

About Copyright Agency

We are a not-for-profit organisation with more than 38,000 members that are primarily writers, artists and publishers. We also represent a large number of writers and artists indirectly, via members who are agents, art centres and other copyright management organisations.

In 2020–21 we distributed \$88m in copyright fees and royalties to Australia’s creative industries, of which nearly \$60m was from the education statutory licence. We made payments to trade, educational and media publishers who employ and contract writers and artists and provide a path to market for freelance writers and artists, and we also made payments directly to writers and artists. These payments are based on a well-functioning copyright system that recognises the value of creative effort, and provides mechanisms for fair payments to creators and creative industries, including by taxpayer-funded institutions.

We are appointed by the Australian government to ensure fair payments from the education and government sectors (including some cultural institutions) for their copying and sharing of other people’s content. We are also appointed to manage the artists’ resale royalty scheme, which has generated nearly \$12m in royalties for Australian artists, of which more than 65% are First Nations artists. The scheme is being expanded to collect royalties from overseas, and will be supported by a systems overhaul. We also license the use of text and images in other sectors, including the business sector, as an agent for our members. This includes licensing artworks for a wide range of uses such as publishing, merchandise and fashion.

In addition to the fees and royalties we pay, we allocate about 1.5% of licence fees to cultural projects. In 2020–21, we funded 99 projects and grants, totalling almost \$2m. These included an ongoing investment of \$100,000 a year in Reading Australia, a platform that supports the teaching and reading of Australian literature in Australian schools, primarily by publishing teaching resources commissioned from teacher associations. It now has more than 260 teaching resources and 23,000 subscribers.

Challenges and opportunities for each pillar

1. First Nations	Increasing opportunities for First Nations creators to receive recognition for, and income from, their work, including by reducing inauthentic products and promoting authentic First Nations works, legal recognition of Indigenous intellectual property, better resourcing of pathways for First Nations creators, fair payments for copying and sharing of their works (including by taxpayer-funded institutions), and extension of the artists resale royalty scheme. A large proportion of the visual artists we represent are First Nations artists.
2. A Place for Every Story	Ensuring Australian stories and content, in all their diversity, are core to teaching materials for Australian students.
3. The Centrality of the Artist	Ensuring that creators are paid fairly for the copying and sharing of their works, including by governments, the education sector and taxpayer-funded institutions.
4. Strong Institutions	Ensuring Australia’s creative industries, and all the people connected with them, are effectively supported by the copyright system.
5. Reaching the Audience	Ensuring recognition by audiences that the creative outputs they enjoy result from investment of money, time and expertise that must be paid for, one way or another.

Importance of pillars to our members

1. First Nations	We support First Nations creators in a number of ways including by providing income to them from licensing of their works (from a variety of sources including 'blanket' licences for the education, government and business sectors and specific licences for inclusion of works in publications, homewares, and fashion), royalties from resales of their artworks, and grants from the Cultural Fund. We are also signatories to protocols for the use of Indigenous intellectual property, have a Reconciliation Action Plan, and advocate for First Nations creators in policy forums. We want to increase the income, recognition and opportunities for First Nations creators.
2. A Place for Every Story	We support people in Australia's creative industries, including those providing education resources, by providing income to them from licensing the copying and sharing of their works. We want them to be able to continue telling Australian stories in the content they create, and we want all Australians, from childhood through education to adulthood, to have access to Australian content and stories.
3. The Centrality of the Artist	We support creators by providing income to them from licensing the copying and sharing of their works, and royalties from resales of their artworks. We want to increase that income for them, and the opportunities for them to keep creating.
4. Strong Institutions	On behalf of writers, artists and publishers, we seek to maintain and enhance the copyright system that provides essential infrastructure support to Australia's creative industries. The system includes a legislative framework, but also best practice standards for institutions that copy and share other people's works, including those in the government, education and private sectors. We want people who copy and share other people's content, including those in the government and education sectors, to recognise the investment, time and skill that has gone into the content they are using, and make fair payments for it.
5. Reaching the Audience	Through our licensing arrangements, we enable the very broad availability of content for copying and sharing in the education, government and private sectors, and pay copyright fees and royalties to writers, artists and other people who work in Australia's creative industries. We want to increase access to content, subject to fair payments to the people who created it.

Things we would like to see in a National Cultural Policy

Integral role of the copyright system

- recognition of the integral role of the copyright system in supporting Australia's creative industries, such as the statements in the 2011 Creative Industries strategy:
 - 'Intellectual property rights power the creative industries'
 - 'Australia's intellectual property system ... assists creators to commercialise their ideas and creative works'
 - 'Australia is acknowledged internationally as having a strong and comprehensive intellectual property rights regime'
- a commitment to ensuring that Australia's copyright system continues to have the right settings to support Australia's creative industries, by providing incentives and financial reward for content creation
- recognition of the particular role of statutory licensing schemes for education and governments, which are designed to provide extraordinarily broad access to content in those sectors in return for fair payments to people working in the creative industries

- recognition of the economic contribution of copyright-based industries, such as the statement in Creative Australia: 'In 2007, the output of the copyright industries at the core of the cultural economy generated just over \$93.2 billion in economic value.'

Fair payments

- a commitment to promoting best practices for making fair payments to creators for the copying and sharing of their works, including by taxpayer-funded institutions

Intersection with education

- recognition that people involved in creating Australian educational resources for Australian students are part of Australia's creative industries
- a minimum threshold of Australian authored content in schools
- commitment to investing in the study of Australian literature in schools and support for dedicated writers-in-schools programs
- recognition of the role of the Reading Australia platform in supporting the teaching and reading of Australian literature
- support for a similar platform to support the teaching and appreciation of visual arts in Australian schools

Artists' resale royalty scheme

- recognition of the importance of the artists' resale royalty scheme to artists, particularly First Nations artists, and capacity for additional benefits via expansion, including by reciprocity with other countries with resale royalty schemes and mechanisms to increase reporting of resales

Proportionate support for Australian writing and publishing

- ensuring that support for Australian writing and publishing is proportionate to support for other areas of the creative industries
- recognition of the growing export potential of Australian writing and publishing, including for the education sector

Introduction of a digital lending right scheme

- introduction of a digital lending right scheme to enable more reading of Australian writing with fair payments to Australian writers and publishers

Inauthentic art and craft products

- measures to reduce inauthentic products and promote authentic First Nations works, including those in our submissions to Productivity Commission Inquiry into the Aboriginal and Torres Strait Islander Visual arts and crafts market

Publication of submission and attribution of words

This submission may be published.

Attribution to: **Copyright Agency**.

Contact: Libby Baulch, lbaulch@copyright.com.au

Please send your completed submission to culturalpolicy@arts.gov.au or upload it to the short form at www.arts.gov.au/culturalpolicy.