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Legal Deposit
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2007 Discussion Paper – Extension of Legal Deposit

Free TV Australia (**Free TV**) is the peak industry body representing all of Australia's commercial free-to-air television licensees.

We thank you for the opportunity to provide comment on the feasibility of extending the legal deposit scheme under the Copyright Act 1968 to electronic and audiovisual material. Free-to-air broadcasters have a particular interest in the review as creators and suppliers of electronic and audiovisual material for broadcast around Australia. Broadcasters do not support extension of the legal deposit regime under the Copyright Act to broadcast material.

1. Existing Arrangements for Deposit of Broadcast Material

Free-to-air television broadcasters support the preservation of material relevant to Australia's national heritage. Broadcasters have had arrangements in place for some time for the deposit of broadcast material with the National Film and Sound Archive (NFSA).

The focus of these arrangements is to ensure that broadcast material of national significance is properly stored and preserved and made available to the public for appropriate use.

Broadcasters make a significant amount of material available to the NFSA across the broad range of television programming. This includes news, current affairs, sport, drama, politics, lifestyle, history, comedy, advertising and more.

The NFSA's online search facility, 'Search the Collection', reveals at least 168,987 entries for television material deposited with the NFSA. This represents one of the most significant deposits in the collection. The existing arrangements are effective and working well.

2. Benefits of Existing Arrangements

Benefits of the existing arrangements for deposit of broadcast material include:

2.1 Focus on preserving 'relevant' material

Under existing arrangements between broadcasters and the NFSA a combination of methods is used to select material for deposit resulting in the preservation of 'relevant' material. These include:

- Broadcasters periodically notify the NFSA of material available for deposit. The NFSA selects material it considers relevant and broadcasters provide copies;
- The NFSA periodically contacts broadcasters and requests copies of specific material it considers important for deposit. For example, most recently the NFSA requested and was provided with copies of Federal Election coverage and episodes of Australian drama including 'All Saints' and 'Home and Away';
- Broadcasters deposit a full week's worth of news and current affairs material at various times throughout the year on a rotation basis. Together with this material broadcasters provide copies of all relevant bulletins, segment rundowns and scripts.

The significant benefit of these methods is they capture only relevant broadcast material. This achieves the objectives of a legal deposit scheme whilst minimising the administrative and financial burden for broadcasters and the NFSA.

2.2 Emphasis on partnership and co-operation

The existing arrangements between broadcasters and the NFSA are based on partnership and co-operation towards achieving a common objective. Open lines of communication exist and broadcasters share valuable relationships with their contacts at the NFSA. Formalising the arrangement will create a more static environment which may not produce the optimum results.

An example of the benefits of the existing relationships is that broadcasters often voluntarily provide original 1 inch, 2 inch and film archives of certain broadcast material. Such voluntary initiatives allow the NFSA to preserve not only broadcasting subject matter but also the look and feel of broadcasting over time.

The introduction of a formal scheme for the deposit of broadcast material would impose unnecessary regulatory burden on broadcasters and the NFSA and result in no net gain.

Thank you for your consideration of our submission. We would be happy to meet with the Department to discuss any of the matters we have raised.

Yours sincerely

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Julie Flynn
Chief Executive Officer