

Australian Copyright Council submission to the Aboriginal and Torres Strait Islander Visual Arts and Crafts Draft Report 5 September 2022

The Australian Copyright Council (the ACC) is grateful for the opportunity to make a submission on the Productivity Commission's (the Commission) [Aboriginal and Torres Strait Islander Visual Arts and Crafts Draft Report](#) (the Draft Report).

About the Australian Copyright Council

1. The ACC is a small, independent, not-for-profit, non-government organisation dedicated to promoting understanding of copyright law and its application. Representing the peak bodies for professional artists and content creators working in Australia's creative industries and, Australia's major copyright collecting societies, we work to foster collaboration between content creators and consumers.
2. The ACC is a unique organisation:
 - it is the only dedicated copyright expert organisation in Australia
 - its focus is on copyright as it applies to all art forms
 - it provides advocacy, advice and information on copyright issues
 - it is a membership-based organisation, representing over a million creators.
3. The ACC has [26 affiliate member organisations](#)¹ representing over a million writers, musicians, visual artists, designers, photographers, directors, performers, choreographers, producers, publishers, record labels and architects working in the Australian creative industries.

As part of its services, the ACC provides [information, education, training](#) and free, [written legal advice](#) to those who fall within its guidelines including the staff of libraries, galleries, museums and educational institutions.²

¹ See Appendix 1 of this submission.

² See Appendix 2 of this submission.

Background

4. The Draft Report and its recommendations centre on:
 - tackling inauthentic visual arts and crafts
 - recognising Aboriginal and Torres Strait Islander cultural rights, and
 - improving government support for artists and art centres.
5. The ACC's general comments are limited to the application/operation of the existing copyright framework and its impact on the issues raised by the information requests accompanying Draft Recommendation 5.1 (mandatory labelling scheme for inauthentic products) and Draft Recommendation 7.2 (new cultural rights legislation).³
6. This submission develops on the ACC's comments provided in response to the Commission's [Aboriginal and Torres Strait Islander Visual Arts and Crafts Issues Paper](#).⁴ It complements the ACC's submission to the 2019 Environment and Communications Legislation Committee's (the Committee) inquiry (Inquiry) into the [Competition and Consumer Amendment \(Prevention of Exploitation of Indigenous Cultural Expressions\) Bill 2019](#)⁵ which sought to amend the *Competition and Consumer Act 2010* (CCA) to 'prevent the proliferation of fake Aboriginal and Torres Strait Islander art and art products'⁶. The ACC's CEO, Eileen Camilleri, appeared before that Committee.⁷

The Copyright Act 1968 (Cth)

7. The *Copyright Act 1968* (Cth) (Copyright Act) outlines the:
 - **economic rights** for copyright owners, and
 - **moral rights** for creators of copyright material.

We comment below on the delineation of the two groups of rights and highlight other sections of the Copyright Act relevant to the work of First Nations artists in the context of the Draft Report.

Economic rights

8. Part III of the Copyright Act outlines the rights vested in original literary, dramatic, musical and artistic works (works).⁸ Visual arts and crafts fall within the definition of 'artistic works'⁹ which includes paintings, sculptures, drawings, engravings or photographs, as well as 'works of artistic craftsmanship'.
9. The economic rights for artistic works are set out in the Copyright Act, are exclusive rights of the copyright owner and include the right to:

³ Draft Report, Overview pp 35-38.

⁴ December 2021. [Initial Submissions, Submission no 14](#).

⁵ [Submissions – Parliament of Australia \(aph.gov.au\)](#)

⁶ [Explanatory Memorandum, Competition and Consumer Amendment \(Prevention of Exploitation of Indigenous Cultural Expressions\) Bill 2019 \(Cth\)](#) p 1.

⁷ See [Commonwealth Environment And Communications Legislation Committee, Senate, 6 November 2019](#) p 20.

⁸ Part IV of Copyright Act covers copyright in 'subject-matter other than works'.

