



Standing Senate Committee
Environment and Communications References
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1 September 2026

Submission from the **Australian Society of Authors to the Senate Inquiry into Artificial Intelligence and Data Centres**

About the ASA

With approximately 4,700 members, the Australian Society of Authors (**ASA**) is the peak body, professional association, community, and voice of Australia's writers and illustrators. Our members are drawn from every sector of the writing and illustrating world, including: novelists, non-fiction writers, children's authors and illustrators, historians, graphic novelists, crime writers, science fiction writers, educational writers, biographers, poets, journalists and more.

The ASA is a member of the Attorney-General's Copyright and AI Reference Group Steering Committee and has made many submissions to government in relation to copyright and [artificial intelligence](#). We acknowledge there are a range of concerns in relation to data centres - we confine our submission to the impacts of the development and adoption of generative artificial intelligence (AI) upon Australian creators.

Executive Summary

The deleterious impact the development and adoption of generative AI is having on the professional lives of Australian authors and illustrators must factor into any government negotiations with global AI companies, including for data centre investment.

The offshore development of generative AI has been extractive and exploitative of authors' work. Without seeking permission or compensating authors or illustrators for the intellectual property upon which this technology relies, AI developers have redefined the cost of creative production and information acquisition, displaced and diminished jobs for copywriters,



illustrators, graphic designers, and translators¹, triggered over 100 cases² of copyright infringement litigation in the US³ and resulted in a flood of AI-generated content into the book market.

Some of the world's wealthiest companies have committed the largest act of copyright theft in history, and they continue to do so without penalty. Creators are not anti-tech; this is an issue of fairness. In order to develop and roll out this technology, AI developers require key inputs – not only energy and water for their data centres, but copyright work, without which they say it would be impossible to build their tools⁴. Why should creators be the only class not to be remunerated when their work is fundamental to the development of this technology?

The ASA supports the ethical, responsible, and sustainable development of AI, which can only occur through respect for copyright. To mitigate the significant harm done to Australian authors and illustrators, by a code of conduct or other legislative mechanism, as a condition of doing business in Australia the government must require AI companies to:

1. **Be transparent** about the copyright works they've used to train their generative AI models.
2. **Pay ongoing compensation** to the Australian creators whose work they stole – and from whom it is too late to seek consent – for as long as their copyright work remains in the tools.
3. **Negotiate permission** for any copyright works they wish to use to train large language models into the future.
4. **Abide by First Nations protocols**, by consulting and seeking consent for the use of Indigenous Cultural and Intellectual Property.

In the words of Prime Minister Albanese, 'Anything less is theft.'

¹ A report from the UK shows **86% of authors say GenAI has reduced their earnings**, and **32% of illustrators have reported lost commissions**. Society of Authors UK, [Brave New World? Justice for creators in the age of Gen AI](#), Society of Authors UK, accessed 25 August 2026.

² ChatGPT is Eating the World, [AI Litigation Tracker: Copyright suits vs AI Companies](#), ChatGPT is Eating the World, accessed 13 May 2026.

³ Relevantly for authors, the most recent [class action](#), filed on 5 May 2026, is brought by educational, scholarly and trade publishers Elsevier, Cengage Learning, Hachette Book Group, Macmillan Publishing Group, McGraw Hill LLC, and author Scott Turow on behalf of themselves and other plaintiffs in the class action against Meta Platforms, Inc. and Mark Zuckerberg.

⁴ Jonathan Easton, [Impossible to train AI without copyrighted content says Open AI](#), National Technology News, 9 January 2024.



