18th September 2025

To Whom It May Concern,

This submission responds to the Productivity Commission's Inquiry into AI and Data, focusing on the implications for Australia's creative industries and cultural life. It outlines the risks posed by unlicensed AI training and proposes a consent-first regulatory framework that protects creators while enabling responsible innovation.

I run a professional recording studio in Tasmania, where I've produced charting records and work closely with emerging Australian artists and the local music community. I've also contributed to community projects, including helping to build a recording studio in regional NSW to expand access to music education and professional facilities. My livelihood, and the careers of the artists I support, depend on fair recognition and remuneration for creative work.

Why I am concerned

If we value Australian voices, we must ensure AI development does not erode the already fragile economics of creative work. Most independent creators are operating as small businesses. As such, we cannot compete with global platforms that ingest our work without consent, compensation, or transparency and then release derivative outputs that undercut our markets.

As creators, we put our hearts, skills, and time into work that is both cultural and economic in value. Seeing that work scraped into datasets and reproduced as generic imitations is deeply disheartening - and it directly threatens the revenue that keeps small studios and artist careers viable, particularly in regional areas like Tasmania where margins are thin and opportunities are fewer.

In particular, it risks eroding hope and creativity in our young people, especially those from disadvantaged backgrounds, by signalling that their ideas and labour can be scraped and replicated without consent or reward.

Risks to productivity, not just to creators

Uncompensated AI training is often framed as 'innovation', but it transfers value away from the Australian creative economy - labels, studios, session players, engineers, independent artists - and toward a handful of US firms.

That is a productivity loss, not a gain.

It weakens the pipeline that develops new Australian IP, undermines regional cultural infrastructure, and narrows future talent development. "Why try, if it'll be stolen by AI?".

What good regulation should do

Australia can encourage responsible AI while protecting creative labour. I urge the Commission to recommend a consent-first, transparent, and compensatory model for the use of copyrighted and neighbouring-right works in AI training and generation.

Recommendations

- **Consent and licensing, not a data-mining exemption**
    - Say NO to a blanket exception for text-and-data mining for AI training.
    - Require express consent (opt-in) or paid licences for any use of copyrighted or neighbouring-right content in training datasets.

- **Disclosure and auditability**
    - Mandate public registries of training datasets, including source domains and categories of works.
    - Require AI firms to maintain verifiable audit logs of ingestion and model training runs, available to rights-holders under reasonable procedures.

- **Removal and remediation**
    - Create a clear, fast takedown process obligating AI firms to remove unlicensed content from datasets and to retrain or apply effective mitigation where removal alone is insufficient.
    - Enable statutory damages or minimum penalties for persistent non-compliance to deter “use first, ask later” behaviour.

- **Respect for creator choice**
    - Recognise a right to refuse: creators should be able to prohibit AI training use of their works even when those works are publicly accessible online.
    - Support machine-readable “do not train” signals and require platforms and crawlers to honour them. For comparison - this was already implemented for web-crawlers in 1994.

- **Fair remuneration mechanisms**
    - Encourage collective licensing frameworks (e.g., through collecting societies) so small creators aren’t forced into individual negotiations with global firms.
    - Consider a levy or remuneration right tied to model training/use that distributes income to rights-holders, with particular safeguards for small and regional creators.

- **Provenance and labelling**
    - Require clear labelling of AI-generated or AI-significantly-edited content across distribution platforms.
    - Promote interoperable content provenance standards (e.g., cryptographic asset provenance) to help users and marketplaces distinguish human-created work from machine-generated outputs.

- **Safeguards for culturally significant and Indigenous content**
    - Provide additional protections for works with Indigenous Cultural and Intellectual Property implications and for archives that hold community materials not intended for mass, derivative

reuse.

- **Competition and market fairness**
    - Monitor and address anti-competitive conduct where AI providers deploy unlicensed training to undercut markets for human-made music, production services, and sound-alike catalogues.
    - Require transparency where models enable style or voice cloning that trades on recognisable Australian artists without consent.

- **Public sector leadership**
    - Ensure that government procurement of AI systems includes compliance with the above standards (consent, licensing, dataset transparency, provenance), so public money does not reward non-compliance.

What this means on the ground

In my studio, revenue from recording, mixing, and production supports local artists to develop original Australian work. If AI companies can ingest our music, stems, mixes, and performances without permission, then produce convincing imitations, it displaces paid work and collapses the fragile economics we rely on - especially in regional areas. Transparent licensing, fair pay, and clear labels will keep the incentives aligned: AI can be a useful tool, but should not become a siphon.

Conclusion

Australia can have both strong innovation and strong culture. That requires a regulatory framework that protects creators' rights, ensures consent and compensation for training use, and gives the public confidence in what is human-made versus machine-generated.

I urge the Commission to reject a broad data-mining exemption and to adopt the recommendations above.

Thank you for considering my submission.

Kind regards,

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