



Committee Secretary  
Joint Standing Committee on Treaties  
PO Box 6021  
Parliament House  
Canberra ACT 2600

Dear Secretary

The Australian Libraries Copyright Committee (ALCC) welcomes the opportunity to provide comments to the Joint Standing Committee on Treaties for its Inquiry into the Trans-Pacific Partnership Agreement (TPP).

The ALCC is the main consultative body and policy forum for the discussion of copyright issues affecting Australian libraries and archives. It is a cross-sectoral committee with members representing the following organisations:

- The Australian Library and Information Association
- National and State Libraries Australasia
- The Council of Australian University Librarians
- The Australian Government Libraries Information Network
- The National Archives of Australia
- The Australian School Library Association
- The Australian Society of Archivists
- Council of Australasian Archives and Records Authorities

We wish to draw the Committee's attention to the [Brussels Declaration on Trade and the Internet](#),<sup>1</sup> which is supported by the International Federation of Library Associations (IFLA), of which a number of our members are members.

The Declaration's signatories reject the growing trend towards the negotiation of trade agreements with highly prescriptive intellectual property obligations outside of the World Intellectual Property Organisation (WIPO) and World Trade Organisation (WTO). The processes for these treaties are secretive and fail to meet basic standards of transparency or accountability. They result in treaties such as the TPP, which place too much emphasis on copyright protection and enforcement, neglect essential limitations and exceptions to copyright, and fail to address the needs of broader communities.

The restrictive copyright approach taken by the TPP and its equivalents will be particularly harmful to libraries, archives and other industries that seek to provide copyright material to the public, such as schools and universities.

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<sup>1</sup> [http://www.ifla.org/files/assets/clm/brussels\\_declaration.pdf](http://www.ifla.org/files/assets/clm/brussels_declaration.pdf)

The ALCC supports the Declaration's call for the reformation of global trade negotiations to:

- Ensure trade agreements are transparent and accountable, including all vital stakeholders in the negotiation process
- Take affirmative measures to engage organisations and experts representing internet users and consumers
- Apply freedom of information principles
- Balance representation on trade advisory bodies or processes
- Promote and fulfil articles 19 - 25 of the International Covenant on Civil and Political Rights to ensure meaningful participation in the negotiation process

In the Australian context, the ALCC also supports Recommendation 6 of the government's Competition Policy Review (the Harper Review) which found:

The Australian Government should task the Productivity Commission to undertake an overarching review of intellectual property. The Review should be a 12-month inquiry.

The review should focus on: competition policy issues in intellectual property arising from new developments in technology and markets; and the principles underpinning the inclusion of intellectual property provisions in international trade agreements.

A separate independent review should assess the Australian Government processes for establishing negotiating mandates to incorporate intellectual property provisions in international trade agreements.

Trade negotiations should be informed by an independent and transparent analysis of the costs and benefits to Australia of any proposed intellectual property provisions. Such an analysis should be undertaken and published before negotiations are concluded.<sup>2</sup>

The ALCC, in collaboration with the Australian Digital Alliance, provided detailed comments on Australia's treaty making process to the *Senate Standing Committee on Foreign Affairs, Defence and Trade References Committee Inquiry into The Commonwealth's treaty-making process*. Our submission included 16 recommendations designed to produce a more informed approach, greater stakeholder engagement; improved oversight; and effective implementation. Our complete submission is available on the Committee's website.<sup>3</sup>

Yours Sincerely

Margaret Allen  
Chair  
Australian Libraries Copyright Committee

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<sup>2</sup> Harper, Anderson, McCluskey and O'Bryan, Competition Policy Review Final Report, March 2015, Recommendation 6, p.41

<sup>3</sup> The ADA's full submission is available at [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Treaty-making\\_process/Submissions](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Treaty-making_process/Submissions)