



National Cultural Policy

Media, Entertainment & Arts Alliance

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ABOUT MEAA

The Media, Entertainment & Arts Alliance (MEAA) is the largest and most established union and industry advocate for workers in the creative and media industries, with a history going back more than 110 years. Our members include people working in television, radio, theatre, film, entertainment venues, sporting stadia, journalists, actors, dancers, sportspeople, cartoonists, technicians, photographers, musicians, orchestral and opera performers as well as people working in public relations, advertising, book publishing and website production – in fact, everyone who works in the industries that inform or entertain. Our campaigns have included the protection of public broadcasting, press freedom, reform of screen industry policy, AI and digital platforms, anti-racism and improved funding for the arts.

ACKNOWLEDGEMENT OF COUNTRY

The Media, Entertainment & Arts Alliance acknowledges the traditional custodians and cultures of the lands and seas on which we live and work. We pay our respects to all First Nations Peoples, Elders and Ancestors. We acknowledge that sovereignty was never ceded and stand in solidarity towards a shared future.

“In an era of multiple interrelated crises, governments have a critical role in shaping economies. The question is no longer whether the state should intervene, but how and towards what ends. Arts and culture, from visual arts to music and design, are the foundations for reimagining alternative futures, fostering civic identity, and mobilising collective action. Yet they remain underutilised and undervalued in economic policy.”

Mariana Mazzucato

“In any civilised community the arts and associated amenities must occupy a central place. Their enjoyment should not be seen as something remote from everyday life. Of all the objectives of my government none had a higher priority than the encouragement of the arts, the preservation and enrichment of our cultural and intellectual heritage.”

Gough Whitlam

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A social democratic approach to cultural policy

Australia's arts and cultural sectors are in crisis. Our arts and cultural institutions never fully recovered from the fallout from COVID-19. Big tech platforms have hollowed out our local creative sector, capturing the majority of revenue for foreign multinationals. Workers across the sector are being replaced and undercut by Artificial Intelligence. Small organisations and venues are in crisis, and incomes for creative sector workers remain poor.

These challenges are not new. For much of the last 20 years, funding for arts and culture in Australia has been in deficit. The sector has been subject to unpredictable and inconsistent political commitments, with only fleeting attempts to recognise its true value. These shifting political cycles have had a corrosive effect on cultural policy and investment, thwarting the development of any long-term vision for arts and culture in Australia.

Many of Australia's major performing arts institutions now act as quasi-private enterprises, expected to compete in a 'free market' for private and public funding. They are overseen by corporatised governance boards dominated by professionals from executive and financial backgrounds. Growing dependence on philanthropy has increased the influence of elite tastes and political views over artistic programming. The result has been a growing culture of risk aversion, placing limits on freedom of expression and experimentation in the arts.

At the same time as the sector has been experiencing long-term funding shortfalls, there has been a decline in public participation in the arts. These major disruptions to demand include the cost-of-living crisis and the fallout from COVID-19; creating a set of challenges for public participation in arts and culture. As a result, many feel that cultural activity has become too expensive and inaccessible.

A consequence of declining investment, waning support for cultural activity, and low participation rates has been the evisceration of stable work, good jobs, and careers in the arts and cultural sectors. Most of the cultural workforce remains excluded from secure work, engaged as contractors and freelancers in jobs that are largely unregulated and inherently precarious. Meanwhile, those in permanent jobs struggle to leverage the collective bargaining system in an era of declining public funding and commercial disruption.

The lack of leadership observed in the arts over the last 50 years has resulted in a crisis of austerity, participation, and insecurity. As a result, arts and culture have come to be viewed as remote from everyday life – as something to be sought out, paid for, accessed and utilised.

While the government's 2023 iteration of *Revive* set out welcome reforms to Australia's cultural policy, a more ambitious approach is needed. A wholesale reimagination of Australian cultural policy is required: one that puts artists, cultural workers and communities at the core of the policy framework. Culture is an essential component of Australian identity. Artists deserve a living income, and every Australian deserves access to enriching cultural experiences and a chance to participate in the arts.

This document sets out the MEAA's vision for the future of arts and culture in Australia. It proposes a long-term, comprehensive cultural policy framework that elevates the role of the arts across government, strengthens working conditions, reforms governance structures, protects freedom of expression, expands cultural participation, upholds First Nations' culture, reigns in the power of global multinationals, and addresses the threat of Artificial Intelligence. Above all, it argues that arts and culture are essential public goods; central to Australia's social, economic, and democratic future.

Elevate the profile of cultural policy across government

Prior to *Revive*, Australian cultural policy was characterised by nearly four decades of unpredictable and inconsistent commitment to arts and culture. Since 1996, Australia has had nine Arts Ministers, with only one serving longer than three years. Two national cultural policies introduced by the Australian Labor Party – *Creative Nation* (1994) and *Creative Australia* (2013) – proved to be fleeting attempts to recognise the value of cultural activity in Australia, emerging just prior to election losses.¹

This pattern reflects long-term failures in cultural policy governance. Cultural policy has not historically been elevated to the status of other areas of government planning, despite its far-reaching cultural, economic, political and social benefits. Nor has cultural policy been effectively aligned across local, state, territory, and federal levels, leading to fragmented and siloed approach. At the same time, limited collaboration between government departments – including transport, communications, education, and trade – has resulted in a narrow rather than comprehensive approach to cultural policy.

MEAA acknowledges recent efforts to strengthen coordination between Commonwealth, state, and territory cultural ministers, as well as engagement with the Australian Local Government Association. These initiatives have resulted in an agreement for cultural ministers across government to meet approximately twice a year. To ensure a long-term, sustainable approach to cultural policy, these arrangements should be formalised by elevating cultural policy to National Cabinet through the creation of a National Cabinet Ministerial Council for National Cultural Policy.

In addition, cultural policy should be reframed as a whole-of-government priority. This would ensure that it is considered, formulated, and implemented across a wide range of portfolios – including transport, communications, education, health, and trade. This will guarantee that barriers to participation and access are comprehensively, rather than narrowly, addressed. Together, these reforms would raise the profile of the arts, improve coordination across different levels of government, and institute a whole-of-government approach to cultural policy.

Policy recommendations:

1. Establish a National Cabinet Ministerial Council focussed on cultural policy.
2. Institute a whole-of-government, cross-portfolio approach to cultural policy.

