

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Additional Estimates February 2017
Communications Portfolio
Department of Communications and the Arts

Question No: 11

Program 1.1

Hansard Ref: Written, 10/03/2017

Topic: Copyright Amendment

Senator Brown, Carol asked:

1. Please provide an update on the Copyright Amendment (Disability Access and Other Measures) Bill.
 - (a) What is its current status?
 - (b) An exposure draft of the Bill was released for public comment at the beginning of 2016, what were the outcomes of that consultation process?
 - (c) When will the Bill be introduced?

Answer:

- (a) The Copyright Amendment (Disability Access and Other Measures) Bill 2017 was introduced in the House of Representatives on 22 March 2017 and passed on 28 March 2017. It was then introduced in the Senate, read and moved on 29 March 2017 and is expected to be debated in the winter sittings.
- (b) The Department received 89 submissions on the exposure draft from stakeholders which are now available on the Department's website (www.communications.gov.au/have-your-say/updates-australias-copyright-laws). The Department also conducted numerous face-to-face, telephone and correspondence-based consultations with various copyright stakeholders. A list of stakeholders that the Department consulted following the release of the exposure draft is at **Attachment A**.

The changes made after consultation included:

- i. Amendments to the definitions for "institutions", "original form" and "persons with a disability".
- ii. Disability access provisions amended to clarify that copying can be conducted by or on behalf of a person with a disability.
- iii. Clarification of how the provisions for libraries and archives are intended to operate and which libraries and archives the provisions apply to. Conditions for making preservation and research copies simplified and expanded to apply to copying for other libraries.
- iv. Educational statutory licence amended to:
 - a. Expand the licence to cover internet transmissions of broadcast content and catch-up television services.

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- b. Clarify the priority of the statutory licence over other exceptions in the *Copyright Act 1968*.
 - c. Enable the Copyright Tribunal to determine retrospective and prospective licence fees, requirements for entry onto school premises and sets out arrangements for making applications and referrals to the Tribunal, and
 - d. Expand the exam copying exception to apply to all types of copyright material.
 - v. New provisions for the duration of copyright for unpublished works where there are joint authors and for unpublished sound recordings and films.
 - vi. Removal of the measures to expand the Safe Harbour scheme from the Bill. The Safe Harbour measures considered extending the scheme to a broader range of online service providers (such as universities and search engines). The measure was removed from the Bill before its introduction to enable the Government to further consider feedback received on this proposal whilst not delaying the passage of the remainder of the Bill.
- (c) The Australian Government introduced the Copyright Amendment (Disability Access and Other Measures) Bill 2017 in the House of Representatives on 22 March 2017.

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ATTACHMENT A

The Department received 89 submissions on the exposure draft from the following stakeholders which are now available at the Departments website (www.communications.gov.au/have-your-say/updating-australias-copyright-laws):

1. Private Submission
2. Private Submission
3. Private Submission
4. Wantima - State Library of Queensland
5. Telstra Corporation Limited
6. Australian Association for Teaching of English
7. Suzanne Sushi
8. Libraries Section - Tablelands Regional Council
9. Private Submission
10. State Library of NSW
11. Australian Institute of Aboriginal and Torres Strait Islander Studies
12. Business Council of Australia
13. Australian Law Reform Commission
14. Private Submission
15. Dimitrios Eliades
16. Thomson Reuters
17. Australian Society of Authors
18. Australian Information Industry Association
19. Law Council of Australia
20. BSA The Software Alliance
21. International Confederation of Music Publishers
22. Private Submission
23. Interactive Games and Entertainment Association
24. Society of University Lawyers Limited
25. Google Australia
26. Nicolas Suzor (QUT School of Law)
27. Australian Screen Directors Authorship Collecting Society / Australian Directors Guild
28. Australian Literary Educator's Association

