



Australian Copyright Council response to Public Consultation Paper Towards a new National Cultural Policy

27 May 2026

The Australian Copyright Council acknowledges the Traditional Owners and Custodians of the lands on which our office is located, the Gadigal people of the Eora nation, and all Traditional Owners of Country throughout Australia. We pay our respects to all Elders past and present, and recognise their continuing great, creative and cultural expressions.

1. The [Australian Copyright Council](#) (the **ACC**) is grateful for the opportunity to make a submission in response to the Office of the Arts' (the **Office**) [public consultation paper for a new National Cultural Policy \(Consultation Paper\)](#).

About the Australian Copyright Council

2. The ACC is an independent, non-government, not-for-profit, community legal service dedicated to promoting understanding of copyright law and its application. The ACC works to foster collaboration between content creators and consumers, representing the peak bodies for professional artists and content creators working in Australia's creative industries.
3. The ACC is a unique organisation:
 - it is the only dedicated copyright expert organisation in Australia
 - its focus is on copyright as it applies to all art forms, and
 - it provides advocacy, advice and information on copyright issues.
4. The ACC has [24 affiliate member organisations](#),¹ encompassing over a million writers, composers, visual artists, designers, photographers, film directors, performers, dancers, choreographers, producers, publishers, record labels and architects working in the Australian creative industries. A number of ACC's [affiliate members](#) are making their own submissions to the Consultation Paper.
5. As part of its services, the ACC provides [information](#), [education](#), [training](#) and free, [written legal advice](#) to those who fall within its guidelines including creators, the staff of libraries, archives, galleries, museums and educational institutions.²
6. The ACC publishes a [range of books](#) on copyright (currently 27 publications in print), written by ACC staff (and others), as well as over 100 free [fact sheets](#) available on its [website](#).

¹ See Appendix 1.

² See Appendix 2.



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Summary

7. The ACC congratulates the federal government on the initiatives already completed under the current National Cultural Policy.
8. The ACC views each pillar of the National Cultural Policy through the lens of promoting understanding of Australia's copyright law framework and its critical role in supporting the rights of creators.
9. The viability and vibrancy of Australia's arts and creative industries sector is founded on the recognition of, and respect for, creators' rights. The *Copyright Act 1968* (Cth) (**Copyright Act**) is the centrepiece of Australia's rigorous framework that appropriately balances the rights of copyright owners and public interest considerations. It is a framework that supports the licensing of copyright material – the main way creators and other copyright owners receive remuneration for their work.
10. Overall, the primary challenges and opportunities for each pillar reflect the impact that emerging technologies (such as artificial intelligence systems (**AI**)) are presenting for the creative industries. These AI systems rely on large language models (**LLMs**) that were developed offshore (i.e. outside the Australian jurisdiction) and were mostly built using copyright material without permission.
11. The current challenges posed by emerging technologies, for all creators, apply particularly to the creators and custodians of Intellectual and Cultural Property (**ICIP**) involving considerations beyond copyright.
12. These challenges (particularly where generative AI is concerned) must be delineated between those that relate to activity that occurs offshore and activity that is happening onshore.
13. The ACC therefore calls for the:
 - exploration of non-copyright solutions for the compensation of copyright owners for offshore activity involving the copyright material of Australian creators
 - support of the existing copyright licensing framework³
 - facilitation of copyright focused education of users and creators of copyright material in light of technology developments especially AI, and
 - strengthening and broadening of the Public Lending Right and Educational Lending Right schemes.

The ACC comments on the five pillars around which the National Cultural Policy is structured, to the extent they concern copyright law and practice as they affect creators and other copyright owners. Many of the issues raised here are discussed in previous ACC submissions to other enquiries.

³ This is being examined by the Copyright and AI Reference Group (**CAIRG**) as part of the Attorney General's Department's October 2025 Copyright and AI Consultation Paper (**CAIRG AI Consultation Paper**).



