

01 November 2011

Convergence Review Secretariat
Department of Broadband, Communications and the Digital Economy
GPO Box 2154
CANBERRA ACT 2601

By email: convergence@dbcde.gov.au

Dear Sir/Madam

**NFSA SUBMISSION IN RESPONSE TO THE EMERGING ISSUES PAPER AND
THE DISCUSSION PAPERS OF THE CONVERGENCE REVIEW**

The National Film and Sound Archive of Australia (**NFSA**) is a statutory authority established by the *National Film and Sound Archive of Australia Act 2008*. It is Australia's national audiovisual archive, responsible for collecting, preserving and providing access to the nation's moving image and recorded sound heritage (**national audiovisual collection**).

The NFSA made submissions on the proposed Terms of Reference and the Framing Paper of the Convergence Review.¹ The NFSA has considered the Emerging Issues Paper and the Discussion Papers and was represented at the forum hosted by the Department of Broadband, Communications and the Digital Economy in Sydney on 1 August 2011.

The NFSA appreciates that the Review Committee is seeking public comment focussed on solutions to the issues discussed in the papers.

1. AUSTRALIAN AND LOCAL CONTENT

The Emerging Issues Paper and the Australian and Local Content Discussion Paper consider the content rules which require media platforms to distribute Australian and local content to audiences. The NFSA is in a unique position to appreciate the appetite that audiences have for (digital) Australian content and the importance which this content plays in defining Australian culture.

The national audiovisual collection currently contains more than 1.6 million items, comprising 334,000 audio recordings, 442,000 moving image works and 870,000 associated documents and artefacts of

¹ http://www.dbcde.gov.au/digital_economy/convergence_review

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cultural significance. This includes the first film images and sounds recorded in Australia in the 1890s right through to the most recent high profile film and sound and recordings. The common feature of the collection items is that, as stated in the NFSA's Collection Policy, they were created by or involving Australian people.²

The NFSA supports all efforts which enable the production of quality content of this type for distribution across all platforms. In the converged media environment where internet content from all origins competes for the same audience, new models will need to be found to encourage the creation and distribution of Australian and local content. This content should be as plentiful and as of high quality in the converged space as it is in the current print, cinema and broadcast media.

A revision of quotas could have impact in this regard. The NFSA believes that quotas should be as far reaching as possible to ensure that not only do platforms continue to deliver Australian content but that those platforms which represent themselves as being Australian actually support Australian and local content.

The NFSA believes that more could be done for the production and distribution of Australian content through extended support by the Government of programs like the Film Australia Collection³ and any initiatives which enable the NFSA to more easily make culturally significant content more accessible. The NFSA has addressed these matters elsewhere in the context of the Government's proposal for a National Cultural Policy.

The NFSA encourages the Review Committee to consider the research frequently reported by Screen Australia, Australia's national film funding body, to understand the trends influencing the development of new productions and audiences.

2. REGULATION OF ACCESS TO CONTENT

The submissions of the NFSA to date emphasised the need for amendments to content regulation, specifically copyright and classification law, to address the access needs of the NFSA and its stakeholders in a converged media environment.

The Review Committee has addressed classification as an issue in the Community Standards Discussion Paper. The NFSA strongly supports efforts to harmonise classification standards across content types and delivery platforms and to allow cultural institutions to self-classify the content they make available.

As the Government is now dedicating separate reviews to access issues, the NFSA does not propose to state all of its proposed solutions to the Review Committee. The NFSA encourages the Review Committee to refer to the NFSA's submissions to the following reviews.

Review of the National Classification Scheme: achieving the right balance⁴

Senate Legal and Constitutional Affairs References Committee
Report published 23 June 2011

National Classification Scheme Review⁵

Australian Law Reform Commission
Proposals published for public comment by 18 November 2011

² NFSA Collection Policy (May 2011) p 2, <http://nfsa.gov.au/collection/collection-policy/>

³ <http://nfsa.gov.au/collection/film-australia-collection/>

⁴ http://www.aph.gov.au/senate/committee/legcon_ctte/classification_board/report/index.htm

⁵ <http://www.alrc.gov.au/inquiries/national-classification-review>

Revising the Scope of the Copyright 'Safe Harbour Scheme'⁶

Attorney-General's Department

Consultation Paper released for public comment by 22 November 2011

Reference on the adequacy and appropriateness of copyright exceptions⁷

from the Attorney-General to the Australian Law Reform Commission

Terms of reference to be released in 2011 for public comment

National Cultural Policy⁸

Office for the Arts

Submissions currently under consideration

These reviews are scheduled to commence or report before the Convergence Review is scheduled to conclude in March 2012.

We appreciate the Review Committee's consideration of the NFSA's submissions. If you have any questions, please contact Adam Flynn, Acting Principal Legal Officer, by phone on 02 6248 2056 or by email at adam.flynn@nfsa.gov.au.

Yours sincerely



Michael Loebenstein
Chief Executive Officer

⁶http://www.ag.gov.au/www/agd/agd.nsf/Page/Consultationsreformsandreviews_RevisingtheScopeoftheCopyrightSafeHarbourSchemetheProcessofSeekingISPSubscriberDetailsinCopyrightInfringementMatters

⁷http://www.attorneygeneral.gov.au/www/ministers/mcclelland.nsf/Page/Speeches_2011_FourthQuarter_14October2011-KeynoteAddresssto15thBiennialCopyrightSymposium

⁸<http://culture.arts.gov.au/>