



**Australian Writers' Guild
Australian Writers' Guild Authorship Collecting Society**

**Supplementary submission to Productivity Commission 'Harnessing
data and digital technology' Interim Report**

1 October 2025

The Australian Writers' Guild acknowledges we live and work on Aboriginal land. We pay our respects to Elders past and present. We thank them for their custodianship of land and waterways, stories, and song, and pay our respects to the oldest storytelling civilisation in the world.

WHO WE ARE

The Australian Writers' Guild (**AWG**) represents Australia's performance writers: playwrights, screenwriters for film and television, showrunners, podcasters, comedians, game narrative designers, dramaturgs, librettists, and audio writers. We represent 2,600 performance writers in Australia. Established by writers for writers, the AWG is a democratic organisation run by its members, who each year elect a National Executive Council and State Branch Committees. Our members work together to represent their fellow writers across the industry in a number of committees such as the Theatre, Television and Games committees to negotiate for fair pay and conditions, advocate to government, and serve members' professional needs.

The Australian Writers' Guild Authorship Collecting Society (**AWGACS**) is a not-for-profit collecting society for screenplay authors. With more than 2,000 members and 32 partnerships with overseas collective management organisations, AWGACS has collected more than \$25 million in secondary royalties and distributed the monies owed to screenwriters from Australia, New Zealand and around the world. AWGACS continuously advocates for the rights of authors to ensure they are fairly remunerated for the secondary exploitation of their works.

AWG meeting with Productivity Commission

On 16 September 2025, AWG met with Commissioner Julie Abramson to discuss issues raised in our letter dated 13 August 2025. Commissioner Stephen King did not attend the meeting.

We pressed the Productivity Commission on its apparent recommendation of a 'text and data mining' (TDM) exception to copyright infringement in its Interim Report (or some other, more permissive reform that facilitates the adoption of AI at the expense of copyright owners).

At that outset of that meeting, the Productivity Commission claimed it did not recommend a TDM exception. They acknowledged that they have a history of advocating for the 'fair use' defence in Australia so understood why there might be a perception that it advocates for a TDM exception and sought a 'reframe'

Yet, as the AWG noted in its submission, and as we said in the meeting, it is difficult to see how the interim report **does not** endorse a TDM exception by:

- (a) presenting the overwhelming benefits of AI to society, with little interrogation;
- (b) downplaying the negative consequences of AI or insisting that any negative consequences already existed before AI; and
- (c) presenting a TDM exception as the **sole** detailed case study, with the only alternatives being presented being a commercial TDM exception or a fair use exception – both of which would cause even greater damage to the creative sector.

At our meeting, Ms Abramson noted that infringement had "already happened" and that it happened outside of Australia and had been committed by non-Australian companies. The implication here is that nothing can or should be done to address this, despite the demonstrated harm to Australian workers and business. It is unclear to us why the Productivity Commission would come from this starting point and then arrive at the conclusion that the infringement should be retroactively legalised. As we said in the meeting, any discussion around licensing needs to start not with what models might work or be designed, but what is going to be done to address and rectify the theft that has already taken place. If we are to have a functioning market, then undercutting value exchanges via theft should be addressed.

It is hard to accept that the Productivity Commission is neutral in its position around how AI might be delayed in a policy sense.

It appears to us the Productivity Commission has such an unshakeable faith in the benefits of AI to Australian society and the economy that any detriment to Australian workers and industry should be accepted as a worthwhile sacrifice, evidenced by the lack of modelling on the contribution of the creative economy and the cost of infringement by foreign actors. With the assumption, that AI will be good for all Australians taken as read (but not evidenced), the Productivity Commission can then go on to argue that there should be as little regulatory impediment to AI development and investment as possible.

In our view, the Interim Report did not contemplate the harms unfettered AI use would inflict on the creative sector, and the Productivity Commission has not seriously considered a model of compensation that imposes reasonable operating costs on big tech through licensing.

At the meeting, we were advised that the Productivity Commission have not “taken a detailed analysis of these [copyright] issues” and claimed that this inquiry is “not a copyright enquiry”. We note the statements that the Productivity Commission does not have much copyright expertise were unexpected, if not surprising, but it seems to us that if the Productivity Commission is to publish a recommendation to dismantle existing copyright protections it should have undertaken detailed analysis of the subject and have sourced some relevant expertise.

In the meeting, we asked the Productivity Commission for comment on the issue of secondary infringement by AI users and whether or not copyright subsisted in AI outputs. In response, the Productivity Commission referred to the “transformative” nature of an AI output, confusing US copyright law with Australian law, which has no consideration of the ‘transformative’ quality of a use, only whether or not it is fair and falls within defined statutory exceptions (all of which preclude commercial use).

The AWG asked Ms Abramson to elaborate on Commissioner Stephen King’s statement at a recent webinar relating to the desirability of an Australian ‘AI poetry app’. The Productivity Commission declined to explain why they thought this would be desirable or why such an app would have any positive impact on the Australian creative sector or Australian reading audiences, or productivity broadly

The Productivity Commission advised that it would not respond to our letter dated 13 August 2025. It was stated that it is unproductive to respond to direct correspondence, noting the correspondence asked specific questions about considerations and modelling that may have been done prior to the issuing of the Interim Report.

