

Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra ACT 2600
Australia

Sir/Madam

Re: Copyright Amendment (Film Directors' Rights) Bill 2004

The Australian Film Commission welcomes the opportunity to provide comment to the Senate Legal and Constitutional Committee on the Copyright (Film Directors' Rights) Amendment Bill.

The AFC notes that the proposed Bill is consistent with the Government's election commitment that it would *'amend the Copyright Act to give, for the first time, film directors rights to copyright in the films they direct'* and acknowledges that *'in proposing to introduce the Bill into Parliament, the Government has made a decision on the policy reflected in the amendments'*.

The AFC also notes that the proposed Bill is consistent with the Government's stance on moral rights. The Copyright Amendment (Moral Rights) Act 2000, acknowledges Producer, Scriptwriter and Director as the co-authors of a film.

The AFC supports the Government's policy to introduce the Copyright Amendment (Film Directors' Rights) Bill 2004.

However, the AFC believes further clarification of the term 'commissioned film,' under Section 98 of the Copyright Act is required. The AFC notes that SBS Independent has recently become involved in the commissioning of feature films from independent filmmakers. It is unclear under the Bill in its current state, whether directors will be an owner of the copyright in a commissioned SBSI film, in so far as the copyright consists of the right to include the film in a retransmission of a free-to-air broadcast.

Yours sincerely

Kim Ireland
Director Policy, Research and Information

29 June 2005