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SUBMISSION
BY
AUSTRALIAN COALITION FOR CULTURAL DIVERSITY
TO THE
JOINT STANDING COMMITTEE ON TREATIES
CALL FOR PUBLIC COMMENT
ON
SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT

MAY 2003

Australian Coalition for Cultural Diversity

The Australian Coalition for Cultural Diversity was established in 2002 in response to concerns about the protection of cultural diversity in the context of international trade negotiations and comprises the following organisations:

Arts Law Centre
Australasian Performing Right Association
Ausdance
Australian Guild of Screen Composers
Australian Interactive Multimedia Industry Association
Australian Library and Information Association
Australasian Mechanical Copyright Owners Society
Australian Publishers Association
Australian Screen Directors Association
Australian Society of Authors
Australian Writers' Guild
Copyright Agency Ltd
CREATE Australia
Media Entertainment & Arts Alliance
Museums Australia
Music Council of Australia
Musicians Union of NSW
National Association for the Visual Arts
Screen Producers Association of Australia

The Australian Coalition for Cultural Diversity (ACCD) welcomes the opportunity to comment on the Singapore Australia Free Trade Agreement (SAFTA).

ACCD was established last year in response to growing concern about the status of cultural industries in the context of the negotiation of trade agreements – bilateral and multilateral.

ACCD is aware of the Federal Government's stated position in respect of the audiovisual industries, as articulated, for instance, in the Australian Intervention made in Geneva in 2001:

“Australia remains committed to preserving our right to regulate audiovisual media to achieve our cultural and social objectives and to maintain the broad matrix of support measures for the audiovisual sector that underpin our cultural policy; including retaining the flexibility to introduce new measures in response to the rapidly changing nature of the sector.”¹

and in respect of the cultural industries more broadly as articulated on 3 March 2003 by the Hon. Mark Vaile, MP, Minister for Trade, announcing Australia's objectives in the forthcoming negotiations for a free trade agreement with the United States:

“We will ensure outcomes from the FTA negotiations do not impair Australia's ability to deliver fundamental objectives in health care, education, consumer protection and supporting Australian culture and identity. The Government remains committed to preserving its ability to regulate in relation to social and cultural objectives, and will ensure the FTA is consistent with that goal.”²

However, ACCD has nonetheless been concerned about increasing pressure, particularly from the United States, to see fundamental liberalisation of cultural industries achieved in the context of trade negotiations.

The reservation for cultural industries negotiated in SAFTA is therefore welcomed by ACCD. SAFTA contains the basic elements needed to protect Australia's cultural industries – the reservation is comprehensive, it is technology neutral, it operates regardless of the delivery platform utilised and contains no standstill provisions.

ACCD notes that the Government's ability to regulate foreign ownership of the media has been protected. The cross media ownership and foreign investment rules governing the operation of the media in Australia have been fundamental in ensuring Australia has a healthy and diverse media industry. The decision to exclude content from commitments made in respect of e-commerce is also welcomed, particularly as the manner in which e-commerce might develop in the future can only be a matter of conjecture.

ACCD considers that SAFTA will stand as a precedent for negotiations for all future negative listing trade agreements. It also flags the fact that Australia is unlikely to make commitments in respect of these industries in positive listing agreements such as the General Agreement on Trade in Services. SAFTA clearly establishes Australia as a nation that believes in the importance of cultural diversity and as a nation that believes it is in the national interest to retain the right to implement any such measures as may be considered appropriate to foster and support its arts, entertainment, broadcasting, media, audiovisual and cultural industries.

ACCD members are aware of and appreciate the level of consultation undertaken by the Department of Foreign Affairs and Trade with industry stakeholders during the negotiations for SAFTA and are gratified that the concerns of industry have been acknowledged and accommodated in the drafting of the agreement.

¹ Australian Intervention on Negotiating Proposal on Audiovisual Services, CTS Special Session, Geneva, July 2001, available online at www.dfat.gov.au

² The Hon Mark Vaile, MP, Minister for Trade, press release 3 March 2003, available online at www.trademinister.gov.au/releases/2003/mvt013_03.html