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29. Digital Industry Group Inc.
30. Australian War Memorial
31. Australian Communications Consumer Action Network
32. APRA / AMCOS
33. Vision Australia
34. Australian Writer's Guild
35. State Library of South Australia
36. Private Submission
37. Australasian Music Publishers' Association
38. ACT Transport Canberra and City Services (Territory and Municipal Services)
39. Australian Subscription Television and Radio Association
40. Australian Digital Alliance / Australian Libraries Copyright Committee
41. Australian Society of Archivists
42. Australian Film and TV Bodies (Joint Submission by: The Australian Screen Association, the Australian Home Entertainment Distributors Association, the Motion Picture Distributors Association of Australia, the National Association of Cinema Operators, the Australian Independent Distributors Association and the Independent Cinemas Association of Australia)
43. Music Rights Australia
44. National Archives of Australia
45. RPH Radio Reading Australia
46. Universities Australia
47. Private Submission
48. Australian Copyright Council
49. Special Broadcasting Services
50. Weatherall, Bowrey, Handler and Alexander Short
51. FreeTV Australia
52. Round Table on Information Access for People with Print Disabilities
53. Australian Digital Access to Collections (supported by the Australian Institute of Aboriginal and Torres Strait Islander Studies). This is an initiative of the GLAM peak bodies which include: Australian Library and Information Association (ALIA), Australian Society of Archives (ASA), Council of Australasian Archives and Records Authorities (CAARA), Council of Australasian Museum Directors (CAMD), Council of Australian Art Museum Directors (CAAMD), Council of Australian University Librarians (CAUL), Federation of Australian Historical Societies (FAHS), International Council of Museums (ICOM), Museums Australia (MA), National Research Collections Australia (NRCA),

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National and State Libraries Australasia (NSLA) and University Art Museums Australia (UAMA).

54. Private Submission
55. Parliamentary Education Office (WA)
56. Association of Parliamentary Libraries of Australasia
57. Envato Pty Ltd
58. Australian Blindness Forum
59. Electronic Frontiers Australia
60. Foxtel
61. Private Submission
62. Private Submission
63. Screenrights
64. Council of Australasian Museum of Directors
65. Council of Australasian Archives and Record Authorities
66. National Film and Sound Archive of Australia
67. Australian Broadcasting Corporation
68. Copyright in Cultural Institutions
69. Private Submission
70. Private Submission
71. Copyright Agency
72. Phonographic Performance Company of Australia Ltd
73. Private Submission
74. Private Submission
75. Council of Australian University Librarians
76. Australian Industry Group
77. Private Submission
78. Private Submission
79. Australian Council for the Arts
80. National and State Libraries Australasia
81. Copyright Advisory Group to the COAG Education Council
82. John Wiley & Sons
83. National Library of Australia

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84. CEO, State Librarian - State Library of Queensland
85. News Corp
86. State Library of Victoria
87. Joint Submission by Copyright Agency, Copyright Advisory Group to the COAG Education Council, Screenrights, Universities Australia
88. Library Board of Western Australia
89. Australian Publishers Association

Prior to commencement of this formal consultation program the Department consulted with a number of departments on the proposed Bill, including:

1. Attorney-General's Department (Human Right Policy Branch)
2. Department of Foreign Affairs and Trade (Intellectual Property, Aid for Trade and Other Issues Branch)
3. Department of Communications and the Arts (Media Branch)
4. Department of Social Services (Commercial, Housing, Disability and Information Law Branch).

The Department also informally consulted with various non-government stakeholders in relation to selected measures included in the Bill, including:

1. Phonographic Performance Company of Australia Ltd
2. Music Rights Australia
3. 21st Century Fox
4. News
5. Australian Home Entertainment Distributors Association
6. Google
7. Copyright Advisory Group to the COAG Education Council
8. Australian Digital Alliance
9. National Library of Australia
10. Western Australian Department of the Attorney General (included comments from the Disability Services Commission WA, School Curriculum and Standards Authority and the State Library of WA) (email only)
11. Motion Picture Association
12. TimeWarner (Belinda Lui)
13. Australian Screen Association
14. NSW Department of Justice

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15. Screenrights

16. Australian Publishers Association

17. NSW, Vic, Qld, WA, SA Government Senior Copyright Officers

18. Universities Australia