



Mr Paul Salmond
Assistant Secretary
Literature and Indigenous Culture
Department of the Environment, Water, Heritage and the Arts
GPO Box 787
Canberra ACT 2601
5 September 2008

Dear Mr Salmond

UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

I am responding to your letter of 23 July 2008 regarding Australia's possible ratification of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.

Paragraph three of your letter refers to the relationship between the Convention and existing intellectual property systems, and to expectations that ratification of the Convention may raise regarding access to, and use of, material protected by copyright.

Our interest is confined to the copyright implications of ratifying the Convention. We understand that ratification would not oblige Australia to make any amendments to the Copyright Act, having regard to Article 3(b) of the Convention; Australia could properly implement its obligations under the Convention without any such amendments. However, given the concern expressed about expectations that cultural institutions may have about the implications of ratification of the Convention for copyright obligations, we ask that the government expressly state in its communications regarding the Convention that ratification will not result in any amendments to the Copyright Act.

Yours sincerely,

Libby Baulch
Executive Officer