

OUR MISSION

To develop, promote and represent the video industry. To provide effective service, support and direction for our members.

AUSTRALIAN DVD AND VIDEO INDUSTRY AWARDS 2006

**It's on again this year
Do not miss out
Put the date in your diary now!**

**FRIDAY 10th
NOVEMBER 2006
7.00 pm**

**Star City Ballroom
Pyrmont, Sydney**

**For further information
and tickets sales**

**Contact Ross 02 9960 0046 or
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Workchoices - it's on your doorstep A checklist for employers

March 2006

It's now the end of March and the Federal Government's workplace changes have commenced. As a small to medium sized business owner, the changes may have a significant effect on your business.

Here's a quick checklist of eight things you should consider in preparing your business for the changes.



- 1. Review Award Coverage.**
Under the new rules Federal Awards still apply. State Awards may only apply for another 3 years. It's worth checking where you're at, and getting appropriate advice on what you should do. Don't forget, you may opt out of the Award system by offering new Collective Agreements or Australian Workplace Agreements.
- 2. Review existing Certified Agreements or Australian Workplace Agreements.**
Existing Agreements still operate under the new system, however if they expire or new Agreements are entered into, you'll have to ensure they comply with the new regulations.
- 3. Review your structure.**
It may be beneficial for your business to be incorporated (if it already isn't). The new changes affect different entities in different ways in different States.
- 4. Review your Employment Agreements.**
Review and update your employment agreements. Don't forget to update your contracts to ensure they contain express notice provisions for termination that comply with the minimum standards.
- 5. Review your employment policies.**
It's possible that unfair dismissal laws may cause a rise in employment litigation such as discrimination or harassment claims. Your employment policies should be reviewed carefully and staff should be aware of them to reduce your potential exposure.
- 6. Changes to Entitlements for new employee.**
Federal Awards will be simplified to remove superannuation, long-service leave, notice for termination and jury service because these are dealt with in other legislation. For new employees be aware of the implications of these changes.
- 7. Prepare new Australian Workplace Agreements or Collective Agreements.**
To benefit from WorkChoices changes, start preparing new Australian Workplace Agreements or Collective Agreements for your business.
- 8. Make sure you understand the Unfair Dismissal Exemptions.**
If your business has less than 100 employees you may be exempt from unfair dismissal laws. Part-time and regular casual employees count towards the total number of employees. Remember that employees of related bodies corporate are included in the number, so if there are other companies in your group obtain advice before terminating employees.

Review your disciplinary policies and procedures so that your employees cannot claim a contractual right to the benefit of a policy in the absence of being able to bring an unfair dismissal claim.

The new changes are significant. If you have any concerns that your business does not comply with the changes or it is not taking advantage of the benefits for small and medium sized businesses, act now.

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VICTORIA RAID TURNS UP LARGE MOVIE PIRACY OPERATION PLUS TWO TRAILERS OF STOLEN GOODS

Kialba, Victoria – Victoria Police have pressed stolen goods-, movie piracy- and trade mark-related charges against a 34-year-old woman following a raid at a home in Kialba on Thursday evening. The raid, carried out by the Altona North Regional Response Unit, assisted by Australian Federation Against Copyright Theft (AFACT) Investigators, uncovered an elaborate DVD, VCD and VHS piracy operation, as well as two trailer loads of stolen goods.

Goods seized by police during the raid included more than 12,000 pirated DVD-Rs and VCDs, 4,500 pirated VHS tapes, 14 DVD-R burners, and 23 VHS recorders. Amongst the titles seized were AFACT member company movie titles, Asian movie titles, and pornography. AFACT estimates the DVD-R/VCD piracy operation was

capable of producing more than 390,000 discs per year with an estimated street value of \$3.94 million.

The stolen goods seized included items such as clothing and perfume.

“AFACT would like to congratulate Victoria Police for their efforts on this case, closing down another pirate movie lab stealing from Australian businesses,” said Adrienne Pecotic, Executive Director of AFACT. “Every illegal DVD-R lab closed down by police is a significant step in combating movie piracy, so often linked with other criminal activity as demonstrated in this case.”

Piracy in Australia

AFACT estimates that movie piracy cost the film industry in Australia in excess of \$400 million in potential revenue in 2004. The illegal distribution of unauthorized copies of movies rose from 4% in 2000 to around 10% of the legitimate market in 2004. Police across Australia have more than doubled the number of illegal discs seized in 2004 compared to 2003. Discs comprise mostly DVD-R copies as DVD-R technology has increased its share of the pirate optical disc market. In addition Australian Customs seized over 40,000 pirate DVDs imported into Australia in 2004, a 185% increase compared to the 14,000 seized by Customs in 2003.