Copyright and Artificial Intelligence

1. The Australian creative industries generate an economic value of \$67.4 billion and employ over 591,000 people⁵.
2. Generative AI has been rapidly adopted around the world, upending the business models of the creative industries. Large language models such as ChatGPT, Copilot, Gemini, Claude, Midjourney, and Stable Diffusion have trained on billions of data points including the literary and artistic works of Australian writers and artists.
3. **It is uncontested that this training has occurred without the permission of Australian copyright holders** and that, with respect to books, training inputs were primarily unlawfully obtained from pirated sources, such as the Books3 dataset, which contains at least 183,000 books, and Library Genesis (or LibGen), an online pirate library which contains more than 7.5 million books and 81 million research papers.⁶
4. Multinational AI developers have illegally downloaded millions of copyright-protected books and articles from pirate sites and scraped from the internet to train their generative AI models. **It represents the largest act of copyright theft in history, done willfully for commercial purposes.** Licensing options were ignored as the wealthiest companies in the world appropriated the economic value of creators' works without permission.
5. To the best of our knowledge, the copying of these training datasets has occurred in the US and, as such, is subject to US law. Over 100 cases have been filed in the US against AI developers for copyright infringement and the outcome of nearly all of those cases remains unclear⁷.
6. Had this AI training occurred in Australia, it would constitute a breach of the copyright owners' exclusive rights under the *Copyright Act 1968* and would

⁵ Australian Government, [Toward a new National Cultural Policy Public Consultation Paper](#), March 2026.

⁶ Alex Reisner, [The Unbelievable Scale of AI's Pirated-Books Problem](#), The Atlantic, 20 March 2025

⁷ AI Lawsuit Tracker, [AI Copyright Lawsuits](#), AI Lawsuit Tracker, accessed 1 September 2026.

therefore be unlawful.⁸ However, copyright law applies in the jurisdiction in which copying takes place, so overseas AI developers are not obliged to respect rights under Australian law.

7. Accordingly, Australian creators are frustrated: their life's work has been taken – from pirate sites – and monetised, in a way that is prohibited under Australian law. However, their ability to take action is impaired by the global operations of AI companies. More than three years on, Australian authors remain uncompensated for this theft. In the absence of practicable legal remedies, **authors are now reliant on Government intervention.**
8. Also relevant is the way generative AI tools can be used to displace and dilute the market for authors' and illustrators' work.
9. **Substitution concern:** Google has launched a Gemini Storybook App to replace children's books with AI-generated stories,⁹ generative AI is taking the place of voice actors for audiobooks¹⁰, and AI-generated knock offs are being sold on Amazon. For example, author Richard Osman has reported on low quality AI-generated books designed to trade off his well known Thursday Murder Club series of books¹¹ and author Jane Friedman has found at least five books generated by AI which trade off her name and reputation by imitating her work. Apart from the financial implications, these are examples of the serious risk to creators of having their moral rights¹² infringed as a consequence of generative AI ingestion. In addition, supplementary sources of income for authors, such as copywriting, short-form freelance writing, and some graphic design and illustration tasks, are shrinking due to the adoption of generative AI. These jobs not only provide vital income to creators, they offer professional skills-building opportunities.

⁸ We refer to the submission made by the Australian Copyright Council for more detail about how the use of copyright works in training datasets without the licence of the copyright owner is an infringement of copyright.

⁹ Joanne O'Sullivan, "[Google Launches Personalized Gemini Storybook App to Industry Concern](#)", *Publishers Weekly*, 21 August 2025.

¹⁰ *Books+Publishing*, "[HarperCollins UK partners with AI company on audiobooks](#)", 23 April 2024.

¹¹ For example [The Thursday Murder Club Movie Review: A guide to the Plot, Theme, Cast of a Novel Inspired by Cosy Crime Film](#).

¹² Moral rights in Australia are set out in the *Copyright Act 1968* and include the right of attribution, the right against false attribution and the right against derogatory treatment prejudicial to the creators' reputation.

