

**Report  
on  
Journalists' Copyright**

**Copyright Law  
Review  
Committee**

**1994**

**Report**

**Journalists' Copyright**

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## **Preface**

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The **Copyright** Law Review Committee was established in **1983** to consider and **report** to the Attorney-General on **specific** copyright matters referred to it from **time** to **time**. **Since March** . . . 1993 the Minister for Justice has had primary responsibility for copyright law and policy development and consequently this **report**, and future reports of the Committee, will **be** presented to the Minister for Justice.

**As** at the date of this **Report**, the following persons are members of the Committee:

|  |   |
|--|---|
| Hon Mr Justice I F Sheppard AO, (Chairman) | Judge of the Federal Court of <b>Australia</b> and President of the Copyright Tribunal.         |
| <b>Mr</b> Peter Banki*                     | Solicitor,<br>Phillips Fox, Sydney.   |
| Ms Lyndsey <b>Cattermole</b>               | Managing Director,<br>Aspect Computing <b>Pty</b> Ltd.  |
| <b>Mr</b> Brett <b>Cottle</b> *            | Chief Executive,<br>Australasian Performing Right Association.                                  |
| <b>Mr</b> Chris <b>Creswell</b>            | Assistant Secretary,<br>Attorney-General's Department.  |
| <b>Mr</b> Derek Fielding                   | Pro-Vice-Chancellor, (Academic Services),<br>University of Queensland.                          |
| <b>Mr</b> Michael <b>Frankel</b> *         | <b>Solicitor</b> ,<br>Michael <b>Frankel</b> and Co Solicitors.                                 |
| <b>Mr</b> Patrick Gallagher                | Managing Director,<br>Allen and Unwin ( <b>Aust</b> ) <b>Pty</b> Ltd.                           |
| Ms Janice Luck                             | Consultant<br>Davies Ryan De Boos Solicitors.   |
| Professor Dennis Pearce                    | Acting Deputy Vice-Chancellor,<br>Australian National University.                               |
| <b>Mr</b> Bob Rodgers                      | Director,<br><b>Terrace</b> Counselors Pty Ltd.   |
| Professor Ron Sacks-Davis*                 | Research Director,<br>Collaborative Information Technology<br>Research Institute, <b>RMIT</b> . |

\* These members, for various reasons, did not participate in **this** Reference.

Since 1983 the Committee has been asked to consider eight references and has now completed and forwarded to the Attorney-General reports on six of these. The references completed by the Committee are those on performers' protection, the meaning of publication in the *Copyright Act 1968*, church use of copyright materials, moral rights, the importation provisions of the *Copyright Act 1968* and conversion damages. The completion of the reference on journalists' copyright will leave the Committee with only the reference on computer software to **finalise**. The Committee intends **to** present a **final** report to the Minister for Justice with respect to this reference later in 1994.

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The Committee wishes to acknowledge the assistance provided to it during this inquiry by the persons and organisations who made submissions and by those organisations who provided guided inspections of **their** premises for its benefit. The Committee also wishes to thank Dr Ian **Reinecke** of the **Centre** for Information Technology Research, University of **Wollongong**, who accompanied Committee members on their inspections on 6 May 1993 and participated in discussions on that day. Detailed **information** regarding the course of the inquiry is contained in Chapter 3.

In this report the Committee has endeavored to accredit the **source** of comments made and material provided to it. Any omission or **error** in accreditation is unintentional. Where reference is made in this Report to the view of any representative association the source of it has, wherever possible, been indicated. For example, reference is made throughout the report to the view of the "**MEAA**" (the Media Entertainment and Arts Alliance, which was created by the amalgamation of the Australian Journalists' Association, with two other unions) and the "**CNMCCA\***" (the Combined Newspaper and Magazines Copyright Committee of Australia). In some cases, however, it has been necessary to make general references to "the publishers" or "the journalists" and in these instances the Committee has not intended to identify the views expressed by a particular person or association.

**Note:** The law as contained in this report is stated as at December 1993.