

**THE SENATE
ENVIRONMENT AND COMMUNICATIONS
REFERENCE COMMITTEE
SUBMISSION FROM FIRST NATIONS MEDIA
AUSTRALIA
September 30, 2025**



The Committee welcomes submissions on any matters relevant to the terms of reference, with a particular interest in our views on:

- potential tax reform and ways to boost the productivity of Australia's arts and creative sectors; and
- any opportunities, risks and challenges for Australia's arts and creative sectors associated with emerging technologies such as artificial intelligence.

As FNMA is the peak organisation for First Nations *media* in Australia, this submission will deal with those aspects pertaining to the First Nations *media industry*, which includes primarily radio stations, television stations, musicians and the content they produce.

A: Tax Reform

Any discussion of tax reform must begin with an analysis of wealth and income inequality. Like most western countries the world over, this has significantly widened since the 1970s.

Wealth inequality in Australia is notably high, with a significant portion of wealth concentrated among a small minority. The richest 10% have come to hold more than half of Australia's private wealth, with the top 1%'s share growing from 14.2% to 16.2% in just four years (2012–2016).

Within the top 1%, wealth accumulation patterns show stark inequality, especially compared to the lower half of households.

Wealth growth by segment (2003–2022): The top 20% saw wealth increase by 82%, the middle 20% by 61%, while the lowest 20% only 20%.

Analysis of decile-level income growth from 1999 to 2019 shows the top 5% saw average income growth of 59%; the middle 20% about 41%, and the bottom 20% saw 46% growth.

Unfortunately, detailed official data on the average yearly income for First Nations cultural workers—including artists, musicians, and media workers—is not readily available or systematically reported. However, First Nations cultural workers—especially those in remote or community-based art sectors—earn substantially less than both national artist averages and general First Nations population averages. For example, visual artists connected to art centres often earn as little as a few thousand dollars per year from their creative work.

More broadly, the median weekly personal income for First Nations people aged 15 and over in 2021 was AUD \$540. For comparison, the median weekly personal income for *all* Australians aged 15+ in that year was AUD \$805.

Progressive taxation

In much of Europe, governments use progressive taxation (where higher earners and larger businesses pay proportionally more) to fund arts and cultural industries in ways that go well beyond Australia.

European countries blend general progressive tax revenue, targeted cultural levies, and tax incentives so that higher earners and larger businesses carry a proportionally greater share of the cost of sustaining arts and cultural industries.

The key difference from more market-driven systems is that this is seen not as charity, but as a public good—like education or healthcare—deserving stable funding regardless of market profitability.

There is no reason why in Australia similar initiatives could not be developed and extended to First Nations media workers.

Some of the European taxation initiatives designed to support the cultural industries, which could be emulated here in Australia, include:

1. Direct Public Funding from Progressive Tax Revenues

National Arts Councils and Ministries of Culture: Countries like France, Germany, the Netherlands, and Sweden use general taxation—heavily weighted toward higher income earners—to finance state arts budgets.

Examples:

France: The Ministry of Culture receives funding from progressive income taxes, corporate taxes, and VAT. This funds opera houses, theatres, heritage preservation, and subsidies for film and publishing.

Germany: Cultural budgets at both federal and state levels are supported by income tax and a corporate tax system where larger firms pay higher rates.

Nordic countries: Sweden, Norway, Denmark use high personal income tax rates (top brackets often over 50%) to maintain extensive arts infrastructures, free or low-cost museums, and arts education.

2. Earmarked “Cultural Levies” or Hypothecated Taxes

Some countries direct part of specific taxes toward culture:

France’s “Taxe sur les billets de cinéma”: A small levy on cinema tickets goes directly into film production funding.

Spain’s and Italy’s tourism taxes: Hotel bed taxes, often paid by higher-spending international visitors, fund cultural heritage sites and festivals.

Germany’s Rundfunkbeitrag: A household media licence fee (effectively progressive because higher earners bear it more easily) funds public broadcasters with strong cultural content.

3. Progressive Corporate Obligations (Cultural Sponsorship Laws)

France’s “Mécénat Tax Law”: Companies can deduct up to 60% of their cultural donations from corporate tax, encouraging large corporations to sponsor museums, festivals, and theatres.

