

Hi there

From literature to AI



In our newsletter this fortnight, our first piece casts a spotlight on the Byron Writers Festival, where writers and journalists gathered to celebrate literature and ideas. Amid the spirited discussions and probing inquiries, an urgent matter took centre stage — the role of journalists in an era rife with misinformation and discord. Monica delves into the heart of conversations that questioned objectivity, balance, and the trustworthiness of news sources. She writes that as the journalistic enquirers find themselves under scrutiny, a broader

narrative unfolds, one that resonates with a world yearning for authentic and reliable reporting.

Transitioning from the festival's intellectual haven, we then venture into the labyrinth of issues concerning online content. As governments and platforms grapple with the daunting task of curation and regulation, the CMT has lodged its own submission on the proposed new laws targeting mis- and disinformation (the proposed Combating Misinformation and Disinformation Bill 2023). Derek writes about some suggestions the team made in the submission.

Next is Kieran, who is exploring a curious connection between generative AI and a black ape. Hint: it's about human involvement or the lack thereof.

Speaking of AI, Michael just returned from 'Wikimania', an event that attracted thousands of active Wikipedia users from around the world to gather in Singapore – all passionate volunteers – who among many other issues discussed generative AI. Michael's piece reflects the commitment that pulses through the ongoing discussions and the countless edits on Wikipedia's pages, where truth and accuracy are fiercely defended. Yet, the terrain isn't without its challenges, as daily skirmishes against inaccuracies, misinformation, and bias punctuate the journey. And, in the age of generative AI, the question emerges: will this technology's ascent impact the devotion to Wikipedia?

Last is Sacha's piece about the UTS Law Tech Challenge which brought together UTS law students, a software company, a law firm and four not-for-profit organisations to build apps in pursuit of social justice.



Ayesha Jehangir
CMT Postdoctoral Fellow

Byron musings



Writers' festivals are events where you would normally find a lot of journalists. Sometimes interrogators, they're in the enquirer's chair, questioning authors about their latest tome. At other times, they're in the hot seat, being peppered with questions, which more often than not is an uncomfortable position for them to be in. This year at the Byron Writers Festival there was a significant focus on news media and the growing problem of information disorder – mis- and disinformation – and as a result, there were quite a few journalists put on the

spot to account for some of the more worrying developments in the news media business.

What I sensed from the panels I sat on was an increase in the usual levels of mistrust from audiences towards news media. There were the commonly heard expressions of mistrust born of disagreement over the interviewing of politicians people don't like or agree with.

That usually takes the form of 'Why does the ABC even interview Coalition politicians', or 'Why don't you give the Prime Minister a hard time for not having brought about world peace?'

However, there was another level of mistrust on display this year at the festival of words. Many who spoke with me felt they weren't getting the full story from news reporters. They suspected selective omissions or inclusions to skew narratives one way or another in order to deceive them. In other words, they thought journalists were lacking objectivity and balance in their reporting. This is hardly a new complaint, especially for those of us who've worked at the ABC. But at this festival, it was surprising that when people came to chat after each panel, these were complaints directed at news media across the board, not just the ABC. And along with that, there was concern that news media had become a captive of social media groupthink and political messaging.

On another panel discussion, this one on information disorder, there was concern about how to define mis- and disinformation: that what one person calls misinformation is what another would call either fact or their sincerely held opinion. Given that the Byron region is, broadly speaking, concerned about the health implications of Covid 19 vaccinations, it was no surprise that definitions of misinformation and the right to have personal opinions and concerns would be topics of interest.

The concern about making sure free speech isn't negatively impacted by any regulatory action to reduce or eradicate misinformation isn't confined to the people of Byron Bay: as Derek writes in this newsletter, the federal government is currently grappling with how to protect free speech and at the same time create an unpolluted information environment, as it refines [new laws](#) to provide the regulator, the Australian Communications and Media Authority, with new powers to combat online mis- and disinformation. Journalists were at least united in their desire to see more and better on-the-spot fact checking, a traditionally necessary part of the process of producing public interest journalism to help mitigate the problem – and in the process make journalists a smaller part of the problem.



