



Law Council
OF AUSTRALIA

Business Law Section

Senator The Hon George Brandis QC
Attorney-General and Minister for the Arts
Parliament House
Canberra ACT 2500
Via email: senator.brandis@aph.gov.au

27 June 2014

Dear Attorney-General,

Copyright law reform

The Intellectual Property Committee of the Business Law Section of the Law Council of Australia (**IPC**) is writing to you regarding copyright law reform and the Government's response to the ALRC's report on Copyright and the Digital Economy.

The IPC agrees that the *Copyright Act* 1968 (Cth) is overly long, unnecessarily complex and often outdated. The IPC understands that the Government has committed to undertake a thorough and exhaustive law reform process to reduce its length and complexity, to promote ease of use of the Copyright Act and to make it technology neutral. A comprehensive review would be consistent with the Government's broader policy of reducing regulatory red tape and improving efficiency.

The IPC also notes that amendments to the Copyright Act should provide flexibility to adapt to new technologies.

The IPC notes that the Government will pay careful regard to the broader international legal and economic context. The IPC agrees that this is particularly important, given the current negotiations around the Trans-Pacific Partnership Agreement and other international developments.

The IPC supports the Government in undertaking such a review of Australia's copyright. The IPC commends the quality and thoroughness of the review and the extent of consultation engaged by the ALRC.

The IPC notes that the UK government has recently introduced a number of reforms from the Hargreaves Review to broaden defences in light of the digital economy and is considering the form of further extensions.

The IPC notes that the Government is yet to formally respond to the recommendations made in the report. The IPC considers that some of the recommendations made by the ALRC are worth pursuing, including:

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- Replacing most specific copyright exceptions with a broad, flexible 'fair use' exception.
- Retaining and simplifying some specific exceptions, such as preservation copying and document supply for libraries and archives, and exceptions for some government and judicial uses.
- Reforming the statutory licences for government and education.
- Limiting remedies for use of orphan works where a reasonable diligent search has been carried out prior to use.
- Preserving the library exceptions from contracting out.
- Recommendations about broadcasting for the government to consider when setting media and communications policy.

In conclusion, the IPC supports the Government in undertaking such a review of Australia's copyright law and indicates its willingness to participate in this process. Given the issues identified by the Attorney-General when announcing the release of the ALRC's report, it would be both disappointing and potentially counter-productive if narrow or sector specific issues were to be addressed in advance of the comprehensive review.

If you have any questions regarding this submission, please contact the Committee Chair, Richard Hamer, by phone on 03-9613 8853 or via email: Richard.Hamer@allens.com.au

Yours sincerely

John Keeves
Chairman, Business Law Section