

To: Professor Jill McKeough
Commissioner
Australian Law Reform Commission
Re: Copyright and the Digital Economy

I appreciate the opportunity to comment on the Australian Law Reform Commission's Discussion Paper 'Copyright and the Digital Economy'.

As a professional Songwriter, Recording and Performance Artist since 1973, I have 40 years practical experience in the creative field and via mentoring roles, the education field also. I am an artist representative on the board of the Phonographic Performance Company of Australia (PPCA) and a committee member of the Queensland Regional Arts Development Fund (RADF).

I would like to comment on two issues: 1) Fair Use, and 2) The repeal of the section 152 caps.

The problem with introducing 'fair use' exemptions lies in the lack of a clear definition. With 'fair use' still being defined case by case in America, how am I as a completely independent Artist, going to dispute 'fair use' of my work? I would need to instigate legal action against the offending party, which could well be a Government or Educational Institution or large Multi-national Organisation. The funds required to contest such a case would be beyond my resources. The current system protects the copyright owner and the user with specific fair dealing exception provisions. 'Fair use' can only benefit the powerful.

The second issue I must comment on is the long overdue repeal of the section 152 caps. Both the ABC and Commercial radio have benefitted by this archaic 'special circumstance' for far too long. As income levels for Recording Artists and Musicians continue to diminish the Commercial Radio sector still insists they need to be subsidised by the Artistic Community. This is inequitable.

Copyright is a property right - a property right that society grants to creators to reward their contribution to culture. It is already limited by the principle of Public Domain. Artists depend on Copyright to make a living, support families and live decent lives.

Theoreticians pontificate - Artists create - A society that doesn't respect the rights of all its members is flawed. Please consider any potential changes to the current Copyright Act very carefully.

Yours faithfully,

Graeme Connors