Uphold First Nations’ culture

First Nations creatives in Australia continue to face significant financial hardship, despite the Indigenous arts industry being valued at an estimated \$250 million.² Many artists earn little more than \$3,200 annually from their work – well below minimum wage levels.³ A key driver of low wages is the widespread availability of fake Indigenous art. According to the Productivity Commission, up to 75% of First Nations art and souvenirs sold in Australia are inauthentic.⁴ This trade in fake products diverts income away from First Nations artists and creators and appropriates it for private profit.⁵

The emergence of Artificial Intelligence has intensified these challenges. AI systems can now rapidly generate and distribute fake Indigenous imagery, designs and cultural content at scale. A 2024 investigation by *Crikey* found large numbers of AI-generated designs – trained on stolen First Nations work – were being sold through online marketplaces like Adobe and Shutterstock.⁶ These were then being used as digital artworks to generate online content, merchandise, and souvenirs on platforms as diverse as Etsy and eBay.⁷

New forms of cultural misappropriation have emerged in the form of AI-generated social media personas. For example, in 2026 it was revealed that a popular social media personality presenting as an Indigenous man was actually an AI-generated avatar created by a non-Indigenous content creator based in New Zealand.⁸ These actions exploit First Nation’s traditional imagery, styles, knowledge, and heritage for the private gain of non-indigenous businesses and individuals.⁹

In recent years, the ACCC has taken action against businesses producing fake Indigenous art. For example, in 2019, the ACCC successfully prosecuted Birubi Art Pty Ltd for \$2.3 million after it made false and misleading representations about products it sold.¹⁰ While these actions are positive, litigation of fake Indigenous arts proprietors remains rare. Moreover, these cases reflect limitations in existing law, which is

predicated on false or misleading consumer claims, rather than on the provenance of the work itself. In other words, current law allows that inauthentic arts and crafts are sold if sellers disclose their origin. This is problematic because, by definition, the sale of fake art inherently undercuts the market for genuine artifacts – thereby reducing opportunities and incomes for First Nations creatives.

Legislative reform should be used to strengthen the ACCC’s ability to prevent non-First Nations individuals and businesses from profiting from fake Indigenous art or souvenirs. Importantly, these laws should apply even where the sale is not explicitly marketed as authentic. These protections should also extend to other forms of cultural appropriation, including the monetisation of AI-generated Indigenous personas on social media platforms. This could occur through an amendment to the *Competition and Consumer Act* or another appropriate mechanism.

However, ultimately, new standalone legislation is required to address this issue long-term. While the government has committed to the development of Indigenous Cultural and Intellectual Property (ICIP) laws, progress has been slow. The development of this legislation should be prioritised and fast-tracked, alongside the introduction of Indigenous data sovereignty protections.

A further issue relates to the continued persistence of discrimination, racial abuse, and cultural load for First Nations workers. For example, a 2020 survey found that 38% of First Nations workers reported being treated unfairly because of their background, 44% reported hearing racial slurs in the workplace, and 59% of respondents reported comments about their appearance.¹¹ Beyond this, 39% of First Nations workers reported having a high cultural load in their workplace, including the widespread expectation to educate all non-Indigenous colleagues about First Nations peoples and their experiences of racism.¹²

MEAA recognises efforts to address poor working conditions through the establishment of the *Creative Australia’s* First Nations Board and the development of a First Nations creative workforce development strategy. However, more must be done to ensure that the arts are a culturally safe place for First Nations workers. Future priorities should include the development of a First Nations Cultural Safety Code of Practice across the cultural sector. This process should bring First Nations creatives and their unions into conversation with employers to develop a First Nations Cultural Safety Code of Practice for the sector. Adherence to First Nations’ cultural protocols is also critical. These protocols are vital to ensure that collaboration is based on respect, informed consent, proper attribution, confidentiality, appropriate acknowledgement, integrity, and that the benefits of collaboration are shared.¹³

Additional measures are also required to ensure that First Nations’ arts organisations are community controlled to ensure self-determination and protect cultural integrity.

These institutions, where they are community controlled, play an important role in mediating relationships with art dealers, galleries, and consumers, reducing instances of exploitative behaviour.¹⁴ As such, it is crucial that these bodies remain community controlled.

In addition, Australia's rich cultural and artistic heritage is under threat due to climate change. Climate change is affecting the ability of First Nations' peoples to care for Country and practice culture. Ancient cultural sites and rock art are particularly at risk from extreme weather events, coastal erosion, and wetland degradation caused by climate change. As such, government should ensure steps to address the impact of climate change on First Nations' cultural sites, led by Indigenous decision-makers.

Last, figures for Indigenous employment continue to lag at many of Australia's artistic and cultural institutions. Efforts to boost the proportion of First Nations workers in the sector is imperative to correct systemic exclusion and embed representation of First Nations' voices in institutional decision-making. As such, MEAA urges the government to require ambitious Indigenous employment targets at all major state-run arts institutions and administrative bodies.

Policy recommendations:

1. Develop legislation to prevent non-First Nations' individuals from benefitting from the sale of fake Indigenous art and souvenirs or other false representations of Indigeneity through an amendment to the *Competition and Consumer Act*.
2. Fasttrack the development of standalone Indigenous Cultural and Intellectual Property (ICIP) and Indigenous data sovereignty laws.
3. Take steps to address the impact of climate change on First Nations' cultural sites, led by Indigenous decision-makers.
4. Ensure that First Nations' arts programs are community controlled.
5. Facilitate the development of a First Nations Cultural Safety Code of Practice for the cultural sector.
6. Embed ambitious Indigenous employment targets at all major state-run arts institutions and administrative bodies.

Improve working conditions

Most workers in the cultural sector lack secure employment. Instead, they are engaged as contractors and freelancers in jobs that are largely unregulated and inherently precarious. Minimum rates of pay are often absent, superannuation is almost non-existent, and late payment is common. As a result, incomes across the industry remain consistently low. The *Artists as Workers* survey, for example, found that professional artists earn an average of just \$23,200 – around half the minimum wage.¹⁵ As a result,

most need to work multiple jobs and cannot pursue their creative careers without making significant sacrifices.

Discrimination, including that based on gender, disability, race, sexuality, and age, remains widespread in the cultural sector – leading to pay gaps, unequal access to opportunities, and high levels of harassment and bullying. According to MEAA's 2022 *State of the Arts Survey*, 76% of performers reported experiencing discrimination, harassment, or bullying at work.¹⁶ In most cases, workers did not feel safe to report incidents, and among those that did, 71% experienced negative responses from their employer. This speaks to both the prolific nature of discrimination, harassment, and bullying, and the failure of many employers to address these issues effectively.¹⁷

Precarious work arrangements also create significant challenges for women and marginalised groups. First, the contract-to-contract work that dominates the sector means that women can rarely access maternity leave. In addition, the expansive workloads common in the sector make it difficult to balance work with caring responsibilities. These conditions contribute to significant gender imbalances in parts of the industry. For example, MEAA found that fewer than 10% of head-tech workers in venues across Victoria were women.¹⁸ In addition, the lack of entitlements associated with traditional employment, including personal leave, presents barriers to workers with a disability, LGBT+ individuals, or those from diverse cultural backgrounds. As such, the proliferation of insecure work results in a lack of diversity across the sector.