Italy’s “Art Bonus”: Tax credits (65%) for businesses and wealthy individuals who invest in cultural heritage restoration and performing arts.

4. Tax Incentives for Artists and Cultural Workers

These often reduce tax burdens for lower-earning creatives while still taxing higher earners more heavily:

Ireland: Artists’ exemption—creative works’ income up to a certain limit is tax-free. Funded indirectly by progressive taxation overall.

Belgium: Lower VAT rates for cultural goods, and special income averaging for artists to smooth out high- and low-earning years.

France: “Intermittents du spectacle” system, funded by payroll and income taxes, provides unemployment benefits and social security to freelance performing artists between contracts.

5. Lottery and Gambling Taxes as Quasi-Progressive Funding

Although not strictly income progressive, lottery spending tends to come from a broad base, but the cultural funding impact is magnified by matching it with state funds from higher tax brackets. UK National Lottery (not EU, but European model): 28% of proceeds go to arts, heritage, and sport.

Finland's Veikkaus lottery: A portion of gaming revenue, matched by state budget allocations, supports cultural institutions.

Some European countries are experimenting with or have systems that provide salary-support or guaranteed income specifically for cultural workers / artists (Ireland is currently running a pilot scheme (2022-2026) called *Basic Income for the Arts*). Direct salary support is rarer (i.e. a regular payment as though an employee); more often it's grants, stipends, or pilot basic-income-schemes.

Tax deductible donations (DGR)

In Australia, cultural organisations that want to receive tax-deductible donations and for those donations to be tax-free for the organisation generally go through the Deductible Gift Recipient (DGR) process, with an extra cultural-specific step.

Being a registered charity with the ACNC (Australian Charities and Not-for-profits Commission) is not strictly required for ROCO, but as a charity, there is automatic income tax exemption. If not a charity, a separate ATO endorsement for income tax exemption is required.

Many philanthropists, foundations, and corporate donors require DGR status before providing grants or large donations. *DGR could significantly improve organisational funding diversity.*

At last count, 3 FNMA member organisations have DGR status. The problem is that the process to acquire DGR status is unwieldy and time consuming, as is the reporting requirements, and most First Nations media organisation do not have the resources to dedicate to the process.

This process could be ameliorated by establishing a simplified eligibility criteria, which might include:

- Broader categories: Expand DGR categories to explicitly include small, community-based media and cultural organisations, not just arts or heritage bodies.
- Flexible definitions: Recognise community-led media that operate without formal corporate structures but provide clear public benefit.
- Simpler reporting: Small DGR organisations could file short-form annual reports, with focus on activities and basic financials, rather than full audits.
- Extended timelines: Give organisations more time to meet reporting obligations without risking DGR status.

Government policy

Government policy could include:

- Adopting more robust progressive taxation scale to shift the lines of wealth and income inequality in Australia.
- Implementing taxation initiatives based on European models where taxation is used to specifically support the cultural / First Nations media industries.
- Simplifying the eligibility and reporting criteria for First Nations cultural and media organisations to achieve DGR status.

B: Productivity

In most industries, productivity is defined as:

Productivity = Output / Input

But in the cultural and media industries, output is often intangible. For example, it's not just the number of shows or programs that are produced, but it is also measured by the quality, cultural integrity and audience impact.

Inputs (people, time, budget) don't scale the same way as other industries. For example, reducing production crew or musicians may reduce the "cost per program", but this can directly harm the quality and the cultural value.

However, productivity in the media generally has been significantly enhanced by digital technology across the period from early 1900s (1994-95) to early-2000s (2003-4). This includes:

1. Faster Content Creation

- Digital tools such as editing software (e.g., Adobe Premiere, Final Cut Pro) and design platforms (e.g., Canva, Photoshop) allow media practitioners to produce high-quality video, audio, and graphics much faster than traditional methods.

2. Streamlined Workflows

- Cloud-based collaboration platforms like Google Workspace, Frame.io, and Asana let teams work together in real time from different locations.
- Digital asset management systems organise libraries of images, videos, and audio, making it easy to search, retrieve, and repurpose content.