10. **Dilution of market and damage to customer confidence:** We are concerned about AI-generated books misleading consumers and undermining sales of human-authored books¹³. ‘A.I. Maverick’ published at least 20 titles in the months of June and July this year on Amazon, including titles that imitate bestsellers. While ‘A.I. Maverick’ is clearly a nod to the nature of those titles, usually, a consumer has no way of knowing which books have been written by humans and which have been generated by AI. After purchase, if the content is low quality, truncated in length, or derivative of bestsellers¹⁴, the consumer may suspect they have purchased an AI-generated book but it’s too late for that fact to inform their purchasing decision. Even if AI-generated books don’t attract high sales, they will still confuse customers, dilute a market in which Australian authors already struggle for visibility, and syphon off a percentage of sales.
11. Because it is cheap and fast to produce and upload to Amazon, low-quality AI-generated content is inevitable. This harms authors and publishers who already survive on very thin margins. Even if it is possible to monitor and challenge such infringements, this will impose new and heavy costs on the book industry.
12. **Fewer clickthroughs:** AI chatbots are substituting for human-created content. Google’s ‘AI Overviews’ and ChatGPT’s search results are both keeping users on their own platforms, where the world’s content can be synthesised and served up to users for free or low cost. Traffic to news, magazine and journal sites has dropped since AI chatbots were launched¹⁵.
13. **Indigenous Cultural and Intellectual Property (ICIP):** The National Cultural Policy, *Revive*, explicitly addressed the harm caused by fake Aboriginal and Torres Strait Islander art, and made a commitment to establish standalone legislation to protect

¹³ Paul Garvey, “[Amazon’s AI book problem: fake authors flogging sloppy content](#)”, *The Australian*, 2 September 2025.

¹⁴ For example, *Let Them Rise: Break Free from Limits and Become Yourself* by ‘A.I. Maverick’ covers the same themes as the bestselling self-help book, *The Let Them Theory* by Mel Robbins published in January 2025.

¹⁵ Michael Savage, “[AI summaries cause ‘devastating’ drop in audiences, online news media told](#)”, *The Guardian*, 24 July 2025: “Sites previously ranked first can lose 79% of traffic if results appear below Google Overview”. Isabella Simonetti, “[News Sites Are Getting Crushed by Google’s New AI Tools](#)”, *The Wall Street Journal*, 10 June 2025.

First Nations traditional knowledge and cultural expressions. Generative AI tools may be used to produce and perpetuate inauthentic and fake art, and appropriate Aboriginal and Torres Strait Islanders' art, design, stories, and culture without reference to traditional cultural protocols¹⁶. Supporting Indigenous cultural sovereignty means supporting the ability of traditional owners to deny permission to use their cultural material for AI training.

14. Copyright is how authors earn their living and writing careers are exceptionally marginal¹⁷. If we reduce incentives to create, or interfere with authors' right to exploit their intellectual property, there will be a devastating loss of professional writers and diversity of perspectives, damaging Australian culture as a whole.

Our ask

15. **Introduce a *requirement* or an *incentive* to bring multinational AI companies to the licensing table with Australian rightsholders or collecting societies**

As the ASA has previously submitted¹⁸, one option is for the Government to introduce a new *mandatory* Code of Conduct designed to arrest the information asymmetry and profound unequal bargaining power between creators and Big Tech and to insist that all Australian copyright works ingested into AI models that are offered in this market – *wherever training occurred* – must be appropriately licensed.

Whether by mandatory code or other legislation, the government must insist on transparency, consent and compensation:

(a) Transparency obligations on both inputs and outputs of generative AI:

- an obligation to disclose AI training data and where it was sourced;¹⁹

¹⁶ John McMullan and Glen Stasuik, "[How AI images are 'flattening' Indigenous cultures – creating a new form of tech colonialism](#)", *The Conversation*, 13 March 2025. Fake Indigenous art images have already been found for sale on Adobe and Shutterstock.

¹⁷ Macquarie University researchers found that authors earn, on average, \$18,200 p.a. from their creative practice. Zwar J, Crosby P, and Throsby D. 2022 [National Survey of Australian Book Authors. Industry Brief No. 3: Authors' Income](#). Sydney: Macquarie University.