⁹ Defined Copyright Act s 10.

- (i) **reproduce** the work in a material form
- (ii) **publish** the work, and
- (iii) to **communicate** the work to the public.¹⁰

Subject to certain exceptions set out in the Copyright Act, an infringement of copyright occurs when someone (other than the copyright owner) seeks to exercise any of those rights without the permission of the copyright owner.

- 10. As noted above, the definition of an 'artistic work' under the Copyright Act includes 'works of artistic craftsmanship'. Such works may include pottery, tapestries, weavings, jewellery, woodwork and other craft items.
- 11. A craft work is usually protected by copyright if its maker or designer intended it to be 'artistic' rather than functional¹¹. The position (in terms of copyright protection) for craft items that also have a function, is more complex as such items are often registrable as designs under the *Designs Act 2003* (Cth).
- 12. Design registration protects the 'look' or visual appeal of functional items. The Copyright Act contains provisions that limit copyright protection for items that are or could be registered as designs. These provisions – often referred to as the 'design/copyright overlap' provisions – will apply if an item is being produced in commercial quantities (more than 50 copies are made) and where the work (or each commercialised copy) may not be a 'work of artistic craftsmanship'.¹²
- 13. The general rule (subject to certain exceptions) under the Copyright Act, is that the first owner of copyright in a work is the creator or author of the work. While 'authorship' may be joint, it is solely determined (under the provisions of the Copyright Act) by considering the contribution that an individual has made to the creation of a work. The Copyright Act does not accommodate group or community 'ownership' as contemplated under customary law.
- 14. The key criteria for a work to have copyright protection is that the work is:
 - that the creator of the work was a 'qualified person' i.e. an Australian citizen or an Australian resident¹³
 - original (not copied from another), and
 - that it is expressed in material form.
- 15. The 'attribution to a known author' as outlined in the Draft Report¹⁴ is not necessarily a pre-condition for copyright protection as works for which no copyright owner can be identified may still be protected as 'orphan works'.¹⁵

¹⁰ Copyright Act s 31(1)(b).

¹¹ *Burge v Swarbrick* (2007) 234 ALR 204, [83]-[84].

¹² See ACC fact sheet [Designs & Copyright](#).

¹³ Copyright Act s 32(4).

¹⁴ Draft Report p 201.

¹⁵ See ACC fact sheet [Orphan Works](#).

16. There is no system of registration of copyright in Australia and no requirement that the copyright symbol (©) be used on material – copyright is free and automatic and arises the moment something is written down or recorded in some way i.e. ‘in material form’.
17. As outlined by the ACC in the comments provided in response to the Commission’s Aboriginal and Torres Strait Islander Visual Arts and Crafts Issues Paper,¹⁶ and in its submission to the 2019 Inquiry,¹⁷ Australian copyright law applies to Aboriginal and Torres Strait Islander visual arts and crafts in the same way as it applies to other artistic works. There are no special provisions in the Copyright Act for Aboriginal and Torres Strait Islander works, and no recognition of customary or traditional First Nations laws. Some of the consequences of this are:
 - (i) copyright does not protect old First Nations artworks such as rock art, as copyright in an artistic work usually expires 70 years after the death of the author/creator of that work
 - (ii) copyright does not prevent people using styles belonging to and readily identifiable to certain First Nations communities such as dot painting, because copyright does not protect ideas, methods or styles – a work using such a style created by an Aboriginal and Torres Strait Islander person or any other person, will therefore be protected by copyright in the same way.
 - (iii) the (copyright law) distinction between an idea and the expression (in material form) of that idea, means that something that may be considered a cultural asset (for the purposes of ICIP protection) but may be outside the protection of copyright – for example, oral traditions.
 - (iv) while there is an obligation to obtain permission from the copyright owner to use their work, there is no obligation to obtain permission from a First Nations community whose customary laws apply to uses of a work or style of work.
 - (v) the Copyright Act does not recognise any obligations, restrictions, or responsibilities that may apply under the traditional or customary laws of a First Nations community as to who has permission to express and share that community’s history, traditions, stories and culture – that is, the issue of ‘permission’ under copyright law is concerned only with permission to use a work *after* a work is created and not the granting of permission required *before* a work may be created, and
 - (vi) the most common remedies available in a civil action for an infringement of copyright are damages (often based on the amount that the copyright owner would have been able to charge for the use of the material) or an account of profits (payment of any profits that the infringer has made from using the work). These remedies are directed at identifying the economic loss resulting from the infringing use and are not explicitly concerned with the possible cultural harm of infringement.