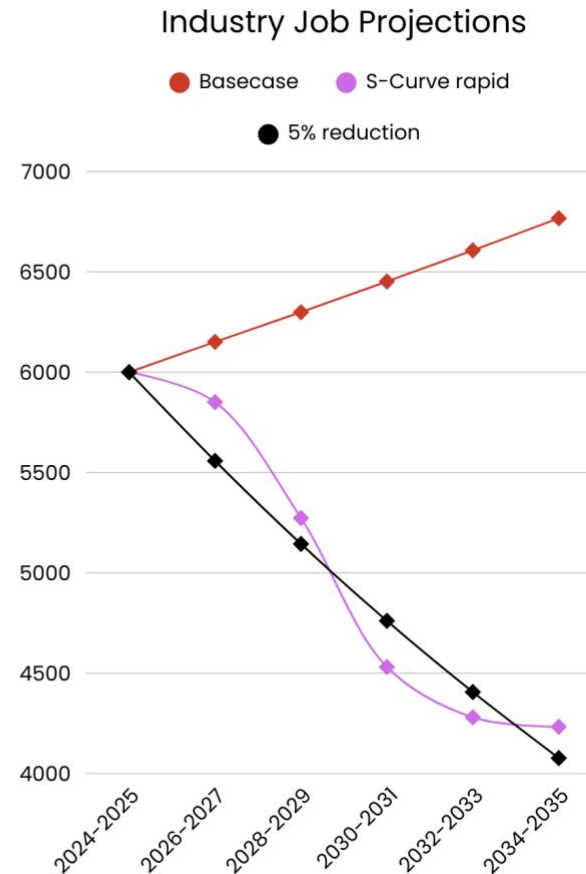
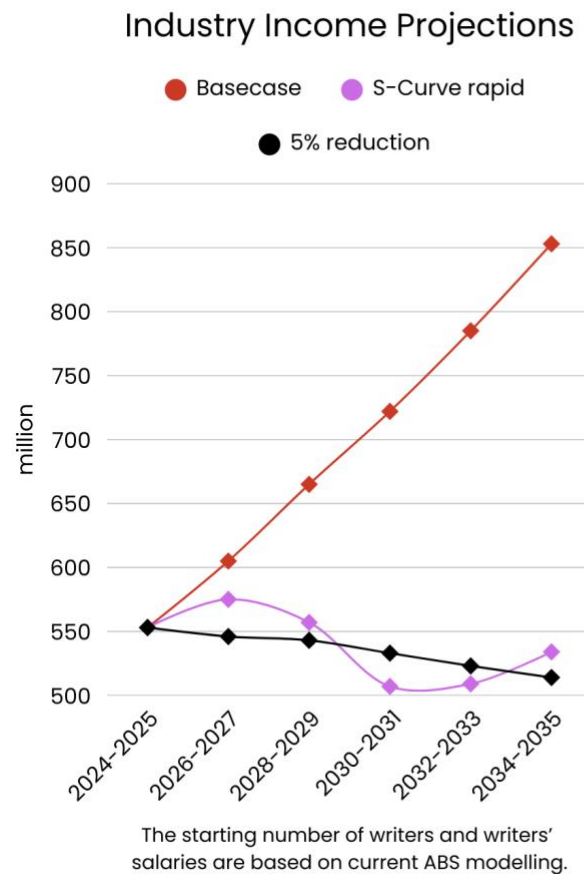
The AWG asked how it was determined who was invited to roundtable discussions, raising the issue that the invitations to these have been selective. The Productivity Commission told us that it depended on the “allocation of particular people” and “particular areas of interest”. The Productivity Commission cited the “size of organisations”, “representation” and “physical factors” as factors for invitation to these discussions. We were told that “not everyone gets one on one meetings”. In our view, the Productivity Commission’s selectiveness about attendance does not build trust and confidence in its work and contributes to the impression that consultation with creative workers is an exercise in ‘ticking a box’ and seeking compliant views wherever possible

We note that the meeting was intensely focused, on the Productivity Commission side, on the design and features of a potential licensing scheme but, it seemed to us that there was a lack of interest in rectifying the loss to creative workers and thus the loss of taxpayer revenue w. We had asked in our correspondence whether any modelling on the economic losses that would be incurred by weakening copyright had been undertaken and if the projected benefits in the interim report were gross, or net (the supposed benefits of AI balanced against the costs incurred though lost creative economy contributions). This is work that should have been done before the issuing of the Interim Report.

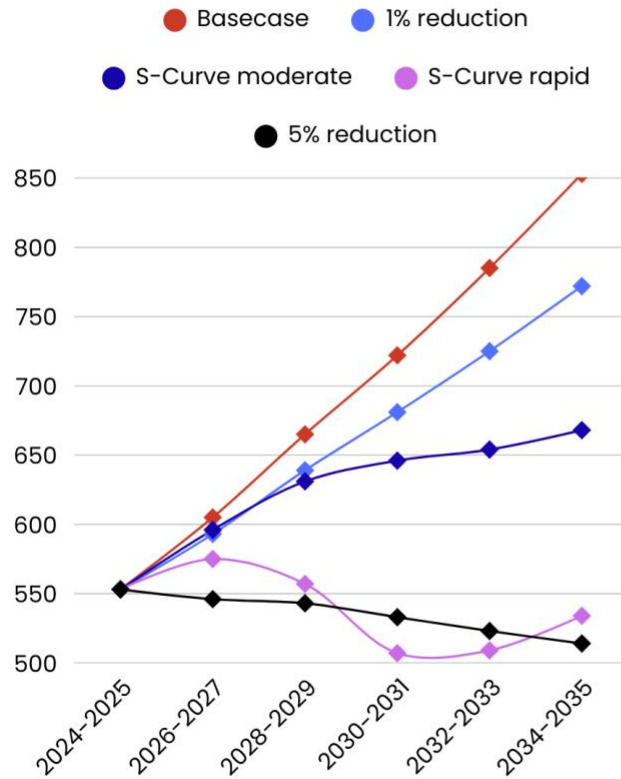
Having received no response, we commissioned some modelling of our own.

Australian writers in screen and theatre set in motion over \$1 billion in economic activity per year. AI could see over 2,000 creative jobs slashed and \$1.7b in lost wages by 2035.

There are approximately 6,000 authors and screen writers in Australia, earning approximately \$553 million per year. At standard population growth levels, this industry would be expected to increase to 6,767 people over the next decade. If Artificial Intelligence reduces jobs by even 5% per year, this industry will have approximately 2,690 jobs fewer than forecast, representing some \$1.8 billion worth of wages lost over the next decade.

