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**BY EMAIL: copyright@alrc.gov.au**

The Executive Director

Australian Law Reform Commission

GPO Box 3708

SYDNEY NSW 2001

Dear Executive Director

**Copyright and the Digital Economy**

I am an Australian singer, songwriter, producer and pianist, whose work has encompassed a wide array of musical genres, including pop, rock, jazz, opera, folk, classical and dance. I have enjoyed a long and successful career both as a solo act and as a member of *george* and *Elixir*. Since 1996, my bands and I have been the proud recipients of a number of prestigious honours, including 4 ARIA awards, and we and I have released a number of albums, many of which went platinum. Having experienced a wide range of aspects of the local music industry, I am pleased to offer my insights to the ALRC in the course of their consideration of Australian copyright law.

Strong copyright protection is a key element of my business model, as it would be for many career musicians. For me, music is everything and my compositions are my work. I think it is vital for our body of work to be protected as much as possible. That is why, in my experience, Australian musicians so appreciate, and rely on, APRA and all those bodies that help us administer our copyright.

It is important for me to interact with digital music services. I share my work on SoundCloud, so that the public can listen to it but not download it. Occasionally, I share my music via Facebook, although less regularly.

In my experience, I have observed vast advancements in the consumption of music, and I strongly reject any suggestion that strong copyright protection – something so vital for career musicians – unjustifiably interferes with innovation.

I understand that the ALRC has considered the possibility of changing the law around sampling. I appreciate that there must be many theoretical proposals on the subject, but as someone who relies on practical copyright protection on a daily basis, please understand that I consider it to be absolutely unfair for someone to use a substantial part of my work as a sample in their song without their having first sought my permission. The prospect of someone sampling my work is a very frightening one, because when someone creates art, when a person creates their work, they put everything into it. They affix their own stamp so that they are happy to share it with the world with their name attached to it. Having interacted with so many sections of the Australian music industry, I would not consider it an overstatement to say that this feeling is typical of songwriters and performers.

I would be very worried that someone could sample my work without my permission and use it in a way that I do not like or agree with – for example, with objectionable lyrical content. This is a very frightening idea and very bad proposal.

The impact of this on the market for the licensing of my songs would obviously be loss of income, but more importantly, it would mean loss of control. When it comes to my creations – my work, my art, my music – I want to control it as much as I can because they are a reflection of who I am. That is why I feel strongly about this point whether the new work is a commercial production or an amateur one that is uploaded online. It is not about money or income as much as it is about retaining control of your art.

Undeniably, this question is not always clear-cut. I sympathise with the viewpoint that fans who engage and connect with one’s music should not be discouraged from doing so. But when I consider that my work could be uploaded in a really detrimental and demeaning way and in a manner that I do not agree with, I believe that the law should protect the creator from such a scenario. The law should require the creator’s consent to deal in such a way with his or her art. I have had plenty of situations where I have given my music for free to a cause that I believe in like a charity or a young filmmaker making a film. I have done that many times and waived many fees because I want to support what they do, but they have always sought my permission first and credited the work properly. For these reasons, I believe that the permission of the creator should be sought first.

Additionally, in the current digital environment, where everyone is so easily contactable, there simply is no justification for the argument that the law should make it more, rather than less, convenient to use someone’s work without permission. It is so simple to contact someone via social media or on their website to seek permission.

I also understand that the ALRC is considering the possibility of companies, like Apple or Google, not requiring a licence to reproduce music, even if the purpose of those reproductions is mainly just to facilitate the use of that music by consumers. It is entirely inappropriate to amend the law so that such companies can potentially make those reproductions for free. It is incomprehensible that those companies should get something for nothing, and then charge their users for access to it.

I also understand that the ALRC is considering changing the law to allow the education industry use music for free under a fair use exception. This is an unreasonable proposal, and one that is unfair to creators. The education industry is free to make contact with the artist, and if the artist chooses to donate their work for an educational cause they support, then that is the artist’s choice. But the education industry should absolutely have to seek the permission of the artist first.

Thank you for considering these submissions. Again, I sincerely hope that my practical experience in the music industry over many years can give some insight to the ALRC as it considers the merits of certain copyright laws.

Yours sincerely,

Katie Noonan