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25 February 2022

**BY EMAIL**

The Director  
Copyright Law Section  
Department of Communications and the Arts  
GPO Box 2154  
Canberra ACT 2601

**Response to Discussion paper—Exposure Draft Copyright Amendment  
(Access Reform) Bill 2021 & Review of Technological Protection  
Measures Exceptions**

To the Director,

The Australian Guild of Screen Composers (AGSC) is pleased to provide a response to the Discussion Paper above.

The AGSC represents over 250 Australian screen composers both in Australia and working internationally, whose work features across television, online streaming platforms, feature films, documentary films of all lengths, short films, web content, advertising, gaming, multi-media works and live performances that incorporate screen and other media. The AGSC has been in existence for more than 40 years, championing, cultivating and advocating on behalf of its members and the screen composing and screen music community in Australia. We work closely with our colleagues at APRA AMCOS, who collect on behalf of the majority of AGSC members. We are an affiliate member to the Australian Copyright Council (ACC) and support the work that this organisation does to uphold the copyright of creators including screen composers and other artists.

**The AGSC has had the opportunity to review the submissions made by the ACC and APRA AMCOS in response to the Draft Exposure Bill and the AGSC endorses the concerns and issues raised by both of their organisations in those submissions.**

The Minister stated in the Media Release, “Australia’s copyright system underpins our creative economy and these reforms provide clear and reasonable access to copyright materials, while maintaining the incentives and protections for content creators”.<sup>1</sup>

However, it our belief that the reforms presented in the Draft Exposure Bill released just before Christmas 2021, at a time when the creative industry was once again reeling from of the outbreak of the Omicron variant, do not support the creative economy in the way that the existing Copyright Act does.

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<sup>1</sup> Ministerial Media Release, December 2021

In addition there has not been sufficient consultation with the creative sector on these reforms. We also believe that the proposed reforms dilute rather than protect existing rights that allow creators to be fairly compensated for use of their work, particularly through voluntary and other licencing arrangements made by the collection agencies who act on behalf of the creative sector.

In line with the APRA AMCOS submission, the reforms we are particularly opposed to are:

- The repeal of sections 28 and 200 of the Act and the broadening of exceptions for educational institutions in the new sections 113MA, MB, MC (Schedule 4: Education); and
- The amendments to section 106 of the Act.

Alongside APRA AMCS, our concerns are also with the current drafting of:

- The new sections 113KC, KD, KE, and KF (Schedule 3: Libraries and archives etc.); and
- The new section 113FA (Schedule 2: Fair dealing for quotation).

Our opposition to and concern with these reforms is because we believe that the policy basis for reforms is not clear; there is strong possibility that these reforms will adversely affect the creative sector, and allow for the free use of creative works that would normally bring fair remuneration to the creators through existing licencing arrangements, which they rely to live; and because these reforms are contrary to Australia's international obligations, in particular to the Berne Convention.

Any reforms that reduce creators receiving fair remuneration for use of their works should not be included in the amendments to the Copyright Amendment (Access Reforms) Bill 2021.

Yours sincerely,



Annie Parnell  
Executive Director  
Australian Guild of Screen Composers



Antony Partos  
President  
Australian Guild of Screen Composers