Work in the cultural industries continues to be marked by unacceptably high rates of workplace injury, fatigue, and health and safety risks. These issues are closely linked to the insecure and precarious nature of work in the sector, the temporary and sporadic nature of short-run productions, and an inconsistent and unsustainable commitment to Work, Health and Safety (WHS) standards in industry. The screen industry, for example, is a 'pop-up' industry where performers, crew and technicians move from production to production, with the average contract running just three to six months long. Workers face significant time pressures to deliver within tight budgets and production timelines.

These pressures can create an unsafe culture that discourages the reporting of workplace incidents and creates expectations that workers will cut corners and operate in unsafe conditions to get the job done quickly. When asked to rate current industry conditions, only 45% of MEAA members working in screen said that standards for health and safety were 'somewhat good'.¹⁹ Worryingly, more than one in four respondents (28%) said health and safety was somewhat poor or very poor.²⁰ This highlights the clear deficiencies of health and safety in the cultural industries.

Secure, well-paid jobs are the foundation on which a healthy and successful arts sector can be built. Poor working conditions meaningfully undermine the capacity of staff to produce ambitious, high-quality work, in turn, threatening public cultural participation.

As such, widespread and inclusive social participation in the arts and culture requires a strong and respected workforce.

MEAA welcomes the recognition of artists as workers as a core pillar of the government's *Revive* policy. However, unions remain hamstrung by the prevalence of non-traditional forms of work in the sector, creating a challenging industrial relations environment. As a result, creative workers remain some of the poorest paid in the labour force and continue to face widespread barriers to safe, sustainable work. While the establishment of *Creative Workplaces* was an important signal of government attention to this area, its focus has mainly been on investigating issues facing workers in the sector. The priority must now shift to legislative reform.

Legislation should be introduced to meaningfully boost the wages and conditions of those working in the sector. In particular, the *Closing Loopholes Act* should be extended to encompass employee-like creative workers, regardless of whether they are engaged through digital platforms. Unions should also be empowered to recover unpaid super on behalf of independent contractors in the creative sector. A national portable entitlement scheme should be established to ensure that the creative workforce can access entitlements available to traditional employees, such as maternity leave, personal leave, and long-service leave.

Another important step to address lagging wages and conditions is for the government to establish a cultural sector incomes taskforce, chaired and managed by MEAA as the registered union for the sector. The purpose and terms of reference of the taskforce would be to research, examine and develop policy, laws, and actions to support and strengthen existing industrial arrangements, including Awards and collective agreements. The taskforce would also examine social security, income protection, and income support arrangements to ensure suitability to the circumstances of workers in the sector. It would look at extending industrial rights and protections, across jurisdictions, with the *Fair Work Act* as the core and primary source – considering, for example, how existing interest groups could consolidate and combine to improve industrial and workplace outcomes for workers.

Government oversight and stewardship of WHS regimes should be strengthened to ensure that genuine tripartite arrangements are established with a focus on the vital role of unions. Efforts to address the causes of WHS issues through such mechanisms should be prioritised over the funding of corporate initiatives that merely address the symptoms of such issues. In addition, cultural sector workers are also increasingly experiencing climate-related health and safety risks. Government and industry must ensure health and safety standards, education, awareness, and workplace capability are maintained and developed to prevent workplace injury and harm.

Government also has other mechanisms through which it can improve working conditions across the creative sector. Where government directly provides funds or tax relief to organisations, it should stipulate that funding measures must be paired with recognition of union-agreed wages, conditions, and minimum fees. In addition, where government directly employs creative labour, including through government agencies, it should include union-agreed minimum wages, conditions, and fees in procurement guidelines. These measures will ensure that government funding does not directly or indirectly fund exploitative business practices across the cultural sector.

Policy recommendations:

1. Extend the *Closing Loopholes Act* to include employee-like creative workers, regardless of whether they are engaged through digital platforms.
2. Extend the *Fair Work Legislation Amendment (Protecting Worker Entitlements)* to cover independent contractors in the creative sector, thereby empowering unions to recover unpaid super.
3. Establish a Commonwealth portable entitlement scheme for independent contractors and freelancers including benefits such as long service leave, personal leave, and parental leave.
4. Establish a cultural sector incomes taskforce, chaired and managed by MEAA as the registered union for the sector.
5. Review all Work, Health and Safety (WHS) policy, administration, and regulation to ensure that there is genuine worker/union leadership and involvement.
6. Ensure WHS policy incorporates measures to address climate-related risks.
7. Stipulate adherence to union-agreed wages, conditions, and minimum fees in government funding and tax offset agreements.
8. Stipulate adherence to union-agreed wages, conditions, and minimum fees in government procurement guidelines, including for all federal agencies.

Increase funding to national arts institutions

National performing arts institutions are under considerable financial strain. Long-term funding shortages, the rising cost-of-living crisis, the aftermath of COVID-19, and a legacy of austerity has left many organisations operating at a loss.²¹ Significant funding cuts under the Coalition, including \$52 million removed from the arts portfolio and \$104 million taken from the *Australia Council for the Arts*, has further weakened the sector.²² Balance sheets across the sector are now in red, with Australian Ballet, Opera Australia, Queensland Ballet, Melbourne Symphony Orchestra, Sydney Theatre Company, and the Art Gallery of NSW all experiencing operating losses or deficits.²³

These challenges are not only cyclical, but structural. Australia is perennially ranked one of the lowest OECD countries for spending on cultural services, sitting 25th out of a

total of 31 countries.²⁴ Investment has also failed to keep pace with population growth. While the population grew by 27% from 2007-2008 to 2023-24, expenditure only increased by 19%.²⁵ This means that there is declining public investment in arts and culture per Australian, limiting opportunities for public participation, access, and engagement.

These funding constraints have tangible consequences. Arts organisations are producing fewer productions, employing smaller casts, and offering less diverse programming.²⁶ There is a tendency towards risk-averse programming, with organisations ‘playing it safe’; limiting investment in new, experimental, and local Australian works.²⁷ Job opportunities for artists are shrinking, while insecure work is increasing. For example, as many as one-third of orchestra positions have been converted into precarious forms of work.²⁸ Additionally, there is a growing tendency to leave positions vacant for long periods of time to save on costs.

Revive signalled a significant reinvestment in the arts. It earmarked \$286 million for the sector, which included the restoration of funds removed under the former Coalition government.²⁹ However, inflation and increased cost-of-living pressures have eroded much of the value of these nominal funding measures. As a result, research suggests that government funding to the arts, in real terms, is now at its lowest point since 2017-18.³⁰

The answer to these funding shortages is not private donations – which will further entrench already-widespread philanthropic dependency in the arts – but in government policy. Excessive dependence on philanthropy risks distorting programming priorities, constraining freedom of expression, entrenching perceptions of elitism, exacerbating inequality between institutions, and exposing national institutions to reputational damage and financial volatility.³¹ Direct funding, in comparison, delivers benefits to all Australians – with the added bonus that, unlike philanthropy, it does not depend on increasing tax deductions to the already-wealthy.³²

Australia boasts high levels of public support for the arts.³³ In line with popular sentiment, more direct funding should be channelled into the sector. Funding to arts and culture in Australia should be indexed not only to inflation but also to population growth, to ensure that access to the arts is preserved on a per capita basis. In addition, federal funding arrangements should be linked to binding commitments from state and territory governments to ensure the stability of the sector by guaranteeing that all parties commit to longer-term arrangements and the indexation of funds.

