

LEGISLATION

What's happening with Copyright?

Nicholas Pengelley

Australian Taxation Office Library, Canberra

Amendments to the Copyright Act 1968 have been long foreshadowed and are inching closer. The Commonwealth Attorney-General's Department has been negotiating with the Copyright Agency Limited (CAL) for the best part of two years now over the right of the Commonwealth, pursuant to s183 of the Act, to copy anything provided that it notifies the copyright holder of that activity.

This of course is an administrative nightmare in practice and impossible to police in libraries, let alone outside them, and the aim of the present negotiations is to establish CAL as a central point of notification for all copying. The idea is that CAL will act on behalf of and represent copyright holders, and the necessity to seek them out individually will cease. This has been the practice followed by major federal government departments for the past year. Copyright forms

have been sent to CAL who, when rates and their standing to represent copyright holders are finally settled, will invoice those Departments. At the time of writing (mid-December 1992) agreement is very close.

As part of the Commonwealth's negotiations with CAL, the recognition of our obligations under the Copyright Act and the administrative inefficiency involved in all the form filling, it has been proposed that the Act be amended to simplify the process. When the Act is amended the form filling that we all engage in will be scrapped. Instead, the Commonwealth will pay an annual fee to CAL (which will be identified in the Act as the agent of copyright holders) based on a sampling process which has already been undertaken by the Department of Finance.

At the time of writing, the Cabinet submission relating to the proposed amendments has been drafted and is about to be circulated to departments for comment. This is not a swift process. With a federal election in the offing it is unlikely that the amendments will be considered by the Parliament until the Budget sittings.

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