

COPYRIGHT AMENDMENT ACT 1980 No. 154, 1980

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 1.  
Short title.

COPYRIGHT AMENDMENT ACT 1980

No. 154 of 1980

An Act to amend the Copyright Act 1968

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the Copyright Amendment Act 1980.\*1\*

(2) The Copyright Act 1968\*2\* is in this Act referred to as the Principal Act.

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Commencement

2. (1) Sections 17, 18 and 19 shall come into operation on the day on which this Act receives the Royal Assent\*1\*

(2) The remaining provisions of this Act shall come into operation upon a date to be fixed by Proclamation.

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Copyright not to subsist except by virtue of this Act or the Designs Act

3. Section 8 of the Principal Act is amended-

(a) by omitting from sub-section (1) "the next succeeding sub-section" and substituting "section 8A"; and

(b) by omitting sub-section (2).

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4. After section 8 of the Principal Act the following section is inserted:  
Prerogative rights of the Crown in the nature of copyright

"8A. (1) Subject to sub-section (2), this Act does not affect any prerogative right or privilege of the Crown.

"(2) Where a right or privilege of the Crown by way of copyright subsists in a work or published edition of a work, a person does not infringe that right

or privilege by doing, or authorizing the doing of, an act in relation to the work or edition without the licence of the Crown if, assuming that that right or privilege of the Crown did not subsist in the work or edition, but copyright subsisted under this Act in the work or edition and was owned by a person other than the Crown, he would not infringe the copyright of that owner in the work or edition by doing, or by authorizing the doing of, that act without the licence of the owner.

"(3) Nothing in sub-section (2) shall be taken to limit the duration of the right or privilege of the Crown by way of copyright in a work or published edition of a work."

#### COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 5. Interpretation

5. Section 10 of the Principal Act is amended-

(a) by inserting after the definition of "adaption" the following definition:

"'archives' means-

(a) archival material in the custody of-

(i) the Australian Archives;

(ii) the Archives Office of New South Wales established by the Archives Act 1960 of the State of New South Wales;

(iii) the Public Record Office established by the Public Records Act 1973 of the State of Victoria; or

(iv) the Archives Office of Tasmania established by the Archives Act 1965 of the State of Tasmania;

or

(b) a collection of documents or other material to which this paragraph applies by virtue of sub-section (4);";

(b) by inserting after the definition of "author" the following definition:

"'authorized officer', in relation to a library or archives, means the officer in charge of that library or archives or a person authorized by that officer to act on his behalf;";

(c) by inserting after the definition of "calendar year" the following

definition:

"central records authority' means a body, whether incorporated or unincorporated-

(a) which is established for the purpose of holding records that are deposited with it under section 203B or 203G in respect of copies of works and parts of works made by educational institutions in reliance on section 53B and by institutions assisting handicapped readers in reliance on section 53D; and

(b) which is declared by the regulations to be a central records authority for the purposes of this Act;";

(d) by inserting after the definition of "drawing" the following definition:

"educational institution' means-

(a) a school or similar institution at which full-time primary education or full-time secondary education is provided or both full-time primary education and full-time secondary education are provided;

(b) a university, a college of advanced education or a technical and further education institution;

(c) an institution, other than an institution referred to in paragraph (a) or (b), that conducts courses of primary, secondary or tertiary education by correspondence or on an external study basis;

(d) an institution (other than an institution referred to in paragraph (a), (b) or (c)) which has, as its principal function, the provision of courses of study or training for the purpose of general education or of preparation for a particular occupation or profession and is declared by the regulations to be an institution to which this paragraph applies; or

(e) any other institution which has, as its sole or principal function, the furnishing of material to educational institutions included in a class of educational institutions referred to in paragraphs (a), (b), (c) and (d) of this definition for the purpose of assisting the institutions in their teaching purposes and is declared by the regulations to be an institution to which this paragraph applies, but does not include an institution that is conducted for the profit, direct or indirect, of an individual or individuals;";

(e) by inserting after the definition of "future copyright" the following definition:

"'handicapped reader' means-

- (a) a blind person;
- (b) a person suffering severe impairment of his sight;
- (c) a person unable to hold or manipulate books or to focus or move his eyes; or
- (d) a person suffering from a perceptual handicap;"

(f) by inserting after the definition of "infringing copy" the following definition:

"'institution assisting handicapped readers' means-

- (a) an educational institution; or
- (b) any other institution, not being an institution conducted for the profit, direct or indirect, of an individual or individuals, that has as its principal function, or one of its principal functions, the provision of literary or dramatic works to handicapped readers and that is declared by the regulations to be, for the purposes of this Act, an institution assisting handicapped readers;"

(g) by inserting after the definition of "manuscript" the following definition:

"'officer in charge' means-

- (a) in relation to archives-the archivist or other person having, for the time being, immediate care and control of the collection comprising the archives;
- (b) in relation to a central records authority-the person having, for the time being, immediate care and control of the records deposited with the authority; and
- (c) in relation to a library-the librarian or other person having, for the time being, immediate care and control of the collection comprising the library;"

(h) by omitting "and also includes the administration of a Territory" from the definition of "the Crown" and substituting "and the Crown in right of the Northern Territory and also includes the Administration of a Territory other than the Northern Territory"; and

(j) by adding at the end thereof the following sub-sections:

"(2) Without limiting the meaning of the expression 'reasonable portion' in this Act, where a literary, dramatic or musical work is contained in a published edition of that work, being an edition of not less than 10 pages, a copy of part of that work, as it appears in that edition, shall be taken to contain only a reasonable portion of that work if the pages that are copied in the edition-

(a) do not exceed, in the aggregate, 10% of the number of pages in that edition; or

(b) in a case where the work is divided into chapters-exceed, in the aggregate, 10% of the number of pages in that edition but contain only the whole or part of a single chapter of the work.

