



Response to 'Getting it right: Building AI infrastructure that works for Australia'

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Screenrights is the trading name of Audio-Visual Copyright Society Limited ACN 003 912 310

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About Us

Screenrights is a non-profit copyright management organisation representing the screen production sector, with over 4,500 members in 73 countries worldwide. Our members are writers, visual artists, producers, directors, sales agents, broadcasters and distributors.

Screenrights is appointed by the Commonwealth and the Copyright Tribunal to administer several licensing schemes on behalf of filmmakers. The licences include educational use of broadcasts, retransmission of free-to-air broadcasts and government use of broadcasts. Screenrights collects the fees for the use and distributes them to the copyright owners of the programs used.

In the 2024/25 financial year, Screenrights distributed \$42.6 million to copyright owners under our statutory licences and other services.

Screenrights also administers a licensing scheme in New Zealand, which includes educational licences.

Supporting the integrity of copyright in a fast-changing digital environment and supporting our members' right to fair compensation for the usage of their creative material is a fundamental objective for Screenrights.

Executive Summary

Screenrights acknowledges the Government's ambition for Australia to host and shape frontier AI training on its own terms. Shaping training on Australia's terms requires ensuring rightsholders retain control over their work and are paid for its use.

Australian copyright law provides the relevant framework to achieve this. Our copyright law is clear in that using copyright material for AI training and inference requires a licence. A Screenrights' member survey found that two-thirds of respondents were interested in licensing their content for AI or willing to consider it, but only 11% could negotiate licences without a collective organisation. An Extended Collective Licensing (ECL) framework would allow a collecting society to license a defined class of works, with rightsholders able to opt out through a reliable and workable mechanism that they trust.

Screenrights recommends that the Government:

1. Reiterate in the AI standards that existing copyright law, including licensing requirements, applies to AI training and inference.
2. Introduce a general ECL framework into the *Copyright Act 1968* (Cth).
3. Provide the avenue for rightsholders to opt out of ECL by notifying the relevant collecting society, rather than relying on mechanisms such as robots.txt.
4. Data requirements, including an itemised record of the copyright material used, are appropriately set through licence terms.

Introduction

Screenrights welcomes the opportunity to respond to the consultation paper *Getting it right: Building AI Infrastructure that works for Australia*. This submission responds to *Part 3*,

Conditions for AI training, and in particular the Government's commitment that Australian creators are able to exercise control and receive payment.

Screenrights note that the Attorney-General will continue to lead consultation on copyright and AI, and that the paper does not ask questions on copyright. However, the paper is also clear that how copyright treats AI training will be a key part of the AI standards. Screenrights supports the two processes progressing together, so that copyright is built into the conditions for authorising AI training from the outset.

1. Licensing requirements under Australian copyright law

The consultation paper identifies that regulatory certainty as important to encouraging frontier AI investment in Australia. Australian copyright law provides that certainty. Using copyright material for AI training and inference requires a licence.

The paper also notes that the frontier AI models are trained on content from around the world, often with limited visibility or compensation for Australian rightsholders. The policy question is how to support compliance with existing licensing obligations in a way that works for both AI companies and rightsholders of all sizes.

2. Extended Collective Licensing (ECL)

Screenrights recommends introducing a general ECL framework into the *Copyright Act 1968* (Cth). Under ECL, a licence negotiated by a representative collecting society (also known as a collective management organisation, or CMO) may extend to all works within a defined class, including those owned by non-members. Individual rightsholders, of any size, keep the right to opt out.

Fees and conditions are set in the licence, and the collecting society collects and distributes royalties. Rightsholders can still license directly or withhold permission. AI companies can obtain a licence across a defined class of works without negotiating separately with each rightsholder, and ECL can operate alongside direct commercial licensing. This would provide AI companies the legal certainty to train, without weakening the protections the government committed to.

Further detail is provided in the attached white paper, *The Case for Extended Collective Licensing (ECL) in AI* (Screenrights, June 2026).

3. Design of the opt-out

Under ECL, rightsholders decide whether their work is included in a collective licence. A rightsholder may opt out by notifying the relevant collecting society. Opting out preserves the ability to refuse permission altogether, whether for ethical, cultural or commercial reasons. This is particularly relevant to material with cultural sensitivity, including Indigenous Cultural and Intellectual Property.

Technology-based opt-out mechanisms such as robots.txt rely on technical instructions applied to websites or hosting platforms. They are unworkable for most rightsholders, who generally do not control the platforms on which their content is hosted. Content may be available through multiple third-party services, including overseas, and smaller rightsholders in particular may lack the resources or contractual leverage to require platforms to apply restrictions on their behalf.

Screenrights therefore recommends an opt-out administered through the relevant collecting society, so that the decision to participate stays with the rightsholder in a manageable, reliable and trusted mechanism.

4. Data provision through licensing agreements

The consultation paper seeks views on what information AI companies should be required to provide. For copyright purposes, data provision is ordinarily agreed as part of the licence terms. Under ECL, the collecting society may specify the data required for a particular licence. This may include an itemised record of the copyright material used in training, provided in a form that rightsholders and collecting societies can access, and would be a binding condition of the licence. The specifics of the data collection may depend on the particular licence and the terms negotiated between the collecting society and the AI tech company licensee.

Collecting societies need information about each use of a work by a licensee, including sufficient details identifying the work, the number of uses and how much of the work has been used. This provides the basis for royalty distributions to rightsholders and ensures that payments reach the correct people. Screenrights' members raised this consistently: around one in five comments in our survey said training data must be disclosed for this reason. Itemised disclosure also makes compliance easy to assess. Penalties should apply where AI companies fail to meet it.

Conclusion

Getting the conditions for AI training right will determine whether training is trusted and fair to rights holders whose work makes it possible. Australian copyright law already provides a framework for licensing copyright material used in AI training and inference. A general ECL framework, with an opt-out administered by collecting societies and data requirements set through licence terms, would allow licensing to operate at scale while preserving rightsholders rights.

Screenrights would welcome the opportunity to discuss this submission, and how these frameworks could operate alongside AI standards, with the Department of the Prime Minister and Cabinet and the Attorney-General's Department.

Attachment: The Case for Extended Collective Licensing (ECL) in AI (Screenrights, June 2026).