



Simon Corbell MLA

ATTORNEY GENERAL
MINISTER FOR PLANNING
MINISTER FOR POLICE AND EMERGENCY SERVICES

MEMBER FOR MOLONGLO

Senator Marise Payne
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Dear Senator Payne

Thank you for your letter of 19 October 2006 to the Chief Minister, Mr Jon Stanhope MLA, inviting the ACT to make a submission to a Parliamentary inquiry into the Copyright Amendment Bill 2006. The matter has been referred to me as Attorney General as responsibility for this matter falls within my portfolio.

I note that the Bill proposes to make a number of changes to the *Copyright Act 1968* (Cth) to keep pace with the changing needs for the protection and use of copyright materials. I also note that some exceptions are provided in the Bill to the circumvention of Technological Protection Measures (TPMs), but that they do not cover a government use of copyright material in terms of a statutory licence under section 183 of the Copyright Act.

Not providing for a TPM exception to government copying means that a government would need to seek permission of the copyright owner to circumvent the TPM to access the copyright work, possibly with an agreement to pay for such copying. Given that a government is obliged to pay equitable remuneration to a collecting society for its section 183 use of copyright work, and that the government's use of copyright work is not commercial, a copyright owner's rights and interests would not be prejudiced by allowing the government a TPM exception. Without such an exception, the government's ability for a non-infringing use of copyright work would be significantly hampered.

I respectfully suggest, therefore, that your Committee consider recommending an amendment to the Bill to provide for a government to circumvent a TPM to access and copy a copyright work for the purpose of provision of its services.

Yours sincerely

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