



AUSTRALIAN  
COPYRIGHT COUNCIL

---

**SUBMISSION TO JOINT STANDING COMMITTEE ON TREATIES ON  
Marrakesh Treaty to Facilitate Access to Published Works for People who are  
Blind, Visually Impaired or otherwise Print Disabled  
JULY 2015**

The Australian Copyright Council (ACC) welcomes the opportunity to make this brief submission in relation to the Marrakesh Treaty to Facilitate Access to Published Works for People who are Blind, Visually Impaired or otherwise Print Disabled (the Treaty).

The ACC is an independent, non-profit organisation. Founded in 1968, we represent the peak bodies for professional artists and content creators working in Australia's creative industries and Australia's major copyright collecting societies. This includes the Australian Publishers Association, the Australian Society of Authors and Copyright Agency|Viscopy. A full list of our members is attached at Appendix 1.

The ACC is a strong supporter of the Treaty and was the only Australian NGO represented at the diplomatic conference in Marrakesh where the Treaty was concluded. We are in favour of Australia lodging its Instrument of Ratification as soon as practicable as stated in paragraph four of the National Interest Analysis.

In our submission to the Attorney-General's Department on implementation of the Treaty, we put forward a suggestion for implementing the Treaty that would simply require a small amendment to the *Copyright (International Protection) Regulations*. [http://www.copyright.org.au/acc\\_prod/ACC/Submissions/Submission\\_to\\_Marrakesh\\_Treaty\\_Implementation\\_-\\_PDF.aspx](http://www.copyright.org.au/acc_prod/ACC/Submissions/Submission_to_Marrakesh_Treaty_Implementation_-_PDF.aspx)

Indeed, the National Interest Analysis confirms that no legislative amendment is required to implement the Treaty.

In light of the Government's intention to implement the Treaty as soon as practicable, we query its proposal as set out in paragraphs 31 and 32 of the National Interest Analysis to instead amend the *Copyright Act*. This is particularly so when in our submission, an exception necessarily provides less certainty for the intended beneficiaries of the Treaty than a licence. As Copyright Agency notes in its submission, the existing provisions are broad and a lot more flexible than commonly understood.

We are aware that the Government intends to release an exposure draft of the proposed legislation. We look forward to participating in that consultation process.

Fiona Phillips  
Executive Director

Appendix 1: Australian Copyright Council Affiliates

The Copyright Council's views on issues of policy and law are independent, however we seek comment from the 24 organisations affiliated to the Council when developing policy positions and making submissions to government. These affiliates are:

Aboriginal Artists' Agency  
Ausdance  
Australian Commercial & Media Photographers  
Australian Directors Guild  
Australian Institute of Architects  
Australian Institute of Professional Photography  
Australian Music Centre  
Australasian Music Publishers Association Ltd  
Australian Publishers Association  
APRA|AMCOS  
Australian Recording Industry Association  
Australian Screen Directors Authorship Collecting Society  
The Australian Society of Authors Ltd  
Australian Writers' Guild  
Christian Copyright Licensing International  
Copyright Agency|Viscopy  
Media Entertainment & Arts Alliance  
Musicians Union of Australia  
National Association For The Visual Arts Ltd  
National Tertiary Education Industry Union  
Phonographic Performance Company of Australia  
Screen Producers Australia  
Screenrights