

Getting it right: Building AI infrastructure that works for Australia

Free TV Australia response to the Australian Government's September 2026 Consultation Paper
October 2026

Summary

- Free TV supports the Government's objective that Australia's AI settings be on terms that work for Australians. Those terms must work for Australian copyright owners and media businesses, like Free TV's members, who own the content that AI developers want and need to train in Australia.
- Free TV welcomes the Government's commitment that Australian creators will be able to exercise control over the use, price and value of their work, and its confirmation that how copyright treats AI training will be a key part of the AI standards.
- A key step the AI standards can take to deliver on that commitment is to require transparency of AI training data. With transparency as to inputs, rights holders will be better able to negotiate in relation to and enforce their rights. Similar laws operate in California and the EU, but Australia should make its requirements fit for purpose and ensure they deliver meaningful transparency.
- The Consultation Paper already proposes transparency, plans, assurance and supply obligations for energy and water inputs, and an authorisation and disclosure regime for frontier AI training. Copyright material is also an essential input to AI training. The same logic should apply.

Recommendations

- Include a mandatory training data transparency requirement in the AI standards, applying to AI developers that train in Australia or whose models are made available to Australians.
- Require AI developers to publish granular information about training data in a specified form, provide more detailed records to Government proactively, and respond to requests from Government and rights holders, backed by a regulator and meaningful penalties.

1. Introduction

Free TV Australia is the peak industry body for Australia's commercial free television broadcasters. Our members reach 19.3 million Australians every week, spend more \$1.625 billion a year on Australian content including around \$377 million a year on trusted news. They are significant copyright owners. Their trusted news and other professionally produced Australian content is precisely the high-quality material AI developers seek for training.

This submission responds to Part 3 of the Consultation Paper, *Conditions for AI training*, with a focus on transparency of AI training data. It builds on Free TV's December 2025 submission to the Attorney-

General's Department's Copyright and AI consultation and our engagement through the Copyright and AI Reference Group (CAIRG), where Free TV has supported voluntary licensing of copyright material by AI companies.¹

We welcome the opportunity to contribute to this public consultation process and would encourage a similarly open consultation on broader copyright issues currently under consideration.

2. AI standards must work for Australian creators and media too

Free TV acknowledges the value of sovereign AI capability, which relies on secure, onshore infrastructure, and strongly agrees that this investment must be on terms that work for Australians.² Those terms must extend to Australian copyright owners and media businesses.

The Consultation Paper seeks to guide the sustainable development of large data centres and AI training infrastructure. The sustainability of AI infrastructure cannot be separated from the sustainability of the content it relies on. As energy and water are inputs to AI, so is high-quality content, including news and other professionally produced Australian content. Just as data centres should not drive up energy bills or threaten water security, AI training should not deplete the creative and news sectors on which reliable AI depends.

The paper seeks standards that protect Australians' way of life and security, mitigate potential harms and build the industries of the future.³ A robust creative and news sector is central to that way of life – trusted local news informs democratic participation and is a safeguard against disinformation, and foreign interference, a threat the paper itself identifies.⁴ Uncompensated use of that sector's material without permission is a harm the AI standards should prevent.

Free TV agrees that Australia should shape AI rather than be shaped by it.⁵ That includes how AI treats copyright material. Australian copyright settings should not be shaped by the private financial interests of overseas-based technology firms. Consistent with the emphasis in the Consultation Paper on national interests, and its concern that intellectual property and commercial returns could accrue offshore,⁶ the AI standards should support keeping the value of Australian content with those who invest in creating it.

3. Training data transparency should be a condition of AI training

3.1 Why transparency matters

The Consultation Paper correctly observes that frontier AI models are being trained on content around the world, under legal frameworks developed overseas, 'with limited visibility or payment for

¹ Submission available at https://www.freetv.com.au/wp-content/uploads/2026/10/Free-TV-Submission-Copyright-and-AI-December-2025.FINAL_.pdf. Among other things, Free TV has submitted through a range of consultation processes that the sustainability of Australian media – including organisations serving metropolitan, regional, and remote communities, including First Nations communities – is inherently linked to protection of their intellectual property rights. These copyright owners should not be burdened with measures requiring them to protect their property. Rather, those seeking to use it should be required to seek permission and make payment.

² Australian Government Consultation Paper, *Getting it right: Building AI infrastructure that works for Australia*, September 2026 (the **Consultation Paper**), page 1.

³ Consultation Paper, pages 2–3.

⁴ Consultation Paper, page 5.

⁵ Consultation Paper, pages 3 and 4.

⁶ Consultation Paper, pages 7 and 22.

Australians’.⁷ Visibility must come first. Without knowing whether, when and how their material has been used, copyright owners cannot readily exercise control, negotiate licences or enforce their rights.

The problem is real and current. In August 2025 the *Australian Financial Review* reported that AI firms crawled the news websites of Nine Entertainment, owner of Free TV member the Nine Network, almost 10 times every second in June 2025, despite the company taking explicit steps to prevent it.⁸ Rights holders currently have no reliable way to know what has been ingested, or by whom.

A training data transparency requirement in the AI standards would:

- **provide visibility** of the information used to train AI models, in particular helping to identify whether Australian copyright material is used in AI training in Australia, and in models made available to Australians;
- **deliver on the commitment to control and compensation** made by the Prime Minister and the Government,⁹ by giving rights holders the information they need to negotiate licences, and to enforce their rights where material is used without permission; and
- **support trust** in AI models and services. Australians are more likely to trust AI where they can see what it was trained on, including whether it draws on accurate, accountable sources such as Free TV members’ news and other content.