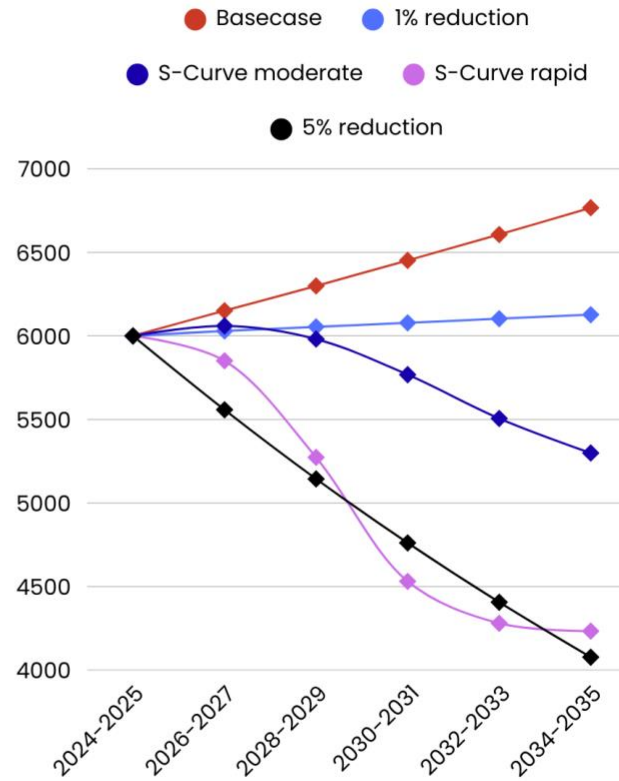


Industry Income Projections



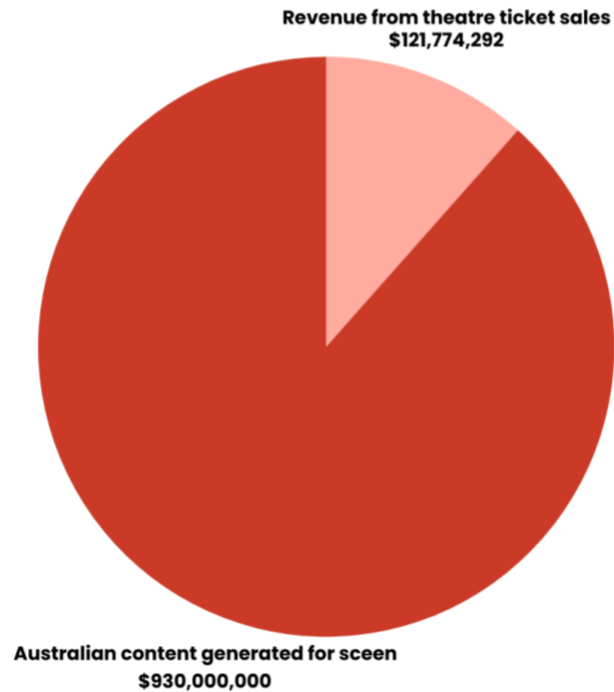
The starting number of writers and writers' salaries are based on current ABS modelling.

Industry Job Projections



In 2023, Australian screen and theatre writers alone set in motion nearly \$1 billion worth of value in the Australian economy, comprised of \$121 million in theatre ticket sales and \$930 million in screen productions (both television and movies). If artificial intelligence begins being used, all this economic activity is at risk.

\$1.05 Billion Contribution to the Australian Economy



Assumptions

The forecast modelling models five scenarios. In each scenario, the starting number of writers and writers' salaries are based on current ABS modelling.¹

1. Base case: in this scenario, the number of writers is assumed to grow in accordance with population growth and wage growth is in line with Commonwealth Treasury estimates.
2. 1% reduction: a flat 1% reduction is applied across the forecast on the total number of jobs required.
3. S-curve (moderate adoption): assumes reduction in jobs by the following, to represent an S-Curve in artificial intelligence adoption²:

2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	2030-2031	2031-2032	2032-2033	2033-2034	2034-2035
0.5%	1.0%	1.5%	2.2%	2.8%	3.2%	3.5%	3.5%	3.2%	3.0%

4. S-curve (rapid adoption): as above, but an accelerated adoption process:

2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	2030-2031	2031-2032	2032-2033	2033-2034	2034-2035
2.0%	3.0%	4.5%	8.0%	9.0%	8.0%	5.0%	3.0%	2.0%	1.5%

5. 5% Reduction: a flat year on year reduction in jobs by 5%

¹ ANZSCO Classification: Authors, and Book and Script Editors (2122): Authors (212211) + Book and Script Editors (212212): <https://www.jobsandskills.gov.au/data/occupation-and-industry-profiles/occupations/2122-authors-and-book-and-script-editors> 63060DO011_202305 Employee Earnings and Hours, Australia, May 2023: <https://www.abs.gov.au/statistics/labour/earnings-and-working-conditions/employee-earnings-and-hours-australia/latest-release> / ANZSCO Classification: Authors, and Book and Script Editors (2122): Authors (212211) + Book and Script Editors (212212) <https://www.jobsandskills.gov.au/data/occupation-and-industry-profiles/occupations/2122-authors-and-book-and-script-editors>

² For example, *Diffusion of Innovations* by Everett Rogers: <https://teddykw2.wordpress.com/wp-content/uploads/2012/07/everett-m-rogers-diffusion-of-innovations.pdf>

Productivity Commission's requests for information

The Productivity Commission requested information on AWG member surveys, as well more information from us on territories in the world where licensing is in place and effective. This sort of research and modelling is the responsibility of the Productivity Commission, not the creative industries. From the AWG's and AWGACS's point of view, we are small membership organisations dedicated to serving our members, and any research, modelling and design for a potential system we are not in favour of is not our responsibility. If the Productivity Commission wanted to assess any such models, it is incumbent on it to do this work, particularly in a situation such as this one in which the Productivity Commission has such a clear view and those views are detrimental to our members' interests.