Background

14. The Australian Government released its National Cultural Policy, [Revive: a place for every story, a story for every place \(Revive\)](#) on 30 January 2023. [Revive](#) highlights the government’s commitment to ‘maintaining a strong copyright framework that works in concert with other legal and policy mechanisms’ and to the ‘celebration and protection of First Nations arts and culture’.⁴
15. The ACC made a submission⁵ to the 2023 Environment and Communications References Committee’ [Inquiry into the National Cultural Policy](#).
16. The ACC also made a submission to the [Senate Inquiry into the National Cultural Policy](#), that included a response to issues raised at the hearing before the Senate Environment and Communications Reference Committee on 30 September 2025⁶, in particular, in relation to the Productivity Commission’s [Harnessing Data and Digital Technology Interim Report](#).⁷
17. Since the release of [Revive](#), submissions to enquiries that have examined the use of copyright material in AI platforms have been a dominant part of the ACC’s advocacy role with more than nine enquiries specifically focused on the impact of AI technologies. This is in addition to the ongoing discussions with the Attorney General’s [Copyright and AI Reference Group \(CAIRG\)](#).⁸
18. The ACC commends the government’s achievements under [Revive](#) including:
 - its commitment of financial support and investment into Australian cultural and creative industries⁹
 - the passing of the *Public and Educational Lending Rights (Better Income for Authors) Act 2026 (Cth)* to include digital content, such as e-books and audiobooks
 - extension of the Resale Royalty scheme to international sales¹⁰, and
 - the establishment of:
 - the [First Nations Board](#)
 - [Music Australia](#)
 - [Writing Australia](#), and
 - the [Centre for Arts and Entertainment Workplaces](#) with which the ACC has been engaging.
19. So, a primary challenge for a new National Cultural Policy that recognises that ‘arts and culture are not a luxury, they are essential to our economy, our wellbeing, and our sense of belonging’¹¹, is to ensure that:

⁴ Commonwealth of Australia 2023, [Revive: a place for every story, a story for every place – Australia’s cultural policy for the next five years \(Revive\)](#) p 57.

⁵ See [Australian Copyright Council response to the Senate Inquiry into the National Cultural Policy](#), 13 March 2023, submission 28.

⁶ [Australian Copyright Council response to the Senate Inquiry into the National Cultural Policy](#), 10 October 2025, submission 26.

⁷ The Productivity Commission released its [Final Report on the inquiry into Harnessing data and digital technology](#) on 19 December 2025.

⁸ For a list of these submissions and ACC appearances before associated hearings, see ACC’s response to the Productivity Commission’s [Pillar 3: Harnessing data and digital technology](#) post Interim Report drop down submission 485.

⁹ [Revive](#) pp 97, 99, 102-105.

¹⁰ [Revive](#), p 58 and [Resale royalty news: International reciprocity extended to a further nine countries | Copyright Agency](#), 19 March 2025.

¹¹ The Hon Tony Burke MP Minister for the Arts, March 2026 in the [consultation paper for a new National Cultural Policy \(Consultation Paper\)](#), p 2.



- (a) the development and application of emerging technologies do not result in a diminution of the rights of creators or compromise the incentive to create
 - (b) licensing pathways for the legal use of copyright material are supported, and
 - (c) copyright infrastructure is reinforced and respected so that the creative industries can confidently rely on the copyright framework.
20. The ACC notes that any examination of opportunities, risks and challenges arising from new technologies (such as AI) should consider Australia's international obligations including those under the [Berne Convention for the Protection of Literary and Artistic Works](#).¹²

Copyright as a property right

21. Copyright protects original human expression. There are two broad policy justifications for the protection of creations of the mind – the natural rights of the author, and notions of social utility. The natural rights of the author underpin the centrality of the artist. Social utility emphasises that '[w]ithout the grant of exclusive rights to the copyright owner, there is less incentive for creators to create as they are not assured a stable return for their expenditure of time and effort'.¹³
22. The exclusive rights of a copyright owner include the right to:
- reproduce the [work](#) in a [material form](#)
 - publish the [work](#), and
 - to [communicate](#) the [work to the public](#).¹⁴
23. Subject to certain exceptions set out in the Copyright Act, an infringement of copyright occurs when someone (other than the copyright owner) exercises any of those rights without the permission of the copyright owner.¹⁵
24. Copyright and technology have always been inextricably linked. The introduction of the first copyright laws was in direct response to the invention of the printing press and the commercial copying of books that that technology enabled.¹⁶
25. The printing press did not raise a new problem – humans had previously copied the books of others, without consent. However, the mass copying that the printing press enabled, facilitated the harm to those who had dedicated time and resources on preparing the original.
26. The internet, streaming, and now AI, continue the technological evolution that directly impacts the rights of creators and copyright owners. Licensing remains the central lever that copyright owners have available to give (or refuse) permission to use their copyright material.