More funding should also be channelled into the National Performing Arts Partnerships Framework, which has been expanded by nearly 40% without a commensurate increase in funding.³⁴ It is also critical that smaller and less established organisations are supported through government funding. To ensure this, funding should be organised

into categories that include size and level of maturity. In addition, while funding of institutional administration is an important feature of arts funding – essential to the sustainability of arts institutions – it should not come at the expense of funding directed towards artistic projects and activities. To ensure this balancing of priorities, government grants should specify a defined proportion of funding to be directed toward core artistic activities, while maintaining funding for administration and institutional sustainability.

Tax offsets for live performance have also been floated as a specific proposal to address funding shortages in the sector. Yet, while proposals for mechanisms that directly leverage fiscal policy are welcomed, they are at best partial and therefore insufficient to address the underfunding of the sector. As such, tax relief measures must be linked to increased direct funding measures. Industry-based tax offsets are welcome, but they are insufficient to resolve the broad-based funding crisis in the sector.³⁵ This is because these tax relief measures will mainly benefit large, incumbent, commercial operators. This, in turn, stands to place them at a comparative advantage in the market – especially relative to the subsidised, small, independent, and not-for-profit sectors.

Last, it is crucial that funding decisions are calibrated to reflect the universal right of Australians to access arts and culture. To ensure this, government should commission research to determine the level of funding necessary to guarantee access to arts and culture across the Australian population.

Policy recommendations:

1. Resist measures to further entrench philanthropic dependency in the arts through the introduction of tax reductions for private giving.
2. Index arts and culture funding to both CPI and population growth.
3. Link federal funding arrangements to binding commitments from all parties, including states and territories.
4. Pair any increase in the number of institutions included under the National Performing Arts Partnerships Framework to a commensurate increase in total funding.
5. Organise funding around categories of size and maturity to ensure that smaller and less established organisations receive support.
6. Specify a defined proportion of funding to be directed toward core artistic activities while maintaining funding for institutional administration.
7. Commission an economic study to determine the funding required to guarantee universal access to arts and culture in Australia.

Reform governance structures

Today, many of Australia's major performing arts institutions act as quasi-private enterprises, expected to compete in a 'free market' for private and public funding. They are overseen by corporatised governance boards, typically dominated by professionals from corporate and financial backgrounds, including accountants, executives, consultants, and bankers.³⁶

These institutional arrangements fail to promote the public interest. The dominance of high-wealth professionals on arts boards enables the influence of elite tastes and political views over programming and risks making the arts appear exclusive and disconnected from the experiences and stories of everyday Australians. In addition, while many individuals sitting on these boards have an appreciation for the arts and culture, they often lack any direct experience in the arts.³⁷ This has led to a lack of technical knowledge at the governance level.

Corporatised governance structures also impact industrial relations practices at national arts organisations. The importation of private management techniques into the not-for-profit arts sector has been associated with shifting financial risk onto workers, contributing to the proliferation of short-term contracts and other precarious forms of employment. This undermines the development of stable, skilled workforces capable of producing ambitious, high-quality work.

In addition, these practices contribute to reduced risk-taking. Boards with strong corporate, philanthropic, or reputational risk sensitivities may prioritise financial stability, relationships with donors, and brand management over artistic expression. This can lead to the censorship of challenging or politically sensitive work, alongside a broader tendency to prefer safe, commercially viable productions. Thus, corporatised governance boards tend to 'play it safe', jeopardising artistic expression and experimentation.

Reform is needed to better align the governance of national arts organisations with the public interest. Board composition should be recalibrated towards those with direct experience of artistic work, correcting the current overemphasis on those from 'technical' or 'managerial' backgrounds. This should include the election of experienced staff to governance positions, ensuring that decision-making is informed by practical insight. This will better align the aims of performing arts institutions with the public interest, halting mission drift.

Stronger oversight of board appointments is also essential. In particular, the practice of appointing large numbers of philanthropists onto arts boards and into positions of influence at national arts institutions should be limited. It is crucial that financial contributions do not confer influence over Australia's arts and cultural sectors, which

should be aligned with public rather than sectorial interests.³⁸ These arrangements also tend to strengthen the already-strong dependency of arts institutions on philanthropy.

More broadly, governance should reflect the diversity of the Australian community, encompassing a wide range of cultural and socio-economic perspectives. Government has a key role to play in this process by ensuring that ministerial appointments to arts boards are genuinely representative of the Australian community. This will also ensure that programming is aligned with the interests of everyday Australian audiences.

Policy recommendations:

1. Establish a minimum number of elected staff positions on governance boards of major performing arts institutions.
2. Limit the influence of philanthropists over programming, strategic priorities, and governance of national performing arts institutions.
3. Prevent closed companies from filling boards of national performing arts institutions.
4. Ensure ministerial appointments reflect the diversity of the Australian community across cultural, racial, socio-economic, and gender backgrounds.

Safeguard freedom of expression

In recent years, there has been a marked increase in artistic censorship in Australia. These incidents include Creative Australia's decision to remove Lebanese-Australian artist Khaled Sabsabi as Australia's representative at the 2026 Venice Biennale; Melbourne Symphony Orchestra's decision to cancel concerts featuring the pianist Jayson Gillham after he dedicated a premier performance to 'journalists slain in Gaza'; and Sydney Theatre Company's decision to cancel performances of *The Seagull* after three cast members made gestures in support of Palestine. These cases set a disturbing record for interference in matters of artistic expression in Australia.

However, artistic censorship has a longer history in Australia. In 2015, the then-Coalition government directly intervened to remove over \$100 million from the peer-reviewed *Australia Council for the Arts* into a fund that the former Arts Minister, George Brandis, directly administered.³⁹ This allowed the then-Minister to direct funds to specific arts organisations without any institutional oversight. This instance of direct funding intervention remains one of the clearest examples of direct political intervention in arts funding.

Art is an inherently critical medium, shedding light on social issues and challenging prevailing norms and preconceptions. Because of this role, the arts have been a recurring flashpoint in Australia's culture wars, sometimes resulting in targeted calls for defunding, censorship, and political intervention. However, when freedom of expression

is suppressed and arts and culture constrained, civil society stagnates, social disfunction accelerates, and democracy is threatened. As such, it is imperative that freedom of expression in the arts is upheld as a necessary precondition to its social democratic function within broader society.

