

Overview of Copyright Amendment (Disability Access and Other Measures) Act 2017

In 2017 the Australian government introduced important changes to our copyright in the form of the [Copyright Amendment \(Disability Access and Other Measures\) Act 2017](#). The Act, which received Royal Assent on Saturday 22 June 2017, for the most part came into force on Friday 22 December (see details below). The changes it brings about are the most significant to Australian copyright law in over a decade.

The Act implements Australia's obligations under the [Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled](#) (the Marrakesh Treaty), which came into effect on 30 September 2016. The Marrakesh Treaty is first copyright treaty from the World Intellectual Property Organisation to focus on the rights of copyright users, rather than copyright creators. Australia was a founding member of the Treaty, and has always been one of its champions. On its ratification the government [declared](#) that Australia would introduce new laws to ensure world best practice implementation.

This fact sheet provides a brief overview of the Act and the changes it introduces. For more details on specific changes, see our additional fact sheets linked to below.



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The Act also made a number of other changes that can be considered “low hanging fruit” – problems with Australia’s copyright law that everyone agreed should be fixed, but that were minor enough that they were difficult to get onto the legislative agenda. These amendments were drafted by the Department of Communications and the Arts in consultation with representatives of the different stakeholders in Australia’s copyright debates – creators, publishers, collecting societies, librarians, teachers, disability and consumer advocates.

In the end, the Act introduces changes in four areas (a fifth, an extension to Australia’s safe harbour laws, was in the original exposure draft of the bill, but was removed from the final version for further consultation). They are:

- Amendments to strengthen the rights of Australians with a disability to create and use accessible versions of copyright works – these are a new fair dealing for disability access (s113F) and a new exception for institutions assisting people with a disability (s113E). Both of these exceptions improve on the previous accessibility provisions by applying equally to any material you want to use (be it book, film, or audio recording), to any use you want to make (be it copying, adapting or uploading to the cloud) and to people with any disability (be it vision, hearing, intellectual, physical or even temporary). See more detail on this provision in our Disability Access fact sheet.
- A new exception for preservation of library and archive collections (s113) – this replaced the previous complex and incomplete exceptions and removed (almost) all restrictions on preservation activities by cultural institutions, with no limits on number, format or location of copies. The only limit is that institutions must check if the material is commercially available in the format they require. However, as works are rarely made commercially available in preservation formats (eg a proprietary ebook format is not equivalent to open document format), this should not be a significant impediment in most cases;
- Simplification of the statutory licence for education, to make it more efficient and effective for both rights holders and educational institutions (ss.....) - the changes combine the two current educational statutory licences (Part VA and Part VB) in a single, simpler licence that keeps the intention but removes many of the bureaucratic details. This will make the licence more flexible to adapt to new technologies and behaviours, with detailed provisions on issues such as reporting now to be included in biannual agreements between educational representatives and the Copyright Agency Limited; and
- Changes to the copyright term provisions to end the antiquated concept of perpetual copyright for unpublished works, and to set a fixed copyright term for works whose authors are unknown – all materials will now have a standard term of either life of the author plus 70 years (works) or 70 years from creation (subject matter other than works) regardless of whether they are published or not. The main exception to this rule will be works for which the author cannot be identified, which will have a term of 70

years from when they were made public, or 70 years from creation if they have not been made public. There are transitional provisions designed to prevent copyright owners from losing out from these changes, and they don't come into effect until Tuesday 1 January 2019, to allow copyright owners time to take action to preserve their copyright for longer periods should they wish to.

The [Australian Libraries Copyright Committee](#) is the primary policy body for the discussion of copyright issues affecting libraries and archives in Australia. For more information and resources on copyright for libraries, including regular training opportunities throughout Australia, see <http://libcopyright.org.au>.