Police jurisdictions now recognize organized crime involvement in film piracy. Organized crime links to movie piracy in Australia were first uncovered following a raid on Malaysia-linked movie pirates in 2002.

Piracy in Asia

The MPA estimates that its member companies lose an excess of US\$896 million in potential revenue annually in the Asia-Pacific region alone. In 2004, the MPA operations in the Asia-Pacific region investigated more than 25,500 cases of piracy and assisted law enforcement officials in conducting nearly 12,000 raids. These activities resulted in the seizure of approximately 49,000,000 illegal optical discs, and

the initiation of more than 8,000 legal actions.

About AFACT

AFACT works closely with industry, government, police and educational institutions to address copyright theft and protect the commercial interests of the film and television industry as well as the interests of Australian movie fans. AFACT members include: Village Roadshow; Buena Vista International Inc; Metro-Goldwyn-Mayer Studios Inc; Paramount Pictures Corporation; Sony Pictures Releasing International Corporation; Twentieth Century Fox International Corporation; Universal International Films Inc; Warner Bros. Pictures International [A Division of Warner Bros. Pictures Inc]

Studio denies movie deal

Entertainment

TWENTIETH Century Fox yesterday denied claims by ReelTime that a new deal would give it access to movies months before Foxtel.

The studio said ReelTime would get access three months after video/DVD stores. ****ReelTime will have access to Fox films simultaneously with Foxtel's Box Office ... service and other pay-per-view and video-on-demand operators.****

John Lehmann

Australian, 13 January 2006

POLICE DESTROY \$400,000 WORTH OF PIRATED OPTICAL DISCS WHILE RAIDS CONTINUE AGAINST DVD PIRATES

Hendra, Queensland – This morning Australian Federal Police will destroy 200,000 pirated optical discs including DVDs, CDs and Playstation games worth over \$400,000 in a destruction ceremony which will see the discs crushed alongside counterfeit sunglasses and clothing.

This destruction ceremony highlights continued activities against movie pirates where Queensland Police this week charged a 33 year-old man with crimes under the Copyright Act following a raid on Tuesday at a rural property at Rosewood, near Ipswich. The raid was the culmination of an internet investigation by the Australian Federation Against Copyright Theft [AFACT] during which Police seized unauthorised copies of latest movie titles including "Brokeback Mountain".

During the raid, police seized two computers, four burners, four hard drives, and 98 DVD-Rs being used as masters for a DVDR burning lab capable of producing pirate movies with a street value of over \$1.9 million dollars a year.

The man will appear in Ipswich Magistrates Court later this year.

"Movie pirates cannot hide their crimes by using the internet. The enforcement efforts highlighted by today's AFP DVD Destruction Event and this week's Queensland Police raid prove that people who think they can break the law and use the internet should think twice. The internet is traceable, and movie piracy is a crime. AFACT will use all resources available to us in order to find movie pirates who continue to profit illegally from stealing our members' copyright", said Adrienne Pecotic, Executive Director of AFACT. "On behalf of the thousands of people working in film and television in Australia I would like to thank the Australian Federal Police and the Queensland Police for their ongoing efforts combating movie piracy crimes"..

DAWN RAID LEADS TO CONVICTION AND \$10,000 FINE FOR MOVIE PIRATE

Mount Waverly, Victoria - On Tuesday, 21 February, A Mount Waverly resident was fined \$10,000 by Heidelberg Magistrates Court after pleading guilty to two copyright infringement-related charges.

the resident was charged by Victoria Police following the execution of a search warrant on a Mount Waverly premises on 25 October, 2005, during which police seized 27 DVD-R burners, seven CD-R burners, two computers and an estimated 14,255 pirated optical discs. Police also seized a catalogue of movie, software, TV, music and games titles that were being burnt and sold by the operator, totalling more than 11,300 different titles. Contained in this list were refused-classification titles including hardcore pornography.

The raid, conducted by Preston Crimes Investigation Unit (CIU) with the assistance of the Australian Federation Against Copyright Theft (AFACT), exposed and subsequently shut down Mr Greene's large-scale optical disc piracy operation.

AFACT estimates the operation was capable of producing more than

494,000 optical discs per year with a street value of over \$4.94 million dollars.

