

8/50 Reservoir Street Surry Hills
NSW 2010 Australia
Telephone (02) 9281 1554
Facsimile (02) 9281 4321
Email admin@awg.com.au
<http://www.awg.com.au>
Emeritus President David Williamson
ABN 38 002 563 500



Australian Writers' Guild

Brenton Holmes
Committee Secretary
Senate Select Committee on the Free Trade Agreement Between Australian and the
United States of America
Romm S1.30.1
Parliament House
Canberra ACT 2600

By fax: 2 6277 3830

27 May 2004

Dear Brenton,

Please find below my answer to the question I took on notice from Senator Brandis on
Tuesday 4 May 2004 (pg 16 of Proof Committee Hansard)

Ms Elliott:

The Australian Writers' Guild is the peak professional body representing performance
writers in Australia. On behalf of our members we work to improve professional
standards, working conditions and remuneration; protect their creative rights; and
promote the Australian cultural voice.

The AWG has, from the beginning, supported the Australian Government's intention of
negotiating a free trade agreement that was of benefit to the Australian national interest.
The AWG is not anti-American and not anti-free trade. However, on balance, we see no
net economic benefit to Australian performance writers, be they copyright creators,
owners or users, in this agreement.

The AWG believes that the Australia - US Free Trade Agreement cedes Australia's
national sovereignty over our own cultural agenda to an overseas entity which has no
interest in the maintenance of a viable and vibrant Australian cultural industry. The
AWG believes that this agreement will lead to a steady decline in the overall quantity of
Australian written and produced material on our screens over the next few decades.
This agreement institutionalises lower aspirations of Australian content and delivers
Australian children a future where they will have limited access to Australian stories on

their screens. Concurrent with this will be an overall decline in the amount of work vested with AWG members' intellectual property.

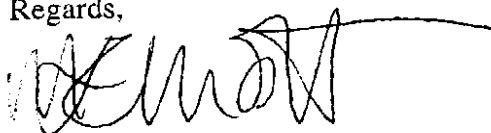
The AWG notes that there are competing arguments about whether an extension of copyright term will actually benefit copyright owners (see for example, Milton Friedman et al, *The Copyright Term Extension Act of 1998: an economic analysis*, AEI-Brookings Joint Center for Regulatory Studies, available at <http://www.aei-brookings.org/admin/authorpdfs/page.php?id=16>, which found that the economic benefit of the extra twenty years to copyright owners was less than one US cent a year for an individual work and was, therefore, unsustainable as an economic argument for extension).

The AWG strongly supports the strengthening of anti piracy measures to improve the economic well-being of its members who are copyright owners.

However what concerns us most is the context through which these decisions have been made. As the AWG has said, a bilateral trade agreement is not the forum through which such monumental changes to Australian copyright policy should have been made and we had been assured by Australian negotiators throughout the negotiating period, that those changes would not be made. Indeed we were assured of this again in our meeting with the Prime Minister in November 2003.

The AWG queries the fundamental use of the extension to copyright in a context where there will be little Australian product to protect for an additional twenty years. The AWG asks what is the point of harmonising our copyright laws with the US and the EU if the cultural material which is protected for an additional 20 years is primarily American in origin? As we have consistently argued, without the broad cultural exclusion which was negotiated in the Singapore - Australian US Free Trade Agreement, the Australia - US Free Trade Agreement attacks the future viability and growth of the Australian film and television industry by encouraging the powerful interests of Hollywood producers to override our own cultural policies.

Regards,



Megan Elliott
Executive Director