

**Independent ■
Film & Television
■■■ Alliance®**

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SUSAN CLEARY
Vice President and General Counsel

February 2, 2009

Senator Trish Crossin
Chair
Senate Legal and Constitutional Committee
25 Chung Wah Terrace
Palmerston NT 0830

Sent via Facsimile to Committee Secretary at 61 2 6277 5794

**Re: Personal Property Securities Bill 2008- January 29, 2009 Hearing of the Senate
Standing Committee on Legal and Constitutional Affairs**

Dear Senator Crossin:

On behalf of IFTA and its Members, I would like to thank you and the Members of the Senate Committee on Constitutional and Legal Affairs for providing IFTA with the opportunity to speak in support of IFTA's Submission (Submission 22) on the proposed Personal Property Securities Bill 2008.

We commend the Government's initiative to improve Australia's existing personal property securities law. However, as we discussed, treating intellectual property the same as tangible property can have unintended consequences on the independent film industry and create uncertainty as to the application of intellectual property law on certain provisions of the Bill. While we think that intellectual property interests should be included in the Bill, we also believe the Bill should be adjusted to defer to established intellectual property law and practice in case of conflict.

Please note that we intend to follow up with the Committee regarding our comments on the Hague Securities Convention. If there is any other additional information the Committee would like us to provide, please let me know. Thank you.

Respectfully,


Susan Cleary
Vice President & General Counsel

With copies to

Senators Barnett, Farrell, Feeney, Fisher, Hanson-Young, and Marshall
Lorin Brennan, IFTA Legal Consultant
Jean M. Prewitt, President & CEO, IFTA