The government's restoration of arms-length funding arrangements under *Creative Australia* is a positive development to protect freedom of expression in the arts. These reforms have reduced the level of direct ministerial influence over funding seen under previous governments. However, as the suite of recent cases of artistic censorship show, much more needs to be done to safeguard freedom of expression in the arts. Arms-length arrangements must continue to be reinforced, and ministerial influence over funding or programming decisions strictly limited. These rules should also be applied to philanthropists where private donations constitute a significant portion of institutional funding.

These rules are important not only for preventing actual political interference in funding decisions, but also for avoiding any perception of potential interference. Governments must therefore establish arms-length funding arrangements to ensure that decisions are not delegitimised by concerns, whether real or perceived, that they were made on anything other than merit.

In addition, it is crucial that laws that incur on freedom of expression in the arts, including defamation, anti-vilification and censorship are strictly limited and subject to exception on the basis of artistic expression. Legal exemptions for artistic expression are favoured over defences, as the latter requires involvement in potentially costly and drawn-out legal battles. Ultimately, however, a population that is deeply engaged in the arts and culture will be the greatest defence of the independence of artistic expression.

Policy Recommendations:

1. Reinforce arms-length arrangements for arts funding from government, government agencies, and philanthropists.
2. Uphold legislative exemptions (rather than defences) for artistic expression in hate speech, discrimination, defamation, anti-vilification, and censorship laws.

Increase cultural participation

Cultural participation among Australians continues to lag post-pandemic, with performing arts and live music companies reporting reduced audience numbers.⁴⁰ While the same proportion of Australians are now attending festivals and other arts events per year than they did pre-pandemic, attendance is less frequent. The most recent *National Art Participation Survey*, for example, found that weekly attendance has declined across all art forms.⁴¹

Cost is a major barrier to participation – not only in relation to ticket prices, but for transport, food, and equipment. Polling shows that nearly 60% of young Australians consider cost a barrier to attending music events, while an additional 35% consider it the ‘most significant’ obstacle.⁴² Overall, cost is considered the biggest barrier to attend arts festivals and events for all Australians.⁴³ Social barriers present another obstacle to engagement, including a lack of prior exposure to the arts, cultural and language barriers to participation, and accessibility issues.⁴⁴ In addition, geographic barriers, including the availability of public transport and travel times, present additional obstacles – particularly for those in outer suburban, regional, and remote areas.⁴⁵

Barriers to access disproportionately affect marginalised communities. These include those from low socioeconomic backgrounds, migrant communities, people with disability, and First Nations people. In turn, these barriers to access contribute to entrenched perceptions of arts and culture as ‘inaccessible’ and ‘for the elite’, creating a vicious cycle of reduced public engagement with the arts. As such, many of the obstacles to arts engagement are self-reinforcing, with those with less experience of the arts less likely to seek out and engage with cultural institutions.

These barriers to access are compounded by the effects of climate change. The growing number of extreme weather events is beginning to change audience habits and is contributing to rising insurance premiums and other costs. This threatens the continued viability of outdoor work and performance and presents challenges to the construction and maintenance of cultural infrastructure, impacting audience participation.

Public engagement with arts and culture is vital. Research shows that participation and engagement in arts, culture, media and civic activity delivers broad social benefits across health and wellbeing.⁴⁶ This includes combatting issues of loneliness and isolation and building a sense of community.⁴⁷ Engagement with the arts also facilitates community belonging, contributing to increased social cohesion and connection. It is also key to developing a sense of national heritage and cultural identity.⁴⁸ As such, investing in arts and culture results in a more harmonious, healthy, and prosperous society.⁴⁹

To address barriers to participation, cultural vouchers should be rolled out to all Australians to lower the cost of attending arts and cultural events. Attention should be paid to those disproportionately affected by issues of cost, accessibility, or low proximity to arts events, including those that live regionally or in outer suburban areas. In these cases, additional funds may be required to subsidise the cost of transport and access. These passes should ideally be universally available to encourage participation across the entire population.

Efforts should also be made to broaden audiences and address perceptions of elitism in the arts. It is crucial that our arts and cultural institutions are supported to diversify

their audience base, including to young people, those from non-English speaking backgrounds, and other underrepresented social, cultural, and economic groups. To do this, a standalone funding pool for the diversification of audiences at national arts institutions should be made available. In addition, using the *Australian Sport Strategy* as a model, government should roll out a nation-wide, comprehensive plan to boost grassroots cultural activity.

More funding should also be directed to the regional sector. Participation rates in regional areas remain low (54%) compared to metropolitan areas (78%).⁵⁰ MEAA acknowledges work done by the federal government to address this gap, including through the Regional Arts Fund, which delivered \$876,000 to arts projects across Australia.⁵¹ However, more needs to be done to boost regional participation, with rates of engagement still continuing to lag. This should include the doubling of funding provided to the Regional Arts Fund.

Last, government should avoid knee-jerk responses to perceived crises in the arts and cultural sector. In recent years, crises of funding and participation have led to rushed funding relief measures from government, including to the commercial sector. These include millions of dollars awarded to commercial festivals, including those owned by Live Nation, which has received more than \$16 million in government funding since 2021.⁵² In future, governments avoid such reactions in favour of long-term cultural policy aimed at improving overall employment and participation in the arts.

Policy recommendations:

1. Establish cultural passes to support participation in artistic and cultural events to the value of \$150 million per year.
2. Establish a government-wide comprehensive plan to boost cultural participation in Australia across schools, universities, and communities, similar to the *Australian Sport Strategy*.
3. Develop a standalone funding pool for the diversification of audiences at major performing arts institutions.
4. Double funding to the Regional Arts Fund to encourage touring and regional access to arts and culture.
5. Avoid knee-jerk funding responses to perceived crises in the arts in favour of a long-term, comprehensive approach to cultural policy.

Reign in the power of global multinationals

While creative workers contend with widespread precarity, low wages, and insecurity, corporate interests in the sector are booming. Nowhere is this more obvious than in the music industry. Live Nation, for example, is making more than half a billion dollars in

profit off the back of its consolidation of the live music industry, including venues, festivals, artist agencies, and ticketing platforms.⁵³ As a result, a US federal court recently found that the company systematically undercut competition and extracted excessive profits from consumers courtesy of its illegal monopoly over the industry.⁵⁴

Meanwhile, the recorded music industry has also grown over the last decade. The three biggest record labels – Universal Music Group, Sony Music Entertainment, and Warner Music Group – each generate billions of dollars per year.⁵⁵ Revenues in Australia for the music publishing and sound recording industry now run in excess of AUD\$1.1 billion, off the back of the global recorded music industry doubling in value over the last decade.⁵⁶ Following the transition to streaming, platforms like Spotify are also thriving, with the company generating a net income of US\$2.2 billion over the 2025 financial year.⁵⁷

Although revenues across the live, recorded, and streaming industries are increasing, a smaller share is consistently flowing to artists themselves.⁵⁸ This reflects growing inequality in the sector and increasing levels of exploitation of musicians and other workers. As a result, musicians continue to subsist on poverty-level wages, with the average income just \$15,000 per year – far less than the national minimum wage.⁵⁹

It is not only the live music sector that is impacted by the dominance of global platforms. Performing arts companies across the live entertainment industry, including theatre, rely on major ticketing companies including Live Nation for public sales. This exposes the sector to potential anticompetitive behaviour and consumers to overpriced tickets. Still more digital platforms dominate our screen industry, with Netflix, Disney+, and other multinational platforms mediating our viewing behaviours. They also increasingly dominate the buyer market for screen producers in Australia, which can be problematic given their outsized bargaining power.

