First, may I acknowledge the traditional owners of the land we meet on – and pay my respects to their elders, both past and present.

Professor Brian Fitzgerald, Queensland University of Technology
The Honourable Michael Kirby AC CMG
The Honourable Greg James QC
Professors Lessig, Cohen and Sterling
Distinguished guests
Ladies and gentlemen

Good morning and thank you for your welcome to this important conference.

It is now 40 years since the commencement of the 1968 Copyright Act. When former Attorney-General, Nigel Bowen, introduced the Bill into Parliament in 1967, which completely revised Australia’s copyright law, he acknowledged that:

the law of copyright is assuming a greater practical and economic importance both within Australia and internationally.

His statement is just as relevant today.

Studies prove that point, including recent research by Price Waterhouse. Their 2008 report\(^1\) found that Australia’s copyright industries have grown considerably over the past twelve years.

It may not be widely known that in 2006–07 alone, Australian copyright industries employed more than 830,000 people – 8 per cent of the Australian workforce.

They generated $ 97.7 billion – 10.3 per cent of our Gross Domestic Product. And earned more than $6.8 billion in exports – that is, 4.1 per cent of the Australian total.

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I know that successive Attorneys-General have worked to develop reforms to copyright law in response to the impacts of new technologies or changing circumstances in society.

That need for copyright reform continues – particularly in response to the development of new technologies now largely driven by the internet and digital devices.

We have international obligations to meet, incentives to establish for creators, and consideration of the broader public interest of access to copyright materials. These factors create a challenging mix as we work to find a “balanced” copyright regime.

Overall, I think Australia is acknowledged internationally as having a strong, comprehensive and balanced copyright law.

Despite this, we must also be open to the need to re-examine the present balance as circumstances change.

ACHIEVING BALANCE

One of my challenging tasks as Attorney-General lies in creating a fair and workable copyright system that ensures the right balance between the often conflicting interests of copyright owners and the needs of copyright users.

Traditionally, copyright owners have tended to argue that the law should protect their copyright, in response to innovations that facilitate greater copying or sharing of copyright material.

On the other hand, copyright users generally oppose any tightening or increased control of access to copyright protected materials.

Some have argued that copyright not only comprises the copyright owner’s private property rights, but also certain “public rights”.

This is not a novel debate.

Just as Nigel Bowen’s comments about the importance of copyright are relevant today, so too is the observation of Victor Hugo in the 1870s:

    Before the publication, the author has an undeniable and unlimited right …
    but as soon as the work is published, the author is not any more the master.
    It is then that other persons seize it …

As Minister responsible for copyright almost 150 years later, I do not profess to have the ultimate resolution to this issue.

2 Victor Hugo, when chair of l’Association Littéraire Internationale.
But it is my view the balance is best achieved by adopting a principled approach to policy development.

In effect, this means not being captive to one interest group or point of view.

The Government needs to reach a reasonable middle ground when interests have worked together to find a solution but genuinely cannot agree, and when the public interest is at risk.

The key here is about working genuinely to come to agreement.

Copyright interests are often diametrically opposed. But that is no excuse for not seeking compromise and fair outcomes.

In this respect, I see copyright as essentially about players acting in good faith.

This is not to say that Government does not have a role in guiding policy and finding legislative solutions. But Governments can never purely be arbiters between two competing interests; there are broader considerations to take into account.

Governments also have an obligation to consider individual rights as well as the social benefits and implications of copyright when developing policy.

Government must also act according to international obligations arising from multilateral and bilateral copyright agreements.

The guiding statement for today’s conference mentions that:

> Copyright should underpin freedom by promoting the optimal flow and dissemination of knowledge.

I will be interested to learn more from your discussions about how copyright can be “free”, yet part of a balanced system that recognises owners’ rights and Australia’s international obligations.

**ENGAGEMENT WITH STAKEHOLDERS**

The task of assessing what aspects of copyright law should be examined is a difficult one.

There is clearly a wide range of stakeholders.

Only last week I held a roundtable forum with about 30 of the key representative groups to hear their perspective on copyright reform and what their key issues were.

Their views are important and I found it a very efficient way to gauge stakeholder views. I was also struck by the broad range of issues aired.

There was some commonality of issues.

This will lead me to think further about key themes.

For example:
• whether the Government would benefit from an independent source of advice in addition to my Department, especially for technology and competition issues
• access to justice considerations for individual creators and also the effectiveness of the Copyright Tribunal
• addressing piracy in the online environment
• the roles and responsibilities of declared collecting societies
• whether there should be new rights for visual artists, indigenous creators and audio-visual performers
• the relationship between copyright and contract law, and
• whether there should be new exceptions to allow greater access to copyright materials.

These are some of the themes that came through at the meeting and many will be further considered by the Government.

COPYRIGHT AGENDA

In addition to these ideas there are a range of copyright issues facing Government. These include the issues of resale royalty legislation for visual artists and the review of restrictions on the parallel importation of books.

I am also evaluating proposals on the use of internet material by educational institutions, the role of Internet Service Providers in relation to online infringements, and appropriate enforcement of intellectual property crimes.

There is also the push for Governments to consider how to enhance access to and reuse Government information.

These are just a few of the important copyright issues to address – and in doing so, being mindful that copyright policies influence our wider agenda for innovation, education, the arts, trade and the digital economy.

CONCLUSION

These are interesting times for copyright policy.
We face challenges as new platforms of communication, presentation and distribution sprout almost overnight.

The context for all we do is subject to constant change. The agenda for this conference demonstrates that point.
I commend Professor Brian Fitzgerald for bringing you together and welcome your perspectives on copyright policy to help us achieve an effective and fair balance. I wish you success in your deliberations. It is my great pleasure to declare the Conference officially open. Thank you.