

31 October 2006

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

BY FACSIMILE TRANSMISSION: 6277 5794

Dear Sir/Madam

COPYRIGHT AMENDMENT BILL 2006

I refer to the above.

The Media Entertainment & Arts Alliance (the Alliance) is the union representing amongst other professions performers in Australia and it is in this capacity in which the Alliance makes this submission.

The Alliance has had the opportunity to review the submission from the Australian Copyright Council and endorses that submission.

However, in addition the Alliance would note that in relation to the proposed time-shifting and format shifting exceptions to the Copyright Act it is the Alliance's position that even were the Government minded to amend the proposed exceptions to the Copyrights Act to:

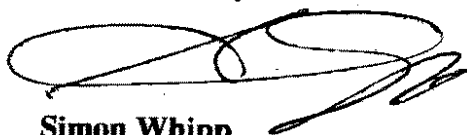
- ensure compliance with Australia's international treaty obligations; and
- address all the concerns noted by the Australian Copyright Council in its submission,

it remains the Alliance's view that such amendments should only be approved subject to an overriding obligation to afford equitable remuneration with the imposition of a blank media levy.

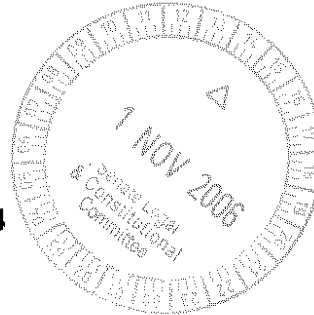
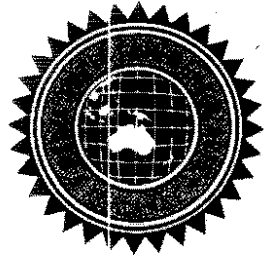
Australia would be the only country in the developed world, to the best of our knowledge, to introduce a format shifting exception to the protections afforded copyright owners without simultaneously introducing a system of equitable remuneration to those copyright owners. In this regard I believe the Alliance has previously raised the question regarding the constitutionality of such a regime particularly as it relates to pre-existing works.

The Alliance would be happy to discuss these views with the Committee.

Yours faithfully



Simon Whipp
National Director



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