3. Lower Production Costs

- Digital equipment (DSLR cameras, smartphones, drones) has reduced the cost of high-quality production compared to traditional broadcast gear.
- Virtual sets and green screens save on location and set-building expenses.
- Analogue video and audio recording and editing systems were very expensive, whereas digital technology is relatively inexpensive.

4. Broader Distribution with Minimal Effort

- Streaming platforms, podcasts, and social media mean content can reach a global audience instantly without printing, shipping, or broadcasting costs.
- Content management systems (CMS) allow publishers to distribute text, audio, and video across multiple channels in one click.

5. Data-Driven Decision Making

- Digital analytics track real-time performance, allowing quick changes in content strategy.
- Predictive analytics help tailor content to audience preferences, boosting engagement and ROI.

6. Training and Up-skilling

- Online tutorials, webinars, and virtual reality simulations speed up staff training in new technologies and production techniques.

Impact of digital revolution on First Nations media

The impact of the first digital revolution plateaued by the mid-2000s, after which many improvements became incremental rather than transformative.

The issue for First Nations media organisations has been one of **resourcing** (lack of funds and personnel), **accessibility** to technology and ongoing **training opportunities**, which has meant that the integration of high levels of digital technologies into the organisation and production methodologies has been very uneven.

- Urban and national First Nations media organisations have broadly adopted digital production, streaming, social media, digital archives and online distribution.
- Remote community uptake lags due to poor connectivity, limited devices, and lower digital inclusion; mapping projects found many communities still have little or no mobile service.
- Barriers that limit effective uptake includes connectivity, funding, digital skills, culturally appropriate data/use protocols.

Impact of AI on Media Production

The advent of AI has only just begun to impact the media and cultural industries.

ChatGPT was first released by OpenAI on November 30, 2022. How it will be adopted and used in the media industry is still highly speculative, although the speed of its adoption is being referred to as the “second digital revolution”, whose impact, its suggested, will be greater than the first.

The Table below show how AI *may* impact on productivity across different areas of the media industry.

Media Sector	AI Productivity Tools/ Applications	Impact on Productivity	Example Use Cases
Journalism & News	AI-generated article drafts, fact-checking tools, transcription AI	Speeds up writing, reduces research time, automates routine reporting	Automatic weather/sports reports, news summaries, real-time fact-checking
Video Production	AI video editors, motion tracking, color correction, generative video tools	Cuts editing time, automates repetitive tasks, lowers production costs	Auto-subtitling, trailer generation, AI-generated B-roll
Marketing & Advertising	Predictive analytics, AI copywriting, image generation, A/B testing automation	Optimises campaign targeting, personalises content, boosts ROI	AI-created ad visuals, real-time ad performance analysis
Broadcasting & Streaming	AI recommendation engines, automated scheduling, live captioning	Improves audience retention, reduces manual scheduling work	Netflix-style content recommendations, real-time multilingual captions
Music & Audio Production	AI music composition, voice cloning, noise reduction, speech-to-text transcription	Accelerates music production, simplifies editing, aids accessibility	AI-generated jingles, instant podcast transcription, AI voiceovers
Social Media Management	AI chatbots, content scheduling tools, sentiment analysis	Reduces workload for customer support, optimises posting times, monitors trends	Automated replies, engagement analysis, trend forecasting
Research & Analytics	AI-powered data mining, natural language processing, audience behavior prediction	Delivers faster insights, supports data-driven decisions	Content performance dashboards, audience trend analysis
Localisation & Translation	AI translation, speech-to-speech dubbing, automated subtitling	Makes global content distribution faster and cheaper	AI-generated subtitles for international streaming, real-time language translation

In this respect, AI *could be* a powerful tool to be used in the First Nations media sector to improve

production and work productivity, but it could also undermine potential employment in First Nations media and cultural industry - although most organisations are currently significantly under resourced and already working with skeleton staffs.