"(3) In this Act, unless the contrary intention appears-

(a) a reference to the body administering an educational institution, an institution assisting handicapped readers or a central records authority shall be read as-

(i) in a case where the institution or authority is a body corporate-a reference to the institution or authority, as the case may be; or

(ii) in any other case-a reference to the body or person (including the Crown) having ultimate responsibility for the administration of the institution or authority, as the case may be;

(b) a reference to the body administering a library or archives shall be read as a reference to the body (whether incorporated or not), or the person (including the Crown), having ultimate responsibility for the administration of the library or archives;

(c) a reference to a copy of a sound recording shall be read as a reference to a record embodying a sound recording or a substantial part of a sound recording being a record derived directly or indirectly from a record produced upon the making of a sound recording;

(d) a reference to the copying records of an educational institution or an

institution assisting handicapped readers shall be read as a reference to the collection of-

(i) the relevant records in respect of copies of articles and other works made by or on behalf of the body administering the institution in reliance on section 53B; and

(ii) the relevant records in respect of copies of articles and other works made by or on behalf of the body administering the institution in reliance on section 53D, other than any such records as have been duly destroyed by, or by authority of, the body administering that institution;

(e) a reference to the Crown in right of a State shall be read as including a reference to the Crown in right of the Northern Territory;

(f) a reference to the custodian in charge of the copying records of an educational institution or an institution assisting handicapped readers shall be read as a reference to the person having responsibility for the day-to-day administration of the institution;

(g) a reference to the making, by reprographic reproduction, of a copy of a document, or of the whole or a part of a work, shall be read as a reference to the making of a facsimile copy of the document or the whole or that part of the work, being a facsimile copy of any size or form;

(h) a reference to a handicapped reader's copy of a work, or of a part of a work, shall be read as a reference to-

(i) a record embodying a sound recording of the work, or of the part of the work, being a record that was made by, or on behalf of, the body administering an institution assisting handicapped readers for use by a handicapped reader for the purpose of research or study that he is undertaking or proposes to undertake or for the purpose of instructing himself on any matter; or

(ii) a Braille version, large-print version or photographic version of the work, or of the part of the work, being a Braille version, large-print version or photographic version as the case may be, made by, or on behalf of, the body administering the institution assisting handicapped readers for use by a handicapped reader for the purpose of research or study that he is undertaking or proposes to undertake or for the purpose of instructing himself on any matter;

(j) a reference to a microform copy of the whole or a part of a work shall

be read as reference to a copy of the whole or a part of the work produced by miniaturizing the graphic symbols of which the work is composed;

(k) a reference to a periodical publication shall be read as a reference to an issue of a periodical publication and a reference to articles contained in the same periodical publication shall be read as a reference to articles contained in the same issue of that periodical publication;

(l) a reference to a record embodying a sound recording shall be read as a reference to-

(a) a record produced upon the making of a sound recording;  
or

(b) another record embodying the sound recording directly or indirectly derived from a record so produced;

(m) a reference to a relevant record, or a relevant declaration, in relation to the making, in reliance on a particular section-

(i) of a copy, or a handicapped reader's copy, of the whole or a part of a work; or

(ii) of a copy of a sound recording,  
shall be read as a reference to any record or declaration of a kind referred to in that section that is required by this Act to be made in relation to the making of that copy; and

(n) a reference to a State shall be read as including a reference to the Northern Territory and a reference to a Territory shall be read as not including a reference to the Northern Territory.

"(4) Where-

(a) a collection of documents or other material of historical significance or public interest that is in the custody of a body, whether incorporated or unincorporated, is being maintained by the body for the purpose of conserving and preserving those documents or other material; and

(b) the body does not maintain and operate the collection for the purpose of deriving a profit,  
paragraph (b) of the definition of 'archives' in sub-section (1) applies to that collection."

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6. After section 39 of the Principal Act the following section is inserted:  
Infringing copies made on machines installed in libraries and archives

"39A. Where-

(a) a person makes an infringing copy of, or of part of, a work on a machine for the making, by reprographic reproduction, of copies of documents, being a machine installed by or with the approval of the body administering a library or archives on the premises of the library or archives, or outside those premises for the convenience of persons using the library or archives; and

(b) there is affixed to, or in close proximity to, the machine, in a place readily visible to persons using the machine, a notice of the prescribed dimensions and in accordance with the prescribed form, neither the body administering the library or archives nor the officer in charge of the library or archives shall be taken to have authorized the making of the infringing copy by reason only that the copy was made on that machine."

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Fair dealing for purpose of research or study

7. Section 40 of the Principal Act is amended-

(a) by omitting "private"; and

(b) by adding at the end thereof the following sub-sections:

"(2) For the purposes of this Act, the matters to which regard shall be had, in determining whether a dealing with a literary, dramatic, or musical work, being a dealing by way of copying the whole or a part of the work or adaptation, constitutes a fair dealing with the work or adaptation for the purpose of research or study include-

(a) the purpose and character of the dealing;

(b) the nature of the work or adaptation;

(c) the possibility of obtaining the work of adaptation within a reasonable time at an ordinary commercial price;

(d) the effect of the dealing upon the potential market for, or value of, the work or adaptation; and



(e) in a case where part only of the work or adaptation is copied- the amount and substantiality of the part copied taken in relation to the whole work or adaptation.