It is for those advocating for change to make the case for change, not for us to pre-mitigate the potential impacts. While the Productivity Commission may well continue to maintain its public position that it is not advocating for diminishing copyright in Australia – however unsustainable that appears to us – it is farcical to ask creator organisations and rightsholders to give their expertise to designing a future system that undermining their rights, as seemed to us to be the focus and tenor of the meeting.

As we expressed in our meeting, the starting position has to be that tech companies are asked how they will rectify the copyright theft and moral rights infringements that have already taken place. The Productivity Commission should be examining the cost to our economy of failing to enforce Australian law as creative jobs are destroyed.

Systems exist now to licence works for AI, These could be turned to how much tech companies will pay in licence fees and under which models, to whom, and for what, and, and how committed to data transparency and disgorgement they are. All these issues – licensing, disgorgement, transparency – are matters that could be decided by the market, Signalling that exceptions will be put in place is a signal that markets should not exist, and undermines the value of creatives works, all to big tech's benefit.

It was rightly stated we are the experts in this area, and that being the case, it is worth weighting in favour of our view that changes to copyright are unwarranted. We note that our unanswered

question as per the attached correspondence remain, and thus we are hindered in making further submissions that may assist the Productivity Commission.

As discussed at the meeting, for many creative workers the question of payment for the use of works is secondary. If they had the choice, many would not consent to their work being used and would have their work disgorged from any models the works are in. The results of these surveys are **attached**.

The Productivity Commission requested information about AI collective licensing models negotiated overseas:

- SACEM opts out of the TDM exception in favour of a voluntary licensing model:
<https://societe.sacem.fr/en/news/our-society/sacem-favour-virtuous-transparent-and-fair-ai-exercises-its-right-opt-out>
- Some French publishers are giving AI revenue directly to journalists:
<https://www.niemanlab.org/2025/09/in-france-ai-revenue-is-going-directly-to-journalists-could-that-happen-in-the-u-s/>

In closing, we note our deep disappointment that the Productivity Commission appears not to take seriously the economic contribution of the creative industries to our economy – to say nothing of the social and cultural importance of our members' work. Absent this requisite seriousness and genuine neutrality on the question of copyright change, it is difficult to contribute meaningfully to a process that seems to have a pre-determined outcome.

Attachment A



13 August 2025

Dr Stephen King and Ms Julie Abramson
Productivity Commission
Level 8, 697 Collins Street
VIC 3008, Australia

By email: stephen.king@pc.gov.au; julie.abramson@pc.gov.au

Cc: yvette.goss@pc.gov.au; ohnmar.ruault@pc.gov.au

Dear Dr King and Ms Abramson,

I write to you on behalf of the Australian Writers' Guild ([AWG](#)) and the Australian Writers' Guild Authorship Collecting Society ([AWGACS](#)). The Writers' Guild is the professional association representing writers for stage, screen, audio and interactive and has protected and promoted their creative and professional interests for more than 60 years. AWGACS was established in 1996 as the copyright collecting society for screen authors from Australia and Aotearoa New Zealand. Since then, we have collected over \$33 million dollars for members and authors from around the world. Together, these organisations represent just under 5,000 creative workers all over Australia and New Zealand Aotearoa.

We are lucky enough to work closely with our creative Guild and collecting society colleagues, representing editors, directors, sound designers, production designers, cinematographers, voice actors, musicians, and composers, on matters relating to artificial intelligence (AI).

AWG and AWGACS, along with our industry colleagues, intend to make submissions to the Productivity Commission following the release of its interim report last week. Having attended a webinar on Monday 11 August with you, we seek the answers to the following questions to better inform our position and the information we will put to you. All these relate to things said during the webinar or public comments made in media appearances. We do not intend for these to be read as a transcription of your remarks (though some are direct quotes) but write to seek clarity on the Productivity Commission's views, research and approach. Having this information will allow us the better inform the Productivity Commission.

1. **Some of the public debate has been 'misleading'.** In your view, who has been misleading, and in what way? Who has been mislead? What arguments have been

made publicly that are, in your view, incorrect? Which public assertions or misunderstandings would you seek to correct? We refer to the attached brief list of our media from the last week on the matter of your interim report.

2. **Other jurisdictions have text and data mining (TDM) exceptions and copyright works this way all around the world, ie enables data scraping without licensing.**

So far as we are aware, there are only a limited number of jurisdictions with TDM exceptions, and some of these are trying to unwind them. So far as we are aware, there have been no TDM exceptions made into law since 2021 anywhere in the world. Can you please provide a list of the jurisdictions the Productivity Commission considers to have a like system to TDM or 'fair use', and where it is available (we presume this is work and research you already have to hand, given the seriousness of this question for the creative industries) the relative size and health of those jurisdictions' creative industries before and since the TDM exception or introduction of its fair use doctrine. Please note that we do not consider the USA to be such a jurisdiction, as even their more permissive 'fair use' regime is the subject to active litigation around AI infringement and the question of whether LLMs are infringement is not yet settled there.

3. **Only individual harms should be addressed or considered when considering a TDM or 'fair use'.**

It may be that the Productivity Commission intends to examine sectoral, industry or community interests in its final report, but the webinar did not canvas this. Near the beginning of the webinar, it was suggested that only individual harms (copyright infringement, privacy breaches, and thus to our mind potentially deepfake pornography or other abusive material) could or should be addressed where AI causes such harm.

- a. Will the Productivity Commission consider industry, sectoral or community harms when drafting its final report, and if so, how?
- b. Relatedly, do you envisage the only form of redress available to individuals or communities, industries or sectors would be court action or some other form of enforcement litigation?

4. **AI will deliver many billions of benefit to the Australian community, and some specific amount individually in the order of \$4,000 per Australian (over a decade).**

How has the Productivity Commission accounted for the loss of value to the economy when considering the damage to the creative industries in Australia, or has it presumed there will be no loss, ie is this figure a net or a gross amount relative to the creative industries?

