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Mr Peter Lunn
Manager, Legal Deposit
Dept of Broadcasting, Communications and
the Digital Economy
GPO Box 2154
Canberra ACT 2601

Dear Peter

**Discussion Paper on the Extension of Legal Deposit – AFC
Supplementary Submission**

I refer to the invitation to make submissions to the 2007 Discussion Paper on the Extension of Legal Deposit and the extension of the due date for submissions to 2 May 2008.

The Australian Film Commission (AFC) provided a detailed submission to the Discussion Paper in January 2008. Essentially the AFC maintains the position and recommendations set out in its original submission. However, the intervening period allowed the AFC to conduct further consultation with stakeholders. Accordingly, the AFC takes this opportunity to make the following brief supplementary submission.

Financial penalties for non-compliance with legal deposit obligations

The AFC does not advocate the imposition of criminal penalties for publishers that fail to comply with legal deposit provisions. Concern was expressed that the AFC's submission advocated criminal penalties. Having reviewed the relevant section of the submission (Issue 17, page 23) the AFC acknowledges that the wording may have led to this unintentional reading of the AFC's position.

However, the AFC reiterates its support for adequate measures to encourage compliance with an extended legal deposit scheme. The aim should be for cooperation between publishers and collecting institutions. Financial penalties for publishers that do not comply with legal deposit options (as is currently the case in relation to the legal deposit of print publications) will be appropriate in some cases.

Internet material

The AFC's original submission suggested internet material that is subject to deposit be confined to material that is hosted in Australia - provided the material relates to an Australian website with an Australian domain name (Issue 9, page 15 and Issue 10, page 16). However the economics of the Internet mean that many Australian websites host material at more cost effective locations overseas. This may result in a large range of relevant material not being subject to collection. Accordingly, the AFC proposes that Internet material should be subject to legal deposit if the website:

- a) has an Australian domain name; or
- b) is Australian; or
- c) is directed at a predominantly Australian audience.

The location of the hosting of the material should not be a relevant factor in considering whether the material is subject to legal deposit.

As with other material collected under an extended legal deposit scheme, the depositing institution would retain the discretion to include or exclude such material from deposit. Therefore the depositing institution would avoid being overwhelmed by such material.

The AFC welcomes the opportunity to comment further on the Discussion Paper into the Extension of Legal Deposit. Should any further clarification or comment be required, please contact Kim Ireland, Director, Policy, Research and Communication on 02 9321-6406.

Yours faithfully



Chris Fitchett
Chief Executive Officer