



Friday 20 April 2018

Committee Secretary
Joint Standing Committee on Treaties
PO Box 6021
Parliament House
Canberra ACT 2600

To whom it may concern

Inquiry into the Framework Agreement between Australia and the European Union and its Member States (EU Framework Agreement)

The Australian Digital Alliance (ADA) welcomes the opportunity to provide comments to the Joint Standing Committee on Treaties Inquiry examining the Framework Agreement between Australia, of the one part, and the European Union and its Member States, of the other part (EU Framework Agreement).

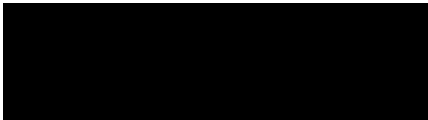
The ADA is a non-profit coalition of public and private sector interests formed to provide an effective voice for a public interest perspective in copyright policy. It was founded by former Chief Justice of the High Court of Australia, Sir Anthony Mason in February 1999, to unite those who seek copyright laws that both provide reasonable incentives for creators and support the wider public interest in the advancement of learning, innovation and culture. ADA members include universities, schools, disability groups, libraries, archives, galleries, museums, technology companies and individuals. The ADA advocates for copyright legislation that provides a balance between strong protection of copyright and reasonable and equitable access to information in the public interest.

The ADA makes the following recommendations, echoing those of the submission of Australian Fair Trade and Investment Network (AFTINET) to the Inquiry:

- The ADA renews our advocacy for the implementation of a more rigorous and transparent assessment process for treaties¹ particularly treaties that would impact Australian IP law. The ADA endorses increasing processes for transparency, accountability and public disclosure on all Australia's trade agreement, including:
 - independent assessments of the projected costs and benefits of the agreement
 - regular public consultation during negotiations
 - public release of draft texts
 - public release of Australian government proposals and discussion papers
 - public release and parliamentary discussion of the final text before it is authorised for signing by Cabinet.
- The ADA reasserts² that there should be limitations placed on the application of ISDS in treaties to which Australia is a party in order to reduce some of the potential chilling effect of companies relying on ISDS to protect their IP.
- The ADA contends that monopolies on IP (including copyright) should not be extended under any future Australia–EU free trade agreement. We note that the current framework only requires the parties to reaffirm their commitment to their existing international copyright treaties, and to exchange information and share experience on IP issues. We submit that these are sufficient commitments for the Treaty to place on our IP policies.

Our principal contact with respect to this matter is our Executive Officer, Jessica Coates, who can be reached at jessica@digital.org.au or on 02 6262 1118.

Yours faithfully



Derek Whitehead
Chair
Australian Digital Alliance

¹ See Submission 56, Senate Standing Committees on Foreign Affairs and Trade inquiry into the proposed Trans-Pacific Partnership (TPP) Agreement,

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/TPP/Submissions and Submission 78, Senate Standing Committees on Foreign Affairs and Trade inquiry into the Commonwealth's treaty-making process, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Treaty-making_process/Submissions.

² See Submission 56, Senate Standing Committees on Foreign Affairs and Trade inquiry into the proposed Trans-Pacific Partnership (TPP) Agreement,

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/TPP/Submissions and our submission the Joint Standing Committee on Treaties Inquiry examining the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (unpublished).