

SENATE SELECT COMMITTEE
ON THE USFTA,
PARLIAMENT HOUSE
CANBERRA, A.C.T. 2600

Hello!

I am writing this submission as an actor and member of the media Entertainment & Arts Alliance and as an Australian voter to bring my concerns to The Senate Committee inquiring into the Free Trade Agreements' attention.

The Australian entertainment industry only exists because of an intricate web of support mechanisms provided by the Australian and State Governments. These mechanisms have changed over time to respond to the ever-changing landscape in the entertainment industry.

The free trade agreement negotiated between the United States and Australia puts strict limits on the ability of Government to respond to future changes. These limits include:

- The Government may not impose local content requirements on most pay television channels;
- Of those pay television channels where the Government may act to impose local content rules the level of local content is set at very low levels, in no way similar to the current free to air television rules;

- The Government will never be able to regulate existing media (unless currently regulated) for local content. This means cinema (including e-cinema) may never be regulated;

- The Government may not begin to act to introduce rules for interactive media until the level of access for Australian audiences to local production is already found to be at unacceptably low levels. There is no ability to take pre-emptive action.

Also under the FTA in the audiovisual sector free to air television and Australian made commercial quotas can never be increased, only reduced as proposed.

Potentially 80% of channels in a free to air - multi-channel environment will have no requirement to broadcast Australian programs.

There is no provision for Australian musicians quotas on pay television music channels.

The definition of public services excludes services provided on a commercial basis or in competition with other service providers. So SBS advertising or ABC product marketing could be seen as services in competition with others. This ambiguity may mean the United States could challenge some aspects of public broadcasting.

As subsidy was excluded from the agreement, government funding to the performing arts is not supposed to be affected. However I understand that the United States impact reports are saying Australia has liberalised performing arts and other cultural services.

any free trade agreement we enter into should ensure that Australia remains free to respond to changes as and where it sees fit. Australia must be free to introduce any new measures at any point in time and for all technologies to meet Australia's cultural objectives as our Governments determine them. The Federal Government did secure such an arrangement in the Singapore/Australia Free Trade Agreement that protects its cultural interests.

By providing this information I trust the Senate Committee will strive to maximise Australia's continued cultural effectiveness. In accordance with long-standing ^{Australian} Government policy,

Please vote against any and all legislative changes required to bring this proposed agreement into effect.

Yours faithfully

D. Kelly.