¹² Australia joined the Berne Convention on 14 April 1928. See WIPO-Lex, [WIPO-Administered Treaties](#).

¹³ See ACC Response to Copyright Access Reforms Paper, 2 March 2021, at pp 6-7, quoting Martin R. F. Senftleben, 'Copyright, Limitations and the Three-Step Test. An Analysis of the Three-Step Test in International and EC Copyright Law' (Kluwer Law International, 2004) at p13, in Appendix 1 of [ACC Response to Discussion paper - Exposure Draft Copyright Amendment \(Access Reform\) Bill 2021 & Review of Technological Protection Measures Exceptions, 25 February 2022](#).

¹⁴ Copyright Act s 31. For a background of copyright law, see ACC fact sheet, [An Introduction to Copyright in Australia](#).

¹⁵ Copyright Act s 36.

¹⁶ See Statute of Anne - An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned (1709/1710).



Copyright and generative AI

27. The ACC has elsewhere¹⁷ identified three main issues in relation to copyright and generative AI:
- the use of third-party copyright material in the development and training of an AI platform (the ‘input’)
 - the protection of content generated by generative AI (the ‘output’), and
 - the output and potential copyright infringement.

For the purposes of this submission, the issues identified in (a) and (c) will be discussed in the context of AI systems including the ‘training’ that is part of the development of those systems, adaptation and customisation processes and the risk of infringement of the resulting outputs.

Input

28. The original ingestion of vast amounts of content included in large datasets¹⁸ containing third-party copyright material (i.e. copyright material that the AI developer did not create) was used to train generative AI systems built on LLMs.
29. These LLMs were built largely without the licence of copyright owners. This large-scale reproduction of copyright material infringed copyright owners’ exclusive right to reproduce (copy) their material¹⁹ by doing so without permission (and in the absence of a valid copyright exception to infringement). This has exposed AI developers to liability for copyright infringement across the world.²⁰
30. The LLMs have been built outside of Australia in various jurisdictions especially in the United States. To maintain currency and accuracy, LLMs require a continuous supply of ‘new’ material. Separate to the original ingestion, this continuous supply must be properly licensed.
31. From an economic perspective, any benefit of AI does not come without cost. The equity issues arising from the distribution of ongoing income streams flowing to the developers of AI services which are built on the works of copyright owners, must be considered. For example, the House of Lords, in reference to large language models (LLMs) noted that²¹:

LLMs may offer immense value to society. But that does not warrant the violation of copyright law or its underpinning principles. We do not believe it is fair for tech firms to use rightsholder data for commercial purposes without permission or compensation, and to gain vast financial rewards in the process. There is compelling evidence that the UK benefits economically, politically and societally from upholding a globally respected copyright regime.

¹⁷ See [ACC Submission on Adopting AI](#) (submission 173) paragraphs 18-30 and ACC’s [Submission on Supporting Responsible AI](#) (Response 482).

¹⁸ For example, Books3, see [Australian authors' works feature in Books3 dataset of pirated ebooks used to train generative AI](#), Nicola Heath, 29 September 2023, ABC News and [These 183,000 Books Are Fueling the Biggest Fight in Publishing and Tech](#), Alex Reisner, 29 September 2023, The Atlantic.

¹⁹ Copyright Act, sections 33(1), 36(1).

²⁰ See for example, over 100 current court cases in the United States: [AI Copyright Case Tracker – Chat GPT Is Eating the World](#) as at 25 May 2026.

²¹ Communications and Digital Committee, [Large language models and generative AI](#) (House of Lords Paper No 54, Session 2023-24) published 2 February 2024, para 245.



Copyright infringement and AI ‘output’

32. If a generative AI platform reproduces a ‘substantial part’ of existing copyright material in the output, depending on the nature of the prompts, the user may be liable for copyright infringement.²²
33. For generative AI platform owners, there is a risk that they may be held responsible for authorising copyright infringement²³. Offences relating to distributing infringing copies²⁴ may also apply if the material ingested by an LLM is sourced from shadow libraries²⁵ (websites which primarily host and distribute copyright material without permission)²⁶ or other pirated copies.