"(3) Notwithstanding sub-section (2), a dealing with a literary, dramatic or musical work, or with an adaptation of such a work, being a dealing by way of the copying, for the purposes of research or study-

(a) if the work or adaptation comprises an article in a periodical publication-of the whole or a part of that work or adaptation;  
or

(b) in any other case-of not more than a reasonable portion of the work or adaptation,  
shall be taken to be a fair dealing with that work or adaptation for the purpose of research or study.

"(4) Sub-section (3) does not apply to a dealing by way of the copying of the whole or a part of an article in a periodical publication if another article in that publication, being an article dealing with a different subject matter, is also copied."

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Reproduction for purpose of judicial proceedings or professional advice

8. Section 43 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(2) A fair dealing with a literary, dramatic, musical or artistic work does not constitute an infringement of the copyright in the work if it is for the purpose of the giving of professional advice by a legal practitioner or patent attorney."

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9. Section 48 of the Principal Act is repealed and the following section substituted:  
Interpretation

"48. In this Division, a reference to an article contained in a periodical publication shall be read as a reference to anything (other than an artistic work) appearing in such a publication."

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10. Sections 49 and 50 of the Principal Act are repealed and the following sections substituted:

Copying by libraries and archives for users

"49. (1) A person may furnish to the officer in charge of a library (not being a library that is conducted for the profit, direct or indirect, of an individual or individuals) or the officer in charge of archives-

(a) a request in writing to be supplied with a copy of an article, or a part of an article, contained in a periodical publication or of the whole or a part of a published literary, dramatic or musical work other than an article contained in a periodical publication; and

(b) a declaration signed by him stating-

(i) that he requires the copy for the purpose of research or study and will not use it for any other purpose or, if he is a member of a Parliament and the copy is being requested from the person in charge of a library the principal purpose of which is to provide library services for members of that Parliament, that he requires the copy for the performance of his duties as such a member and will not use it for any other purpose; and

(ii) that he has not previously been supplied with a copy of the same article or other work, or the same part of the article or other work, as the case may be, by an authorized officer of the library or archives.

"(2) Subject to this section, where a request and declaration referred to in sub-section (1) are furnished to the officer in charge of a library or archives, an authorized officer of the library or archives may, unless the declaration contains a statement that to his knowledge is untrue in a material particular, make, or cause to be made, the copy to which the request relates and supply the copy to the person who made the request.

"(3) Where a charge is made for making and supplying a copy to which a request under sub-section (1) relates, sub-section (2) does not apply in relation to the request if the amount of the charge exceeds the cost of making and supplying the copy.

"(4) Sub-section (2) does not apply in relation to a request for a copy of, or parts of, 2 or more articles contained in the same periodical publication unless the articles relate to the same subject matter.

"(5) Sub-section (2) does not apply to a request for a copy of the whole of a literary, dramatic or musical work (other than an article contained in a periodical publication), or to a copy of a part of such a work that contains more than a reasonable portion of the work unless-

(a) the work forms part of the library or archives collection; and

(b) before the copy is made, an authorized officer has, after reasonable investigation, made a declaration stating that he is satisfied that a copy (not being a second-hand copy) of the work cannot be obtained within a reasonable time at an ordinary commercial price.

"(6) The copyright in an article contained in a periodical publication is not infringed by the making, in relation to a request under sub-section (1), of a copy of the article, or of a part of the article, in accordance with sub-section (2) unless the copy is supplied to a person other than the person who made the request.

"(7) The copyright in a published literary, dramatic or musical work other than an article contained in a periodical publication is not infringed by the making, in relation to a request under sub-section (1), of a copy of the work, or of a part of the work, in accordance with sub-section (2) unless the copy is supplied to a person other than the person who made the request.

"(8) The regulations may exclude the application of sub-section (6) or (7) in such cases as are specified in the regulations.

Copying by libraries or archives for other libraries or archives

"50. (1) The officer in charge of a library may request, or cause another person to request, the officer in charge of another library to supply the officer in charge of the first-mentioned library with a copy of an article, or a part of an article, contained in a periodical publication, or of the whole or a part of a published literary, dramatic or musical work other than an article contained in a periodical publication-

(a) for the purpose of including the copy in the collection of the first-mentioned library; or

(b) for the purpose of supplying the copy to a person who has made a request for the copy under section 49.

"(2) Subject to this section, where a request is made by or on behalf of the officer in charge of a library to the officer in charge of another library under sub-section (1), an authorized officer of the last-mentioned library may make, or cause to be made, the copy to which the request relates and supply the copy to the officer in charge of the first-mentioned library.

"(3) Where, under sub-section (2), an authorized officer of a library makes a copy of the whole or a part of a work and supplies it to the officer in charge of another library in accordance with a request made under sub-section (1)-

(a) the copy shall, for all purposes of this Act, be deemed to have been made on behalf of an authorized officer of the other library for the purpose for which the copy was requested; and

(b) an action shall not be brought against the body administering that first-mentioned library, or against any officer or employee of that library, for infringement of copyright by reason of the making or supplying of that copy.

"(4) Subject to this section, where a copy of the whole or a part of an article contained in a periodical publication, or of any other published literary, dramatic or musical work, is, by virtue of sub-section (3), to be deemed to have been made on behalf of an authorized officer of a library, the copyright in the article or other work is not infringed by the making of the copy.

"(5) The regulations may exclude the application of sub-section (4) in such cases as are specified in the regulations.

"(6) Where a charge is made for making and supplying a copy to which a request under sub-section (1) relates, sub-section (4) does not apply in relation to the request if the amount of the charge exceeds the cost of making and supplying the copy.

