (FCFCOA Practice Direction) (29 May 2026).

23 Home Affairs, *Charting New Horizons: Developing Horizon 2 of the 2023-2030 Australian Cyber Security Strategy* (Policy Discussion Paper) (29 July 2025); Home Affairs, *2023-2030 Australian Cyber Security Strategy: Horizon 2 Action Plan* (11 June 2026).

24 eSafety Commissioner, 'Search Engine Code Gets Green Light with New AI Protections' (8 September 2023); eSafety Commissioner, 'New World-first Standards Set New Rules for How Tech Giants Must Tackle Worst-of-the-Worst Online Content' (19 December 2024); eSafety Commissioner, 'New Industry Codes Seek to Take on AI Chatbots that Encourage Suicide and Engage in Sexually Explicit Conversations with Aussie Kids' (9 September 2025).

25 ACCC, *Digital Platform Services Inquiry 2020-25: Final Report* (31 March 2025); Jill Slay, *Independent Review of the Security of Critical Infrastructure Act 2018* (February 2026).

26 APRA, *Letter to Industry on Artificial Intelligence* (30 April 2026); ASIC, *Open Letter to AFS Licensees and Market Participants* (8 May 2026).

27 ASD, *Ethical Artificial Intelligence in the Australian Signals Directorate* (January 2023).

28 DFAT, *Sanctions Risks from Misuse of AI and New Technologies* (6 November 2025).

SECTION 3 · THE ONGOING WORK · CONTINUED

29 Defence, *Policy Settings for Responsible Use of Artificial Intelligence in Defence* (March 2026).

30 See also Lyria Bennett Moses et al, *Submission to DISR re Supporting Responsible AI Discussion Paper* (26 July 2023) on consumer law, discrimination law, administrative law, privacy and data protection.

31 See, e.g., Senate Select Committee on Adopting Artificial Intelligence, *Interim Report* (October 2024) rec 2; Andrew Ray, 'Disinformation, Deepfakes and Democracies: The Need for Legislative Reform' (2021) 44(3) *University of New South Wales Law Journal* 983.

32 See, e.g., Noam Kolt, 'Governing AI Agents' (2025) 101 *Notre Dame Law Review* (forthcoming); Law Commission of England and Wales, *AI and the Law: A Discussion Paper* (31 July 2025); Ada Lovelace Institute, *The Dilemmas of Delegation: An Analysis of Policy Challenges Posed by Advanced AI Assistants and Natural-Language AI Agents* (Report, 11 November 2025); Ada Lovelace Institute, *Risky Business: An Analysis of the Current Challenges and Opportunities for AI Liability* (Report, 8 December 2025).

33 See, e.g., Fernanda Brollo et al, *Broadening the Gains from Generative AI: The Role of Fiscal Policies* (IMF Staff Discussion Note SDN/2024/002, June 2024).

34 See, e.g., Australian Human Rights Commission, *The Need for Human Rights-Centred Artificial Intelligence* (Submission, 26 July 2023).

35 See, e.g., Teagan Westendorf, *Artificial Intelligence and Policing in Australia* (Strategic Insights 169, Australian Strategic Policy Institute, April 2022).
https://www.aspi.org.au/report/ai_policing_australia/

36 See, e.g., Ross P Buckley et al, 'Regulating Artificial Intelligence in Finance: Putting the Human in the Loop' (2021) 43(1) *Sydney Law Review* 43.

37 See, e.g., Greg Sadler et al, *Australian AI Legislation Stress Test: Expert Survey* (Report, Good Ancestors Policy, 19 August 2025);
https://www.goodancestors.org.au/our-work/ai-safety/ai-stress-test
Letter to the Minister for Agriculture, Fisheries and Forestry, 'Activate existing biosecurity powers to address AI-enabled risks' (sent 4 May 2026).
https://www.australiansforaisafety.com.au/letters/ai-bio-gene-synth-screening

38 Home Affairs, *FOI Request FA 26/01/01699: Multi-agency group on synthetic biology and AI* (FOI Disclosure, 2026); DISR, *National AI Plan* (December 2025) 30; Home Affairs, *Cyber Security Legislative Reforms Engagement* (2024); Home Affairs, *Charting New Horizons: Developing Horizon 2 of the 2023-2030 Australian Cyber Security Strategy* (Policy Discussion Paper) (29 July 2025); and Jill Slay, *Independent Review of the Security of Critical Infrastructure Act 2018* (February 2026).

