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SUBMISSION TO COPYRIGHT LAW REVIEW COMMITTEE JURISDICTION PROCEDURES OF THE COPYRIGHT TRIBUNAL

The Australian Subscription Television and Radio Association ('**ASTRA**') represents subscription television broadcasters and TV and radio narrowcasters in Australia. A list of the ASTRA members is at Appendix A.

Members of ASTRA need to obtain licences from the Australasian Performing Rights Association (APRA) and the Australian Mechanical Copyright Owners Society (AMCOS) in order to conduct their day-to-day business. Under the present provisions of the *Copyright Act*, they have no recourse to the Copyright Tribunal.

ASTRA submits that it is appropriate that the Copyright Tribunal have jurisdiction in respect of all collectively administered licences. Although ASTRA will attempt to negotiate appropriate licences with the bodies representing copyright owners, there may be times when it is necessary to have those matters determined by a third party.

ASTRA considers that the single member Tribunal should be constituted by a Presidential Member who is or has been a judge of the Federal or a Supreme Court. ASTRA also submits that a greater number of Presidential Members be appointed to enable the Copyright Tribunal to be differently constituted from time to time.

ASTRA does not oppose the introduction of alternative dispute resolution mechanisms but notes that if these break down, it is likely that the reasonably formal practices and procedures adopted by the Tribunal will continue because of the significant sums which are involved in any claim.

ASTRA has no comment on the other matters raised by the Tribunal's Issues Paper. We apologise for the lateness of this submission.

Debra Richards
Executive Director

APPENDIX A

The Australian Subscription Television and Radio Association (ASTRA) is the peak industry body for subscription television and narrowcast radio. Subscription broadcasting and open and subscription narrowcasting services were new categories of broadcasting services introduced with the Broadcasting Services Act, 1992. (the BSA).

These new services added to the mix of existing categories of service, being the national broadcasting services (ABC and SBS); commercial broadcasting services (commercial TV and radio); and community broadcasting services (previously public broadcasting).

ASTRA was formed in September 1997 with the amalgamation of the Federation of Australian Narrowcasting Subscription Services (FANSS) and the Confederation of Australian Subscription Television (CAST).

ASTRA's members include:

- the main Pay TV operators – AUSTAR; C&W OPTUS Television and FOXTEL
- channel providers – The Value Network (Australia); Pan TV; Artist Services Cable Management; Odyssey Channel; XYZ Entertainment Pty Ltd; Movie Vision Pty Ltd; Discovery Channel; TV 1; Nickelodeon; Learning Network Pty Ltd; UK TV Pty Ltd; MTV; Sky News Australia; The Premium Movie Partnership; Premier Sports Australia (Fox Sports); Disney Channel; Satellite Music Australia; BBC World; and National Geographic
- narrowcast television services – Sky Channel Pty Ltd; Television Oceania; CFM Technology; Information Television; Westlink - Dept of State Services; and Arnbridge
- narrowcast radio services – 2KY Racing Radio; Really Really Big Productions; Western Visitor Radio; Nashville FM (formerly Eazy 88FM); Radio Austral; Free FM; I&G Pty Ltd; Radio Newcastle; Radio Uno; Tourist Radio Devonport (TCT FM); Fresh Media Woolgoolga; 2CR; and Asia Space, and
- communications companies – AAPT; C&W Optus Communications; Telstra; PanAmSat; Australian Satellite and Cablevision Services; CSIRO Radiophysics Division; News Ltd; Totalisator Agency Board of NSW; Peter Pratt; Orbit Electronic Media; and Comsyst (Australia) Pty Limited.