**755. L Morrison OAM (BSW MLS)**

To; Professor Jill McKeough

Commissioner

Australian Law Reform Commission

GPO Box 3708

SYDNEY NSW  2001 7 August 2013

Dear Commissioner,

 I am writing to comment on the Australian Law Reform Commission’s Discussion Paper, *Copyright and the Digital Economy*. As an Australian recording artist, who is a non composer, I have been following the Discussion Paper and proposals put forward from day one. Any action as a result of the Discussion paper can affect the income of the recording artists I represent and the potential for them to make income from recordings.

I have been a professional musician since the late seventies most notably as the drummer with The Go-Betweens in the eighties and Cleopatra Wong in the nineties. I play on a catalogue of recordings being played regularly on radio and television.

I am also the National Welfare Coordinator for Support Act Limited. This is a music industry registered charity providing support and funds for career musicians, and those who worked with them behind the scenes, and who have no other means of assistance when illness or injury affects them. This means I am dealing with recording artists regularly as they age and become seriously ill and can no longer afford their market rents and other life necessities. There is no super!

I have been the artist representative on the board of the Phonographic Performance Company of Australia Limited (***PPCA***) for nearly twenty years. This is an elected position by the recording artists registered with PPCA to receive royalties for the uses of their recordings. My role as a PPCA artist representative has given me an insight into the importance of the laws affecting the licensing of sound recordings in Australia and particularly the current discriminatory treatment of sound recordings under section 152 of the Copyright Act.

For twenty years I have railed to government against the fact that recording artist’s income is limited by the unfair legislation which is section 152 radio caps. Recording artists receive income from PPCA when they are contracted to an owner label but they are also in many cases the owners of the recording and receive PPCA income as the owner. Songwriters are not subject to this cap when their songs are communicated on radio. The market should determine the value of the works not legislation.

Recording artists who struggle to make a living should not be subsidizing radio which is a direct result of the legislation. It is unfair legislation. A number of reviews into Australian IP legislation have agreed with this, including Henry Ergas in the late nineties. I urge the Commission to recommend that both caps be repealed.  This would be of significant benefit to Australian and international recording artists.

I also support PPCA’s submissions regarding the repeal of section 199(2). Again songwriters are not subject this absurd legislation! When is music not music - when it is played through a radio? Further internet streaming and simulcasting must be properly treated as being separate to broadcasting under copyright law. Seriously the internet is not a broadcast, has a far wider reach than a broadcast and is a completely unique form of technology that is not a broadcast technology.

Through my job as the social worker with Support Act I have seen how important broadcasting income is to artists, particularly with the loss in the sale of recorded music with p2p networks.  We have all felt that loss of income. So Australian recording artists rely on PPCA income and deserve to have PPCA negotiate market rates with the radio in the same way that this is done with APRA, the collecting society for songwriters.  It takes years of hard work and a lot of money to buy and learn instruments, rehearse a band, write, arrange, rehearse the material, tour for years and keep the band on the road to build up a catalogue of material and fan base. All that before paying for the recording and video! And it takes years to see a return. This is a business. Legislation should treat it like every other business. Repeal the cap!

 I am happy to meet with you to discuss the issues at length. Please let me know if you require any further information. Yours sincerely, Lindy Morrison OAM (BSW MLS)