The cooperative investigation by AFACT and Preston CIU revealed that Greene was offering his pirate discs for sale via postal orders and over the Internet.

"Every conviction against movie pirates serves notice that intellectual property crime is being taken seriously by the police, and AFACT," said Adrienne Pecotic, Executive Director, AFACT. "This is the second conviction this week of a movie pirate in Victoria, and underscoring the determination of Australia's law enforcement agencies, with the full support of the film industry, to defend the valuable intellectual property that contributes to our country's economy and to so many individuals' livelihoods."

IN BRIEF

X-rated fine

AN Osborne Park man charged with copying and selling classified material appeared in Perth Magistrate's Court last Thursday and was fined \$2000 plus court costs.

Detectives raided the 36-year-old's Osborne Park home in October and found pirated X-rated DVD's.

Operation Seaver included a raid on a Malaga factory and a Thornlie address where police found a DVD pirate copy manufacturing facility worth about \$25,000 and another 10,000 pirated movies.

He was fined \$1000 for copying classified material and another \$1000 for selling classified material.

MOVIE INDUSTRY TAKES ACTION AGAINST UNLAWFUL TRADER OF IMPORTED DVDS

On February 15, the film industry in Australia stepped up its efforts to protect movies, commencing an action in the Federal Court against a person operating a retail outlet in Cranbourne, Victoria for copyright infringement.

The retail outlet that has been unlawfully selling movie DVDs, sourced from the United States, prior to the release of the titles in Australia. The unauthorised import and sale of these DVDs, which the importer should have known was unauthorised, is parallel importation and infringes the copyright laws of Australia.

Unlawfully imported DVDs that are available in the market prior to the official release of legitimate home video product (and often even theatrical release) negatively impact theatre ticket sales and legitimate DVD sales because a certain number of people have already seen the movie via these unlawful imports. Unlawfully imported DVDs are also a ready source of 'master' copies for the criminal

counterfeit DVD trade in Australia. The trade in unauthorised DVDs has an inevitable impact on the bottom line of Australian film industry businesses.

This action initiated on February 15th by 13 motion picture companies represented by the Australian Federation Against Copyright Theft (AFACT) follows one taken against Minotaur (Entertainment) Pty. Limited in May last year when that company and its director Colin Paraskevas were ordered by the Federal Court by consent to pay \$100,000 in costs and damages for violations of Australian copyright law through the unauthorised sale of Region 1 (U.S.-origin) DVDs in Australia.

This second action sends a further strong message that the parallel import of DVDs from overseas for sale or rental is unlawful and will not be tolerated.

AFACT was first alerted to the retailer's unlawful activity through an anonymous tip-off, and subsequently, having thoroughly investigated the company's activities, in April 2005 issued the proprietor with a warning that its activity was unlawful and should stop.

The owner responded with a refusal to cease his unauthorised trading in these movies, adding that business would continue as usual. Now the retail outlet will have to file a defence in the Federal Court.

Commenting on the case, AFACT Executive Director Adrienne Pecotic said:

"This is a very important step in our fight against activities that are unlawful under the Copyright Act. The unlawful import of DVDs into this country for sale or rental erodes legitimate Australian businesses and will not be tolerated. We will take whatever action is necessary to counter this activity."

COPYRIGHT THIEF ARRESTED IN DAWN RAID

Springvale, Melbourne – Early on Friday morning, Australian Federation Against Copyright Theft (AFACT) investigators

and Victoria Police from the Dandenong Regional Response Unit raided a home in the Melbourne suburb of Springvale, arresting a 19-year-old man and seizing five computers and 17 DVD-R burners.

Police also seized a quantity of illegal drugs and more than 1,000 pirated optical discs, the majority of which were infringing AFACT member company titles, including children's titles. These discs were being manufactured for sale alongside hardcore pornographic titles.

The sophisticated DVD-R burning laboratory is estimated to have been capable of producing as many as 371,000 pirated DVDs in one year, yielding revenues of as much as \$3.7 million, assuming the burners were in operation ten-hours-a-day, seven-days-per-week.

This raid was part of the Motion Picture Association's (MPA) "Operation Big Broom" anti-piracy enforcement operations, scheduled to run through January in 14 countries and territories around the Asia-Pacific region. The operation aims to crack down on the availability of illegally pirated movies in retail shops and markets and from street vendors during the important New Year holiday season, when many new movies are released.