➤ Pillar 1 - First Nations

34. The ACC recognises First Nations artists as the original story tellers and artists at the centre of Australian arts and culture. As the principal vehicle for the protection of Australian creative work, Australia’s copyright law is currently also the primary source of protection for the works of First Nations creators and provides a framework through which artists can benefit financially from their works.
35. However, there is a gap in protection of ICIP as Australian copyright law is founded on rights available to individual creators only and does not recognise community ownership which is a fundamental element of ICIP. Further, copyright protection lasts for a limited period of time only so does not protect ‘old’ art or other traditional cultural material or styles.
36. The ACC welcomes the establishment of the [Aboriginal and Torres Strait Islander Expert Working Group on Indigenous Cultural and Intellectual Property](#) and their work developing stand-alone legislation to protect ICIP to overcome this gap.²⁷
37. In the meantime, ICIP Guidelines developed by various organisations are best practice starting points for users of ICIP material. Those guidelines include:
 - AIATSIS’s [Code of Ethics](#)
 - Creative Australia’s [Protocols for using First Nations Cultural and Intellectual Property in the Arts](#)
 - [National and Torres Strait Islander Music Office’s \(NATSIMO\) Alyelhentye Nawu](#)
 - Australian Society of Authors’ [More Than Words](#)
 - IArtC’s [Indigenous Art Code](#)
 - Screen Australia’s [Pathways & Protocols: A filmmaker’s guide to working with Indigenous people, culture and concepts](#).
38. This pillar is embedded in each of the other pillars in the National Cultural Policy.

²² Copyright Act, sections 31(1)(a)(i), 31(1)(b)(i), 36(1).

²³ Copyright Act, section 36, especially 36(1A).

²⁴ Copyright Act, section 132AI.

²⁵ As alleged in some of the class actions in the United States. See First Consolidated Amended Complaint (as filed) of [Kardrey et al v Meta Platforms Inc.](#) (ND Cal No. 3:23-cv-03417, 22 December 2023) paras 35-39; First Consolidated Amended Complaint (as filed) of [In Re OpenAI ChatGPT](#) litigation (ND Cal No. 3:23-cv-032230-AMO, 13 March 2024) para 44.

²⁶ Gabriel Gardner et al. ‘[Shadow Libraries and You: Sci-Hub Usage and the Future of ILL](#)’ (Conference Paper, 2017, Association of College and Research Libraries, 22-25 March 2017) 1

²⁷ See [Protecting First Nations Traditional Knowledge and Traditional Cultural Expressions | Office for the Arts](#).



➤ Pillar 2 - A Place for Every Story and Pillar 3 - Centrality of the Artist

39. Pillars 2 and 3 are inextricably linked: the reflection of Australian stories and the contribution of all Australians as creators and consumers of culture is both facilitated and at risk by the emerging modes of expression underpinned by AI.
40. In 2022 - 2023, cultural and creative activity contributed \$63.7 billion to the Australian economy or 2.5% of Australia's GDP.²⁸ The productivity of the creative industries is underpinned by copyright having a 'central role in content-based industries as a driver of economic value'.²⁹ As noted in the Consultation Paper, '[i]n 2023–24 cultural and creative activity contributed \$67.4 billion to Australia's economy and employed over 591,000 people.'³⁰
41. In the context of Australian stories and sense of 'place', generative AI tools raise concerns for creators that are 'not only about unauthorised use, but also about imitation and displacement':³¹
- For many authors, their work is more than just intellectual property. It represents their voice, their identity and years of creative labour, often undertaken with little financial return.
42. Individual creators express their personal thoughts about their place in a wider world. Grammy award winning Australian songwriter and producer, Francois Tetaz, explains³²:
- How and why I write music is spiritual in nature, and where it comes from as an act of creation is something that's beyond my understanding or knowledge ... the act of creation itself is something that I would regard as being a sacred human act.