"(7) Sub-section (4) does not apply to or in relation to a copy of the whole or a part of an article or other work that is, by virtue of sub-section (3), to be deemed to have been made on behalf of an authorized officer of a library for a purpose referred to in sub-section (1) unless, as soon as practicable after the request was made, an authorized officer of the library made a declaration that set out particulars of the request (including the purpose for which the copy was requested) and stated-

(a) in a case where a copy of the whole or a part of the article or other work had previously been supplied, in accordance with a request under sub-section (1), for the purpose of inclusion in the collection of the library-that the copy so supplied had been lost, destroyed or damaged, whichever was appropriate; and

(b) in a case where the copy was a copy of the whole of a literary, dramatic

or musical work (other than an article contained in a periodical publication) or of a part of such a work that contains more than a reasonable portion of the work-that, after reasonable investigation, he was satisfied that a copy (not being a second-hand copy) of the work could not be obtained within a reasonable time at an ordinary commercial price.

"(8) Sub-section (4) does not apply to a copy of, or of parts of, 2 or more articles that are contained in the same periodical publication and that have been requested for the same purpose unless the articles relate to the same subject matter.

"(9) In this section, a reference to a library shall be read as a reference to a library other than a library that is conducted for the profit, direct or indirect of an individual or individuals, and as including a reference to archives."

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 11.  
Copying of unpublished works in libraries or archives

11. Section 51 of the Principal Act is amended-

(a) by omitting from paragraph (b) of sub-section (1) "a library or other place" and substituting "the collection of a library or archives";

(b) by omitting from paragraph (b) of sub-section (1) "that library or other place" and substituting "that collection";

(c) by omitting from paragraph (c) of sub-section (1) "private";

(d) by omitting paragraph (d) of sub-section (1) and substituting the following paragraph:

"(d) by the making of a copy of the work by, or on behalf of, the officer in charge of that library or archives if the copy is supplied to a person who satisfies the officer in charge of that library or archives that he requires the copy for the purpose of research or study or with a view to publication and that he will not use it for any other purpose."; and

(e) by omitting sub-section (2) and substituting the following sub-section:

"(2) Where a manuscript, or a copy, of a thesis or other similar literary work that has not been published is kept in a library of a university or other similar institution or in an archives, the copyright in the thesis or other

work is not infringed by the making of a copy of the thesis or other work by or on behalf of the officer in charge of the library or archives if the copy is supplied to a person who satisfies an authorized officer of the library or archives that he requires the copy for the purpose of research or study."

#### COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 12.

12. After section 51 of the Principal Act the following section is inserted:

Copying of works for preservation and other purposes

"51A. (1) Subject to sub-section (4), the copyright in a work that forms, or formed, part of the collection of a library or archives is not infringed by the making, by or on behalf of the officer in charge of the library or archives, of a copy (including a microform copy) of the work-

(a) if the work is held in manuscript form or is an original artistic work-for the purpose of preserving the manuscript or original artistic work, as the case may be, against loss or deterioration or for the purpose of research that is being, or is to be, carried out at the library or archives in which the work is held or at another library or other archives;

(b) if the work is held in the collection in a published form but has been damaged or has deteriorated-for the purpose of replacing the work; or

(c) if the work has been held in the collection in a published form but has been lost or stolen-for the purpose of replacing the work.

"(2) The copyright in a work that is held in the collection of a library or archives is not infringed by the making, by or on behalf of the officer in charge of the library or archives, for a purpose other than a purpose for which a copy may be made under sub-section (1), of a single microform copy of the work so held.

"(3) Sub-section (2) does not apply in relation to the making of a microform copy of a work held in the collection of a library or archives unless, as soon as practicable after the copy is made, the work from which the copy is made is destroyed.

"(4) Sub-section (1) does not apply in relation to a work held in published form in the collection of a library or archives unless an authorized officer of the library or archives has, after reasonable investigation, made a declaration stating that he is satisfied that a copy (not being a second-hand copy) of the work cannot be obtained within a reasonable time at an ordinary commercial price.

"(5) The making of a copy, under sub-section (1) or (2), of an unpublished

work does not, for any purpose of this Act, constitute the publication of the work."

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 13.  
Application of Division to illustrations accompanying articles and other works

13. Section 53 of the Principal Act is amended-

(a) by omitting from paragraph (b) "or section 51" and substituting ", section 51 or 51A"; and

(b) by inserting in paragraph (d) "section 51A or" after "a reference in".

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 14.

14. After Division 5 of Part III of the Principal Act the following Divisions are inserted:

"Division 5A-Copying of works in educational institutions  
Multiple copying of insubstantial portions of works

"53A. (1) Subject to this section, copyright in a literary or dramatic work is not infringed by the making, on the premises of an educational institution, by any person, for the purposes of a course of education provided by the institution, of a copy or copies of a page or pages of the work in an edition of the work, or of works that include the work.

"(2) Sub-section (1) does not apply to-

(a) the making of a copy or copies of the whole of a work; or

(b) the making of a copy or copies of more than 2 of the pages of a work in an edition of the work, or of works that include the work, unless-

(i) 1% of the total number of pages in the edition exceeds 2 pages; and

(ii) the total number of pages so copied does not exceed 1% of the total number of pages in the edition.

"(3) Where a person has made or caused to be made on an occasion a copy of a part of a work contained on a page or pages in an edition of the work, or of works that include the work, in reliance on this section, sub-section (1) does not apply to the making, by or on behalf of that person, on a subsequent occasion less than 14 days after the day on which the previous copying took place, of a copy of any other part of that work.