39 Letter to the Minister for Agriculture, Fisheries and Forestry, 'Activate existing biosecurity powers to address AI-enabled risks' (sent 4 May 2026).
https://www.australiansforaisafety.com.au/letters/ai-bio-gene-synth-screening

NOTES · CONTINUED

SECTION 4 · KEY FINDINGS

40 See, e.g., World Economic Forum, 'The rise of "AI agents": What they are and how to manage the risks' (16 December 2024).

41 Joint Media Release, 'AI Consumer Safety Priorities' (20 July 2026). https://www.minister.industry.gov.au/charlton/media/ai-consumer-safety-priorities

42 Jose-Miguel Bello y Villarino et al, *Submission to Productivity Commission Pillar 3: Harnessing Data and Digital Technology Interim Report* (ARC Centre of Excellence for Automated Decision-Making and Society, 15 September 2025) 9.

43 Senate Select Committee on Adopting Artificial Intelligence, *Final Report*, 26 November 2024, [2.170] and rec 1.

44 See, e.g., *Australian Government Response to the Senate Select Committee on Adopting AI Report* (1 April 2026).

45 University of Melbourne & KPMG, *Trust, Attitudes and Use of Artificial Intelligence: Global Study 2025 - Australia Insights* (2025); Prime Minister the Hon Anthony Albanese, *AI in Australia's Interests* (Speech, 15 July 2026).

46 Department of Health, Disability and Ageing, *Safe and Responsible Artificial Intelligence in Health Care – Legislation and Regulation Review* (July 2025) 5.

47 Treasury, *Final Report: Review of AI and the Australian Consumer Law* (October 2025) 25.

SECTION 4 · KEY FINDINGS · CONTINUED

48 Australian Securities and Investments Commission, *Report 798: Beware the Gap: Governance Arrangements in the Face of AI Innovation* (29 October 2024) 6.

49 See, e.g., Human Technology Institute (University of Technology Sydney), *Submission to the Productivity Commission's Interim Report: Harnessing Data and Digital Technology* (September 2025) 5; Tech Policy Design Institute, *Earning Trust: Unlocking AI Adoption for Australians* (Spotlight Report, 5 May 2026) 17.

50 Productivity Commission, *Harnessing Data and Digital Technology* (Inquiry Report, December 2025) rec 1.1.

51 The Hon Michelle Rowland MP, 'Albanese Government to Ensure Australia Prepared for Future Copyright Challenges of Emerging AI' (Media Release, 26 October 2025).

52 Attorney-General's Department, 'Review of the *Privacy Act 1988*'. https://www.ag.gov.au/rights-and-protections/privacy/review-privacy-act-1988

53 Attorney-General's Department, 'Safe and Responsible Use of Automated Decision-Making in Government Services' (Consultation, 2024). https://consultations.ag.gov.au/integrity/adm/

54 Joint Media Release, 'AI Consumer Safety Priorities' (20 July 2026). https://www.minister.industry.gov.au/charlton/media/ai-consumer-safety-priorities

SECTION 5 · RECOMMENDATIONS

55 See Global Shield Australia, *AI Incident Monitoring & Reporting for Australia* (February 2026). https://globalshieldpolicy.org/wp-content/uploads/2026/07/2026.02-AI-Monitoring-Reporting-Pitch.pdf

56 Treasury, 'Regulatory Initiatives Grid' (last updated May 2026). https://treasury.gov.au/policy-topics/banking-and-finance/rig

57 Department for Science, Innovation and Technology (UK), 'AI Opportunities Action Plan' (last updated January 2026). https://delivery.ai.gov.uk/

SECTION 6 · CONCLUSION

58 Hon Justice Mordecai Bromberg, 'The Challenge of AI for Law Reform and the Legal Profession' (Address to the Australian Law Forum, 14 August 2025). https://www.alrc.gov.au/news/the-challenge-of-ai-for-law-reform-and-the-legal-profession/

APPENDIX D · METHODOLOGY

59 See Ben Swift, *Australian Government AI Tracker* (2025) ANU School of Cybernetics. https://doi.org/10.5281/zenodo.20842437



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