Monica Attard
CMT Co-Director

R&d the balm to m&d



Amid continuing [debate](#) over the undesirability of either – or both – platforms and government acting as gatekeepers of online content, CMT has lodged its own [submission](#) on the proposed new laws targeting mis- and disinformation.

As we noted in the last newsletter, we think some of the commentary on the draft [Combating Misinformation and Disinformation Bill](#) overstates the role of the media regulator, the ACMA, in restricting free speech. Simultaneously, it

underrepresents the impact of platforms in censoring content, including news. But we also acknowledge there's a legitimate concern for free expression that underpins some of this debate. For this reason, our submission focuses on ways in which the regulator could be further distanced from direct decisions on content – for example, whether a social media post is false or misleading. We then present some ideas that could underpin a longer-term approach.

Our suggestions include targeting ACMA's powers on measures that platforms implement to prevent or respond to mis- and disinformation. This would remove the opportunity for ACMA to give opinions on what was, or was not, false or misleading or deceptive. This approach could be applied to ACMA's proposed information-gathering powers and to its enforcement powers, as well as to the power to make its own standards in place of an industry code or practice.

We also suggest that the statement of regulatory policy underpinning this new scheme include an indication that Parliament expects platforms *themselves* to take freedom of expression into account when making decisions on online content.

This second aspect connects with our suggestions for a longer-term rethinking of the approach adopted in this draft Bill, having regard to how the scheme works in practice. This

rethinking would acknowledge that the Bill actually limits industry accountability by placing a range of current platform responses *outside* the regulatory scope. While needing to take action to reduce one form of content (mis- and disinformation), platforms will still be free to exercise an almost unfettered discretion over content posted by professional news businesses and private citizens alike.

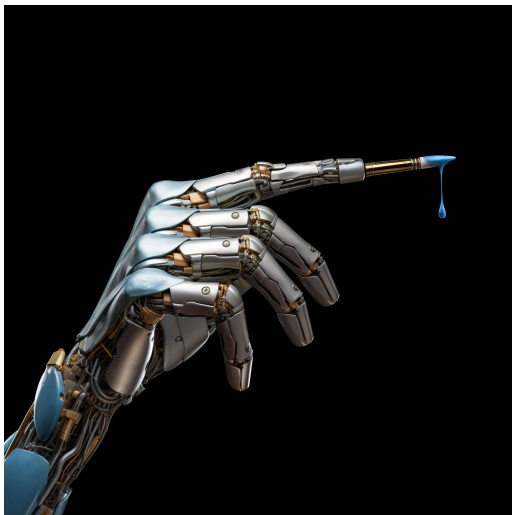
A different, broader approach to platform accountability that includes a responsibility to protect information integrity and improve the online information environment would focus on accountability for the effects of system design and platform policy, rather than for various types of content. Principled frameworks for platform decision-making could distribute accountability and oversight beyond government and encourage industry to work creatively to seize responsibility for achieving outcomes.

We'll continue to work on the development of these longer-term goals. In the meantime, we've presented some specific suggestions for ways in which the current draft Bill could provide further protections for freedom of expression. And on that basis, we think Parliament should proceed with this first stage in addressing an evolving problem of the online environment.



Derek Wilding
CMT Co-Director

The AI copyright conundrum



What do generative AI systems and Celebes crested macaques have in common?

Neither is eligible for copyright protection. At least that is the position of Judge Beryl Howell in the recent case [Stephen Thaler v. Shira Perlmutter and The United States Copyright Office](#). Judge Howell ruled that AI-generated artwork lacks “human involvement” and is, therefore, not eligible for copyright protection.

The Court upheld a decision by the U.S. Copyright Office refusing to grant a copyright licence to Dr Stephen Thaler for artwork generated by his custom AI algorithm, Creativity Machine.

