



The Executive Director

Australian Law Reform Commission

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Submission to ALRC Issues Paper 42, 2012

1. The AIPP, with a history of nearly 50 years in the photographic industry, is Australia's leading membership body for the professional photographic community, with over 3000 Members around Australia. We actively support professional imagemakers at all stages of their careers.

We have strong affiliations with similar professional organisations in Asia, the US and Europe.

As a principally volunteer run organisation, our resources are limited in getting expert advice on constitutional, legal and legislative issues, so we rely heavily on the Australian Copyright Council in particular to represent our interests on complex and detailed issues relating to copyright.

We have been a participating affiliate of the council since its inception, and totally support its endeavours. We also engage with the Arts Law Centre on these issues. One of the Arts Law senior lawyers ran 2 workshops recently at the "Nikon AIPP Event" where we have over 400 professionals gathering for the annual major industry congress. Copyright, contract, usage, and legal issues are one of the most problematic areas for the lone freelance photographer.

2. The AIPP generally supports the submissions of both the Arts Law centre of Australia and the Australian Copyright Council. We strongly encourage our members to turn to Arts Law and the Australian Copyright Council for initial advice on legal issues.

3. We would comment specifically on 'contracting out' - Q 54 and 55.

This area is of particular concern for commercial photographers – the vast majority of these in Australia are micro businesses creating content for much larger commercial entities.

Our members, often on the wrong end of lopsided negotiations, find themselves in a situation where a lone small business based creative photographer is supplying images to a multinational corporation with a disproportionate level of negotiating resource.

The Copyright Act was changed in 1998 to reflect that the first owner of copyright in commissioned photography is the photographer. The spirit and intent of the copyright act is to encourage creativity and income for authors and creators. If contract law can simply override exceptions to the act – what is the point in having the act at all?

We would strongly endorse the Arts Law response to questions 54 & 55

4. As Australia's pre-eminent representative of small photography businesses, we would welcome the opportunity to engage further with the ALRC on any proposed changes to the Copyright Act, particularly on Orphan Works proposals that will potentially have significant impact on the professional photography industry.

Yours Sincerely



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