This approach aligns with the *Security, safety and transparency* section of the Consultation Paper, which recognises that disclosure obligations on frontier labs ‘support Australia’s visibility of AI risks and harms’ (in that case disclosure obligations proposed to be imposed on frontier labs granted authorisation to undertake large scale AI training in Australia, and the security and safety expectations to be imposed by the standards).¹⁰ Transparency of training data supports visibility of a related set of harms – to rights holders, and to the reliability of AI outputs.

Support for transparency was evident in evidence to the Joint Select Committee on Artificial Intelligence at its hearing on 6 October 2026, where rights holders told the Committee that visibility of training datasets is needed for a workable licensing framework, and AI developers told the Committee they support mandatory incident reporting and transparency obligations.¹¹ A training data transparency requirement applies the same principle to inputs as AI companies are willing to apply to incident reporting.

3.2 A transparency requirement that works for Australia

Training data transparency is already law in other markets. California’s *Generative Artificial Intelligence Training Data Transparency Act* (AB 2013), in effect since 1 January 2026, requires developers of generative AI systems made available to Californians to publish information about their training data, including dataset sources and owners and whether datasets include copyright material, but there may be shortcomings given only a high-level summary is required.¹²

⁷ Consultation Paper, page 23.

⁸ Sam Buckingham-Jones, ‘AI firms crawling Nine Entertainment’s news sites 10 times a second’, *Australian Financial Review*, 6 August 2025.

⁹ Speech from the Prime Minister of Australia, The Hon Anthony Albanese MP, *AI in Australia’s interests*, 15 July 2026 – available at <https://www.pm.gov.au/media/ai-australias-interests-0>.

¹⁰ Consultation Paper, page 21.

¹¹ Evidence to the Joint Select Committee on Artificial Intelligence, 6 October 2026.

¹² California Assembly Bill 2013 (2024), *Generative Artificial Intelligence Training Data Transparency Act*, in effect from 1 January 2026.

Similarly, under the EU AI Act, providers of general-purpose AI models must publish a sufficiently detailed summary of training content using a mandatory template from the AI Office. That obligation has applied since 2 August 2025, with enforcement powers available from 2 August 2026.¹³

These regimes show an Australian requirement would not be novel. However, in order to work for Australia and Australians, a local inputs transparency regime must deliver meaningful transparency for rights holders. For example, a requirement for a high-level summary, with no prescribed format and no related enforcement power or penalties would not be sufficient.

International regimes should be a starting point, with an Australian standard addressing limitations in granularity, format and enforcement so that it is fit for purpose.

3.3 Response to the consultation questions on security, safety and transparency

The Consultation Paper asks for views on the information AI developers should be required to share with the Australian Government, and how.¹⁴ Free TV submits that all three mechanisms identified in the paper should be used, as they serve different purposes:

- **Publication in a specified form.** AI developers should publish, in a standard format. This could include sources of training data (including the full list of websites, publications and content repositories used), whether Australian copyright material was included, when it was accessed, which crawlers were used, and the basis on which the material was used (for example, under licence). Publications should be updated regularly.
- **Proactive provision to Government.** As part of authorisation and compliance plans, developers should provide more detailed records, including the volume and frequency of access to Australian websites and how content was processed and incorporated into training datasets.
- **Provision on request.** Developers should be required to respond to requests from Government, and from rights holders, so a rights holder can confirm whether specific material was used.

Genuinely sensitive technical information can be provided confidentially to a regulator, but commercial-in-confidence claims must not defeat transparency about *whose* content was used. The fact that a copyright work was ingested should not be characterised as the AI developer's trade secret.

4. Applying the Government's own logic to copyright inputs

The Consultation Paper sets out a coherent framework for managing the inputs AI infrastructure consumes – transparency, plans and assurance, securing new supply rather than shifting costs to others, and authorisation with disclosure. Copyright material is also an essential input to AI training, and the same logic framework can readily be extended to it.

What the Consultation Paper proposes	Equivalent for copyright material
Transparency of energy and water inputs. The Commonwealth could set minimum standards to support transparency of data centre energy use, and of water use, with data centres to report water use transparently (pages 13–15).	If transparency about the energy and water consumed in AI training is warranted, so is transparency about the content consumed.

¹³ Regulation (EU) 2024/1689 (AI Act), Article 53(1)(d); European Commission AI Office, *Explanatory Notice and Template for the Public Summary of Training Content for General-Purpose AI Models*, 24 July 2025.

¹⁴ Consultation Paper, page 22.

What the Consultation Paper proposes	Equivalent for copyright material
Plans and assurance. Data centres above a capacity threshold would submit plans for meeting mandatory requirements, provide assurance of compliance, and potentially publish those plans (page 9).	AI developers seeking authorisation to train in Australia, Government contracts or other benefits should provide assurance that copyright material has been used with permission and payment.
Secure your own energy supply. Data centres must invest in new renewable electricity supply to offset their consumption and have sufficient firm supply (page 10), and impose no net costs on others (page 16).	AI developers should secure licensed supply of the content they use, rather than shifting the cost of that input onto Australian creators and media businesses to opt-out of having their content used.
Authorisation and disclosure. Frontier labs granted authorisation to train at scale in Australia must meet minimum security and safety expectations, such as disclosing reportable AI incidents (page 21).	Authorisation should also be conditional on training data transparency and copyright assurance.

5. Conclusion

A mandatory, fit-for-purpose training data transparency requirement, with assurance of permission and payment for copyright material, would extend the Government's own approach to AI inputs to the content AI depends on. It would help deliver control and compensation for Australian creators and media, and build Australians' trust in AI.