MEAA recognises work done by the government to address the outsized power of global multinationals in Australia's creative sector. This includes the proposed *News Media Bargaining Incentive*, which will deliver funds to Australia's broadcasters, radio networks, and publishers – boosting the viability of these cultural institutions. In addition, MEAA acknowledges the government's work outlining a potential new *Digital Competition Regime*, proposed in late 2024. Last, we welcome the government's actions to crack down on the prevalence of dynamic pricing in events ticketing.⁶⁰ However, these efforts must be reinforced with further action from the government.

First, the government should refer the live music industry – in particular, Live Nation – to the ACCC to investigate potential anticompetitive conduct. The consolidation of the recorded music and streaming industry must also be addressed through a public inquiry to expose potential sites of anticompetitive or exploitative behaviour. Furthermore, consumer law should be amended to reduce the imposition of excessive fees on consumers and the use of exploitative pricing mechanisms such as dynamic

pricing. The government should implement its proposed *Digital Competition Regime* to make online markets fairer. Last, a digital services tax should be applied on all digital platforms operating across Australia's cultural sectors, including Spotify, Live Nation, Ticketek, and Apple Music, with revenues reinvested into Australian arts and culture.

In addition, Australia's live entertainment sector remains plagued by issues of phoenixing, asset stripping, and debt manipulation. These practices can have devastating consequences for workers, who are often left with unpaid wages, superannuation, and other entitlements when companies collapse or restructure to avoid liabilities. These risks are compounded by the fact that much of the sector is dominated by private companies, who are subject to fewer reporting and disclosure obligations than publicly listed companies. To address these issues, corporations' law should be reformed to require stronger reporting and transparency requirements on private companies operating in the live entertainment sector.

Recent government action to restrict public access to directors' personal details through ASIC's Company Register are also likely to make it harder for unions to identify potentially exploitative businesses and protect workers. This lack of transparency makes it difficult for workers and their unions to identify potentially exploitative business practices before harm occurs. These restrictions on access should be reversed to ensure that unions retain the capacity to investigate potentially exploitative corporate practices in the arts.

Policy recommendations:

1. Direct the ACCC to investigate potential anticompetitive behaviour in the Australian live music industry, including by Live Nation.
2. Establish an inquiry into the recorded and streaming music industries in Australia.
3. Amend Australian consumer law to improve the transparency of ticket fees and charges and limit exploitative pricing practices.
4. Implement the government's proposed *Digital Competition Regime*.
5. Apply a digital services tax of 3-5% on platforms operating across Australia's cultural sectors, including music streaming and live entertainment, with revenues reinvested into an Australian arts and culture fund.
6. Reform Australian corporations' law to require greater reporting of financial and employment data by private companies.
7. Reverse changes to ASIC's company register that restrict public access to directors' personal details.

Establish Equitable Remuneration rights for workers

With the rapid emergence of artificial intelligence (AI), massive datasets of books, images, songs, films, and voices have been – and continue to be – scraped to train commercial AI systems, which are now being used to displace the very workers whose creations they are founded upon. This is costing livelihoods and will see a significant contraction of the creative and media industries in Australia if action is not taken to protect them.

Some AI companies are now making deals with rightsholders to license human-made content to create synthetic music, fake actors, and machine-written stories, while the original creators are often left uncompensated. For example, in 2024, Microsoft secured a deal with book publisher Taylor & Francis worth \$10 million without offering any additional payments to the authors whose works were sold.⁶¹ In the news publishing world, OpenAI and Google have made deals with dozens of publishers, including News Corp and Australian Associated Press (AAP) without offering journalists any compensation.⁶²

A practical way to get money into creators' hands is through Equitable Remuneration: an inalienable, non-waivable right to payment for the broadcast or public communication of one's work, extended to digital and AI uses. Originating in the WIPO Performances and Phonograms Treaty (WPPT, Article 15), ER guarantees that all performers (including non-featured performers hired for backing vocals or instrumental parts) receive equitable payment whenever recordings are broadcast or publicly communicated.⁶³ Crucially, ER is non-recoupable and cannot be waived, making it one of the only income streams creators retain even when bargaining power is weak.⁶⁴ While this example applies to the music industry, ER applies in principle to all workers who make a material contribution to relevant works, including sound recordings, movies, TV and other similar products.

While ER wasn't designed for AI, its principle applies perfectly. When a creator's work is exploited to generate value, they should be paid – automatically, fairly, and in a manner that cannot be contracted away. To achieve this, government should first ensure that tech companies licence content used for AI training through appropriate compensatory mechanisms. Second, government should legislate Equitable Remuneration domestically, including by adopting Article 15 of the WPPT and extending the right to AI-licencing and on-demand digital uses.

While AI industries have the potential to provide economic benefits, this must not come at the expense of workers and creative industries. ER offers a once-in-a-generation chance to update our laws, protect creators and creative industries, and ensure the benefits of AI are shared with all Australians – not just technology giants and major corporations.

Policy recommendations:

1. Ensure that tech companies license content used for AI training.
2. Legislate Equitable Remuneration domestically by adopting Article 15 of the WPPT and extending it to AI licencing, on-demand digital uses, and other forms of creative work.

Renew training pathways

There is a crisis of education in the arts. Fewer students are engaging in the arts across primary, secondary, and tertiary levels of study. In schools, fewer children are learning music, singing, acting, painting and doing other forms of cultural and creative activity. Access to music education remains limited by geographic and socio-economic factors, despite being a universal right. This is having an impact on study outcomes. For example, research shows that enrolments in arts at the secondary school level fell by 21% between 2015 and 2023 nationally.⁶⁵

There is a strong relationship between early arts education and lifelong participation in the arts.⁶⁶ This means that declining education in the arts has a negative flow on effect on levels of community engagement with the cultural sector. Studies show that Australians understand and appreciate this connection, with 74% of Australians agreeing that the arts should be an important part of education.⁶⁷ In addition, the availability of arts education also underpins the development of the creative workforce.

