



GOVERNANCE RISK & OPERATIONS

AI-Generated Content: You May Not Own What You Assume You Do

Copyright requires human authorship. Prompt-and-accept content sits in uncertain, unprotected territory

An association publishing a report, image, or article produced substantially by AI may not actually own the copyright in it at all. Australian copyright law has long required human authorship for protection to exist, and content generated with minimal human creative involvement sits in uncertain, and quite possibly unprotected, legal territory.

Which rules apply to your association?

The law depends on how your association is set up. A **company limited by guarantee** follows the Corporations Act 2001 (Cth) and its constitution. An **incorporated association** follows its state or territory associations Act and its rules. A **registered charity** also follows the ACNC Act and the ACNC Governance Standards, and some Corporations Act rules are replaced for charities that are companies. Check your own governing documents, and get advice before decisions with legal consequences.

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The Established Principle This Evolving Area Still Rests On

Australian courts, including the High Court in *IceTV v Nine Network* (2009) and the Full Federal Court in *Telstra v Phone Directories* (2010), have held that copyright protects only material originating from a human author, expressed in material form. As at October 2026, the Copyright Act does not specifically address AI-generated material, and the Australian Government has asked its Copyright and AI Reference Group to look at improving certainty in this area, so check for updates. Meanwhile the underlying human authorship requirement remains well established through existing case law. Content produced simply by entering a prompt and accepting whatever an AI tool generates, without meaningful human creative involvement in shaping the final result, is unlikely to attract copyright protection under this existing principle.

The Practical Distinction Worth Building Into Your Content Process

The important, actionable line sits between AI-assisted and purely AI-generated content. Where a person uses AI as one tool within a broader creative process, selecting, editing, reworking, and adding original material of their own, the resulting work sits in a considerably stronger position to be treated as human-authored and therefore copyrightable. Human creative choices, selection, arrangement, modification, and editorial judgment, are what count. Simply accepting an AI tool's first output without further creative input does not. An association wanting enforceable ownership over its published content needs to build real, documented human creative involvement into every piece produced with AI assistance, not treat the AI's raw output as the finished, protectable work.

The Vendor Terms Risk Most Associations Never Check

AI tool providers' terms of service differ, and some assign the user rights to output only to the extent the law actually permits, while explicitly warning that other users may receive similar or identical outputs from comparable prompts. This matters directly for an association's brand content and marketing material: a piece an association assumes is unique to its own brand voice may, in fact, closely resemble content another organisation entirely unrelated to it has also received from the same underlying tool. Also check AI output for material that may reproduce other people's copyright work before publishing, since publishing it could infringe.

- Build documented human creative involvement, selection, editing, arrangement, and original addition, into any AI-assisted content your association intends to actually own and protect.
- Treat purely AI-generated content, produced with minimal human creative input, as sitting in uncertain copyright territory rather than assuming standard protection automatically applies.
- Read the actual terms of service for any AI tool your association uses for content production, confirming what rights are assigned and whether output uniqueness is guaranteed.
- Address AI-assisted content ownership explicitly in staff and contractor agreements, connecting directly to the employment contract discipline discussed earlier in this series, rather than leaving this ambiguous. Work made by employees in the course of employment is generally owned by the employer, but contractors keep copyright unless they assign it in writing.
- Monitor this evolving area of Australian law, given the current absence of specific legislative guidance and the likelihood that courts and lawmakers will continue clarifying these questions over time.

AI tools can accelerate an association's content production, but speed is not the same as ownership. An association that wants to protect what it publishes needs to build real human creative judgment into the process, and understand where its content actually stands in an area of copyright law still very much in the process of being worked out.

This is one of the practical governance topics built into our Board Director course, alongside the papers, tools and frameworks that turn the principle into your board's actual practice. [Explore the course](#)

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BOARDROOM ACTION WORKSHEET

AI-Generated Content: You May Not Own What You Assume You Do

Turn the resource into evidence, a decision and an accountable next step. Keep the completed record in your association's approved board records system.

1 What is the issue or decision?

State the governance question in one clear sentence.

2 What evidence do we already have?

Record the facts, source documents and stakeholder evidence available now.

3 What evidence is still needed?

Identify the legal, regulatory, financial, member or operational information still required.

4 What is the agreed next action?

Capture the owner, timeframe and how the matter will return to the board.

Action owner	Review date	Board decision or resolution

General education, not legal, financial, tax, clinical or governance advice. Confirm specifics at the relevant primary source or with your own qualified adviser. Nexus Leadership is operated by Lipstick Consulting Pty Ltd · ABN 15 619 120 482.

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