

Legal Committee investigates copyright law

This year, the House Legal and Constitutional Affairs Committee has been examining copyright issues through its work on two separate inquiries.

Copyright Amendment (Digital Agenda) Bill 1999

The Copyright Amendment (Digital Agenda) Bill 1999 was introduced into the House of Representatives on 2 September. The Bill was referred to the Legal Committee by the Attorney-General, the Hon Daryl Williams AM QC MP, for inquiry and report. This inquiry has been conducted over a relatively short period of time because the Attorney-General requested that the Committee report by the end of the present sittings of Parliament.

The Bill, jointly sponsored by the Attorney-General and the Minister for Communications, Technology and the Arts, Senator the Hon Richard Alston, is a high priority for the Government. It proposes a package of reforms to the *Copyright Act 1968* designed to address issues raised by new communications technology and to give effect to Australia's obligations under the 1996 World Intellectual Property Organisation (WIPO) Copyright Treaty and WIPO Performances and Phonograms Treaty.

The Bill proposes to introduce a broadly based, technology neutral right of communication to the public. This right will replace and extend the existing technology specific broadcasting right, which is limited to 'wireless' transmissions. It will also replace the limited cable diffusion right. The right of communication will subsist as an exclusive right in all protected subject matter except for published editions, and it will encompass the making available of copyright material online through interactive services. It is intended that this right will apply to future developments in technology without the need for constant amendments to the Copyright Act.

In two months, the Committee has received some 100 written submissions and taken oral evidence at public hearings and round

table discussions on the Bill in Canberra, Brisbane and Sydney.

Not unexpectedly, the interested parties, representing copyright owners and users, have taken the opportunity at the round table discussions to vigorously argue their positions before the Committee. The Committee has had the benefit of testing the competing views – on the appropriate protection and remuneration for copyright owners, and restrictions on, and fees for access for copyright users – in a relatively short period of time.

'competing views on appropriate protection'

The Committee expects to report to Parliament on the last sitting Monday for 1999 – 6 December.

Enforcement of copyright law

Once the report on the Digital Agenda Bill is presented to Parliament, the Committee will focus on its remaining inquiry into copyright – enforcement of copyright law in Australia.

This inquiry has been under way since the Committee received the reference from the Attorney-General in April 1999. This inquiry has a broad scope, addressing the type and scale of copyright infringement. Evidence has been received on the extent of copyright piracy in Australia and on proposals for legislative amendments. The Committee has heard argument that civil remedies are inadequate, and that difficult evidentiary requirements under the criminal provisions of the *Copyright Act 1968* are a bar to successful prosecutions.

The Committee expects to conclude its evidence gathering early next year and to finalise its report before the second half of 2000.

Watch this space

New reports

A report on community involvement in the procedures and practices of the House of Representatives and its committees is due out in November. The report presents the findings and recommendations of the House of Representatives Procedure Committee's investigation. The report will be available on the Internet at www.aph.gov.au/house/committee/proc/reports.htm and can be obtained from:

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The House of Representatives Legal and Constitutional Affairs Committee expects to present the report of its inquiry into the Copyright Amendment (Digital Agenda) Bill 1999 to the House on Monday 6 December. Upon tabling, the report will be available from the committee's web site at www.aph.gov.au/house/committee/laca