Multiple copying under statutory licence by educational institutions

"53B. (1) Subject to this section, the copyright in an article contained in a periodical publication is not infringed by the making of copies of the whole or a part of that article, by or on behalf of the body administering an educational institution-

(a) in a case where the educational institution is not a resource centre-for the teaching purposes of that institution; and

(b) in any other case-for the teaching purposes of an educational institution other than a resource centre.

"(2) Subject to this section, the copyright in a work, other than an article in a periodical publication, is not infringed by the making of copies of the whole or a part of that work, by or on behalf of the body administering an educational institution-

(a) in a case where the educational institution is not a resource centre-for the teaching purposes of that institution; and

(b) in any other case-for the teaching purposes of an educational institution other than a resource centre.

"(3) Without limiting the meaning of the expression 'for the teaching purposes of an institution', a copy of a work shall be taken to have been made for the teaching purposes of an institution if-

(a) it is made in connection with a particular course of instruction provided by that institution; or

(b) it is made for the purpose of inclusion in the collection of a library of that institution.

"(4) Sub-section (1) does not apply in relation to copies of, or of parts of, 2 or more articles contained in the same periodical publication unless the articles relate to the same subject matter.

"(5) Sub-section (2) does not apply in relation to copies of, or of more than a reasonable portion of, a work that has been separately published unless the person who makes the copies, or causes the copies to be made, for or on behalf of the body administering the educational institution, is satisfied, after reasonable investigation, that copies (not being second-hand copies) of the work cannot be obtained within a reasonable time at an ordinary commercial price.

"(6) Sub-section (1) does not apply to copies of the whole or a part of an article contained in a periodical publication, being copies made, by or on



behalf of the body administering an educational institution, for the teaching purposes of an educational institution, unless there is made, by or on behalf of that body, as soon as practicable after the making of those copies, a record of the copying setting out-

(a) if the International Standard Serial Number in respect of the periodical publication is recorded in the periodical publication-that number;

(b) if the International Standard Serial Number in respect of the publication is not so recorded-the name of the periodical publication;

(c) the title or description of the article;

(d) the name of the author of the article (if that name is known);

(e) the volume, or volume and number, as the case requires, of the periodical publication containing the article;

(f) the page numbers of the pages in that volume, or in that number of that volume, that have been copied, or, in a case where a page so copied does not bear a page number, such description of the page as will enable it to be identified;

(g) the date on which those copies have been made;

(h) the number of copies made; and

(j) particulars of such other matters as are prescribed.

"(7) Sub-section (2) does not apply to copies of the whole or a part of a work (not being an article contained in a periodical publication), being copies made, by or on behalf of the body administering an educational institution, for the teaching purposes of an educational institution, unless there is made, by or on behalf of that body, as soon as practicable after the making of those copies, a record of the copying setting out-

(a) if the International Standard Book Number in respect of the work is recorded in the edition of the work copied-that number;

(b) if the International Standard Book Number in respect of the work is not so recorded-

(i) the title or description of the work;

(ii) the name of the publisher of the edition of the work; and

(iii) the name of the author of the work (if that name is known);

(c) the page numbers of the pages in the edition of the work that have been copied, or, in a case where a page so copied does not bear a page number, such description of the page as will enable it to be identified;

(d) the date on which those copies have been made;

(e) the number of copies made; and

(f) particulars of such other matters as are prescribed.

"(8) For the purposes of sub-sections (6) and (7) a record of the copying of a work or a part of a work-

(a) may be kept in writing or in any other manner prescribed by the regulations; and

(b) if it is kept in writing, shall be in accordance with the prescribed form.

"(9) Where copies of, or of part of, a work, other than an article in a periodical publication, made as provided in sub-section (2) by or on behalf of an educational institution for the teaching purposes of an educational institution-

(a) are made for distribution to persons undertaking a correspondence course, or an external study course, provided by the educational institution for the teaching purposes of which those copies are made, otherwise than as a part of the lecture notes prepared in connection with that course; and

(b) do not contain more than a reasonable portion of the work, the record made in relation to them in accordance with sub-section (7) may state that they are copies to which this section applies.

"(10) Where copies of, or of part of, a work consisting of an article in a periodical publication made, as provided in sub-section (1), by or on behalf of the body administering an educational institution for the teaching purposes of an educational institution are made for distribution to persons undertaking a correspondence course, or an external study course, provided by the educational institution for the teaching purposes of which those copies are made, otherwise than as a part of the lecture notes prepared in connection with that course, the record made in relation to them in accordance with sub-section (6) may state that they are copies to which this sub-section applies.

"(11) Where copies of the whole or a part of a work, not being copies stated in the record to be copies to which sub-section (9) or (10) applies, are made by or on behalf of the body administering an educational institution and, by virtue of this section, the making of those copies does not infringe copyright in the work, that body shall, if the owner of the copyright in the work makes a request, in writing, at any time during the prescribed period after the making of the copies, for payment for the making of the copies, pay to the owner such an amount by way of equitable remuneration for the making of those copies as is agreed upon between the owner and the body or, in default of agreement, as is determined by the Copyright Tribunal on the application of either the owner or the body.

"(12) Where the Copyright Tribunal has determined the amount of equitable remuneration payable to the owner of copyright in a work by the body administering an educational institution in relation to copies of the whole or a part of that work that have been made by or on behalf of that body in reliance on this section, the owner may recover that amount from the body in a court of competent jurisdiction as a debt due to him.

"(13) Nothing in this section affects the right of the owner of copyright in a work to grant a licence authorizing the body administering an educational institution to make, or cause to be made, copies of the whole or part of the work without infringement of that copyright.

