



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Copyright (Marrakesh Treaty Implementation) Amendment Act Commencement Order 2019	Date to be published	23 January 2020

List of documents that have been proactively released		
Date	Title	Author
	Copyright (Marrakesh Treaty Implementation) Amendment Act Commencement Order 2019	Office of the Minister of Commerce and Consumer Affairs
	LEG-19-MIN-)172	Cabinet Office

Information redacted

NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

In Confidence

Office of the Minister of Commerce and Consumer Affairs

Chair, Cabinet Legislation Committee

Copyright (Marrakesh Treaty Implementation) Amendment Act Commencement Order 2019

Proposal

1. This paper seeks approval for the submission to the Executive Council of the Copyright (Marrakesh Treaty Implementation) Amendment Act 2019 Commencement Order 2019.

Policy

2. The *Copyright (Marrakesh Treaty Implementation) Amendment Act 2019* (the Amendment Act) amends the *Copyright Act 1994* to allow New Zealand to accede to the *Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, done at Marrakesh on 27 June 2013* (the Marrakesh Treaty). Section 2 of the Amendment Act provides that it enters into force on a date to be appointed by the Governor-General by Order in Council (Commencement Date).
3. The Commencement Date must be the date that Marrakesh Treaty enters into force for New Zealand. This is 4 January 2020, the date that is three months after New Zealand deposited its instrument of accession to the Marrakesh Treaty.

Timing and 28-day rule

4. The Commencement Date will be 4 January 2020.

Compliance

5. The Commencement Order complies with the following:
 - 5.1. the principles of the Treaty of Waitangi;
 - 5.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 5.3. the principles and guidelines set out in the Privacy Act 1993;
 - 5.4. relevant international standards and obligations;
 - 5.5. the Legislation Guidelines (2018 edition).

Regulations Review Committee

6. There do not appear to be grounds for the Regulations Review Committee to draw the Commencement Order to the attention of the House of Representatives under Standing Order 319.

Certification by Parliamentary Counsel

7. The Commencement Order has been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

8. An exemption from providing a Regulatory Impact Assessment for the Commencement Order is claimed on the basis that it provides solely for the commencement of the provisions of the Amendment Act.

Publicity

9. I intend to release a press statement publicising the entry into force of the Amendment Act. Those stakeholders who have participated in the development of the Amendment Act will be notified directly by the Ministry of Business Innovation and Employment.

Proactive release

10. I intend to proactively release this paper in its entirety.

Consultation

11. The Ministry of Foreign Affairs and Trade has been consulted.

Recommendations

The Minister of Commerce and Consumer Affairs recommends that the Committee:

1. **note** that section 2 of the *Copyright (Marrakesh Treaty Implementation) Amendment Act 2019* provides for the Amendment Act to enter into force on a date to be appointed by the Governor-General by Order in Council;
2. **note** that this date is 4 January 2020, the date on which the *Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, done at Marrakesh on 27 June 2013* enters into force for New Zealand;
3. **authorise** the submission to the Executive Council of the *Copyright (Marrakesh Treaty Implementation) Amendment Act 2019 Commencement Order 2019*, which provides for the Amendment Act to enter into force on 4 January 2020.

Authorised for lodgement

Hon Kris Faafoi
Minister of Commerce and Consumer Affairs