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SUBMISSION ON PROPOSED TERMS OF REFERENCE OF CONVERGENCE REVIEW

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

The NFSA believes that the Terms of Reference should refer to specific legislation that will be considered in reviewing the current policy framework for producing and delivering media content and communication services. This legislation would include copyright and classification laws, which are relevant to the distribution of content in the converging media environment.

To fulfil its role of promoting and providing access to screen and sound culture, the NFSA is looking to deliver content in new ways by exploiting converging technologies. It wants to ensure that Australia's copyright and classification regimes are able to support that activity.

1. Copyright Act 1968 (Cth)

Australia's copyright regime gives exclusive rights as an incentive to content creators, producers, and distributors, subject to exceptions in the public interest. As traditional copyright industries are disrupted by competing business models and audience uptake of new technologies, copyright balance will require review in a converged world. The new copyright paradigm will need to strike a balance between economic and public interests, in relation to obsolete, current, emerging and future content delivery platforms.

2. Classification (Publications, Films and Computer Games) Act 1995 (Cth)

The National Classification Scheme established by the above Act takes a fragmented approach to the classification of films, computer games and certain publications made available through different distribution channels. Taking film as an example, access to a single film through the internet, at a film festival, and at a cinema in Australia may currently be subject to different requirements and exceptions from classification by the Classification Board. There is also the perennial problem of Australia's Scheme and classification schemes in foreign jurisdictions having different classification standards for content accessed by the same audiences in the converged world. A more uniform and streamlined approach to classification regulation seems necessary if new technology is expected to offer more efficient content distribution and access.

The NFSA has a public access mandate and is therefore interested to ensure that the impact of classification regulation is minimised for cultural institutions like the NFSA, distributors and audiences.

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