



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI

Review of the Copyright Act: Issues Paper workshop

Opening presentation by MBIE



Aims for the day

1. Improve our understanding of issues with copyright law in New Zealand
2. Facilitate dialogue between people with contrasting perspectives about issues with copyright
3. Support you to make informed submissions on the Issues Paper
4. Help you understand what it is MBIE is doing in the review and why.



Purpose of the review and how it works

Why review the Copyright Act?

- The Copyright Act was last substantively reviewed more than 10 years ago. Since then:
 - major technological change and market developments (eg rise of streaming services)
 - some policy making by trade agreement (CPTPP)
- Rare opportunity to ask how copyright law can perform better for **New Zealand** overall.

Purpose of the review and how it works

- Working towards legislative change
- Review is to help Ministers make informed decisions about what changes are most likely to make our copyright law better.
- We get there by asking three questions:

1. What are the **Objectives** for our copyright law?
2. What are the **Issues** with it?
3. What are the **Options** for addressing those issues?

The role of policy advisors in the review

- Our job is to provide impartial policy advice
- We will be bringing together all the evidence we have available, including what information you can provide, and use it to advise Ministers on what changes to the Act we expect will most improve things overall, even if they make things worse for some.



Why we need to consult people who work with ©

- To get evidence / improve quality of information available for policy advice
- Evidence / information held by those working within the copyright system (including how you will be affected by changes)



The review process

- Development of issues paper
- Public consultation on issues paper
- Public consultation on an options paper
- Cabinet makes policy decisions requiring legislative change
- Public consultation on an exposure draft of Bill proposing changes (mostly to resolve technical or drafting issues)
- Bill introduced to the House
- Select committee examination of the Bill (public submissions)

The Issues Paper

- Product of earlier work with stakeholders.
- Consolidates our understanding of issues most worth exploring at this stage of the review –to solicit evidence from a wide range of sources.
- Doesn't cover everything. Open to considering issues that don't feature in the paper.
- For submissions – quality matters far more than quantity. Guidelines to help you with this.



Questions at this point?



The proposed objectives for copyright

- Objectives needed to assess the status quo against.
- From the Terms of Reference, with addition re Treaty of Waitangi.
- Please provide feedback in submissions.
- For the purposes of this workshop: take these objectives for granted.



The proposed objectives for copyright

1. Provide incentives for the creation and dissemination of works, where copyright is the most efficient mechanism to do so
2. Permit reasonable access to works for use, adaptation and consumption, where exceptions to exclusive rights are likely to have net benefits for New Zealand
3. Ensure that the copyright system is effective and efficient, including:
 - a) providing clarity and certainty
 - b) facilitating competitive markets
 - c) minimising transaction costs
 - d) maintaining integrity and respect for the law.
4. Meet New Zealand's international obligations
5. Ensure that the copyright system is consistent with the Crown's obligations under the Treaty of Waitangi



Taonga works

- Questions in paper re Waitangi Tribunal recommendations on taonga works
- At this stage chiefly a conversation about process
- We welcome submissions from anyone on the taonga works questions
- First seeking to have this conversation with Māori as Treaty partners
- Planning a hui in late March

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What makes something an 'issue'?

- Looking for public policy problems. These are systemic. What's wrong with the law?
- Something is wrong with the law if undermining one or more of the objectives.
- Is the problem something changes to copyright law can actually solve?



Questions?



[Three rounds of group-based discussions]



Wrapping up

- Final comments/observations
- Next steps:
 - Let Minister know how workshops went
 - Write up notes from flipcharts (by topic), without attributions
 - Publish notes on website
 - Work out how best to spend remaining weeks of consultation – suggestions welcome
 - Give you more guidance on preparing submissions (if we can)



Thank you for talking to us

