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Submission: AI Data Centres

The Tasmanian Aboriginal Centre (TAC) makes this submission from the starting point that Tasmanian Aboriginal people are the true and rightful owners of Lutruwita.

As a people, we have never ceded our Country, and no agreement was ever made to relinquish our sovereignty.

Our authority over Country has never been extinguished, and we therefore have a direct interest in the proposed expansion of AI data centres in Lutruwita.

We note from the outset that we have never consented to this largely experimental and extractive industry being developed on our Country. In the absence of a Treaty or Agreement with the Aboriginal nation, the State exercises practical administrative authority over Lutruwita. It therefore carries a responsibility to ensure that proposed developments protect Aboriginal rights, cultural heritage, natural resources and the broader public interest.

AI data centres are not ordinary developments. They can require substantial amounts of land, water and electricity and may drive demand for associated infrastructure such as transmission corridors and energy generation. The long-term social, environmental and economic impacts of rapid AI development remain uncertain, nor is the rationale for their roll-out or its urgency been satisfactorily explained or discussed with the Community. Regulation must therefore proceed cautiously and place public benefit ahead of private gain.

Energy

AI data centres consume significant amounts of electricity. We are concerned that large-scale developments could place additional pressure on energy systems and create demand for further industrial-scale energy projects with associated impacts on Aboriginal heritage, biodiversity and culturally significant landscapes.

Any assessment of a proposed AI data centre should include independent analysis of cumulative energy demand, impacts on other users, and the environmental and cultural consequences of associated infrastructure.

Water

AI data centres can require substantial volumes of water for cooling. We note Tasmania's ongoing failure to adequately recognise Aboriginal water rights and are concerned that, without appropriate safeguards, commercial demand could further entrench inequitable access to water resources.

Water allocation decisions must prioritise long-term environmental sustainability, community needs and Aboriginal rights and interests.

Land and Heritage

Data centres and associated infrastructure have the potential to disturb land and impact Aboriginal heritage. Tasmania's Aboriginal heritage protections remain inadequate, and developments should not proceed on the assumption that cultural harm can be managed after the fact.

Projects must be subject to independent cultural heritage assessment and meaningful engagement with Aboriginal people from the earliest stages of planning. Free, prior and informed consent principles should guide developments that affect Aboriginal rights, heritage and Country.

Indigenous Data Sovereignty

AI facilities will inevitably hold, process or utilise data relating to Aboriginal people, culture, heritage and Country. Aboriginal people have the right to control data about themselves in accordance with [Indigenous Data Sovereignty principles](#) developed by Maïam Nayri Wingara.

Data about Aboriginal people should not be collected, shared, used for AI training or commercialised without appropriate Aboriginal governance, consent and accountability mechanisms. Indigenous Data Sovereignty must be embedded within any regulatory framework governing AI infrastructure in Tasmania.

Public Benefit

Data centres are often promoted based on investment and economic growth. However, economic growth alone is not an adequate measure of public benefit. Tasmania has experienced economic growth while many people in Lutruwita / Tasmanian continue to face worsening housing stress, homelessness and disadvantage. Aboriginal people remain disproportionately affected by these hardships.

If expectations were sufficient, the expectations that increased gross state benefit should mean that homelessness, unemployment and other metrics of hardship would decrease. The opposite has been the case. Therefore, we believe that legislation rather than expectations is required to ensure, rather than hope, that data centres are appropriately managed.

Any AI data centre proposal should demonstrate a clear and enforceable public benefit. This includes identifying who benefits, who bears the costs, how environmental and cultural impacts will be managed, and how commitments will be monitored and enforced. Public resources such as land, water and energy should not be transferred to private interests without clear benefits for Tasmanians.

Draft Expectations for Data Centres and AI Infrastructure Developers

The draft expectations document says that the seven draft expectations are designed to “support” the three principles set out in the same document, namely economic development, energy and environment and planning.

It could strengthen the approach to data centre management, including social licence and public confidence, if the expectations and principles referred to any of the growing body of AI management frameworks.

For example, Australia is a signatory to the [OECD’s AI Principles](#), which could inform the Tasmanian Government’s principles and expectation. The OECD’s Principle 1.1, Inclusive growth, sustainable development and well-being, says:

“Stakeholders should proactively engage in responsible stewardship of trustworthy AI in pursuit of beneficial outcomes for people and the planet, such as augmenting human capabilities and enhancing creativity, advancing inclusion of underrepresented populations, reducing economic, social, gender and other inequalities, and protecting natural environments, thus invigorating inclusive growth, well-being, sustainable development and environmental sustainability.”

As a typically excluded and underrepresented population, this is something that the Tasmanian Aboriginal Centre could welcome.

Similarly, OECD Principle 1.2, Respect for the rule of law, human rights and democratic values, including fairness and privacy, calls for *“respect of the rule of law, human rights, democratic and human-centred values throughout the AI system lifecycle. These include non-discrimination and equality, freedom, dignity, autonomy of individuals, privacy and data protection, diversity, fairness, social justice”*.

We believe that it is a weakness of the document that it fails to refer to any existing AI management frameworks or standards, and doing so could significantly strengthen it, including its principles and expectations.

It would also add rigour, meaning and confidence to define concepts such as “benefits”. A profitable data centre that exhausts local water reserves could benefit the data centre owners but impoverish local water sources and the people who rely on them. What would “benefit” mean in this context? It requires clarification.

Similarly, where the document mentions consultation with the Aboriginal community, rather than being consulted with and then our comments ignored, which is the norm, we would welcome the inclusion of reference the principle of Free, Prior and Informed Consent, the cornerstone of the UN Declaration on the Rights of Indigenous Peoples, which Australia has endorsed.

We call on Government to:

- Pause approval of major new AI data centres until an effective regulatory framework is in place.
- Require independent public assessment of environmental, cultural, social and economic impacts.
- Assess cumulative impacts on electricity, water, land and infrastructure before approvals are granted.
- Ensure Aboriginal people are involved in decision-making from the earliest stages of project development.
- Embed Free, Prior and Informed Consent principles where developments affect Aboriginal rights, Country and heritage.
- Include Indigenous Data Sovereignty principles within all AI and data centre regulation.
- Require legally enforceable agreements covering environmental obligations, rehabilitation, decommissioning and public benefit commitments.
- Publish transparent reporting on the actual social, environmental and economic outcomes of approved developments.

We also call on the Tasmanian Government to pause AI data centre developments until an appropriate regulatory framework is established and there is greater understanding of the long-term consequences of AI infrastructure for Country, communities and future generations.

We are available to discuss this submission further if required.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca Digney', with a stylized flourish at the end.

Rebecca Digney
CEO, Tasmanian Aboriginal Centre