¹⁶ In December 2021. [Initial Submissions, Submission no 14](#).

¹⁷ [Australian Copyright Council - Submission in Response to the Competition and Consumer Amendment \(Prevention of Exploitation of Indigenous Cultural Expressions\) Bill 2019](#) – submission 10 (ACC 2019 CCA Response).

18. The importance of copyright to the ecosystem in which First Nations artists work is demonstrated by the reliance on copyright to license and transact their work through organisations such as the Copyright Agency.¹⁸ The Copyright Agency was appointed by the Australian Government to collect royalties on behalf of artists under the Resale Royalty Scheme, established by the *Resale Royalty Right for Visual Artists Act 2009* (Cth). Under that scheme (which commenced on 9 June 2010), a 5% royalty is payable on certain resales of artworks.¹⁹ The resale royalty right is separate to the rights available to artists under the Copyright Act.
19. In cases considering copyright and First Nations art, the economic impact of copying has been highlighted, in addition to the wider cultural harm caused. In the case of *Milpurrruru & Ors v. Indofurn Pty Ltd & Ors*²⁰ it was said:

... copyright law damages can be awarded only insofar as the "pirating" causes a loss to the copyright owner resulting from infringement of copyright. Nevertheless, in the cultural environment of the artists the infringement of those rights has, or is likely to have, far reaching effects upon the copyright owner.

20. The case of *John Bulun Bulun & Anor v R & T Textiles Pty Ltd*.²¹, also noted that in addition to the economic harm of unauthorised reproductions, infringement also caused irreparable harm to the artist's community and their standing in the community:

It interferes with the relationship between people, their creator ancestors and the land given to the people by their creator ancestor. It interferes with our custom and ritual, and threatens our rights as traditional Aboriginal owners of the land and impedes in the carrying out of the obligations that go with this ownership ...

21. The court accepted that the community could not own the copyright, because only the artist could own the copyright. However, the court found that because of the relationship between the artist and his community, and the responsibilities each had, under equity, the community had a special interest in ensuring the artist used their copyright to prevent misuse²².

Moral rights

22. The Copyright Act also provides a framework for moral rights²³. These are personal, legal rights belonging to creators of copyright works and cannot be transferred, assigned or sold. These are distinct to the economic rights (which may be transferred, assigned or sold) that attach to a copyright work. As a result, the creator of a work, whilst holding the moral rights, may not be the copyright owner and so, not hold the economic rights.

¹⁸ See [Licensing Indigenous Artwork - Copyright Agency](#).

¹⁹ Copyright Agency administers the Resale Royalty Scheme, see p273, p278 of the Draft Report. Details on the Resale Royalty Scheme are available at [Copyright Agency | Royalty Resale \(resaleroyalty.org.au\)](#).

²⁰ (1994) 54 FCR 240 at 145.

²¹ 41 IPR 513 at 519.

²² [ACC 2019 CCA Response](#) p 2.

²³ Copyright Act Part IX. See also ACC book publication, [Moral Rights: A Practical Guide](#).

