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31 July 2019

Dr Kevin Lindgren
Code Reviewer
2018 Compliance Review
Code of Conduct for Copyright Collecting Societies
c/o Screenrights
Level 1, 140 Myrtle Street
Chippendale NSW 2008

Dear Dr. Lindgren

**AWGACS - Australian Writers' Guild Authorship Collecting Society
CODE OF CONDUCT SUBMISSION 2019**

From the outset, we note that there have been no substantive changes to the Australian Writers' Guild Authorship Collecting Society's (**AWGACS**) practices since the last reporting period in 2018. We note our issues with Screenrights previously raised with the Code Reviewer have now been resolved.

Background:

As of July 31 2019, AWGACS has 1873 members. This is an increase of 177 since the last report.

As you are aware, AWGACS is not a declared society under any relevant parts of the *Copyright Act* (Cth) 1968 but elects to submit voluntarily to the Code of Conduct for Collecting Societies.

AWGACS is a member of the International Confederation of Societies of Authors and Composers (**CISAC**) and therefore submits to the international best practice Professional Rules for dramatic, literary and audio-visual guidelines. AWGACS is considered a "developing society" in CISAC terminology, reflecting its number of members, level of collections, age and infrastructure. AWGACS' procedures continue to be subject to CISAC review and extensive reporting on an annual basis.

We also confirm that:

- AWGACS does not license the use of its members work.
- AWGACS collects and distributes secondary royalties only.

Legal Framework (Code Clause 2.1)

AWGACS has met all of its obligations with regard to the relevant obligations under this clause. There has been no change since the previous Review.

Members (Code Clause 2.2)

There have been no changes in membership criteria or constitutional obligations to AWGACS' members since the last Review.

AWGACS membership remains open to all scriptwriters.

AWGACS has received no complaints from its members about any of its obligations under the Code.

The AWGACS Constitution is available to all members and the general public upon request. It is also openly accessible on the AWGACS section of the Australian Writers' Guild (**AWG**) website. To view, please click [here](#).

Licensees (Code Clause 2.3)

We confirm that Clause 2.3 of the Code does not apply to AWGACS.

Distribution of Remuneration and License Fees (Code Clause 2.4)

AWGACS does not license its members work and therefore does not recover license fees for distribution.

AWGACS distributes monies collected from partnered societies to its members on their behalf. This is in accordance with its Constitution and is governed by its Distribution Policy as determined by the Board.

The Distribution Policy is available to AWGACS members upon request and on the openly accessible AWGACS section of the AWG website. To view, please click [here](#).

In the financial year ended 30 June 2018 AWGACS collected \$1,669,909.81 for distribution in 2018 and distributed \$1,373,681.96 from prior year collections.

Collecting Society Expenses (Code Clause 2.5)

- (a) AWGACS deducts from each year's royalty collections the operating costs for that year.
- (b) AWGACS deducts 5 per cent of gross royalties received as a cultural levy to be directed towards appropriate activities to support its members. AWGACS also sponsors the Annual AWGIE Awards for scriptwriters which is run by the AWG. AWGACS invests, to the extent human and cash resources permit, in pursuing new sources of royalties from new societies.

Governance and Accountability (Code Clause 2.6)

The AWGACS Board of Directors comprises of five (5) directors. In particular:

1. Two (2) Directors are elected by the Board of the AWG (which itself is democratically elected by and from writers who are members of the AWG);

2. Two (2) Directors are elected by the members of AWGACS from among the AWGACS membership;
3. One (1) Director is, ex-officio, the AWG/AWGACS Group CEO.

During the period AWGACS has been audited, it has presented the audited accounts to the members of the AGM. The audited accounts of June 30 2018 (to view, please click [here](#)), include:

- Total revenue during the period;
- The total sum and general nature of expenses;
- The allocation and distribution of payments to members.

As outlined in the introduction, AWGACS also voluntarily submits to the extensive governance and accountability reporting measures and reviews of CISAC.

Staff Training (Code Clause 2.7)

Existing employees remain aware of the Code and its requirements, and in particular, the complaints handling procedure.

Education and Awareness (Code Clause 2.8)

AWGACS is a small society focused on educating scriptwriters. AWGACS relies on larger societies and the Australian Copyright Council to help promote the importance of copyright and make information about the roles and functions of collecting societies accessible to the general public.

AWGACS is an active member of CISAC to accomplish the same purposes on an international scale.

AWGACS seeks to increase awareness among its members and the scriptwriting community via sponsorship of the Annual AWGIE Awards.

AWGACS promotes awareness of scriptwriting royalties to its members and industry stakeholders via electronic bulletins and an accessible and regularly updated website. Additionally, all of AWGACS foundation documents are available to international collecting societies via the CISAC online portal, and domestically via its website.

AWGACS also provides individual advice to members and the industry on copyright and related issues. AWGACS responds individually to all phone and email enquiries from its members, potential members and the general public about its purpose and practices.

Complaints and Disputes (Code Clause 3)

AWGACS Complaints Handling Procedure and Dispute Resolution Procedure was developed in line with the requirements of the Code, the requirements of CISAC and the Australian Standard AS4269 – 1995 (Complaints Handling).

During the review period, AWGACS received no requests from members for these documents.

During the review period, AWGACS received no complaints from members or affiliates.

The procedures were reviewed during the reporting period by CISAC.

Publicity and Reporting (Code Clause 4)

The Code of Conduct for Copyright Collecting Societies is posted on the AWGACS section of the AWG website, to view please click [here](#). It is openly available to members and the general public upon request.

Monitoring, Reviewing and Amendments (Code Clause 5)

Calls for submissions are made available on the website. To view, please click [here](#) in accordance with the requirements of the Code

Should you require any additional information, please contact us.

Yours sincerely



Jan Sardi
Chair AWGACS

LIST OF DOCUMENTS PROVIDED VIA HYPERLINK

- 1** AWGACS Constitution
- 2** AWGACS Distribution Policy
- 3** AWGACS Audited Accounts (ending 30 June 2018)
- 4** Code of Conduct for Copyright Collecting Societies
- 5** Copyright Collecting Societies Code of Conduct Call for Submissions 2018