

NEW AUSTRALIAN COPYRIGHT LAWS

JURISDICTION OF COPYRIGHT TRIBUNAL

The amendments improve the role and operation of the Copyright Tribunal.

The amendments to the Copyright Act:

- allow the Tribunal to take account of the same matters in determining remuneration payable under licences in Part VA (copying of broadcasts by educational and other institutions) and in Part VB (copying of works by those institutions) of the Act
- allow the Tribunal, on reference from the Minister, to approve or reject an application for declaration as a collecting society under Part VA, Part VB and Part VC (retransmission of free-to-air broadcasts). The Tribunal can also revoke a declaration, on reference from the Minister, if sufficient grounds for revocation have been made out
- require any matter related to keeping records of copying under Part VA and Part VB licences that is not prescribed by the Act or Regulations to be agreed on between an institution and the relevant collecting society, and give the Tribunal jurisdiction to determine a matter where they disagree
- allow the Tribunal to determine anything that helps the operation of Part VA and Part VB licences and on which an institution and a collecting society have been unable to reach agreement
- allow the Tribunal, on application by a declared collecting society or one of its members, to review, vary or replace a scheme adopted or proposed by the society for distributing remuneration to its members
- give the Tribunal jurisdiction over voluntary licences and licence schemes offered by a collecting society. The Tribunal has no jurisdiction over one-off ('transactional') licences not offered by collecting societies
- in applications about licences or licence schemes, the Tribunal is also able to substitute a new licence or licence scheme if it is proposed by a party to the application
- in proceedings concerning voluntary licences and licence schemes, allow the Tribunal to admit the Australian Competition and Consumer Commission (ACCC) as a party, and require the Tribunal, if requested by any party, to have regard to any relevant guidelines issued by the ACCC
- allow the Tribunal to refer contesting parties to an alternative dispute resolution (ADR) process, to be conducted by a Tribunal member, the Registrar or an outside ADR specialist, and
- redesignate the Copyright Tribunal as the Copyright Tribunal of Australia and the Tribunal Secretary as the Registrar.

This fact sheet provides general information only and is not a substitute for professional legal advice.



Australian Government
Attorney-General's Department