Relatedly, is it the Productivity Commission's view that this amount (approximately \$4,000 over ten years) will actually be delivered to each individual Australian? Note this is a yes or no question.

5. **AI copying is not infringement but AI produced outputs may be.** This sentiment was expressed during the webinar of Monday 11 August, in which you referred to 'training' data as not being infringing. Can you confirm this is your understanding, and/or the position of the Productivity Commission, ie that scraping or taking works is not copyright infringement? If you have legal advice to this effect, can you please make it available to us?
6. **'An Australian AI poetry app'.** This was referred to a number of times as a desirable outcome from AI. We would like to hear more on this, an expanded explanation of why this is an outcome to be sought and how it will increase productivity. Would you see a similar utility or desirability in an 'Australian plays' app, or an 'Australian songs' app? What would its uses be and how would it make Australia more productive? Who would use this app, and what for?
7. **Moral rights.** We were unable to find any reference to the moral rights of creators in your interim report. Does the Productivity Commission intend to address the moral rights of creators (as contemplated by Part IX of the *Copyright Act 1968*)?
8. **Consultation with the creative sector.** In your webinar you referred to consultation that took place with the creative sector. If this was in addition to the submission process prior to the interim report, can you please advise which bodies or individuals were involved in this, when this took place, and how you accounted for speaking to the sector? If none took place beyond the submission process, please feel free to confirm this.

Creative workers are among the Australians most impacted by the unscrupulous and unlawful harvesting of copyrighted materials as well as the theft of images, voices, and AV products by foreign multi-nationals. We attach our correspondence to several foreign-owned tech companies following on from their evidence to the Senate inquiry last year, seeking answers on their treatment of creative works and workers.

We would welcome your reflections on how these workers, our members, are to seek redress for the infringement that has already taken place, and some indication of how you account for the lost productivity this represents. Having such an indication would allow our members to properly understand how their work and our industry is incorporated into the Productivity Commission's modelling and recommendations, and better inform our submissions to you.

Best,



Claire Pullen
Group CEO
AWG & AWGACS

Select Productivity Commission interim report media

- [ABC Drive with Ali Moore](#)
- [ABC Breakfast with Sally Sara](#)
- [The Australian](#)
- [The Age](#)
- [The Canberra Times](#)
- [Inside Film](#)
- [C21 Media](#)
- [FilmInk](#)
- [ArtsHub](#)
- [TV Tonight](#)
- [MediaWeek](#)
- [TV Blackbox](#)
- [Michael West Media](#)

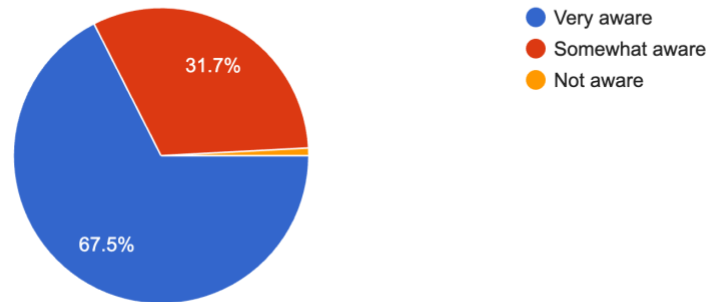
AWG and AWGACS memberships survey on Artificial Intelligence (A.I.) results

Total responses: 240

Individual responses to open questions are available in the spreadsheet of results.

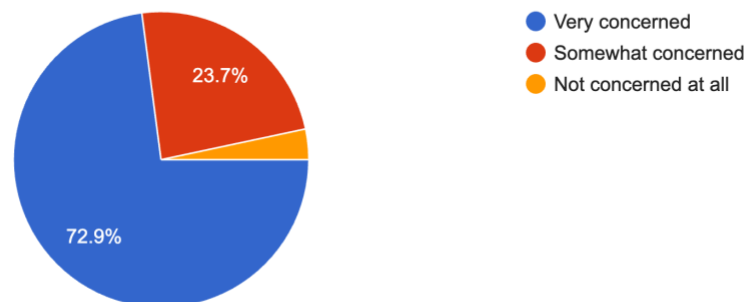
How aware are you of the rising conversation around the use of A.I. in the screen, stage, and gaming sectors?

240 responses



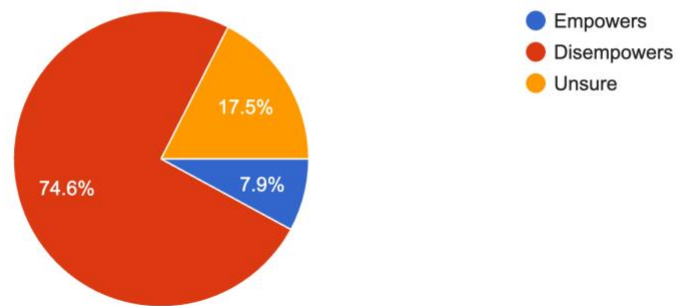
How concerned are you about the introduction and use of A.I. in the screen, stage and gaming sectors?

240 responses



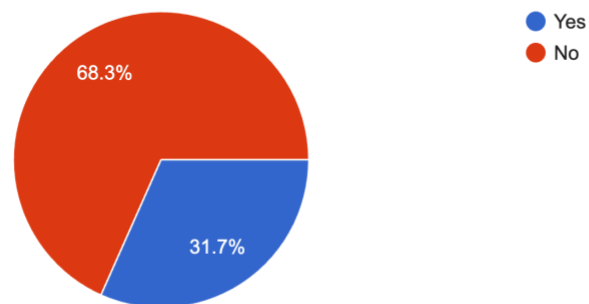
On the whole, do you think A.I. empowers writers, or disempowers writers?