Consent

43. This 'sacred act' of creation (in whatever modality of expression) must, in copyright law, be protected with the threshold issue being consent to use the resulting creation
44. In its support for the 'centrality of the artist', the ACC is of the view that this premise must be founded on the ability of the artist to control the exploitation of their copyright – that is, consent to use artists' material must be obtained. The government's rejection of a text and data mining exception reflects this position, which the ACC supports.
45. Copyright owners do not have a positive obligation to use, distribute or otherwise exploit their copyright protected material. It is the owner's right to grant or refuse permission to use that material, which is (in line with its international obligations³³), a fundamental tenet of Australia's copyright regime. This is particularly relevant to ICIP where its use may be subject to community permission or where the material is of such nature that use or exhibition beyond the relevant community may be forbidden.
46. As already noted, the use of copyright material without consent, to train AI systems raises issues of copyright infringement. Where this 'training' occurs offshore, copyright enforcement

²⁸ [Cultural and Creative Activity in Australia, 2008–09 to 2022–23 \(Methodology Refresh\) Statistical Working Paper](#), Bureau Of Communications, Arts And Regional Research, Department of Infrastructure, Transport, Regional Development, Communications and the Art, December 2024 at p 16.

²⁹ [Australian IP Report 2026](#), IP Australia ([IP Report 2026](#)) at p 60.

³⁰ Consultation Paper p 5.

³¹ [The Conversation, New research reveals Australian authors say no to AI using their work – even if money is on the table](#), published 23 May 2025.

³² Environment and Communications References Committee National Cultural Policy [Public Hearing Tuesday, 30 September 2025](#) transcript at p20.

³³ See for example Berne Convention Articles 9, 11, 11^{bis}, and 12.



proceedings must also occur offshore. The financial barriers to commencing proceedings in foreign jurisdictions for the individual copyright owner are prohibitive³⁴.

47. The ACC therefore submits that non-copyright solutions³⁵ for the ‘original theft’ (and ongoing offshore training) be explored which may go some way to ameliorate the mass infringement of copyright material – noting that remuneration may not be enough for those where consent would not have been given.

Licensing³⁶

48. Throughout the history of technological development – most recently with the internet and streaming – existing copyright licensing solutions have enabled the fair and equitable use of copyright material.³⁷ The licensing of copyright material is ‘a significant driver of economic returns for artists, musicians, writers and screen industry workers, with over \$800 million paid through collecting societies in 2023–24.’³⁸
49. These existing licensing solutions are a mixture of:
- **direct (voluntary) licensing** i.e. where individual copyright owners directly engage with individual users,
 - **voluntary collective licensing** – where groups of copyright owners through, for example, a collecting society or rights management organisation (**RMO**)³⁹ negotiate with a user or a user group. Royalties are then distributed to copyright owners.
 - **statutory licensing** – these are collective compulsory licences, where copyright owners through a collecting society or RMO, negotiate with particular groups of users. In Australia, compulsory licences (in particular, for the benefit of educational institutions and government) are set out in the Copyright Act. Royalties are then distributed to copyright owner members of the collecting society or RMO. Copyright owners cannot withhold consent under these licences.
50. This collective licensing model has precedent in Australia in its world leading statutory and voluntary licensing regimes and fits with the robust copyright framework that works for Australia. Rights management organisations such as [APRA AMCOS](#), [Copyright Agency](#), [PPCA](#) and [Screenrights](#) facilitate and support the avenues for proper remuneration whilst allowing for consumer access of creator works e.g. educational/vocational institutions and government.
51. So, existing licensing options are available and are able to accommodate good faith licensing for those AI developers wishing to use copyright material. As the ACC has previously noted, ‘there can be no clear public policy benefit explaining why copyright owners should subsidise the development and use of AI platforms’⁴⁰ particularly where resulting outputs may substitute or otherwise displace the original copyright material⁴¹.

³⁴ See further discussion, see paragraphs 59-65 of this submission.

³⁵ See for example the Australian Society of Authors’ submission to the Consultation Paper (a copy of which the ACC has seen) regarding a temporary emergency creator relief funded by AI levy at p 14 and Copyright Agency’s submission regarding mechanisms to address ‘immediate harms’ at p 2.

³⁶ The CAIRG is looking at licensing as part of the CAIRG AI Consultation Paper.

³⁷ See the APRA AMCOS submission to the [Productivity Commission’s Interim Report \(Interim Report\)](#), ‘Australia has successfully implemented licensing frameworks for previous technologies that initially faced copyright challenges ... with both statutory and voluntary licensing arrangements the merging to balance technological innovation with creator rights, 12 September 2025, post [Interim Report](#) drop down Submission 542 at p 5.

³⁸ IP Report 2026 at p 60.