Judge Howell held that human authorship is a ‘bedrock requirement of copyright’ based on ‘centuries of settled understanding’. These centuries of understanding include another U.S. [case](#) in which the Court decided a macaque monkey could not own the copyright of a selfie it had taken on a nature photographer’s camera.

The ruling is not that unexpected. The [Compendium of the U.S. Copyright Office Practices](#) states, ‘The U.S. Copyright Office will not register works produced by nature, animals, or

plants. Likewise, the Office cannot register a work purportedly created by divine or supernatural beings.' Similarly, the Office also does not register works produced by a machine.

The question now, of course, is to what extent human involvement is required for work to be afforded copyright protection. With prompt engineering becoming an increasingly recognised and specialised skill in generative AI use, would a meticulously crafted prompt be enough human intervention to attract copyright protection? Maybe not.

There seems to be an inherent tension at present about what is and is not generative AI in the creative process. On the one hand, AI cannot hold copyright as a non-human, but at the same time, it cannot be considered merely a tool to express human creativity.

It seems, at least in this author's view, that the use of generative AI as a tool for human creativity is currently being viewed almost as if it is cheating: it has become too easy to be creative, and as such, we do not afford you the title of 'creator'.

In Australia, it remains an unsettled issue. In 2010, the [Federal Court held](#) that Telstra had no copyright protection over a computer-generated compilation of data due to a lack of identifiable human involvement.

The most obvious implication of this case is for anyone trying to make (and/or save) money from generative AI content. This includes movie studios, newsrooms and others considering replacing humans with generative AI systems. There is a touch of irony in that a news company, having slashed its staff in favour of the incredibly more efficient and potentially less bothersome AI, couldn't protect its monetisation of that content through traditional copyright protections.



Kieran Lindsay
CMT Research Officer

Bootstrapping the ouroboros



Last week I headed to Singapore with my UTS colleague, Heather Ford, to attend Wikimania, an annual conference for the thousands of active users of Wikipedia around the world. We were going to talk to Wikimedians – as they call themselves – to find out what they think about the rise of generative AI and its implications for the online encyclopedia.

To attend such an event as a volunteer requires a certain level of commitment. What struck me most about the Wikimedians we talked to was just how strong their commitment was to Wikipedia – its community, its processes, its mission. There's a slightly religious feel to the way Wikimedians channel their energies towards a common goal. But this seems apt. In important ways, the goal – being a free and open compendium of all knowledge – is manifest in, but also transcends, the daily battles being waged on the site's talk pages over the reliability of sources or the accuracy of edits. The [Wikipedia:Purpose](#) page quotes encyclopedist extraordinaire Denis Diderot, who said that the purpose of such a project is 'to set forth its general system to the men [sic] with whom we live, and transmit it to those who will come after us, so that the work of preceding centuries will not become useless to the centuries to come.'

Of course, what happens in the here and now [does not always match the ideal](#). Wikipedia struggles daily with inaccuracies, misinformation, and vandalism, and in the longer term with entrenched bias and knowledge gaps. I should say *Wikimedians struggle* – it's the volunteer editors who add to and maintain the integrity of the knowledge stored on the site, and Wikipedia is in many ways nothing but this community of editors pulling each other's bootstraps. In this way it differs markedly from Diderot's project, which despite its age has a permanence that Wikipedia will never have. It's the dynamic product of a community focused on a common goal – and this, after all, is the source of its strength, just as it is for other sources of knowledge, including more foundational ones such as science.

So it's perhaps not surprising that the biggest worry for many Wikimedians over the rise of generative AI is that its potential success might lead to a gradual decline in commitment to Wikipedia – from the public to Wikipedia as a knowledge source, and from Wikimedians to maintaining the site. If Wikipedia loses its prominence as 'the last best place on the internet', as [Richard Cooke has called it](#), perhaps merely because people no longer know where the information in their [Google search results comes from](#), then donations may fall, editors may abandon the project and the quality of the site will degrade. Of course, generative AI, for now anyway, is trained to a large degree on Wikipedia. Like a [snake eating its own tail](#), generative AI may devour itself. Or, more likely, and worse, knowledge may be sequestered into proprietary domains.



