



25 February 2022

Submission to Australian Government
Department of Infrastructure, Transport, Regional Development and Communications
Copyright Amendment (Access Reform) Bill 2021

The Publishers Association of New Zealand (PANZ) is an incorporated society representing over 80 trade, educational, scholarly, and digital publishers. Our members are local independents and large international publishers, educational and trade publishers, publishers for adults and for children, for students and professionals — combining to produce over 2,000 new titles a year.

PANZ is writing in full support of the submission made by the Australian Publishers Association (APA). We also commend and support the submissions made by the International Publishers Association (IPA), Copyright Licensing New Zealand (CLNZ) and the International Federation of Reproduction Rights Organization (IFFRO).

We share the alarm of these submissions regarding, in particular, the Exposure Draft's proposals for changes to exceptions for libraries & archives and education. We affirm the concern of these submissions that the proposed changes appear at odds with international copyright treaties to which Australia is a signatory. The Berne Convention and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) provide clear principles from which to honour international obligations for copyright exceptions. Section 113 KC of the Exposure Draft, as currently worded, risks breaching these principles, potentially placing Australia in conflict with fellow signatories to these international treaties, including New Zealand.

A salutary recent example of the impact of ill-conceived changes to library and archive digital lending is detailed in the CLNZ submission regarding the National Library of New Zealand (NLNZ). PANZ worked closely with CLNZ and the New Zealand Society of Authors in challenging the NLNZ plan to make hundreds of thousands of copyrighted works freely available online. We were quickly joined by an overwhelming international response, with rightsholders – big and small – from around the world voicing their outrage. As currently drafted, section 113 KC would risk generating a similar situation if enacted, with works from global rightsholders (including

New Zealand) placed freely online, placing Australia's hard-won status as a high-quality creative economy into question.

New Zealand is a significant trading partner for Australian publishers. We affirm the APA concerns that these draft provisions risk undermining existing markets. Section 113 KC, in particular, will give our members in New Zealand pause regarding their business in Australia if enacted.

Overall, we recognise this Exposure Draft as a document that lacks adequate understanding and engagement with the creative sector. We strongly encourage the Australian government to heed the APA's call for revising these proposals based on closer understanding of the Australian (and international) creative sector, and with better regard for appropriate due process.

Ngā mihi nui

A handwritten signature in black ink, appearing to read 'G Cosslett', written in a cursive style.

Graeme Cosslett

President, Publishers Association of New Zealand Te Rau o Tākupu