



24 May 2026

Sanicki Lawyers Submission to the National Cultural Policy

Sanicki Lawyers welcomes the opportunity to provide feedback as part of the consultation process for Australia's new National Cultural Policy.

1. Background

Our firm acts for songwriters, recording artists, producers, managers, independent labels and other professionals working across the Australian music and broader arts sectors. While our practice is music focused, we work across many creative industries and regularly see the challenges involved in building and sustaining artistic careers in Australia.

We regularly advise clients on copyright, licensing, commercial agreements and the management of creative rights. Through that work, we see firsthand the importance of fair remuneration, strong copyright protection and legal frameworks that allow artists and creators to maintain viable artistic careers in the long term.

2. Fair remuneration in the music industry

As lawyers working closely with music creators and independent rights holders, we continue to see significant imbalance in the way sound recordings are valued within the Australian market.

In particular, the statutory caps contained in sections 152(8) and 152(11) of the *Copyright Act 1968* (Cth), which limit the licence fees payable by radio broadcasters for the use of sound recordings, remain an outdated feature of Australian copyright law that suppresses fair market remuneration for recording artists and record labels. The caps were introduced decades ago in very different market conditions and continue to place an artificial ceiling on the value of recorded music broadcast by radio.

Australia remains an international outlier in maintaining this kind of statutory restriction.

Recorded music remains central to the radio broadcast business model. It is difficult to reconcile a national cultural policy focused on supporting artists and creative careers with regulatory settings that continue to undervalue the use of sound recordings.

In our experience, artists are increasingly expected to sustain careers across fragmented and highly competitive digital markets. Revenue streams that once provided stability have diminished over time, particularly for emerging and mid-career artists. Against that background, maintaining outdated limitations on creator remuneration sends the wrong message to Australia's music sector.

We believe Australia's cultural policy should support modern and equitable remuneration frameworks that allow creators and rights holders to participate fairly in the value generated from their work.

In our view, the statutory caps should be repealed so that radio licence fees can be determined through ordinary market negotiation and appropriately reflect the value of recorded music.

3. Artificial intelligence and creator rights

Artificial intelligence presents significant opportunities for the creative industries, and many artists are already engaging with AI tools in thoughtful and innovative ways. At the same time, there are growing concerns regarding the use of copyright protected material to train generative AI systems without permission, transparency or compensation.

From our perspective, this issue is not about resisting technology. It is about ensuring that creators are not excluded from the economic value generated from their work. Australian creators should be entitled to know whether their music, writing, artwork or performances have been used to train AI systems, and should have a meaningful ability to consent to, participate in, or opt out of those uses.

The rapid development of AI generated music and voice imitation technology is a particular concern within the music sector. We are already seeing recordings that imitate the voice, style and identity of artists in ways that are confusing to audiences and potentially harmful to reputation and livelihood.

There is also a broader cultural concern. If creative industries become saturated with synthetic content trained on existing human work, there is a risk that original Australian voices, particularly emerging voices, become harder to sustain and discover.

Importantly, Australia already has a strong and adaptable copyright framework. In our view, that framework should be maintained and strengthened rather than weakened in response to commercial pressure from technology companies seeking broad exceptions to copyright protections.

Copyright law is not an obstacle to innovation. It is part of the cultural infrastructure that enables creative industries to function sustainably. Licensing systems already operate across the music industry, and there is no reason why appropriately regulated licensing frameworks cannot also extend to the use of copyright material in AI development.

In our view, Australia should not dilute or create broad exceptions to copyright law in response to AI development. Existing licensing systems can instead be adapted to support transparent and properly remunerated use of creative works with meaningful creator consent and participation.

4. Conclusion

Sanicki Lawyers supports a National Cultural Policy that places artists and creators at its centre, not only culturally but economically. Strong creative industries require more than celebration and visibility. They require legal and commercial frameworks that allow creators to earn a living from their work with dignity and stability over the course of a career.

We encourage the Government to continue supporting robust copyright protections, fair remuneration frameworks and transparent approaches to AI development that respect the rights and contributions of Australian creators.

Thank you for the opportunity to provide this submission.

Yours faithfully,



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