"Today's raid closed down a DVD-R burning lab making illegal copies of popular children's movies alongside hardcore pornography, which was supplying vendors at Melbourne markets," said Adrienne Pecotic, Executive Director of AFACT. "In buying pirated DVDs, people unwittingly support criminals who are often involved in other serious crime. It is worth pausing to think that a few extra dollars will buy a genuine disc that supports legitimate Australian businesses and their employees in every town and suburb."

MOVIE PIRACY, STOLEN GOODS AND PORNOGRAPHY LINKED IN TWO ARRESTS IN VICTORIA

Footscray, Melbourne – On March 8th and 10th, Melbourne Police carried out two consecutive raids at separate locations in the Footscray area, arresting two men suspected of operating a movie piracy and stolen goods operation. The raids were conducted on a market stall within Footscray Markets at which 4,200 optical discs were seized, and at an Internet cafe at which a further seizure of 8,600 optical discs was made. A quantity of stolen goods was also seized by police.

Among the seized discs were pirated versions of children's movies, including Motion Picture Association (MPA) member company titles, as well as pirated hardcore pornographic titles. AFACT estimates indicate the haul had a street value of over \$128,000.

The raids followed a series of covert investigations conducted by Police with assistance from the Australian Federation Against Copyright Theft (AFACT).

Commenting on the raids and the arrests, Adrienne Pecotic, Executive Director said: "The successful shutdown of these operations by Melbourne Police highlights the insidious nature of film piracy, in this instance concealing an illegal business behind the façade of a legitimate one, an Internet café, and distributing pornography side-by-side with children's films. Australians who reject buying pirated films and other creative content support our police in the enforcement of our country's laws, and make it more difficult for criminals to conduct their illegal activity and corrupt our society."

BLOCKBUSTER STORES JOIN AVRRA

The Board of the Australian Video Rental Retailers Association proudly

announces and warmly welcomes the following Blockbusters stores that have recently joined the Association

Victorian Corporate Blockbuster stores headed up by Rick Wight.

Ray Robinsons group of Blockbusters stores, Ray has always been a keen supporter of the Association and has recently finalized the purchase of several more stores.

Patrick Smith who also has just joined all his Blockbusters stores, again, after just recent stores purchases.

With membership numbers continuing to grow, the Association can truly say it represents over 75% of all video stores in the industry. It is with this unity we can go forward, as one, making Home Entertainment the number one choice for consumers.

Welcome, Rick, Ray and Patrick and many thanks from the Board.

PIRATE DVDs COST SYDNEY MAN MORE THAN HE BARGAINED FOR

Sydney – A 26-year-old man from Emu Plains, was convicted of copyright offences in Penrith Magistrates Court on Tuesday, January 17th and fined \$3,840. The man pleaded guilty to copyright charges and driving-related charges after police stopped him for a traffic infringement and found 72 pirate DVD-Rs in his vehicle. Clinton's lawyer told the Court that Clinton had purchased the illegal discs from a market seller at Parklea Markets and intended to sell them to his friends.

On sentencing the man, Magistrate McCrea acknowledged the damaging impact of movie piracy on the livelihood of all those involved in the film industry, and stressed that it was important to send a decisive message that movie piracy is a crime and should be stopped.

Australian Federation Against Copyright Theft's (AFACT) examination of the seized discs identified movie titles that

had not yet been released on DVD format anywhere in the world.

"Stealing and selling someone else's copyright film is a crime, plain and simple, and Mr Clinton has found this out the hard way," said Adrienne Pecotic, Executive Director of AFACT. "Anyone who sells a pirated movie risks a criminal record, a fine, and even a gaol term. As Magistrate McCrea highlighted, when movies are stolen and sold illegally, every industry sector loses revenue - revenue that ultimately sustains local retailers, video stores, cinemas and film-makers across Australia, as well as all the many thousands of individuals who rely on the film and television industries for a living."

Australian JobSearch

An Australian Government Initiative

JobSearch.gov.au - the FREE online recruitment option for employers.

Many employers are turning to JobSearch to find the right staff to fill their jobs. Operated by the Australian Government as a free service, JobSearch connects employers with quality staff fast.

Registering with JobSearch enables you to find the right person for your job and makes it easier for the right person to find you. Employers who use JobSearch to advertise their vacancies enjoy the following advantages:

- **Free advertising:** Advertising jobs on JobSearch is free of charge and once you're registered you can advertise as many jobs as you like. If you're in a hurry you can phone the Employer Hotline on 13 17 15 and

we'll advertise the job for you, either way it's free.

