

Copyright licensing and collecting societies: a guide for copyright licensees
Draft dated November 2006

Comments by Attorney-General's Department

Page 8, 4th line – we suggest substituting ‘subject-matter’ for ‘work’.

Page 8, 1st paragraph under shaded box – we suggest that the sentence after ‘detailed’ be reworded to read, ‘exceptions and limitations, including statutory licences’.

Page 8, last paragraph – the indicative list of exceptions should include reference to some of the new exceptions in the *Copyright Amendment Act 2006*, eg, the changed exception on recording of broadcasts for private and domestic use.

Page 10, 2nd paragraph – we suggest substituting ‘entitled’ for ‘original’ in front of ‘copyright owner’.

Page 17, 1st line – we suggest omitting ‘copying’ and inserting ‘to help estimate the extent of their copying’ after ‘system’.

Page 17, 4th paragraph – we suggest substituting ‘Application must be made to the Copyright Tribunal for declaration’ for ‘The tribunal must declare’. In the last sentence, we suggest substituting ‘; he or she might do so’ for ‘if greater transparency is needed’ and omitting the words, ‘and it would be appropriate to have open hearings’. We do so as the legislation does not require the Attorney-General to have a reason for referring an application to the Tribunal.

Page 17, 5th paragraph – Screenrights is also declared under Part VB for owners of copyright in sound recordings and films.

Page 17, footnotes 44, 45 and 47 – as, in each case, this only one of several provisions, we suggest that either all relevant provisions be referred to or each footnote begin, ‘Eg’.

Page 18, 2nd paragraph – we understand that collecting societies other than APRA do not take an assignment of their members’ copyright, but operate under either an exclusive or a non-exclusive licence from their members.

Page 18, 5th paragraph, 2nd sentence – amendments in the *Copyright Amendment Act 2006* allow the Tribunal to substitute another scheme: see Sch 11, Pt 1, Div 2.

Page 23, 1st paragraph – we suggest including reference to the jurisdiction of the Tribunal under ss 154, 155 and 156 to determine disputes over licence schemes.

Page 23, 2nd paragraph – we suggest substituting ‘whether other conditions of a voluntary licence or licence scheme are reasonable in the circumstances’ for the 3rd bullet point.