MEAA welcomes efforts by government to address these issues. *Revive* committed the government to \$2.6 million to support specialist in-school arts education programs and the delivery of arts content across the Australian Curriculum.⁶⁸ In addition, MEAA welcomes funds delivered to Australia's youth arts programs. However, these measures are insufficient. For example, the volume of funds directed towards in-school arts education pales in significance when compared to the amount invested for STEM education initiatives over the same period (\$76 million).⁶⁹

To address declining primary and secondary rates of participation, government must invest more heavily in arts teaching and learning. Government should significantly boost funding to specialist in-school arts education programs and the delivery of arts content. In addition, funding to Australia's youth arts programs should be formalised and continued over the next funding cycle. Minimum standards for arts education should be established across schools to ensure that all children have access to quality arts education. For example, schools should outlay a minimum of one hour per week for learning music. Government should also investigate the causes of declining secondary enrolments in arts and make efforts to address any barriers to access.

More attention should also be paid towards how the arts workforce can be leveraged to bolster teaching in schools. There should be more pathways for professional artists to contribute to teaching. This will strengthen the delivery of arts in schools, while simultaneously supporting sustainable careers for arts workers. In addition, government should support the use of professional artists in schools through the artists-in-residence programs.

At the tertiary level, the Liberal government's *Job-Ready Graduates* program has made it more expensive for students to access education in the arts and creative sectors, with some degrees now costing up to \$50,000.⁷⁰ These changes made it the case that arts and creative degrees are now among the nation's most expensive courses, with the result of declining enrolments across the sector.⁷¹ In addition, universities continue to reduce staff, limit program diversity, and either close or significantly cut their arts departments.⁷² For example, seven universities in Australia have closed or significantly cut their drama departments over the last 30 years.⁷³

MEAA applauds the government's 2024 announcement of \$115 million to national arts training institutions, including the National Institute of Dramatic Art (NIDA) and the Australian Film, Television and Radio School (AFTRS).⁷⁴ However, more needs to be done to ensure that arts education remains accessible and equitable. Despite promising a review of the scheme, government has thus failed to make changes to the *Job-Ready Graduates* program.⁷⁵ This program must be reformed to remove increased costs for arts degrees.

Policy recommendations:

1. Significantly increase the volume of funding allocated to the delivery of arts education across the Australian curriculum and the delivery of specialist in-school arts education programs.
2. Create pathways for professional musicians without formal teaching qualifications to contribute to teaching in primary and secondary schools.
3. Establish a clear national benchmark for arts education in primary and secondary schools.
4. Investigate the causes of declining secondary enrolments in arts and address barriers to access.
5. Institutionalise additional funding support for commonwealth youth arts programs, including the Australian Theatre for Young People and Australian Youth Orchestra.
6. Amend the *Jobs Ready Graduates* program to remove increased costs for arts degrees.

Support local culture

Australians are engaging with less local arts and culture, courtesy of the multinational digital platforms that dominate our listening and viewing behaviours. For example, between 2021 and 2024, there was a 30% reduction in the number of Australians in the top 10,000 artists streamed domestically.⁷⁶ This is because algorithms on streaming services in English-speaking countries tend to recommend US-produced music, resulting in less listenership for local artists in favour of greater airtime for US musicians. As a consequence, our top charts, including *ARIA* and *The Hot 100* are increasingly dominated by non-Australian titles.⁷⁷

These trends are reflected in live music attendance. While more Australians are seeing live music at venues and festivals, audiences are increasingly prioritising big international acts over local ones.⁷⁸ In addition, when these international acts come to Australia to tour, they are increasingly choosing to bring international support acts, rather than collaborating with Australian artists. For example, recent tours by Taylor Swift, SZA, Pearl Jam, and the Red Hot Chilli Peppers included no Australian musicians as support acts.⁷⁹

The loss of domestic listenership undermines the sustainability of the Australian music industry. If less Australian listeners consume less Australian music, then the local industry suffers. Musicians earn less, venues suffer, and local culture can be lost. The same goes for the Australian screen and digital arts industries where they are mediated by large multinational companies, including Subscription Video on Demand (SVOD) platforms.

Local music must be protected. The prominence of local musicians at international acts should be strengthened through the reassertion of Michael's Rule.⁸⁰ This Rule would require that international artists touring Australia engage a local support act for their performances. To ensure compliance, this requirement should be made a condition of entry into Australia for international touring artists.⁸¹ In addition, content quotas should be legislated for music streaming platforms, including Spotify, to stem the loss of local audiences. These quotas should be comparable to those already imposed on Australian radio broadcasters to ensure an equal playing field.

The government has delivered important reforms for local content quotas for screen. However, these should be reviewed regularly to ensure they continue to meet community expectations and address the persistent threat to local culture from the dominance of global multinationals. Government should also review content quotas for children's television with a view to increasing them, given the collapse of content produced in Australia in recent years.

The Australian classical music sector is also under threat. Across Australia, the use of live musicians in productions is declining as companies turn to music synthesisers and pre-recordings in the name of cost-cutting, short-term efficiencies, and convenience. This occurs at the expense of cultural integrity, artistic excellence and sustainable careers for musicians. For example, the Western Australian Ballet recently used a recording for its 2026 run of *Dracula* instead of hiring local musicians, and Disney recently used KeyComp instead of orchestral musicians for its recent run of *The Lion King*. When these recordings replace live performance, the art form becomes smaller, flatter, and less relatable – short-changing audiences.

Government should safeguard the role of classical music in Australia. The replacement of musicians by synthesisers or recordings should be prohibited in government-funded ballet, theatre, and other performances. In other words, where government money is used to fund performing arts in Australia, it should be a condition of the use of these funds that human musicians – rather than recordings or new technologies – are used to produce live performances.

Policy recommendations:

1. Implement Michael’s Rule as a condition of entry for all international acts touring in Australia.
2. Impose 20% local content quotas on music streaming platforms, including Spotify.
3. Review screen content quotas with a view to increasing them in line with community expectations.
4. Reestablish independent quotas for children’s television for broadcasting and streaming platforms.
5. Prohibit the replacement of musicians by synthesisers or recordings in government-funded ballet, theatre, or other performances.

Develop cultural infrastructure

Funding of cultural infrastructure has lagged for several decades. Many arts organisations and venues operate on tight budgets, relying on short-term grants and inconsistent funding. This has led to the slow decline of Australia’s cultural infrastructure. Many venues are now outdated, lack modern technology, or are inaccessible to audiences with disabilities. There have also been outright closures. For example, since COVID-19, there has been a reported loss of a third of small to mid-sized live music venues and stages.⁸² In addition, cultural infrastructure remains heavily concentrated in major cities, leaving suburban, regional and remote communities with limited opportunities to participate in the arts. Other issues remain around the underutilisation of some cultural infrastructure due to issues of access.

There has also been a decline in other key infrastructure, including broadcasting. The ABC, for example, has struggled with a range of budget cuts over the last decade. While nominal funding has now been restored, growing inflation means that total funding is still lagging in real terms below 2013-14 levels.⁸³ Commercial broadcasters have also struggled with declining revenues as digital platforms have taken a larger share of advertising dollars. The same issue has affected print, magazine, and radio revenues – all of which act as important enablers for cultural production.