- **Quality candidates:** JobSearch has Australia's largest job seeker database with over 600,000 resumes online.
- **High visibility:** JobSearch attracts over 1 million visitors each month Australia wide, giving your job maximum exposure to people who are actively look for work.
- **Kiosk access:** Jobs advertised on JobSearch are also displayed on our Australia-wide network of touch-screen kiosks.
- **Auto-match:** Receive instant candidate matches against each job you advertise.
- **Personal page:** Manage your advertised jobs or view past jobs from within your own JobSearch employer personal page.

HINTS AND TIPS FOR STORES

ARTICLE SUPPLIED BY ANDREW WALL, VIDEO DEFAULTERS

NEW MEMBERS

Always get your member to fill in their own membership application, so if there are any discrepancies with numbers etc it falls back on the customer. You should also double check the information is correct. Customers, who intend to defraud you, will give you slightly misleading information. EG- I live at 1/11 Smith St, when they actually live at 111 Smith St.

MOBILE PHONE NUMBERS

When a new member is signed up and they have given you a mobile phone number, ring it while the member is still in the store to see if number is correct. It is also recommended that video stores have their caller id blocked so that defaulters cannot identify them. You can also dial 1831 before dialling and this will block your number for that

call only. If the mobile rings in the store you know you have been given a correct number

NATIONAL DEFAULT REGISTRY

If accessing the National Default Registry (N.D.R.), now is the time to check if the new member is listed. Tell the member "I am just going to check your name on the N.D.R.that all videos stores around Australia use. You don't want to end up on this registry, so if you're going to be late or have a problem with your products, just give us a call. In keeping in contact with us at the store, we will have no reason for concern." It is very important that you use a friendly tone when delivering this message. You may wish to reserve this speech for the 18-25 year olds (who are the majority of offenders) If you are interested in accessing our database please call us.

LEGAL AND COMMERCIAL

If listed, give the defaulter a Legal and Commercial card, which you can find at the back of the receipt book and tell them to contact us. (03) 9752 6206

If you are not accessing the N.D.R., give us a call to discuss if the database would be of value to you. The N.D.R. contains 500,000 names uniquely identified by date of birth and/or drivers licence.

WHEN CUSTOMER COMES AFTER RECEIVING LETTERS

When a defaulter comes to the store after receiving letters, play dumb.

"Oh yes, we did send a lot of letters out, lets see if we can help"

IF CUSTOMER IS AGITATED

If a defaulter is agitated, always refer them to the author of the letter they have received (unless we sent a soft

letter on your behalf first) you can use the excuse that it is now out of the stores hands and they should contact the author to sort out. You do not have to deal with them. Some may just come in with wallets open. Always take payment and provide receipt. Don't forget to notify us of payment either by phone, fax or internet.

PASSWORDS

Always insist new members have passwords attached to their membership. Do not sign multiple members on the one membership.

RECORD ALL CUSTOMER CONVERSATIONS

Record all conversations on your computer system with defaulters particularly when you are trying to get product back, dates, names, times etc. When you phone the customer to get your product back, let them know that you have a reservation for that particular title so that they are under the impression that you will be losing revenue if not returned. This is very helpful to us as many defaulters claim they never rented product in the first place.

PART PAYMENTS

Resist accepting part payments at the store level. Ring us when the defaulter is in the store and we will set up a periodical payment. We have far better systems and procedures in place to ensure payments are continually coming in. Invariably if stores start taking part payments, in most cases they only make one or two payments and then stop paying.

Industrial Relations Contact Numbers

One the most time consuming tasks of any business these days is ensuring wages and conditions for all staff are correct. For the convenience of members we have produced a list of contact details for all the Industrial Relations Departments (Australia)

New South Wales

131 628

www.dir.nsw.gov.au

Victoria

03 9651 5560 or 1800 287 287

www.irv.vic.gov.au

Western Australia

1300 655 266

www.docep.wa.gov.au

Queensland

1300 369 945 within state or

1800 177 717 elsewhere

www.dir.qld.gov.au

South Australia

08 8303 0400

www.industrialcourt.sa.gov.au

Tasmania

03 6233 7657

www.wst.tas.gov.au – *general info awards conditions*

www.pat.tas.gov.au – *award rates*

ACT and NT

1300 363 264

www.wagenet.gov.au

note this web address also has links to each state site.

ASSOCIATE MEMBERS

Rocket Software (Customsoft) | Imagine Entertainment | Eagle Entertainment | Ezy DVD
Trade Guys International | Video Defaulters | New Zealand Video Dealers Association