23. Generally, creators have three moral rights. The right:
- of **attribution** – to be attributed (or credited) for their work
 - **against false attribution** – not to have their work falsely attributed, and
 - **integrity** – not to have their work treated in a derogatory way.
24. Like the economic rights, these last for the life of the creator plus 70 years. After the creator's death, moral rights are generally administered by their legal personal representative.
25. Unlike copyright, which may be assigned or licensed, creators cannot assign, transfer or sell their moral rights. Creators may give consent for their work to be used in specific ways but cannot assign the right to grant such consent.
26. Attribution for works of collective ownership is problematic given the personal nature of moral rights. As such, proper attribution and recognition of First Nations works, may be limited under the existing regime.²⁴

Public art

27. The work of First Nations artists is often used for 'placemaking' in the development of public and community spaces²⁵.
28. Section 65 of the Copyright Act provides:

Sculptures and certain other works in public places

- (1) This section applies to sculptures and to works of artistic craftsmanship of the kind referred to in paragraph (c) of the definition of **artistic work** in section 10.
- (2) The copyright in a work to which this section applies that is situated, otherwise than temporarily, in a public place, or in premises open to the public, is not infringed by the making of a painting, drawing, engraving or photograph of the work or by the inclusion of the work in a cinematograph film or in a television broadcast.
29. This exception from infringement for uses of 'public art' results in a diminution of continued potential income of First Nations artists in these circumstances.

Visual arts projects

30. Recording of film and sound recording of people's stories often occurs as part of recording visual arts projects and multi-arts projects. The joint ownership of these sound and film recordings as part of these projects is a factor to be considered in the development of these projects.
31. In these projects, the sound and film recording (being an expression of an idea in material form) is protected. The stories may be regarding as 'literary works' provided all the

²⁴ For a discussion of the issues concerned the use of First Nations copyright work see the Australia Council for the Arts, *Protocols For Using First Nations Cultural And Intellectual Property In The Arts* (2019).

²⁵ See for example [Placemaking NSW | Property and Development NSW](#).

requirements for copyright protection are satisfied²⁶ and the person telling the story would be the likely copyright owner. However, the *ideas* underlying the stories themselves are not protected by copyright. This (copyright law) distinction between an idea and the expression (in material form) of that idea, means that something that may be considered a cultural asset but be outside the protection of copyright²⁷.

Copyright and proposed ICIP frameworks

32. It is useful to align the definitions and key concepts in the proposed framework with those in the existing copyright regime.²⁸
33. **Cultural asset:** the underlying cultural idea or concept that embodies Aboriginal and Torres Strait Islander traditions. In the absence of being embodied in a 'material form', these ideas (cultural assets) are not protected by copyright.

Traditional owner: the person, group or community who has ownership and custodianship of the cultural asset. Under copyright, this person (or group of people – as joint 'authors'), have no standing unless they are involved in creating the **cultural expression** (or the cultural asset, if the asset is in material form).

Use giving rise to a **cultural expression:** the act of giving expression to a cultural asset — in this context, the incorporation of a cultural asset in art, craft or other works. The resulting cultural expression would be protected by copyright, provided the requirements for copyright protection are satisfied²⁹.

User: a person, whether or not the traditional owner, who uses a cultural asset to produce an Indigenous style expression. Under copyright law, unless the user was dealing with a cultural asset that was embodied in cultural expression (or otherwise in material form), they would be free to make use of the cultural asset e.g. tell their version of a story or create their visual interpretation of a clan's dreaming.

²⁶ See para 14 of this submission.

²⁷ See para 17(iii) of this submission.

²⁸ Definitions take from Draft Report p 230.

²⁹ See para 14 of this submission.

ACC response to draft recommendation 5.1, information request 5.1

Draft Recommendation 5.1

A mandatory labelling scheme for inauthentic products should be developed

The Australian Government should develop a mandatory information standard to require the labelling of inauthentic Indigenous-style products to indicate to consumers that they are not created by or under licence from an Aboriginal and Torres Strait Islander person.

In developing the standard, the Australian Government should engage effectively with Aboriginal and Torres Strait Islander people.

Information request 5.1

How might a mandatory labelling scheme for inauthentic products operate in practice and what should be considered further in its design?