Limits of AI use in the First Nations media environment

Of course, the analysis in the Table above that shows where AI could be used productively in the general media environment rests on a number of assumptions and the First Nations media sector's *incapacity to engage constructively with AI*. This includes such things as:

- Limited Access to Resources
 - AI tools require specialised software, hardware, and reliable internet, which is often lacking in remote or community-based media organisations.
 - Small budgets make it difficult to purchase AI subscriptions, train staff, or maintain infrastructure.
- High Implementation costs
 - Initial costs of AI adoption include software licenses, staff training, and workflow integration, which can be prohibitive for many small media organisations.
 - Ongoing costs for data storage, AI model updates, and cloud services can also be a barrier.
- Lack of Technical Skills
 - Producers may lack training in AI tools, including generative AI, machine learning analytics, or automated editing.
 - Limited digital literacy slows adoption and reduces productivity gains.

A Balanced Productivity Framework for Media and Cultural Organisations

Technological improvements such as AI will possibly improve productivity; however, it is only one aspect of a media or cultural organisation's operations.

There are other features of the enterprise, which need a different and more holistic set of productivity measures and require a more robust government policy and legislative support framework.

1. Artistic Quality

Instead of measuring only "how many shows or programs," include measures of:

Peer review scores — feedback from other artists or industry professionals.

Awards and recognition — nominations, wins, or festival invitations.

Artistic innovation — evidence of new work, new forms, or risk-taking.

Production values — technical, design, and performance quality as assessed against set benchmarks.

2. Audience Engagement

Measure how deeply the work connects with audiences:

Audience satisfaction — surveys, ratings, qualitative comments.

Repeat listenership / viewership — how many people come back as regular listeners / viewers.

Diversity of reach — engagement with underrepresented communities or demographics.

3. Cultural Impact

Track the contribution to broader cultural and social goals:

Community participation — workshops, outreach programs, school engagement.

Representation — diversity of stories, performers, and perspectives presented.

Partnerships — collaborations with other cultural bodies and community groups.

4. Efficiency Measures

This is indicated by the digital technology improvements and engagement / integration, which will increasingly be AI.

5. Long-Term Sustainability

Recognise that productivity is also about staying viable:

Staff wellbeing — turnover rates, burnout prevention, training opportunities.

Financial resilience — sustainable Government funding, diversity of income sources, ability to withstand funding changes.

Artistic pipeline — investment in emerging artists and future projects.

Government Policy initiatives

When the Government adopts a Balanced Productivity Framework, it will shift the focus from a purely technological standpoint to viewing and supporting the First Nations media sector organisations holistically, and understanding the relationships between the various components that make up the media production enterprise.

To ensure the First Nations media can engage positively with AI tools, this will entail the Government:

- Developing a positive legislative environment that limits the negative aspects of AI (see more Section C: Opportunities, challenges and risks of AI).
- Adopting a Balanced Productivity framework in policy that views the First Nations media and cultural industries holistically (as described above). This includes funding the sectors more comprehensively based on some of the suggestions made in Section A: Tax Reform.
- Providing AI readiness and digital infrastructure support (hardware, software, and high-speed internet for remote media organisations so they can access AI and other digital tools).
- Developing cultural awareness programs and resources that highlight the negative aspects of AI and how legally and ethically this can be managed.
- Providing funds for First Nations specific AI education and training, to demonstrate the positive features of AI and how it can be utilised in the organisation and production space. This will require the development of AI courses and up-skilling trainers to provide this training.

C: Opportunities, challenges and risks of AI

AI has been introduced into an unregulated Australian technology environment at such a rapid pace (since about 2022) that it has meant policy makers and legislators chasing the social and economic impacts rather than being ahead of the game. The AI horse has bolted, and the big tech companies building AI models like it this way. In this environment, the concern that AI will have negative effects on the media and cultural industries outweighs its predicted positive contribution, especially for First Nations media.

Media content that can be utilised (misappropriated) or enhanced (enriched) by AI includes speech, music, sound effects, visuals, and contextual information.

The Table below shows the structural impact of AI on media content, which can be used positively or negatively in the First Nations media environment.

