



South Australian **Film Corporation**

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Australian Law Reform Commission
GPO Box 3708
Sydney NSW 2001
info@alrc.gov.au

Dear Chair

Inquiry Into Copyright and the Digital Economy

I am writing as the Chief Executive of the South Australian Film Corporation, on behalf of Film Victoria, Screen ACT, Screen Queensland, ScreenWest and Screen Tasmania, in regards to the current *Inquiry Into Copyright and the Digital Economy*.

We represent the peak screen agencies in our respective states and territories. At the core of each of our businesses is the support for the development and production of film, television and other digital products in our respective jurisdictions. Hence, we have a significant interest in any developments that could assist or impede the creation of intellectual property by our stakeholders.

Our agencies are unanimously opposed to the ALRC proposals to replace current copyright settings with a broad fair use regime and voluntary licensing.

In summary, we contend that the ALRC proposals:

- Go well beyond similar reviews and proposals in other countries;
- Would create a regime of exceptions that would cause unnecessary uncertainty
- Ignore the commercial realities of the digital economy and would be detrimental to the creation of intellectual property;
- Put forward a “patchwork” solution that is a less efficient means of achieving results that are already achieved under existing legislation.

Our overall concern is that many important and legitimate sources of income for the production sector would be undermined, and that exceptions that producers rely on in production would be replaced with a ‘fair use’ regime that would only become established through litigation.

The sector would be required to spend millions of dollars and years of effort in litigation to try to re-establish its rights while at the same time coping with the loss of income from Screenrights licences. There would be reduced returns for films and programs which would increase uncertainty and most likely result in reduced investment in Australian production. Finally, voluntary licensing would benefit overseas production where rights are cleared for global markets, and disadvantage Australian productions which do not have these economies of scale.

Our agencies support the submissions of Screenrights, and share its stated concerns regarding the ALRC inquiry's recommendations around Fair Use, Statutory Licensing, Voluntary Licensing, Retransmission and the Definition of Broadcast.

Thank you for the opportunity to make a submission to this review. We would be happy to provide any further information you require, or to make representations in person if that would be useful to your considerations.

Regards

A handwritten signature in black ink, appearing to read 'Richard Harris', written in a cursive style.

Richard Harris
Chief Executive Officer