- Is the suggested approach to product coverage workable? Are there ways to provide greater certainty about coverage without unduly narrowing its scope?
- Are the authenticity criteria for the scheme appropriate? Do they pose any unintended consequences? If so, how could these be addressed?
- Are there any other considerations about the design and implementation of the standard?

34. The ACC is concerned that the mandatory labelling scheme may have the unintended (and harmful) consequence that consumers assume that items *not* labelled as 'inauthentic' (in breach of the scheme) are in fact, authentic. The scheme's focus on 'inauthentic' products may not therefore be best suited to fulfil its primary purpose of providing consumers with information that allows them to distinguish between authentic and inauthentic items.
35. In relation to the authenticity criteria for the proposed labelling scheme³⁰ and the existing copyright framework, the ACC notes:
- (i) For an item/product categorised as 'inauthentic' because the item/product infringes on the copyright of an Aboriginal and Torres Strait Islander artist's work, the rights available under the Copyright Act would continue to be the source of any legal remedy for the harm done by such inauthentic items.

An action for copyright infringement is available to the copyright owner (who may not be the artist) to pursue compensation for infringement. An artist maybe able to pursue an action for breach of moral rights under the Copyright Act.

- (ii) 'Indigenous-style' artistic work that is original and therefore protected by copyright but is not authored by an Aboriginal and Torres Strait Islander person, would be categorised as 'inauthentic' for the purposes of the mandatory labelling scheme. While the 'inauthentic' label may reduce the potential sale price of that item (and in that way

³⁰ Draft Report, p 127

act as a potential deterrent to the production of such items), it would not address the potential cultural harm done by such items.

- (iii) It is unclear how the proposed labelling scheme will practically deal with an original artistic work by an Aboriginal or Torres Strait Islander person where the copyright has been assigned (by the artist) to another person (non-Indigenous person, a company). Whilst noting that the licensing of the manufacture of a product by an Aboriginal and Torres Strait Islander to a non-Indigenous person or company for example, 'should be considered authentic'³¹, there will need to be clear safeguards in place to ensure that the ability to that artists can benefit financially from their work.
- (iv) As the definition of 'authenticity' centres around the notion of authorship – the person creating, or 'authoring' the work or product'³², how would the proposed regime deal with artistic works where the creator is not known or 'old' works such as rock art?
- (v) The authenticity definition potentially has the same limitations as copyright in terms of requiring an individual(s) that can be identified to provide permission; it does not encompass community ownership.

ACC response to Draft Recommendation 7.2: information requests 7.1 to 7.4

Draft Recommendation 7.2

New cultural rights legislation should be introduced to recognise and protect cultural assets in relation to visual arts and crafts

To address the issue of Indigenous Cultural and Intellectual Property being used in visual arts and crafts without authorisation from traditional owners, the Australian Government should introduce new legislation that formally recognises the interests of Aboriginal and Torres Strait Islander communities in their traditional cultural assets.

To achieve this, the legislation should create a new cause of action that specifies that a traditional owner's rights are infringed if a person uses a cultural asset to create a cultural expression, such as a piece of art or craft, without the authorisation of a traditional owner, unless an exception applies.

Information request 7.1

What should be protected by the new cultural rights legislation?

- What is the best way to define what should be in scope for protection?

³¹ Draft Report p 128. The copyright licensing arrangements for the Aboriginal flag artwork are perhaps a unique example of some of the sensitivities and issues that such arrangements can give rise to. See the [ACC's submission to the Select Committee on the Aboriginal Flag, Submission No 30](#).

⁽³³⁾ Omitted)

³² Draft Report, p 127

- Should there be limits on protection, such as conditions on when protections apply or threshold criteria for what is protected? If so, what should they be?

Information request 7.2

How should the legislation deal with the issue of standing to bring a cultural rights action?