³⁹ See ACC fact sheet, [Copyright Licensing Organisations](#).

⁴⁰ See ACC’s Response to the [Interim Report](#) (qr.72 on the ‘Post-interim report’ drop down), paragraph 29.

⁴¹ See ACC’s Response to the [Interim Report](#) (qr.72 on the ‘Post-interim report’ drop down), paragraph 47.



➤ Pillar 4 - Strong Cultural Infrastructure

52. The ACC welcomes the establishment, promotion and support of strong institutions including RMOs, professional networks and legal services serving as strong support to creators in their enrichment of the Australian cultural landscape.
53. As part of this ecosystem, the ACC is proud to provide legal information and education to Australian creators and consumers about their rights and obligations in the creation, exploitation and use of Australian stories. The importance of appropriate licensing frameworks in support of these stories is integral to the continued creation of cultural content. As noted in [Revive](#), 'Australia's copyright laws incentivise the creation of new cultural material while also allowing reasonable and equitable use of copyright material in the public interest.'⁴²
54. It is clear that accessible expert copyright information and advice is needed by the broader public. Since 1968, the ACC has worked to meet this need. The ACC also receives enquiries from the wider community including students, lawyers, academics, businesses and hobbyists. Because of the ACC's limited resources, services are limited to those who fall within its [guidelines](#)
55. As the only expert copyright organisation in the country, the ACC's advocacy is central to its mission in representing the interests of Australian creators. During the past three years, the ACC has contributed to 25 inquiries/reviews (particularly in the AI space⁴³), in addition to participating in the Attorney General's [Ministerial Roundtables on Copyright](#), providing responses and feedback to government papers including as a member of [CAIRG's Steering Committee](#), and appearing before relevant government committees.
56. The ACC proudly regards itself as an integral part of the cultural infrastructure having served the creative sector for almost 60 years. Part of the ACC's work is the publication of books dealing with copyright targeted at different sectors – both creator and other copyright owners, but also consumers of copyright material including the GLAM (galleries, libraries, archives and museums) and educational sectors.

Educational support

57. In addition to general copyright information and advice, it is clear that extensive education is required to support the development and use of generative AI systems in a way that also respects creators and rightsholders. Education is necessary to:
 - assist the creative sector in understanding the best way to protect their rights and their obligations when utilising AI in their creative practice
 - facilitate understanding in the business sector of their obligations with respect to licensing in particular
 - encourage broader public understanding of the role of copyright in the AI ecosystem.
58. The ACC supports the Australian Publishing Association's (**APA**) proposal that the ACC 'could play a strengthened role in copyright literacy, licensing guidance and sector capability'.⁴⁴

⁴² [Revive](#) p 57.

⁴³ See paragraph 17 of this submission.

⁴⁴ See the Australian Publishers' Association (**APA**) submission to the Consultation Paper (a copy of which the ACC has seen) at p 13.



Support for the creative sector – copyright enforcement

59. The Attorney-General's Department conducted a review into Australia's copyright enforcement regime releasing its [Copyright Enforcement Review Issues Paper](#) in December 2022.
60. In its submission, the ACC highlighted that the costs of bringing an action for infringement of copyright can be prohibitive for copyright owners particularly if the financial compensation sought is modest.⁴⁵
61. For a copyright owner wishing to enforce their rights by commencing proceedings for copyright infringement, they must:
 - (a) make an initial assessment about the strength of their claim which is likely to require advice from a legal professional, incurring legal fees.
 - (b) for actions in the Federal Court of Australia or the Federal Circuit and Family Court of Australia, it is also a requirement to comply with Part 2 of the *Civil Dispute Resolution Act 2011* (Cth) – that is, to take reasonable steps to resolve the matter prior to commencing proceedings.
 - (c) incur the costs associated with filing a court action which are a minimum of \$835 for individuals filing in the Federal Circuit and Family Court of Australia⁴⁶ and up to \$5,050 for companies filing in the Federal Court of Australia⁴⁷,
 - (d) incur the costs of serving the proceedings on the defendant (who may be located in a foreign jurisdiction).⁴⁸
62. Many creators and other rightsholders do not have the resources to pursue court action for infringement, given the time and costs associated with such actions.
63. The ACC supports the establishment of a stand-alone small claims body agile enough to deal with small copyright infringement claims quickly and cheaply to supplement existing court-based avenues which are inherently costly and time intensive.
64. The creation of a dedicated body to deal with small copyright infringement claims will form part of the cultural infrastructure underpinned by copyright – providing all rights holders with the reassurance that they have an accessible pathway to redress infringements including those arising from the use and deployment of AI.⁴⁹
65. The ACC has discussed elsewhere,⁵⁰ the importance of transparency of use of copyright material for meaningful enforcement channels for Australian copyright owners.

