

---

**AUSTRALIAN COPYRIGHT COUNCIL'S SUBMISSION IN RESPONSE TO  
REVIEW OF THE CODE OF CONDUCT FOR COPYRIGHT COLLECTING SOCIETIES ("REVIEW")**

**MARCH 2018**

**A. VIEW OF THE AUSTRALIAN COPYRIGHT COUNCIL**

1. The Australian Copyright Council (**ACC**) welcomes the Review as an important public process of increasing confidence in the role and operations of collecting societies as representatives for Australian creators. While collecting societies are but one vehicle in ensuring that creators are fairly paid for the use of their work, the ACC acknowledges that properly functioning collecting societies perform a valuable role in an overall framework that must necessarily further and protect the interests of creators.
2. The ACC supports, in principle, the recommendations contained in the Draft Report dated February 2018 and makes the following comments:
  - 2.1 Our primary concern is to ensure that protections afforded to rights holders are not undermined (inadvertently or otherwise) by amendments to the Code;
  - 2.2 To that extent, and noting the participation of the ACC in the process as a member of the External Review Group (**ERG**), we acknowledge that:
    - 2.2.1 There has and continues to be a reasoned and appropriately mediated approach taken by the Bureau of Communications and Arts Research (**BACR**) in its oversight of the review process. Accordingly, we note that the Draft Report and the ERG meetings held to date reflect a desire by BACR to acknowledge the interests of all stakeholders, including rights holders; and
    - 2.2.2 Those participating in the ERG process have, likewise, evidenced a conciliatory approach.
3. Noting that amendments to the Code will affect collecting societies both large and small, we would ask that the Department be mindful of the specific logistical challenges faced by different collecting societies in the implementation of certain amendments to the Code, both in relation to the timing of its introduction and flexibility in its application.

**B. ABOUT THE AUSTRALIAN COPYRIGHT COUNCIL**

1. The ACC is an independent, non-profit organisation that represents the peak bodies for professional artists and content creators working in Australia's creative industries and Australia's major copyright collecting societies. We are advocates for the contribution of creators to Australia's culture and economy. Copyright is important for the common good.
2. A full list of our affiliates is available on our website, [copyright.org.au](http://copyright.org.au).

**C. CONCLUSION**

1. The ACC is thankful to the Department of Communications and the Arts (**Department**) for considering the terms of this submission. Should the Department have any queries or require any further information, please contact:

Grant McAvaney  
Chief Executive Officer  
Australian Copyright Council  
Phone: (02) 9101 2384  
Email: [grant.mcavaney@copyright.org.au](mailto:grant.mcavaney@copyright.org.au)