Australia's cultural infrastructure – including theatres, venues, galleries, rehearsal spaces, broadcasters – play a vital role in supporting local culture. Venues are the platforms that allow creative work to be produced and shared with audiences. These spaces also act as hubs for collaboration between different actors; supporting grassroots arts and culture in the communities in which they exist. Likewise, digital infrastructure, including radio and television broadcasters as well as arts and culture publications, provide necessary infrastructure for the development and communication of digital and written works.

MEAA welcomes the government's efforts to strengthen cultural infrastructure in Australia, including through its investment in the National Gallery of Australia's Sharing the National Collection Initiative. Other measures provided support to the nine National Collecting Institutions in the Arts Portfolio, as well as ongoing funding to *Trove*. These investments offered critically needed support to Australia's cultural infrastructure base. However, more needs to be done to support other important aspects of Australia's cultural infrastructure – including broadcasters, venues, and theatres.

The sustainability of the ABC and SBS must be supported by restoring funding in real terms. There should also be necessary upgrades to bricks-and-mortar cultural infrastructure, including through the establishment of a ten-year \$5 billion cultural infrastructure fund. This fund should focus on investment in galleries, theatres, and other cultural venues. In particular, there is an urgent need for the construction of additional non-CBD venues in major cities to ensure that cultural participation is accessible to those in outer suburban areas. There is also a need to boost the number of mid-size theatre venues in major cities to provide much-needed space for theatre and other performing arts productions. Last, this fund should include an amount set aside for regional cultural infrastructure, to ensure that those that live in non-metropolitan areas maintain access to arts and culture. An audit of cultural infrastructure in Australia should be used to support these aims.

Policy recommendations:

1. Ensure the sustainability of the ABC and SBS by restoring funding in real terms.
2. Establish a ten-year \$5 billion cultural infrastructure fund to invest in galleries, theatres, and other cultural venues.

3. Make access to culture a key consideration of town planning decisions.
4. Conduct an audit of cultural infrastructure in Australia.

Establish safeguards for the use of AI

The emergence of Artificial Intelligence comes with significant risks for Australia's creative workers. It has the potential to dislocate and devalue the work of artists, creators, and writers, bringing about the most profound change in the relationship between work and production since the advent of the Internet. Government is yet to determine a comprehensive plan to address the impact of AI on cultural workers.

First, far greater transparency is needed with respect to the use of AI to generate outputs in the screen, music, media, and entertainment industries. A major concern relevant to our industries is around truth in content – be it the creation of content outside human control, or the regulation of errors or fake news. AI cannot meaningfully be relied upon to report facts, dates, and information correctly, and, as a result, has been known to routinely produce misinformation. Unfortunately, audiences are often unable to tell between human-generated and AI-generated content – and as AI-generated content is not currently required to be watermarked or otherwise labelled, audiences are left without the ability to discern the source of the information. It is therefore imperative that legislation is introduced to require the disclosure of AI use in the generation of any content in the screen, music, media, and entertainment industries.

Second, there is a critical lack of transparency regarding the use of materials for the purposes of training AI. Many cultural workers do not know the extent to which their work has been scraped because there are no current laws in place to require the public disclosure of such information. While well-resourced rightsholders may be able to afford the costs of auditing AI outputs to infer whether their copyrighted content has been used in training, it is extremely onerous for smaller or independent rightsholders to determine if their work has been used.⁸⁴ All creators have the right to know when their work has been used to train AI. The only way to do this is through the public listing of all works that AI companies have used. The government should therefore mandate the public disclosure of all materials used to train AI.

The production of unauthorised AI-generated digital replicas is also a critical issue. Digital replicas are synthetic performers that have the same appearance, voice, and likeness as existing performers. In the last few years, several MEAA members have alleged that their voices have been stolen and replicated by AI to produce creative works and have been displaced as a result.⁸⁵ These cases are illustrative of the ways that AI can be used to replace the work of performers, undercutting their incomes. It is

therefore crucial that any use of a performer's biometric data to construct 'digital replicas' of their voice or likeness is protected from unlicensed exploitation via a system of non-transferrable moral rights.

Another issue occurs when an output clearly mimics the style or likeness of a creator or performer. As a result, many are concerned about the use of AI to produce work 'in the style of' particular actors, performers, musicians, artists, or writers. For example, AI has been used to mimic the musical styles and voices of a range of musicians, including Drake, Rihanna and the Weeknd.⁸⁶ In another example, artist Kim Leutwyler claimed that self-portrait AI Lensa replicated core aspects of her work, including "brush strokes, colour, composition – techniques that take years and years to refine".⁸⁷ To protect cultural workers, it is imperative that copyright law be amended to protect against AI-generated outputs that clearly connect to a discernible artist, writer, or musical style.

AI companies have also amped up efforts to claim copyright for AI-generated works. Under current Australian copyright law, works qualify for copyright protection if the author is a human who has contributed "Independent intellectual effort".⁸⁸ This means that unless there has been substantial human involvement in the creation of a work that has been produced using AI tools, then it will not be afforded copyright protection. Just how substantial the human involvement is required in order to satisfy copyright laws is a matter of debate. It is MEAA's strong view that there should be a very high threshold set before any work that is created with the assistance of AI tools can be afforded copyright protections, and even then, that copyright protection should not be extended to any aspect of a work that has been generated using AI in part or whole.

AI also brings with it the risk of further entrenching unequal bargaining power in the platform economy.⁸⁹ The cultural industries are already subject to intense market consolidation. Big Tech has monopolised a range of different markets through the control of critical points in the supply chain.⁹⁰ The introduction of AI, which is mostly owned and controlled by these same companies, therefore risks further exacerbating existing issues of market concentration. It also means that workers may be less able to demand that the benefits of AI uptake are shared. To mitigate these risks, government should ensure that any anti-competitive behaviour in the AI industry is stamped out. In addition, a general GDPR-style right should be introduced to limit the collection, use, or sharing of personal data on digital platforms to protect creatives from exploitative terms of service agreements with Big Tech platforms.

MEAA believes that everyone has the right to human-led culture and artistic participation and that this is fundamental to a thriving democracy. This is ensured by maintaining sustainable arts, culture, and media sectors where all workers are treated with respect and are afforded fair pay and conditions. Regulating AI necessitates transparency, accountability, and hierarchies of responsibility, and companies that develop and use AI must be held to binding and enforceable standards. Additionally,

workers must have a seat at the table, and the development of regulations must be worker-led.

Policy recommendations:

1. Watermark all AI-generated content.
2. Mandate the public disclosure of all materials used to train AI.
3. Protect performers from unauthorised digital replicas through a system of moral rights.
4. Protect creators' discernible style from being passed off or copied by AI.
5. Reserve copyright for human-made works.
6. Stamp out anti-competitive behaviour in the AI industry.
7. Enact a GDPR-style right to limit the collection, use, or sharing of personal data on digital platforms.

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