"(14) In this section, a reference to a resource centre shall be read as a reference to an institution that, for the purposes of the definition of 'educational institution' in section 10, is declared by the regulations to be an institution to which paragraph (e) of that definition applies.  
Application of Division to illustrations accompanying articles and other works

"53C. Where an article or other literary, dramatic or musical work is accompanied by an artistic work or artistic works provided for the purpose of explaining or illustrating the article or other work, the preceding sections of this Division apply as if-

(a) where any of those sections provides that the copyright in the article or other work is not infringed-the reference to that copyright included a reference to any copyright in that artistic work or those artistic works;

(b) a reference in section 53A or 53B to a copy of an article or other work included a reference to a copy of the article or other work together with a copy of that artistic work or those artistic works;

(c) a reference in section 53A or 53B to a copy of a part of an article or other work included a reference to a copy of that part of the article or other

work together with a copy of the artistic work or artistic works provided for the purpose of explaining or illustrating that part;

(d) a reference in section 53A to a copy of a page of a literary, dramatic or musical work in an edition of the work or of works that include that contained that work and an artistic work or artistic works provided for the purpose of explaining or illustrating that part of that work; and

(e) a reference in section 53A to a copy of pages of a literary, dramatic or musical work in an edition of that work or of works that include that work included a reference to a copy of pages in such an edition that contained a part of that work and an artistic work or artistic works provided for the purpose of explaining or illustrating that part of that work.

"Division 5B-Copying of works in institutions assisting handicapped readers  
Multiple copying under statutory licence by institutions assisting handicapped readers

"53D. (1) The copyright in a literary or dramatic work that has been published is not infringed by the making, by or on behalf of the body administering an institution assisting handicapped readers, of a record embodying a sound recording of the work or of a part of the work, for use by a handicapped reader for the purpose of research or study that he is undertaking or proposes to undertake, or for the purpose of otherwise instructing himself on any matter.

"(2) The copyright in a literary or dramatic work that has been published is not infringed by the making, by or on behalf of the body administering an institution assisting handicapped readers, of a Braille version, a large-print version or a photographic version, of the work or of a part of the work, for use by a handicapped reader for the purpose of research or study that he is undertaking or proposes to undertake, or for the purpose of otherwise instructing himself on any matter.

"(3) Where a sound recording of a work has been published, sub-section (1) does not apply to the making of any record embodying a sound recording of the work (including a record that is a copy of that first-mentioned sound recording) for or on behalf of the body administering an institution assisting handicapped readers unless the person who makes that record, or causes that record to be made, is satisfied, after reasonable investigation, that no new record that embodies only a sound recording of the work can be obtained within a reasonable time at an ordinary commercial price.

"(4) Where a Braille version of a work has been separately published, sub-section (2) does not apply to the making of a Braille version of the work, or of a part of the work, unless the person who makes that version, or causes that version to be made, for or on behalf of the body administering an

institution assisting handicapped readers is satisfied, after reasonable investigation, that no new copy of a Braille version of the work, being a version that has been separately published, can be obtained within a reasonable time at an ordinary commercial price.

"(5) Where a large-print version of a work has been separately published, sub-section (2) does not apply to the making of a large-print version of the work, or of a part of the work, unless the person who makes the version, or causes the version to be made, for or on behalf of the body administering an institution assisting handicapped readers is satisfied, after reasonable investigation, that no new copy of a large-print version of the work, being a version that has been separately published, can be obtained within a reasonable time at an ordinary commercial price.

"(6) Where a photographic version of a work has been separately published, sub-section (2) does not apply to the making of a photographic version of the work, or of a part of the work, unless the person who makes the version, or causes the version to be made, for or on behalf of the body administering an institution assisting handicapped readers is satisfied, after reasonable investigation, that no new copy of a photographic version of the work, being a version that has been separately published, can be obtained within a reasonable time at an ordinary commercial price.

"(7) Sub-sections (1) and (2) do not apply to the reproduction of the whole or a part of an article contained in a periodical publication by way of the making, by or on behalf of the body administering an institution assisting handicapped readers, of a handicapped reader's copy of the article or of that part of the article unless there is made, by or on behalf of that body, as soon as practicable after the making of that copy, a record of the copying setting out-

(a) if the International Standard Serial Number in respect of the periodical publication is recorded in the periodical publication-that number;

(b) if the International Standard Serial Number in respect of the publication is not so recorded-the name of the periodical publication;

(c) the title or description of the article;

(d) the name of the author of the article (if that name is known);

(e) the volume, or volume and number, as the case requires, of the periodical publication containing the article;

(f) the page numbers of the pages in that volume, or in that number of that volume, that have been copied, or, in a case where a page so copied does not

bear a page number, such description of the page as will enable it to be identified;

(g) the date on which the copy has been made;

(h) the form in which the copy has been made; and

(j) particulars of such other matters as are prescribed.

"(8) Sub-sections (1) and (2) do not apply to the reproduction of the whole or a part of a work (not being an article contained in a periodical publication) by way of the making, by or on behalf of the body administering an institution assisting handicapped readers, of a handicapped reader's copy of the work or of that part of the work unless there is made, by or on behalf of that body, as soon as practicable after the making of that copy, a record of the copying setting out-

(a) if the International Standard Book Number in respect of the work is recorded in the edition of the work copied-that number;

(b) if the International Standard Book Number in respect of the work is not so recorded-

(i) the title or description of the work;

(ii) the name of the publisher of the edition of the work; and

(iii) the name of the author of the work (if that name is known);

(c) the page numbers of the pages in the edition of the work that have been reproduced, or, in a case where a page so reproduced does not bear a page number, such description of the page as will enable it to be identified;

(d) the date on which the copy has been made;

(e) the form in which the copy has been made; and

(f) particulars of such other matters as are prescribed.

