

The Australian Content Industry Group submission to the Senate review of Copyright Legislation Amendment (Fair Go for Fair Use) Bill 2013

The Australian Content Industry Group (ACIG) wishes to thank the Senate Committee for the opportunity to comment on the Copyright Legislation Amendment (*Fair Go for Fair Use*) Bill 2013 (the *Bill*).

The ACIG is made up of the major content industry groups across book publishing, music, interactive games, software and visual arts. These groups have come together to seek a common solution to the issue of online copyright infringement.

In the Australian Greens Federal election platform document, *Standing up for what matters*, launched in July this year, the Party makes the following statement about the importance of Australia's cultural industries to the nation's life blood:

The arts, cultural experiences and creative artists are a vital ingredient for a happy, prosperous and fulfilled nation. The arts contribute to the social wellbeing, economy and cultural life of Australia.

The Australian Greens are committed to supporting and promoting Australian artists and their work, and particularly encouraging young and emerging artists as they establish their careers.

Also in the Government's National Cultural Policy "Creative Australia" released in March this year there is an emphatic statement of support for the protection of artists' rights:

"Artists also need to know their work will be respected and that there are adequate protections in place to allow them to be rewarded for their creative output into the future. Current frameworks must be adapted and renewed so that artists and those who invest in them have the tools to protect creative content."

The ACIG fully endorses both these positions and stands ready to support any initiative designed to promote these aspirations. Unfortunately, the Bill currently under review by the Senate Committee does nothing to advance these policy agendas.

From the experiences of the artists and creators who are represented by the members of the ACIG, one of the most important things that drives them to pursue a career in the creative industries is having control over how their work is used and distributed.

In a recent broadcast of the Hack¹ on the ABC's JJJ two young musicians were asked about the unauthorised online use of music.

Tim Levinson, aka Urthboy from the Herd, said downloading:

"makes the conditions and prospects a little tougher and that is inevitability going to mean people have to make decisions about their lives, take other jobs, have to go and do things that mean they can't commit to creating. That is not really a theory, that is a reality."

¹ ABC Radio – JJJ 27/03/2013 <http://www.abc.net.au/triplej/hack/stories/s3733937.htm>

Holly Throsby, a Sydney based song writer and musician, said:

“I mean if no one is paying for music...it means a lot of people can look like they are making money but they are probably not.”

The ACIG believes that any changes to Australia’s copyright laws must strengthen rather than dilute the ability for artists to protect their work and the way it is distributed and used both in the physical and online worlds.

Changes to the legislative environment must also allow for content creators and their representatives to innovate and continue to reinvest in new, quality material and for new business models to develop allowing this work to be delivered safely and quickly to consumers.

The Bill currently being considered by the Committee provides no reassurance to the ACIG that the Greens are in fact “committed to supporting and promoting Australian artists and their work”.

The Bill is silent on protecting content online from unauthorised use, it proposes expanding the safe harbour scheme and includes a broad fair use exception which will allow for even less control over how artists determine how their work should be distributed.

This Bill could have been an opportunity for the Australian Greens to set the high water mark on support for artists and the protection of their work online from organisations and others that would take it and use it for their own gain.

The Bill could have been an important part of an overall regulatory and industry based approach to creating an internet that works for everyone, that allows for new innovative online services and that ensures artists are able to profit from their own creativity.

It is with regret that the ACIG finds little to support in the copyright amendments as set out in this Bill.

Vanessa Hutley

On behalf of ACIG members:

