

8 June 2011

Convergence Review Secretariat
Department of Broadband, Communications and the Digital Economy
GPO Box 2154
Canberra ACT 2601

By email: convergence@dbcde.gov.au
Total number of pages: 4

Dear Sir/Madam

CONVERGENCE REVIEW – FRAMING PAPER

Screenrights is a copyright collecting society representing rightsholders in film, television and radio. We administer a number of statutory licences in the Copyright Act, 1968, offer voluntary licences and provide other services on behalf of our members.

Screenrights welcomes the Convergence Review and the opportunity to comment on the Framing Paper. We also commented on the draft terms of reference.

General comments

A thorough consideration of the impact on the communication and media sectors of new technologies and the delivery mechanisms provided through platforms such as the National Broadband Network is timely.

Screenrights' members are especially interested in the review, as these issues are central to the content creation industries, particularly the audio visual sector. If Australia wants to be a participant in the creation of a digital future rather than **a mere consumer** of other countries' content and services, it is crucial that we get the policy framework setting right.

We want the framework to encourage diversity of content along with diversity in the mechanisms to access this content.

Our current broadcasting regulations have contributed to the creation and distribution of local content. In looking at new horizons, the committee should be mindful of both the strengths and the weaknesses in the current environment.

The committee should ensure that the desirable policy objective of facilitating access to content does not discourage investment in the creation of new content.

The creation of audiovisual content requires substantial investment into a sustainable production community. In order to encourage this, investment needs to be returned and replenished – and this necessitates a fair copyright system which encourages risk, reward and access.

The principles

Screenrights is in broad agreement with all of the eight principles in the Framing Paper.

We would like to briefly comment on some of the principles.

Principle 1: Australians should have access to a diversity of voices, views and information.

We strongly agree with this principle. A strong local content industry provides a diversity of voices, views, entertainment and information. Without this, we risk becoming a mere receiver and consumer of overseas content instead of being creators, innovators and exporters of our content.

Principle 2: The communications and media market should be innovative and competitive, while still ensuring outcomes in the interests of the Australian public.

Screenrights strongly supports this principle.

Access regimes such as the retransmission provisions in the Copyright Act, which allow for the retransmission of free to air broadcasts by other services (such as pay television, mobile phones and IPTV) work effectively and will do so in the NBN environment. These provisions balance the need for access to content, with ensuring reward to creators for their work. We are confident that market demand will continue to ensure that new IPTV services carry free to air broadcasts under these provisions.

Principle 3: Australians should have access to Australian content that reflects and contributes to the development of national and cultural identity.

Screenrights strongly agrees with this principle.

It is clear from the Background Paper that one of the Review's primary concerns is the impact of convergence on the ability of the Australian public to have access to Australian content telling Australian stories.

Technologies such as the NBN will vastly accelerate online access to audio visual content produced around the world, enable new distribution channels for Australian content, and provide the means for Australian creators to reach new audiences.

However, new technologies also create a risk that Australian content will be swamped and lost in this new communications environment – an outcome which would surely be an unintended consequence of the investment into new communications infrastructure. Screenrights believes any policy framework must consider the importance of maintaining a strong local industry.

Principle 4: Australians should have access to news and information of relevance to their local community.

Screenrights strongly agrees with this principle.

Having administered the education copying licence across all Australian schools, universities and TAFES for 20 years, we have strong evidence of a demand and hunger for local news content. Schools want to teach their students about the issues that are of most immediate impact to students and their communities.

Principle 6: Australians should have access to the broadest range of content across platforms and services as possible

Screenrights agrees with this principle and notes that fair and transparent access regimes are crucial.

Principle 8: The government should seek to maximise the overall public benefit derived from the use of spectrum assigned for the delivery of media content and communications services

Screenrights supports a diversity of services and platforms for content delivery, and the fair management of this for the public benefit.

Other policy considerations

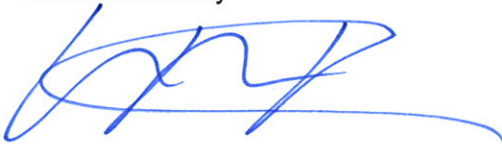
Screenrights notes the reference to Australia's international responses to convergence and Australia's international obligations in paragraph 5 (g) of the Terms of Reference. In particular we note Australia's compliance with its key international copyright treaties and free trade agreements incorporating copyright norms. These set out a balanced framework to ensure that creators are both encouraged and access to their content is facilitated, ensuring that the rights and interests of creators and users are protected according to international norms.

Conclusion

Screenrights supports the release of a principles paper to provide a context and shared understanding of what the review is trying to achieve.

Thank you again for the opportunity to comment on the Framing Paper. We hope that is of assistance to the Department in the formulation of this important Review. I look forward to participating in the Review on behalf of Screenrights and our members.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'SL', with a long horizontal flourish extending to the right.

Simon Lake
Chief Executive