"(9) For the purposes of sub-sections (7) and (8), a record of the copying of a work or a part of a work-

(a) may be kept in writing or in any other manner prescribed by the regulations; and

(b) if it is kept in writing, shall be in accordance with the prescribed

form.

"(10) Where a handicapped reader's copy of the whole or a part of a work is made by or on behalf of the body administering an institution assisting handicapped readers and, by virtue of this section, the making of that copy does not infringe copyright in the work, that body shall, if the owner of the copyright in the work makes a request, in writing, at any time during the prescribed period after the making of the copy, for payment for the making of the copy, pay to the owner such an amount by way of equitable remuneration for the making of that copy as is agreed upon between the owner and the body, or, in default of agreement, such amount as is determined by the Copyright Tribunal on the application of either the owner or the body.

"(11) Where the Copyright Tribunal has determined the amount of equitable remuneration payable to the owner of copyright in a work by the body administering an institution assisting handicapped readers in relation to a handicapped reader's copy of the whole or a part of that work that has been made by or on behalf of that body in reliance on this section, the owner may recover that amount from the body in a court of competent jurisdiction as a debt due to him.

"(12) Notwithstanding any other provision of this Act, copyright shall not vest in the maker of the handicapped reader's copy by reason of his making that copy.

"(13) Nothing in this section affects the right of the owner of copyright in a work to grant a licence authorizing the body administering an institution assisting handicapped readers to make, or cause to be made, sound recordings of, or Braille, large-print or photographic versions of, the whole or a part of the work without infringement of that copyright.

"(14) For the purposes of this section, a record, or a Braille version, a large-print version or a photographic version, of a work shall be taken to be a new record, or a new Braille version, a new large-print version or a new photographic version, of the work, as the case may be, if it is not a second-hand record, or a second-hand Braille version, a second-hand large-print version or a second-hand photographic version, of the work, as the case may be.

"(15) In this section, a reference to a photographic version of a work or a part of a work shall be read as a reference to a copy or copies of the work or a part of a work produced as a film-strip or series of separate transparencies designed to meet the needs of handicapped readers."

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 15.

15. Section 104 of the Principal Act is repealed and the following section substituted:

Acts done for purposes of judicial proceeding

"104. A copyright subsisting by virtue of this Part is not infringed by anything done-

(a) for the purpose of a judicial proceeding or a report of a judicial proceeding;

(b) for the purpose of seeking professional advice from a legal practitioner or patent attorney; or

(c) for the purpose of, or in the course of, the giving of professional advice by a legal practitioner or patent attorney."

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 16.

16. Section 112 of the Principal Act is repealed and the following section is substituted:

Reproductions of editions of work

"112. The copyright in a published edition of a work or works is not infringed by the making of a reproduction of the whole or a part of that edition if that reproduction is made in the course of-

(a) where the edition contains one work only-

(i) a dealing with that work, being a dealing that does not, by virtue of section 40, 41, 42, 43 or 44, infringe copyright in that work; or

(ii) the making of a copy (including a handicapped reader's copy) of the whole or a part of that work, being a copy the making of which does not, by virtue of section 49, 50, 51A, 53A, 53B, 53D or 182A, infringe copyright in that work; or

(b) where the edition contains more than one work-

(i) a dealing with one of those works or dealings with some or all of those works, being a dealing that does not, or dealings that do not, by virtue of section 40, 41, 42, 43 or 44, infringe copyright in that work or those works; or

(ii) the making of a copy (including a handicapped reader's copy) of the whole or a part of one of those works or the making of copies (including



handicapped readers' copies) of the whole or parts of some or all of those works, being a copy the making of which does not, or copies the making of which do not, by virtue of section 49, 50, 51A, 53A, 53B, 53D or 182A, infringe copyright in that work or in those works."

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 17.  
Offences

17. Section 132 of the Principal Act is amended by adding at the end thereof the following sub-sections:

"(7) Prosecutions for offences against this section may be brought in the Federal Court of Australia or in any other court of competent jurisdiction.

"(8) Jurisdiction is conferred on the Federal Court of Australia to hear and determine prosecutions for offences against this section."

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 18.  
Penalties

18. Section 133 of the Principal Act is amended-

(a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:

"(1) A contravention by a person of sub-section (1) or (2) of section 132 is an offence punishable upon summary conviction-

(a) if it is his first conviction of an offence by reason of a contravention of that section and the article or each article to which the contravention relates is an infringing copy of a work other than a cinematograph film-by a fine not exceeding \$150 for the article, or for each article, to which the offence relates;

(b) if it is his first conviction of an offence by reason of a contravention of that section and the article or each article to which the contravention relates is an infringing copy of a cinematograph film-by a fine not exceeding \$1,500 for the article, or for each article, to which the offence relates;

(c) if it is not his first conviction of an offence by reason of a contravention of that section and the article or each article to which the contravention relates is an infringing copy of a work other than a cinematograph film-by a fine not exceeding \$150 for the article, or for each article, to which the offence relates or by imprisonment for a period not exceeding 6 months; and

(d) if it is not his first conviction of an offence by reason of a contravention of that section and the article or each article to which the contravention relates is an infringing copy of a cinematograph film-by a fine not exceeding \$1,500 for the article, or for each article, to which the offence relates or by imprisonment for a period not exceeding 6 months.

