



**ADG RESPONSE TO
ASDACS' REQUEST FOR ACCC AUTHORISATION
(MEMBERS RETRANSMISSION RIGHTS ASSIGNMENT)**

15 April 2020

The Australian Directors' Guild (ADG) is the industry association and union representing the interests of film, television and online directors, writer/directors, documentary film makers and animators throughout Australia. Formed in 1982, it has over 700 members nationally and has recently been registered as an association of employees under the *Fair Work (Registered Organisations) Act 2009*.

ADG was instrumental in the campaign that achieved change to the Australian *Copyright Act 1968* (**Copyright Act**) to include directors as copyright owners of a cinematographic film for the purposes of retransmission of a free-to air-broadcast in 2005.

ADG has been recognised as an interested party and the Australian Competition and Consumer Commission (ACCC) has called for comments regarding the Australian Screen Directors Authorship Society's (ASDACS) application to seek authorisation to alter its constitution to allow:

- Members to assign their copyrights under the 'retransmission scheme' to ASDACS (that is, any copyrights in a film that is included in the retransmission of a free-to-air broadcast under the Copyright Act, and
- ASDACS collect the money paid by retransmitters to Screenrights (the declared collecting society appointed under the Copyright Act) under the retransmission scheme and distribute it to relevant directors and overseas collecting societies.

ADG strongly supports ASDACS' request for authorisation as outlined in its application and further reiterates the benefits for screen directors:

- Screen directors are key contributors to an audio-visual work and ultimately responsible for creating a cinematographic film; retransmission royalties are an important financial reward and acknowledgement for the success of a work.
- Directors predominately work as contractors and lack bargaining power in individual negotiations with producers. In practice, directors are pressured to assign their retransmission rights to producers and do not receive any compensation for the transfer of their rights.
- Retransmission royalty income has significant value; according to the Screenrights 2018/19 Annual Report (<https://www.screenrights.org/about-us/corporate-governance/>) collections recorded for the Australian Retransmission Service totalled \$7.9 million. [REDACTED]
- Secondary royalty income serves as an important supplementary source of income for directors, with most earning well below the average wage (based on an ADG survey to members in 2015, half of the membership base earned below \$25k a year).
- [REDACTED]
- The ASDACS membership assignment will ensure that directors receive their share of retransmission royalties (as administered by Screenrights) in accordance with this agreement, as well as greatly reduce the administrative burden currently associated with providing proof on case by case basis that retransmission rights have been retained (assessing and presenting contracts) for all parties.
- APRA (Australia), Directors UK (UK) and SACD (France) successfully operate using the members copyright assignment model; In all cases this has become accepted industry practice with members receiving domestic secondary rights income efficiently and effectively.

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