⁴⁵ See [Australian Copyright Council submission 20 March 2023 – Response 893393934](#) paragraph 73.

⁴⁶ [Federal Circuit and Family Court of Australia](#).

⁴⁷ [Federal Court of Australia](#).

⁴⁸ The court rules generally require personal service on defendants/respondents. See *Federal Circuit and Family Court of Australia (Family Law) Rules 2021* Pts 2.6–2.7; *Federal Court Rules 2011* Ch 2 Pt 10; *Uniform Civil Procedure Rules 2005* (NSW) Pt 10.

⁴⁹ See as example, [ACC enforcement submission](#) paragraphs 96-100 discussing the United States Copyright Claims Board. Updated figures are available in the Australian Copyright Council submission to the Attorney General's Department's Copyright and AI Consultation Paper for the CAIRG Steering Committee, 15 December 2025, paragraphs 75-79.

⁵⁰ See for example Australian Copyright Council response to the [Pillar 3: Harnessing Data and Digital Technology Consultation](#), 12 June 2025 see [Responses to Pillar 3: Harnessing data and digital technology - Questionnaire responses](#) drop down - qr 72.



Public and Educational Lending Rights

66. The federal government's Public Lending Right (**PLR**) and Educational Lending Right (**ELR**) schemes (**Schemes**) are critical programs supporting Australian publishers, writers and other creators. Through these Schemes, creators are compensated in recognition of potential income lost through free multiple uses of their books in public and educational lending libraries.
67. The Minister for the Arts in his second reading speech for the Public and Educational Lending Rights (Better Income for Authors) Bill 2026⁵¹ recognised that:
- These schemes acknowledge that access to books should not come at the expense of those who create them, and they play a crucial role in sustaining Australia's writing and publishing sector.
68. The ACC commends this initiative including the expansion of the Schemes to digital material including ebooks and audio books.⁵² The 'schemes acknowledge that access to books should not come at the expense of those who create them ...'.⁵³
69. Those eligible for ELR/PLR payments include creators (authors, editors, illustrators, translators and compilers) and Australian book publishers (including not-for-profit organisations that publish to further their aims or objectives, and self-publishing creators). However, the Schemes do not permit payment to not-for-profit publishers (that otherwise fall within the definition of an 'eligible publisher') unless there is also an individual eligible creator (i.e. a creator that receives on-going royalties from the sale of their book)

The ACC as publisher

70. An important part of the ACC's work is the publication of educational material. That material currently consists of the ACC's [fact sheets](#) and [books](#) targeted to specific creator groups and users of copyright material. These fact sheets and books are written by ACC's employees, sometimes with input from academics or others with relevant industry expertise.
71. The ACC's books generally take several months to write with multiple contributors working on each book. A final publication therefore reflects the work of several individuals – employees (and others) – whose contributions cannot be distinguished: it is not a process where the payment of royalties arises. That therefore means that an ACC published book does not have an 'eligible creator' (i.e. a creator who receives on-going royalties).
72. These ACC books provide expert information on Australian law delivered in an accessible way and are purchased by libraries and educational institutions. However, the Schemes as currently structured, do not allow for payments to the ACC for the lending of those resources. The ACC requests that the Schemes be reviewed to allow small not-for-profit organisations to benefit from them.
73. The ACC supports the APA's call for increased support for lending rights.⁵⁴

⁵¹ The Honourable Tony Burke MP, Minister for the Arts, [Second Reading Speech for the Public and Educational Lending Rights \(Better Income for Authors\) Bill 2026](#), 1 April 2026.

⁵² [Revive](#) pp 57-58 and reflected in the *Public and Educational Lending Rights (Better Income for Authors) Act 2026*.

⁵³ The Honourable Tony Burke MP, Minister for the Arts, [Second Reading Speech for the Public and Educational Lending Rights \(Better Income for Authors\) Bill 2026](#), 1 April 2026.

