

SUBMISSION NO. 6
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Australia's representative to the International Music Council



Music Council of Australia

27 January 2012

The Secretary of the Committee
Joint Standing Committee on Treaties
Parliament of Australia

By email: jsct@aph.gov.au

Dear Committee Members,

Re: Anti-Counterfeiting Trade Agreement

The Music Council of Australia appreciates the opportunity to make a submission to the Joint Standing Committee on Treaties regarding the Anti-Counterfeiting Trade Agreement (ACTA).

The Music Council is the national peak organization for the music sector. Its membership of 50 is drawn from national organizations and distinguished individuals from across the entire music sector. It seeks to advance music and musical life in Australia by providing information, undertaking research, mounting advocacy and organizing projects. It is the Australian affiliate to the International Music Council, housed in the UNESCO campus in Paris.

The Music Council understands that, in ratifying ACTA, no new legislative measures are required in Australia in order that Australia comply with the obligations set out in ACTA because, as noted in the National Interest Analysis (NIA), 'ACTA obligations are directly aligned with Australia's IP [intellectual property] enforcement standards' (Clause 11) and 'obligations are entirely consistent with existing Australian law' (Clause 13) and reiterated in Clauses 29 and 30. ACTA will, however, serve to internationalise existing Australian IP standards of enforcement, 'providing Australian rights holders and owners the benefits of wider adoption overseas of the standards applied to IP enforcement at home' (Clause 8).

The Music Council would like to put on record the fact that in our experience public consultation regarding ACTA has been the most open and transparent of any trade agreement of which we are aware. In the context of concerns amongst many Australians

about the secrecy of trade agreement negotiations, the Music Council considers that negotiations for this agreement represent a benchmark that could usefully be adopted in respect of negotiations for other bilateral, regional, plurilateral and multilateral trade agreements. The negotiations for the ACTA were undertaken in a way unique in plurilateral trade agreement negotiations. Draft text was publicly released, including two drafts in the last year of negotiations in 2010, one in April and another in October. ACTA is an agreement negotiated between 37 countries and the fact that draft text was released through the course of negotiations does not appear to have in any way impeded its progress and appears to have delivered a satisfactory outcome for all parties. The Music Council understands that Australia played a leadership role in making progress on negotiations open to public scrutiny and recommends that it do so again in respect of the many other trade agreements currently under negotiation.

Yours faithfully

Dr Richard Letts AM
Executive Director