

Response to Office of AI Consultation Paper 'Getting it Right: Building AI Infrastructure that Works for Australia'

October 2026

We are pleased to see the Government's continued support for people who work in Australia's creative and media sectors, which includes payment for AI-related uses of their works.

We want to continue working with the Government to ensure that any framework adopted to secure investment from major AI companies does not bypass available licensing pathways, where the many different types of publishers, authors and artists we represent are remunerated for uses of their works. A framework that rewards only some rightsholders and leaves others with nothing is not acceptable. All participants in Australia's creative and media sectors should have opportunities to benefit from emerging AI licensing markets. Voluntary collective licensing has an important role to play, and the Government should be looking at ways to ensure that it succeeds.

Any move to require rightsholders to adopt new measures to prevent unlicensed uses of their works is a major departure from the current framework. There are a number of significant issues that still need to be addressed, such as the potential burden of implementing a digital opt out for small and independent publishers, compliance by AI companies (who have so far shown scant regard for digital controls such as robots.txt) and the practical issue of rightsholders not controlling the website or platform on which their work is hosted. The Government needs to continue to engage with rightsholders on these issues to deliver on the Government's promise of 'control'.

Generally, our members support licensing of their work for a fair commercial return. However, in the case of AI, there are barriers that need to be acknowledged and addressed. These include:

- Trust has been severely eroded by the behaviour of AI companies taking members' works for training overseas, without payment or permission. Until that offshore theft is addressed, there are likely to be creators who are unwillingly to deal with the AI companies at fault.
- Many small or independent publishers would struggle to provide access to the content and metadata in the required formats and there may need to be industry support to build infrastructure to help this happen.
- Any legal framework is likely to require carefully structured and tailored incentives, probably outside of copyright, to establish a thriving market for Australian AI licensing that supports rightsholders of all sizes.

Copyright and innovation are not competing; they are complementary. Ensuring that people are properly paid for the use of their work certainly rewards their intellectual and artistic endeavours, supporting a thriving cultural sector where Australian stories continue to be told. However, it also provides ongoing investment in the creation of new material. Ultimately this will be the high-quality data that drives future AI innovation.

About Copyright Agency and collective licensing

We are a not-for-profit organisation with 42,000 members who are primarily Australian writers, artists and publishers. They create and publish content in a wide range of areas including news media, academic/education publishing and trade publishing, both print and digital. We have reciprocal arrangements with more than 70 similar organisations in other countries, enabling copyright licensing of foreign content in Australia, and Australian content in other countries.

We manage collective licence schemes that allow education institutions, governments and businesses to copy and share a vast range of content created and published by very large numbers of rightsholders, both Australian and foreign. The licence schemes for the education and government sector are statutory schemes that we are appointed by the Government to manage. People working in those sectors can copy

and share any text or image without the individual permissions usually required, subject to payment of fair compensation, which we negotiate, collect and distribute.

Our collective licences for the business sector are 'voluntary' (opt-in) licences, that rightsholders can choose to participate in. They include licences for media monitoring companies that allow them to scrape masses of news media content from the internet every day for provision to their clients.

Copyright Agency was established to address the significant threat to creators' livelihoods arising from the photocopier – a device which could copy works at scale. Over time, our licences and distributions have evolved to address new technologies, moving to a digital environment. While technology has evolved over time, collective licensing solutions have continued to enable the use of masses of content from very large numbers of rightsholders, aligned to fair remuneration that is invested in future content that benefits licensees. Collective licensing supports a diverse range of content, including that created and published by smaller and specialised publishers, such as local and regional news media publishers.