



THE SENATE

STANDING COMMITTEE ON ENVIRONMENT AND COMMUNICATIONS

INQUIRY INTO THE COPYRIGHT LEGISLATION AMENDMENT (FAIR GO FOR FAIR USE) BILL 2013

Background

On 27 June 2013, the Senate, on the recommendation of the Selection of Bills Committee, referred the Copyright Legislation Amendment (Fair Go for Fair Use) Bill 2013 (the bill) to the Senate Environment and Communications Legislation Committee (the committee) for inquiry and report by 3 October 2013.

The bill seeks to amend the *Copyright Act 1986* (Copyright Act) to implement four reforms to Australian copyright law. Firstly, the bill would remove digital locks or technical protection measures that lock-up content and restrict visually impaired people from utilising audio editions of e-books or converting a text book into braille.

Secondly, the bill would create a 'safe harbour' to prevent Australian universities, schools, cultural institutions, content service providers and internet service providers from being sued for what others may do with material to which those organisations have allowed access.

Thirdly, the bill would remove geocodes that enforce different prices and conditions of use of content by Australian consumers, thus removing a barrier to Australians purchasing legitimate content from overseas.

Fourthly, the bill would introduce a 'fair use' exception in the Copyright Act to support digital innovation and promote access to collections in Australian cultural institutions. The fair use provisions would allow the 'fair use' of copyrighted work for purposes such as criticism, comment, news reporting, teaching, scholarship or research without that use being an infringement of copyright.

Conduct of the inquiry

The committee invited submissions by 31 August 2013. Details of the inquiry, the bill and associated documents are available on the committee's website at www.aph.gov.au/senate_ec. On account of the prorogation of the 43rd Parliament and dissolution of the House of Representatives on 5 August 2013, the committee did not hold any public hearings for this inquiry.

Summary of issues raised in submissions

The committee received 28 submissions to the inquiry (available on the committee's website). The majority of these opposed the bill. Some of the major issues raised in submissions included that:

- the bill would reduce incentives for makers of creative content and stifle innovation;

- the bill would increase uncertainty and costs for copyright holders;
- the bill would be inconsistent with Australia's obligations under the *Berne Convention for the Protection of Literary and Artistic Works*; and
- the need for the bill was not supported by evidence.

Many submitters also noted that the Australian Law Reform Commission (ALRC) is currently conducting an inquiry into copyright and the digital economy and that consideration of the bill should be delayed until the conclusion of that process. The ALRC is expected to deliver its final report on 30 November 2013.¹

The Australian Communications Consumer Action Network (ACCAN) supported the bill on the basis it would provide technology neutral flexibility, improve access for people who are blind or vision-impaired, and address price discrimination achieved through geo-blocking.² The Copyright Advisory Group—Schools (CAG Schools) of the Standing Council on School Education and Early Childhood was broadly supportive of the bill because:

...the introduction of a fair use provision is critically important to modern education. Fair use would remove the roadblocks currently impeding the use of digital technologies in Australian schools and make life easier for teachers.³

Committee comment

If the bill is reintroduced in the new parliament, the submissions received during this inquiry may be of assistance during any future inquiry into or debate on the bill.

Senator Doug Cameron
Chair

¹ Australian Law Reform Commission (ALRC), *Copyright and the digital economy*, available: <http://www.alrc.gov.au/inquiries/copyright-and-digital-economy> (accessed 4 September 2013).

² Australian Communications Consumer Action Network (ACCAN), *Submission 9*.

³ Copyright Advisory Group—Schools (CAG Schools), *Submission 28*, p. 3.