Content	Misappropriation	Enrichment
1. Spoken Content (Audio and Video)		
News Broadcasts		For speech-to-text transcription, summarisation, and real-time translation.
Interviews and Talk Shows	For training conversational AI, extracting quotes, or analysing sentiment and topics for use in other contexts.	
Documentaries	For knowledge extraction and educational purposes, again without context.	For media research, documentary production, or fact-checking.
Commentary (e.g., sports, events):		For real-time captioning systems or predictive models.
2. Music and Sound Effects		
Songs and Background Scores:	AI can learn melodies, harmonies, and rhythms to generate original compositions in similar styles.	For enhancing musical quality and experimentation.
Jingles and Sound Design:	Used for advertising AI, generative music, or audio branding.	
Environmental Sounds:		For traffic, applause, or weather effects — useful for audio recognition and soundscape synthesis.
3. Visual Content (Television)		
Video Footage:	News, dramas, reality TV—AI can analyse scenes, faces, objects, and actions and integrate this into other media forms without context or permissions.	For media research, documentary production, or fact-checking. Enhancing production techniques such as locating archival footage, editing, enhancing quality
Graphics and Animations		For use in weather reports, sports highlights, infographics in news and documentaries, etc.
Advertisements		Used to understand marketing trends and audience targeting.
4. Cultural and Educational Content		
Public Service Broadcasts		For language learning, accessibility tools (e.g. language translation).
Cultural Programs	For knowledge extraction and educational purposes without context.	To preserve Indigenous languages, music, and oral histories with AI transcription.
5. Archival Broadcast Material		
Historical Recordings	For training AI, extracting quotes, or analysing sentiment and topics for use in other contexts.	Creating metadata for archives. AI can restore, clean, or remaster old audio/video.
Legacy News Footage:	For training AI, extracting quotes, or analysing sentiment and topics for use in other contexts.	For media research, documentary production, or training historical fact-checking AI.

Music misappropriation

First Nations music is particularly vulnerable to AI misappropriation.

The process which AI uses to generate music is sketched out below, which exposes the vulnerabilities that First Nations musicians face.

1. Collecting and Preparing Music Data

AI learns from large libraries of music and converts music into structured formats so it can analyse patterns like melody, harmony, rhythm, and dynamics.

2. Learning Patterns from Music

AI uses machine learning techniques to discover patterns and relationships.

Generative Models like GANs or Diffusion Models create entirely new sounds and textures.

AI learns the “style” of a composer or genre and learns harmonic progressions, melodic phrasing, orchestration styles.

3. Generating New Music

Once trained, AI can compose music by:

Starting from scratch by generating original melodies, harmonies, and rhythms.

Given a few notes, AI predicts what comes next.

Taking a melody in one style (e.g., pop) and rewriting it in another (e.g., classical).

First Nations music is therefore highly vulnerable to misappropriation, where original works are not given due recognition or attribution, where there is a serious infringement of copyright and with AI generated music and songs, pretending to be authentically indigenous.

What can be done to prevent AI from misappropriating First Nations music content?

1. Legal Protections and Lawsuits

Copyright Lawsuits:

Musicians and labels have filed lawsuits claiming AI companies use copyrighted songs to train AI without permission.

Expanding Copyright Scope:

Artists are lobbying for laws that clarify how copyright applies to AI training data. Some proposals call for opt-in systems so musicians must give permission before AI can use their work.

2. Licensing and Agreements

Licensing Deals:

Some companies (e.g., Sony Music, Warner) are negotiating licensing agreements so AI developers must pay royalties if they use their catalogues for training or music generation.

Collective Rights Management:

Performing rights organisations (e.g., APRA AMCOS) are exploring ways to ensure AI-generated works using copyrighted material still pay royalties to original creators.

3. Digital Watermarking and Tracking

Audio Watermarks: Hidden codes embedded in music that AI tools can't easily remove.

Content ID Systems: Similar to YouTube's system that flags copyrighted material, being adapted for AI music platforms.

Metadata Standards: Using blockchain or digital ledgers to track ownership and licensing status.

4. Creative Strategies

Exclusive Rights Licensing: Artists limit where their music can appear, blocking certain platforms from using it.

Private Catalogs: Some musicians choose not to release high-quality masters online to prevent scraping.

New Platforms: Musicians are supporting platforms that pledge ethical AI use and fair royalties.

6. Emerging AI Transparency Laws

Requires companies to disclose training data for AI models, giving artists grounds to demand removal or payment.