240 responses



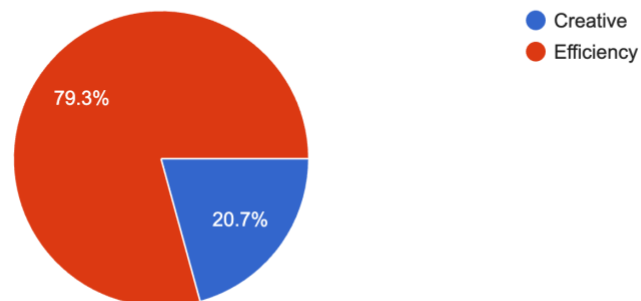
Do you currently use, or have you in the past used, any A.I. programs in connection with your writing practice?

240 responses



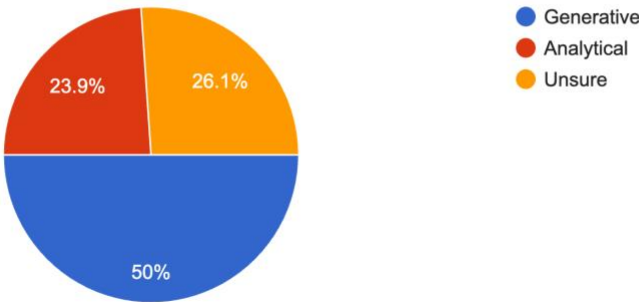
If you use A.I. in your own practice, is your use of A.I. programs predominantly for creative reasons, or for efficiency?

82 responses



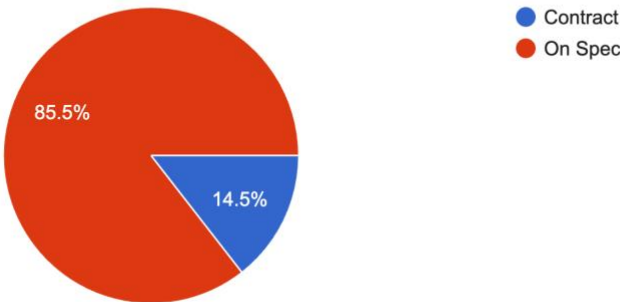
Are the programs that you have used Generative or Analytical A.I.?

92 responses



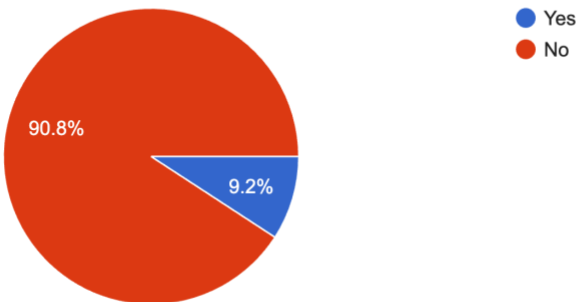
Was the work for which you used A.I. completed under contract, or on spec for yourself?

83 responses



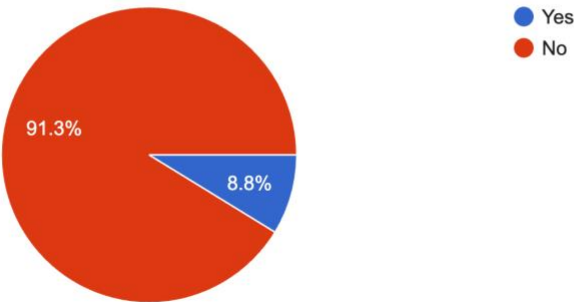
Have you been asked by a collaborator, producer, or commissioner to use A.I. in your work?

240 responses



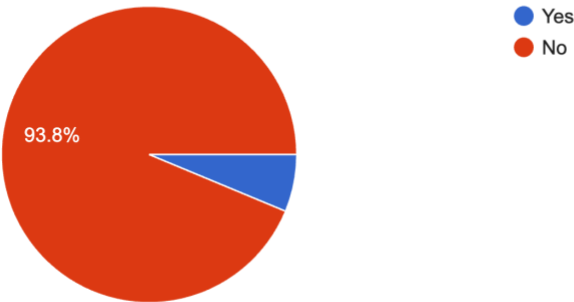
Have you been asked to accept the use of A.I. in your work?

240 responses



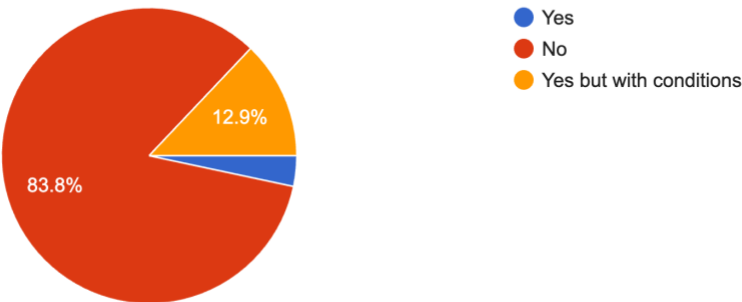
Have you been asked to allow your work to be used to train a company's A.I.?

240 responses



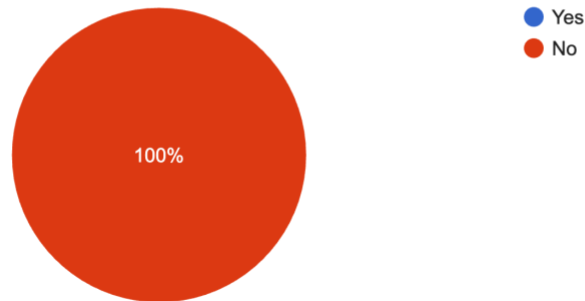
Are you or would you be comfortable knowing your work has been used to provide training data for a generative A.I.?

