

## Submission: Recognising Australia's 80% Music Domestic Sector/Copyright Reform

Tom Benjamin, PhD  
Adelaide University

### Summary

A change in Australian author-death-date **copyright law** could make a cost-free immediate change, benefitting the nation, at the expense of hardly anyone. This submission highlights a persistent gap in Australian cultural policy: the absence of meaningful support for and indirect denigration of the **domestic, hobby, and participatory** music sector that represents **the vast majority** of Australians. Current policy language continues to assume a performer–audience model and a pipeline into the professional music industry. This overlooks the everyday musical lives of Australians, the widespread use and potential of low-cost technology, and the enormous potential for lawful, digital-skilled, community-based music participation.

---

### 1. The Missing Majority: Domestic and Hobby Music Makers

Most Australians engage with music not as future professionals, but as **participants**—singing, playing informally, using karaoke machines, making simple recordings, or collaborating socially. This sector is:

- **Large:** representing an estimated 80% of musical engagement
- **Low-cost and accessible:** karaoke machines, ukuleles, mobile apps, public-domain repertoire
- **Technologically enabled:** home recording, uploads, digital sharing, online workshops
- **Culturally diverse:** spanning folk, pop, diasporic, and community traditions

Yet policy documents continue to frame music participation as something elite, delivered to the public by trained artists, rather than something the public already does for themselves.

---

### 2. Schools: A Narrow Model of Music Education

The policy statement refers to “embedding artists in schools” to ensure “quality” arts and music education. This model typically assumes:

- children will be inspired to take up difficult, traditional instruments
- music education is about performance, notation, and industry pathways
- repertoire is drawn from copyright-safe nursery rhymes or classical music, as contemporary or folk traditions are barred by copyright.

This does not reflect the lived reality of Australia, where:

- general teachers are called upon to deliver most music education in primary schools
- people living in units are restricted in noise-making
- karaoke machines are sold in supermarkets for \$15
- sound loops are often free and widely used in music-making
- children and adults already sing, record, and share music informally
- digital literacy and music-making are deeply intertwined
- regular musical activity is participatory, not performative
- performative music is mainly rehearsal, with infrequent live events
- home recording can be done affordably and routinely
- free uploads of legal music and videos is possible but needs copyright reform

A modern cultural policy should recognise and support this reality.

---

### **3. A Practical, Legal, Future-Focused Alternative**

I propose that schools and community programs adopt a model that includes:

- copyright-literacy
- play-by-ear options
- grounded in public-domain popular/folk repertoire (not only classical or nursery)
- integrated with digital skills, including lawful public domain recording and uploading
- aligned with contemporary technology that families already use
- online workshop resources especially for regional, rural and remote participants

This approach is inexpensive, scalable, culturally inclusive, safe from copyright and privacy risk.

---

### **4. How This Directly Supports the Policy's Stated Goals**

#### **Goal: "All Australians... have the opportunity to access and participate in arts and culture."**

A domestic-music model removes barriers of literacy, notation, cost, noise and geography. It empowers older adults, culturally diverse communities, and people with no formal training to participate meaningfully. Ukulele and garage band groups rarely consider music theory even as basic as transposing key from the original. They rely on copyright violations for chord sheets. Play by Ear training would bypass copyright problems and support social music.

#### **Goal: "Creative industries and practice are future focused, technology enabled, networked and globally recognised."**

Teaching lawful digital participation—recording, remixing, uploading, using public-domain repertoire—builds real-world creative skills. It aligns with contemporary creative practice far more than traditional school music pathways. It can be easily seen that most schools and traditional conservatoriums do not post even their own created music on YouTube because of privacy and copyright constraints.

#### **Goal: "Global demand for cultural content is growing..."**

Australia's most scalable cultural export is not only professional art but community-generated content: folk traditions, regional stories, participatory music, and grassroots creativity. Commercial pop songs and orchestral performances are not distinctively Australian. Folk, indigenous, and Oz-Rock are identifiable. Current copyright law benefits few.