- What criteria should determine whether a claimant has standing?
- What is the best way to recognise communities or groups as having standing?
- What are the merits, drawbacks and challenges of giving a government regulator the power to bring cases in relation to cultural misappropriation?

Information request 7.3

What types of conduct should be considered an infringement of a traditional owner's cultural rights?

- What types of uses of cultural assets should be recognised as having the potential to be infringing? For example, should there be a requirement for the use to be in material form or a substantial use?
- How should a court determine whether a user has been granted authorisation to use a cultural asset in a certain way?
- Should there be exceptions when cultural assets are used for certain purposes? If so, what should those exceptions be?

What should the legislation say about remedies for infringements of cultural rights?

- What suite of remedies are needed to achieve fair and just outcomes?
- What should the new cultural rights legislation say about how remedies are awarded?

Information request 7.4

What institutional arrangements are needed to support a new cultural rights regime?

- What types of dispute resolution options should be available? What is needed to ensure that dispute resolution processes are responsive to the needs of Aboriginal and Torres Strait Islander people and communities?
- Is there a case for a statutory Cultural Authority? What would its remit, functions and powers be?

36. The ACC supports the development of a cultural rights regime in Australia that recognises, respects, and protects ICIP to address some of the limitations of the protection afforded by the existing intellectual property framework. In relation to copyright, the ACC supports a cultural rights regime that:

- recognises and protects community ownership

- respects the traditional or customary laws of a First Nations community as to who has permission to express and share that community's history, traditions, stories and culture
- limits any exceptions to infringement to ensure that they do not interfere with First Nations peoples' ability to practise their own cultural practices
- establishes appropriate forums for the resolution of disputes without the necessity of litigation
- provides remedies for infringement which are meaningful to First Nations communities. The ACC, whilst supportive of the remedies outlined and which align with those available under the Copyright Act, questions the adequacy of pecuniary penalties where cultural harm is made out.³³

37. The ACC acknowledges the important educational role of the protocols developed by organisations and institutions relating to access and use of Indigenous Cultural and Intellectual Property (ICIP) rights:

- AIATSIS's Code of Ethics
- Australia Council's [Protocols for using First Nations Cultural and Intellectual Property in the Arts](#)
- Australian Society of Authors' [More Than Words](#)
- IArtC's [Indigenous Art Code](#)
- Screen Australia's [Pathways & Protocols: A filmmaker's guide to working with Indigenous people, culture and concepts](#).

38. As noted in the Draft Report,³⁴ copyright generally lasts for the life of the creator plus 70 years. In considering time requirements for any protections (of a new cultural rights regime), the Draft Report states:

Time-limited protections for intellectual property are justified because those laws are about protecting things that are 'new'. In broad terms, the expiry of intellectual property protections after a specified time period aligns with the fact that, after some time, ideas or inventions cease to be novel — and should rightly enter the public domain. By contrast, the focus of new cultural rights legislation would be on protecting things that are traditional or customary — in other words, things that are 'old'. Therefore, if anything, the emphasis should not be on when protection ends, but rather when it begins.

The Commission considers that, functionally, this issue is covered by the requirement for a court to assess the cultural asset's connection to tradition or custom (outlined above). On this basis, there is no additional need to specify concrete time requirements for when protections for cultural assets begin or end.

³³ Draft Report, p 248.

³⁴ Draft Report, p 199.

While acknowledging the intrinsic distinction between ‘new’ works and ‘things that are ‘old’, the ACC is concerned that any unintended consequences of the intersection of a cultural rights regime and copyright laws be addressed.

By way of illustration, if an artist obtains permission to use a cultural asset in a work they create (e.g. painting) that work will comply with the cultural rights regime and will also (once created) be protected by copyright. Copyright will protect that work for the life of the artist plus 70 years. At the end of that period, anyone can (under copyright law) reproduce (without permission) a substantial part or the entirety of that work. The use of the cultural asset continues and no further permission (from a copyright perspective) is required.

