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30 August 2013

Committee Secretary  
Senate Standing Committees on Environment and Communications  
PO Box 6100  
Parliament House  
Canberra ACT 2600

By email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Committee Secretary,

### **Copyright Legislation Amendment (Fair Go for Fair Use) Bill 2013**

The Australian Recording Industry Association (**ARIA**) is the peak trade body for the recorded music industry in Australia. ARIA has over 100 members ranging from the local affiliates of the major international record companies through to significant Australian independent record labels and a substantial number of smaller Australian record labels. ARIA's primary objective is to advance the interests of the Australian recording industry. ARIA achieves this by:

- acting as an advocate for the recorded music industry, both domestically and internationally
- supporting Australian music, and creating opportunities to help it be heard
- playing an active role in protecting copyright especially in relation to music piracy
- collecting statistical information from members and retailers and compiling numerous ARIA charts with data provided by over 1,100 retailers
- providing, in certain cases, a reproduction licensing function for various copyright users
- assisting those in the music industry through our support of Support Act Limited, the music industry's benevolent fund
- staging the highly prestigious annual ARIA Awards which recognises the achievements of artists in the Australian recorded music industry.

ARIA welcomes the opportunity to comment on the Copyright Legislation Amendment *Fair Go for Fair Use* Bill 2013 (the **Bill**).

ARIA supports the separate submissions made to the Senate Committee by Music Rights Australia, the Australian Copyright Council and the Australian Content Industry Group.

ARIA would like to reinforce that it is inappropriate for the Bill to be considered at this point in time due to the wide ranging and more detailed policy reviews currently being conducted in relation to wide ranging issues dealt with by the Bill, in particular:

1. The Attorney General's Department's review of Technological Protection Measure Exceptions Made Under the Copyright Act 1968;
2. The Attorney-General's Department's review of access control technological protection measures (TPMs) made under the Copyright Act 1968; and



3. The Australian Law Reform Commission's (**ALRC**) Review of Copyright in the Digital Economy, which is due to issue its Final Report on 30 November 2013. Amongst other things, the ALRC has proposed the introduction of a fair use regime and is currently considering submissions made by interested parties in relation to this proposal.

In particular, ARIA draws the Committee's attention to ARIA's detailed submissions made to the ALRC which set out reasons why an open-ended fair use defence should not be introduced in Australia.<sup>[1]</sup>

In conclusion, ARIA submits it is inappropriate to cut short these inquiries by introducing this Bill, particularly when the full range of evidence before the various inquiries has not been fully considered and debated.

ARIA would be pleased to provide additional information to the Committee in respect of any of the points raised. Please do not hesitate to contact me if you require any additional information.

Yours sincerely,

**Dan Rosen**  
**Chief Executive Officer**  
**Australian Recording Industry Association Ltd**

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<sup>[1]</sup> See [http://www.alrc.gov.au/sites/default/files/subs/731. org\\_aria\\_submission .pdf](http://www.alrc.gov.au/sites/default/files/subs/731. org_aria_submission .pdf)