⁵⁴ See the APA's submission to the Consultation Paper at pp 13-14.



➤ Pillar 5 - Engaging the Audience

74. As acknowledged in [Revive](#), 'Australia's copyright laws incentivise the creation of new cultural material while also allowing reasonable and equitable use of copyright material in the public interest'.⁵⁵
75. ACC supports the fair, transparent and ethical development of AI systems. Where these systems need access to copyright material, this access should be by way of licensing, just like any other use of copyright material. The principles of consent, credit and compensation⁵⁶, must underwrite the use of copyright material in the training (or any process) of AI platforms.
76. So, any reform must be underpinned by a clear policy that manages a balance between the rights of creators and other copyright owners with 'allowing reasonable and equitable use of copyright material'⁵⁷. The ACC supports the proposition that 'an author's creativity is their property. It should not be stolen by those that wish to use it for other purposes.'⁵⁸
77. The ACC's position is clear – copyright owners should not have to subsidise the development of proprietary products such as AI tools. Access and the equitable payment for the use of copyright material are not mutually exclusive.
78. Further, in any discussion of access or use, the recognition that creators (and other copyright owners), may not wish to grant permission for the use of their work, must not be forgotten in the negotiation of this balance.

Conclusion

79. Copyright is the property right fundamental to incentivising creative activity. It ensures the balance between creators/rights holders and public interest uses of copyright material is sustained through the existing network of exceptions and licensing frameworks.
80. The ACC recommends that the creative sector be supported to meet the opportunities and challenges arising from emerging modes of creative expression (including the deployment and use of AI) to mitigate any harms by:
 - facilitating licensing of copyright materials under the existing copyright framework
 - funding extensive education programs for creators, users and AI platform operators trading in Australia to ensure that rights and obligations are understood in the Australian context
 - providing more accessible pathways of enforcement for individual creators and smaller copyright owners.
81. The ACC thanks the Office for considering this submission. If the ACC can provide any assistance to the Office, please let us know.

Eileen Camilleri
Chief Executive Officer
Australian Copyright Council

⁵⁵ [Revive](#), p 57.

⁵⁶ See the Cultural Intellectual Property Rights Initiative's [Legal Literacy Campaign](#) developed in recognition of traditional cultural expression.

⁵⁷ [Revive](#) p 57.

⁵⁸ The Honourable Tony Burke MP, Minister for the Arts, [Second Reading Speech for the Public and Educational Lending Rights \(Better Income for Authors\) Bill 2026](#), 1 April 2026.



Appendix 1

Australian Copyright Council affiliate members

as at 27 May 2026

The Australian Copyright Council's (**ACC**) views on issues of policy and law are independent, however seeks comment from the organisations affiliated to the ACC when developing policy positions and making submissions to government. As at the date of this response, the ACC affiliate members are:

1. [Aboriginal Artists Agency Ltd](#)
2. [APRA|AMCOS](#)
3. [Ausdance National](#)
4. [Australia New Zealand Screen Association](#)
5. [Australasian Music Publishers Association Ltd](#)
6. [Australian Cinematographers Society](#)
7. [Australian Guild of Screen Composers](#)
8. [Australian Institute of Architects](#)
9. [Australian Publishers Association](#)
10. [Australian Recording Industry Association](#)
11. [Australian Screen Directors Authorship Collecting Society Limited](#)
12. [Australian Society of Authors](#)
13. [Australian Writers Guild Authorship Collecting Society \(AWGACS\)](#)
14. [Big Studio Movie Licence](#)
15. [Copyright Agency](#)
16. [Design Institute of Australia](#)
17. [Illustrators Australia](#)
18. [Image Makers Association Australia](#)
19. [Media Entertainment & Arts Alliance](#)
20. [Musicians Union of Australia](#)
21. [National Association for the Visual Arts](#)
22. [Phonographic Performance Company of Australia](#)
23. [Screen Producers Australia](#)
24. [Screenrights](#)



Appendix 2

ACC Guidelines

A core part of the Australian Copyright Council's (**ACC**) activities is the free written legal advice service. This unique service is targeted primarily to those working in the creative industries and members of [ACC affiliate member organisations](#). Staff members of the organisations listed below are also eligible:

- educational institutions
- arts and cultural organisations
- libraries
- museums
- galleries
- archives.