39. In relation to the question whether a minimum degree or extent of use should be set³⁵, section 67 of the Copyright Act provides an exception to copyright infringement for the incidental filming or televising of an artistic work.

It is possible that an artistic work in an existing film (i.e. a film made prior to the introduction of the cultural rights regime) may depict a cultural asset that would be protected by the cultural rights regime.

Careful consideration will need to be given as to how to achieve an appropriate balance between the rights and interests of the creators of the film and respect for ICIP that is central to any cultural rights regime. Similar considerations arise in relation to works (embodying a cultural asset) included in other works and for which copyright permission has been sought and obtained.

40. As noted in the Draft Report,³⁶ there are several international instruments recognising the importance of ICIP. However, the development of an international instrument for the protection of ICIP has not yet been achieved.
41. In addition to international examples outlined³⁷, Mexico has recently passed the Federal Law for the Protection of the Cultural Heritage of Indigenous and Afro-Mexican People and Communities, banning the unauthorised use of Indigenous art and design. Key issues that have arisen in the implementation of that legislation are likely to be also relevant in the Australian context and require careful consideration in the drafting of a cultural rights regime. Those issues include a lack of clarity and associated uncertainty regarding:
- the cultural heritage items/assets that are protected by the legislation
 - who in a relevant Indigenous community has the authority to grant permission and how disputes between communities or within a community, are to be resolved.³⁸

³⁵ Draft Report p 205.

³⁶ Draft Report, pp 195-197.

³⁷ See for example Draft Report p 219.

³⁸ Bloomberg Law ‘[Mexico Testing Limits of Using Law to Bar Cultural Appropriation](#)’, 11 April 2022 and ECIJA [Mexico: Regulations on the Cultural Heritage of Indigenous and Afro-Mexican Populations and Communities](#), 7 July 2022.

Conclusion

42. The ACC welcomes the Commission's examination of the legislative and market frameworks affecting Aboriginal and Torres Strait Islander visual arts and crafts. We look forward to reading the Final Report. If the Commission requires further copyright information in the interim, please let us know.

Eileen Camilleri
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Australian Copyright Council

5 September 2022

Appendix 1

Australian Copyright Council Affiliates as at 5 September 2022

The Australian Copyright Council's views on issues of policy and law are independent, however we seek comment from the organisations affiliated to the ACC when developing policy positions and making submissions to government. As at the date of this response, the Australian Copyright Council affiliates are:

1. [Aboriginal Artists Agency Ltd](#)
2. [APRA|AMCOS](#)
3. [Ausdance National](#)
4. [Australia New Zealand Screen Association](#)
5. [Australasian Music Publishers Association Ltd](#)
6. [Australian Cinematographers Society](#)
7. [Australian Guild of Screen Composers](#)
8. [Australian Institute of Architects](#)
9. [Australian Music Centre](#)
10. [Australian Publishers Association](#)
11. [Australian Recording Industry Association](#)
12. [Australian Screen Directors Authorship Collecting Society Limited](#)
13. [Australian Society of Authors](#)
14. [Australian Writers Guild Authorship Collecting Society \(AWGACS\)](#)
15. [Big Studio Movie Licence](#)
16. [Copyright Agency](#)
17. [Design Institute of Australia](#)
18. [Illustrators Australia](#)
19. [Image Makers Association Australia](#)
20. [Media Entertainment & Arts Alliance](#)
21. [Musicians Union of Australia](#)
22. [National Association for the Visual Arts](#)
23. [National Tertiary Education Union](#)
24. [Phonographic Performance Company of Australia](#)
25. [Screen Producers Australia](#)
26. [Screenrights](#)

Appendix 2

ACC Guidelines

A core part of the Australian Copyright Council's (ACC) activities is our free written legal advice service. This unique service is targeted primarily to those working in the creative industries and members of our affiliate organisations. Staff members of the organisations listed below are also eligible:

- educational institutions
- arts and cultural organisations
- libraries
- museums
- galleries
- archives.