Misappropriation breaches of First Nations community protocols

AI can breach First Nations cultural protocols through unauthorised access, misrepresentation, commercialisation, privacy violations, and loss of cultural control.

Respecting these protocols requires community consent, ethical guidelines, and careful consideration of context before using any media.

Misappropriation includes:

1. Unauthorised Use of Sacred or Restricted Content

Certain images, ceremonies, or objects are sacred or restricted to specific community members or genders.

AI trained on videos or photos of these practices without permission can misrepresent or make them publicly accessible, violating cultural laws. The main serious cultural protocol which can be breached is using images of deceased persons without permission. Another example is harvesting video of a women-only ceremony to train an AI model, breaching gender-based cultural restrictions.

2. Loss of Context and Meaning

AI often removes context when processing images or video, treating cultural expressions as generic data. Sacred symbols, dances, or art may be misinterpreted or decontextualised, which may be offensive or harmful to the communities that were involved in the original performance.

3. Commercial Exploitation

AI-generated outputs can profit from cultural content without benefit to the originating community. This breaches the principles of collective ownership and cultural custodianship.

4. Privacy and Consent Violations

Videos and images often feature individuals or community gatherings. Using these for AI training without explicit consent violates rights to privacy and cultural integrity. An example is facial recognition AI trained on images of community members from a festival without approval.

5. Reinforcing Misrepresentation or Stereotypes

AI can exaggerate or misclassify cultural practices, creating outputs that misrepresent First Nations peoples. This may perpetuate stereotypes or disrespect spiritual beliefs.

6. Loss of Control and Community Authority

Once cultural content enters AI systems, communities often lose control over how it's used or shared. AI platforms may distribute this content globally in ways the community cannot regulate.

More concerning is the advent of AI “slopaganda” and “deepfakes”. We are already seeing numerous examples of online of AI-produced non-consensual porn and fake videos of political leaders. This trend is extremely concerning, and platforms that propagate this content should be held responsible.

What can the Government do?

1. Strengthen Legal Protections

Extend copyright to protect collective cultural ownership, not just individual authorship.
Introduce cultural intellectual property rights for traditional songs, languages, and recordings.
Require attribution and prevent derogatory or inappropriate uses of Indigenous content by AI.
Mandate that AI companies disclose training data and obtain informed consent for any cultural materials.

2. Create an Indigenous Cultural IP Framework

Work with First Nations groups to develop laws recognising Indigenous Cultural and Intellectual Property (ICIP) rights.
Give communities legal control over how traditional music can be used, shared, or commercialised.
Use models such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) as a foundation.

3. Mandate Consent and Licensing

Require AI companies to:
Obtain informed consent before using any First Nations music.
Pay royalties or licensing fees if music is used for AI training or commercial outputs.
Use opt-in systems so communities decide if their music enters AI datasets.

4. Establish a First Nations Music Register

Create a national database of Indigenous songs and cultural works managed by First Nations custodians.
Include cultural protocols on access, usage rights, and restrictions.
Integrate AI detection tools to track where Indigenous music appears online or in AI-generated content.

5. Fund Ethical AI Research and Community Control

Platforms that train AI using First Nations content are required to contribute to a Creative Fund (a percentage of their turnover) that is distributed to support creative people and projects.
Support Indigenous-led AI initiatives to ensure cultural protocols guide technology use.
Provide grants for First Nations communities to develop digital archives with cultural safety controls.
Fund projects exploring blockchain or watermarking technologies to protect music from unauthorised AI scraping.

6. Introduce Mandatory Transparency for AI Companies

Require AI companies to:
Publish training data sources.
Remove Indigenous music if requested by the community.
Label AI-generated content that mimics Indigenous music styles.

7. International Collaboration

Align with global initiatives like WIPO (World Intellectual Property Organisation) to protect Indigenous music from cross-border AI misuse.
Advocate for international treaties recognising Indigenous cultural IP rights in the digital era.

Government AI Policy Goals

1. Prevent cultural misappropriation by AI (training and outputs).
2. Preserve cultural authority and protocols (community consent, custodianship).
3. Ensure fair economic re-compensation (licensing, benefit-sharing, Creative Fund).
4. Create enforceable transparency and accountability for AI developers and platforms.