Michael Davis
CMT Research Fellow

Apps for social justice

Late last year, in a moment of debilitating naivete, I took on the role of academic lead for the UTS Law Tech Challenge. I didn't know much, but I did know that the Law Tech Challenge teams UTS students with a software company and a law firm. And I knew that they all then collaborate to build apps for not-for-profit (NFP) organisations in the pursuit of social justice.



Once committed, I realised that the whole enterprise was far too idealistic and ambitious. Oh well. I decided to humour everyone and play along. Students were recruited. Workshops were held. Not-for-profits were courted. To my delight, four impressive NFPs signed up: the International Committee of the Red Cross (ICRC); Sydney Story Factory; the Public Interest Advocacy Centre (PIAC); and Marrickville Legal Centre.

Over the course of this year, the four student teams worked with mentors from the law firm Allens and coders from the software company Neota Logic to build their apps.

On Wednesday night, I learned that idealism and ambition aren't all bad. In the UTS Startups space, the MLConnect app won the Grand Final of the 2023 Allens Neota Law Tech Challenge for Social Justice. The MLConnect app works to streamline the intake processes for Marrickville Legal Centre, directing people with a legal issue to the MLC's relevant service. It's a powerful app built on simplicity and logic. In various languages, it crystallises a person's legal issue(s), potentially facilitating access to justice for thousands of people in Sydney's inner west.

The apps for the Story Factory, ICRC and PIAC were impressive too. In fact, it was tough to pick a winner. There was 'a pixel between the winner and the non-winners', said UTS Law Dean Anita Stuhmcke, who judged the event alongside Peter Campbell from Allens and Dominique Simsion from Neota Logic.

Vasili Maroulis, the CEO of Marrickville Legal Centre, was delighted to win, and also impressed with all the students. 'They're forming partnerships,' he said. 'They're doing actual work, with actual clients, solving actual problems. That really makes a difference.'

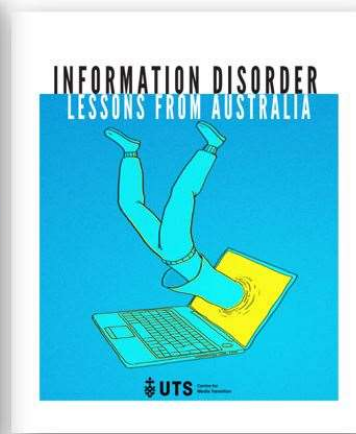
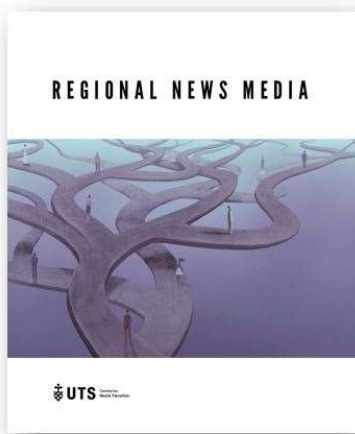


Sacha Molitorisz
Senior Lecturer, UTS Law

Please feel free to share our fortnightly newsletter with colleagues and friends!
And if this was forwarded to you, please subscribe by clicking the button below:

[Subscribe](#)

Please visit our [website](#) for more information about the Centre .



The Centre for Media Transition and UTS acknowledges the Gadigal and Guring-gai people of the Eora Nation upon whose ancestral lands our university now stands. We pay respect to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for these places.



[Privacy Statement](#) | [Disclaimer](#) | [Unsubscribe](#)

UTS CRICOS Provider Code: 00099F

This email was sent by University of Technology Sydney, PO Box 123 Broadway NSW 2007, Australia