240 responses



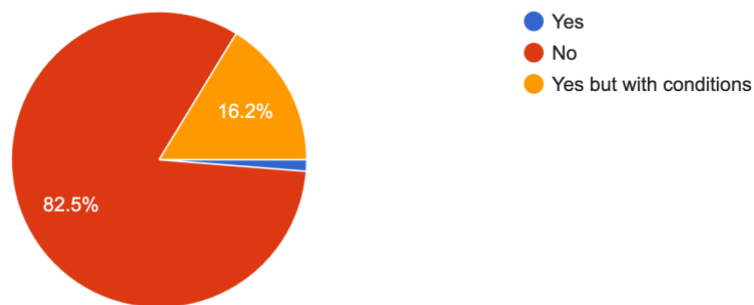
If your work has been used to train A.I., was it explained to you, either in writing or otherwise, how else your work may be used by the A.I.?

84 responses



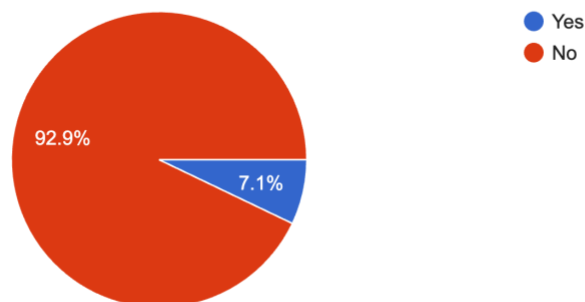
Are you comfortable with A.I. being used on your writing? By this we mean, are you, or would you be comfortable with generative A.I. being applied to y...fter you have completed the final contracted stage?

240 responses



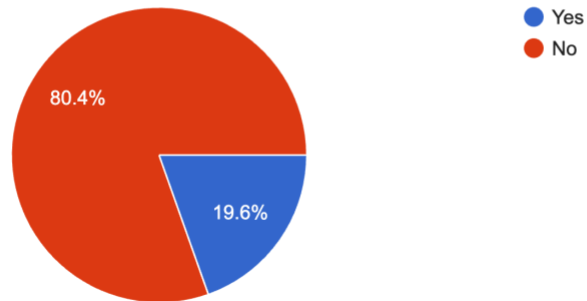
Have you felt that your employment on a project was in part contingent on your willingness to use A.I. - to consent to A.I. being used on your work - ...sent to your work being ingested by an A.I. program?

240 responses



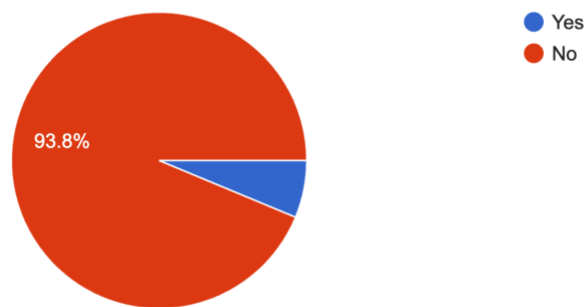
Have you felt, or had confirmed, that collaborators, producers, or stakeholders are using A.I. to respond to your work?

240 responses



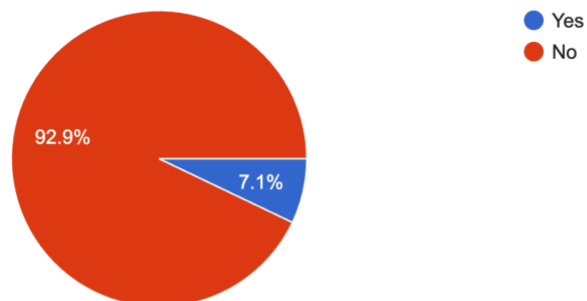
Have you felt that A.I. has been used to edit your writing work without your knowledge or consent?

240 responses

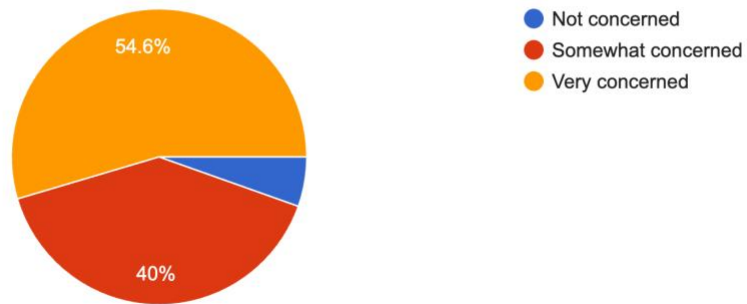


If you have used A.I or think A.I was used in a project, were you provided with or did you seek any advice on copyright and chain of title issues relating to the use of A.I?

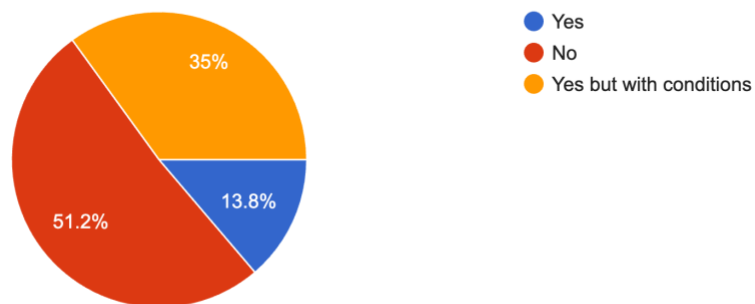
113 responses



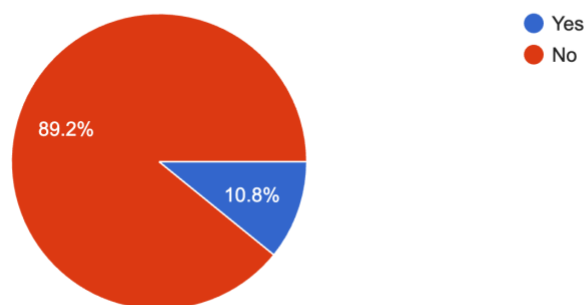
How concerned are you about A.I. programs impacting the quality of the projects you work on?
240 responses



If you were offered a job for which a story outline was provided that had been produced using generative A.I. and asked to draft based on that outline, would you take the job?
240 responses