Supporting lawful, low-barrier music-making enables Australians to share their culture globally without copyright or privacy risk. Such personal, home-spun material can sometimes attract more attention globally than commercial formats.

---

### **5. Why This Matters Now**

Australia's cultural policy has historically focused on:

- elite performance
- commercial music
- industry pipelines
- sector employment

- professional arts organisations

But the largest cultural sector in the country—ordinary people making music at home or social outing—remains unacknowledged. Recognising and supporting this sector would:

- increase participation
- strengthen community wellbeing
- expand digital literacy
- diversify cultural expression
- reduce copyright infringement
- create new pathways for global cultural exchange

This is a low-cost, high-impact opportunity for national leadership. It is nothing new or radical: ukulele and karaoke groups can be found everywhere. It is self-funded. What is lacking is any cultural support such as teaching play by ear skills, recognition of informal music-making as a desired outcome, and copyright reform.

The very language of supposed “quality” music in schools directly denigrates other approaches as ‘low quality’ activities by default. It speaks volumes that the most influential music education approaches in Australian schools have described “major-minor tonality” as a “straitjacket” and popular music as a “mental illness”, as in this direct quote: *“bad taste in the arts is as serious as a mental illness, for it has the effect of cauterizing susceptibility . . . Adults affected by this disease are for the most part in-curable. . . . But to-day, far from doing this, our schools are actually helping to spread the disease.”*

This elitist doctrine has been embraced by our Australian school system as though it were evidence-based science. The proof can be easily researched in these leading journals and textbooks of school music education. The terms ‘copyright’ and ‘popular’ never appear in the Index.

The current focus in Music Theory and Musicology on ‘intersectionality’ and discrimination in the music sector is the completely different issue of exclusion of some groups and their cultural forms from the elite echelons of music.

The only exclusion barrier in the general community is copyright. Most people are not music composers. They like to play and sing familiar music, which is invariably under copyright. Popularising public domain music, as was done in the early 1960s folk music craze, is the safest way around this. Original music creations are not safe from online copyright scammers. The only truly safe songs are well-known ones, usually at least 100 years old, but they at least provide enough material for a public face.

---

## Conclusion

A contemporary National Cultural Policy must acknowledge that music in Australia is not only an industry but a daily practice already shared by millions. The issue I am addressing is acceptance and cultural support of widespread existing practices such as Play by Ear, karaoke, and informal music groups. The free market already supports these. The government funding issue has been the unintentional but active support for suppression and denigration of these formats

By supporting **play-by-ear learning, copyright understanding, public-domain repertoire**, and lawful digital creativity, Australia can empower its citizens, strengthen communities, and position itself as a leader in accessible, technology-enabled cultural participation. This requires cultural acceptance and promotion rather than funding.

### **Recommendation**

A cost-free parliamentary act that could immediately assist Australian musical culture would be a **change in the Copyright Act** away from the author-death rule. Australia's life-plus-70 system protects almost all Australian works created after 1926, including vast quantities of material that is no longer commercially viable and whose creators have been dead for decades.

Even works by Irving Berlin which are over 100 years old and in public domain in the USA will remain in copyright in Australia well past my most optimistic lifetime.

For example, a flat 100-years-from-publication rule would free nearly all pre-1926 Australian and international culture, dramatically expanding the public domain without reducing protection for any living creator.

The current system protects mainly low-prevalence or non-existent commercial cases and provides no meaningful benefit to new artists, who would be fully protected under any reasonable term.

Nearly every country still uses the author-death rule because the Berne Convention mandates it as a minimum, not because it is a logical or contemporary policy. A publication-based term is simpler to administer, fairer, and better aligned with actual cultural and economic realities, yet almost no country has adopted it for general works. Australia has an opportunity to **lead rather than follow** a 19th-century model.