¹⁸ For example, in the ASA submission to the Productivity Commission in response to its *Harnessing Data and Digital Technology Inquiry Interim Report* in 2025, the Select Committee on Adopting Artificial Intelligence in 2024, and the NSW Inquiry into Artificial Intelligence (AI) in 2023.

¹⁹ In the absence of strict transparency requirements, the government could follow the precedent France is attempting to set and *presume use* of all published copyright works by AI developers unless demonstrated otherwise by AI developers.

- an obligation to disclose to users when an AI system is being used to interact with them;
- an obligation to disclose to users when content is AI-generated, by clear labelling or watermarking²⁰.

(b) Compensation for past use:

With respect to Australian copyright material which has already been ingested to train AI models offshore, and for which consent was not sought, the relevant AI company must pay to each relevant Australian copyright owner fair compensation, which continues for as long as the work remains ingested in the AI model.

(c) A pathway for consent and payment for future use:

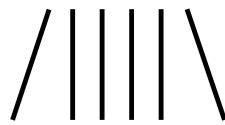
Multinational AI companies carrying on business in Australia must be legislatively required – or incentivised – to enter into agreements with all Australian copyright owners whose work has been used in offshore training of their models, whether by direct licence or voluntary collective licence²¹. This would act as a signal from the Government that all creators' rights are worth protecting and that entering into a few global deals is not sufficient to address the industry-wide harm. It is broadly agreed that licensing is the mechanism that will deliver desirable, high-quality content to AI companies and economic sustainability to creators. Therefore the Government must insist on licensing as a condition of doing business in Australia.

(d) Protections for individual creators:

Licensing revenue must actually flow to the original authors whose copyright work has been exploited. Minimum percentage entitlements to authors must be established upfront so that any intermediary – such as a collecting society or publisher – is required to deliver the full benefit of new licensing revenue to creators, subject only to a small agency fee.

²⁰ These obligations were set out in the voluntary guardrails recommended by *Safe and responsible AI in Australia consultation – Australian Government's interim response*, Australian Government Department of Industry, Science and Resources. In our submission, they ought to be made mandatory.

²¹ A voluntary collective licence is typically administered by a collective management organisation (collecting society) authorised by copyright owners to negotiate on their behalf and collect and distribute royalties. Authors are not compelled to participate but may voluntarily do so.



(e) Compliance with First Nations Protocols:

The Code must include an obligation on AI developers to observe Indigenous Cultural and Intellectual Property Protocols. Essentially, this will require AI companies to consult with the communities who collectively own the ICIP in a work before ingesting that work.

Conclusion

The harmful way generative AI tools have been developed and are deployed without appropriate regulation threatens Australian culture. Technology companies have stolen copyright works to build commercial AI models that can directly compete with the creators of those copyright works, without a monetisation strategy (and very rarely any attribution) back to the creators who laboured to create the original copyright works. Generative AI is parasitic. It is creating asymmetric commercial returns. It is untenable to expect Australian creators to continue investing in cultural production without addressing this imbalance.

Authors across the globe are outraged by the greatest act of copyright theft in history. Their work has been ingested into generative AI models, without permission, in a way which is difficult – if not impossible – to reverse. Against their will, their property has fed technology which is disrupting and diminishing the market for their work and eroding the value of writing itself. The productivity of the copyright industries is being actively diminished.

If this unauthorised use of copyright material for AI training is not checked by government, overseas AI companies will enjoy unfair market advantages by exploiting unpaid labour. Additionally, we will face a future where our confidence in the truth and integrity of our information systems is severely undermined, and Australian cultural output is starved of originality and sustainability. We risk significant cultural, social, and economic harm.

In a global context, Australia has competitive advantages for data centre investment, including a stable democracy. As part of negotiations for this investment, we urge the Government to address the offshore theft of creators' work, through establishing ground rules for AI companies operating in this jurisdiction, including a requirement that all copyright material used to develop the tools is appropriately licensed and paid for.



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