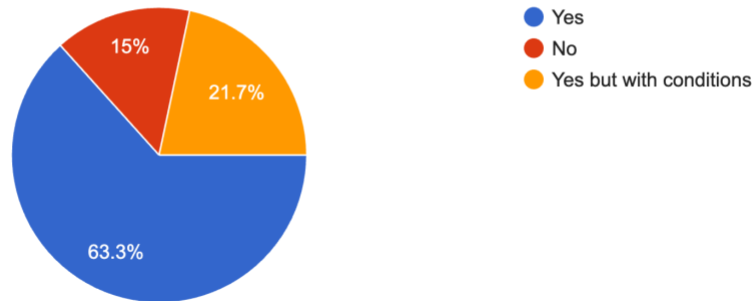


If, as a result of having been provided with an A.I. generated storyline, your fee was reduced by 25%, would you take the job?
240 responses



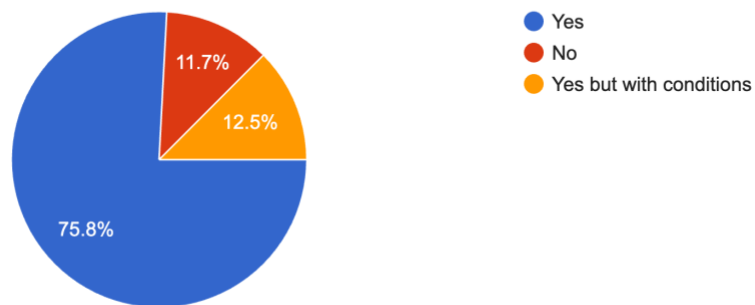
If you were advised that A.I. will be applied to your writing either during the contracted work, or once your contracted work was complete, would that effect whether you took the job?

240 responses



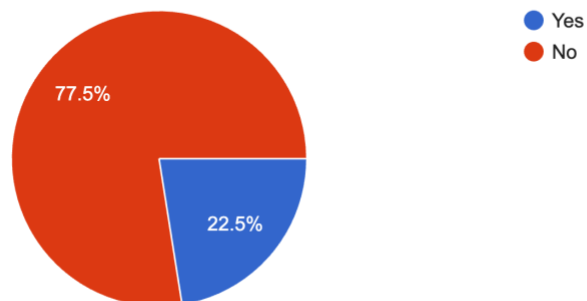
If you were advised that your writing would be ingested into A.I once your work was complete, would that effect whether you took the job?

240 responses



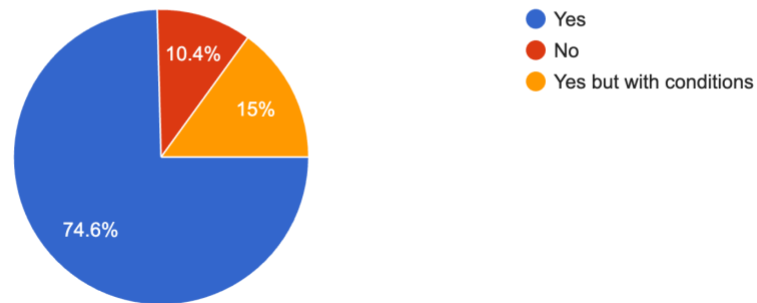
If you were offered an extra fee to 'opt-in' and allow your work to be ingested and to train A.I., would you take it?

240 responses



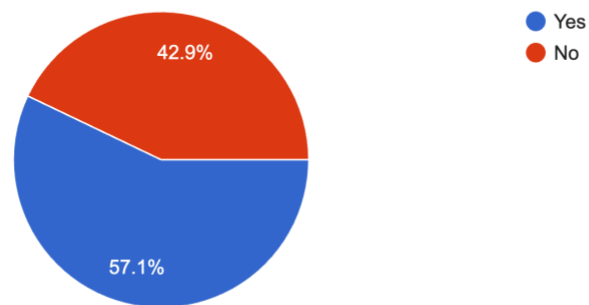
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240 responses



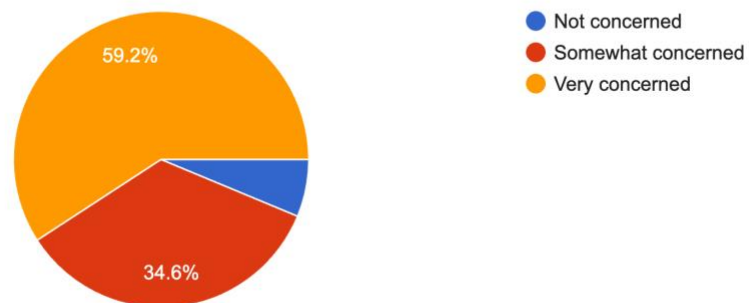
Are you aware that using generative A.I. in your writing risks voiding any warranties and indemnities that are standard inclusions in AWG/SPA contracts? ...ting contracts are a key element of chain-of-title?

240 responses



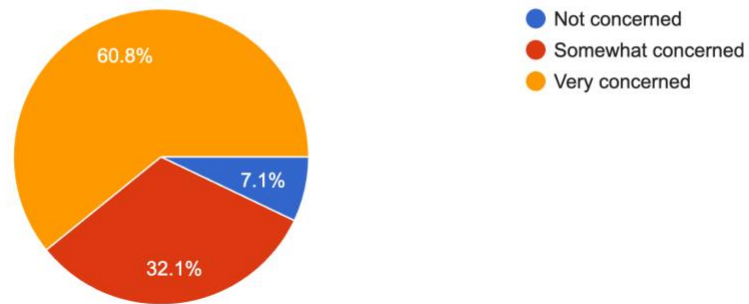
How concerned are you about A.I. programs impacting your livelihood as a writer?

240 responses



How concerned are you about work opportunities drying up as a result of A.I.?

240 responses



Have you considered seeking alternative employment due to the impact, or the coming impact, of A.I. on writing quality and/or opportunities?

240 responses