"(2) Where a fine is imposed upon a person by virtue of sub- section (1)-

(a) if the person is prosecuted before the Federal Court of Australia-it shall not exceed \$10,000 in respect of articles comprised in the same operation or transaction; and

(b) if the person is prosecuted before any other court-it shall not exceed \$1,500 in respect of articles comprised in the same operation or transaction.";

(b) by omitting from paragraph (a) of sub-section (3) "Two hundred dollars" and substituting "\$1,500";

(c) by omitting paragraph (b) of sub-section (3) and substituting the following paragraph:

"(b) in any other case-by a fine not exceeding \$1,500 or by imprisonment for a period not exceeding 6 months,"; and

(d) by inserting in sub-section (4) "or recording equipment" after "plate".

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 19.

19. After section 144 of the Principal Act the following sections are inserted:

Disclosure of interests by members

"144A. (1) Where a member is, or is to be, the Tribunal, or a member of the Tribunal, as constituted for the purposes of a proceeding and he has or acquires any interest, pecuniary or otherwise, that could conflict with the proper performance of his functions in relation to that proceeding-

(a) he shall disclose the interest to the parties to the proceeding; and

(b) except with the consent of all the parties to the proceeding, he shall not take part in the proceeding.

"(2) Where the President becomes aware that a member is, or is to be, the

Tribunal, or a member of the Tribunal, as constituted for the purposes of a proceeding and that the member has, in relation to that proceeding, such an interest as is mentioned under sub-section (1)-

(a) if the President considers that the member should not take part, or should not continue to take part, in the proceeding-he shall give a direction to the member accordingly; or

(b) in any other case-he shall cause the interest of the member to be disclosed to the parties to the proceeding.

"(3) In this section-

(a) a reference to a proceeding shall be read as a reference to a proceeding by way of an inquiry by, or an application or reference to, the Tribunal under this Act; and

(b) a reference to a party to a proceeding, being an inquiry conducted by the Tribunal in pursuance of section 148, shall be read as a reference to a person or organization recognized by the Tribunal as a party to the inquiry.  
Removal from office for failure to disclose interest

"144B. Where the Governor-General is satisfied that a member has failed, without reasonable excuse, to make a disclosure that he is, under sub-section 144A (1), required to make, the Governor-General shall remove that member from office."

#### COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 20.

20. After section 149 of the Principal Act the following section is inserted:

Applications to Tribunal for determination of remuneration payable to owner of copyright for copies made under statutory licence

"149A. (1) This section applies where application is made to the Tribunal in pursuance of sub-section 53B (11) or sub-section 53D (10) for the determination of an equitable remuneration to be paid to the owner of the copyright in a work for the making of copies or of a handicapped reader's copy, as the case requires, of the whole or of a part of that work.

"(2) The parties to an application in relation to which this section applies are-

(a) the owner of the copyright in a work; and

(b) the body by which, or on behalf of which, the copies or the handicapped

reader's copy referred to in sub-section (1) were or was made.

"(3) Where an application in relation to which this section applies is made to the Tribunal, the Tribunal shall consider the application and, after giving the parties to the application opportunities of presenting their cases-

(a) shall make an order determining the amount that it considers to be equitable remuneration to the owner of the copyright for the making of the copies or of the handicapped reader's copy, as the case requires; and

(b) may, subject to the regulations, make such order as to costs as the Tribunal thinks fit.

"(4) Where the Tribunal makes, under sub-section (3), an order that one party to an application pay an amount by way of costs to the other party to the application, the first-mentioned party shall pay that amount to the other party and, in default of payment, the first-mentioned party may recover that amount from the other party in a court of competent jurisdiction as a debt due to him."

#### COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 21.

21. After section 159 of the Principal Act the following sections are inserted:

Attorney-General may make application for suspension order

"159A. (1) Subject to sub-section (2), upon application made to it by the Attorney-General, the Tribunal may, in its discretion, make an order suspending the application of sub-sections 53B (1) and (2) in relation to the body administering an educational institution, being a body that has been convicted of 2 or more offences against sub-section 203A (2) in relation to the retention of records or declarations relating to copies of the whole or parts of works made in reliance on section 53B.

"(2) The Tribunal shall not make an order under sub-section (1) if it is satisfied that the body in relation to which the order is sought has taken all reasonable steps to ensure that no further contravention of sub-section 203A (2) will occur in relation to the retention of records or declarations relating to copies made or to be made by or on behalf of the body.

"(3) For the purposes of sub-section (1), a conviction of the custodian in charge of the copying records of an educational institution for a contravention of sub-section 203A (2), not being a conviction for a contravention in relation to which the body administering the educational institution has also been convicted, shall be taken to be a conviction of the

body administering the educational institution.

"(4) The parties to an application under sub-section (1) in relation to a body administering an educational institution are-

(a) the Attorney-General; and

(b) that body.

Application to revoke suspension orders

"159B. (1) The body administering an educational institution may, at any time, make application to the Tribunal for the revocation of an order under section 159A suspending the application of sub-section 53B (1) in relation to it.

"(2) Where the Tribunal is satisfied, upon application made under sub-section (1), that the body making the application has taken all reasonable steps to ensure that no further contravention of sub-section 203A (2) will occur in relation to the retention of records or declarations relating to copies made or to be made in reliance on section 53B, the Tribunal may revoke the order to which the application relates.

"(3) The parties to an application under sub-section (1) for the revocation of an order made in relation to the body administering an institution are-

(a) that body; and

(b) the Attorney-General."

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 22.

22. After section 163 of the Principal Act the following section is inserted:

Application may be made to Tribunal by the agent of the copyright owner

"163A. (1) An owner of copyright may make an application to the Tribunal under this Act by his agent.

"(2) Two or more owners of copyright may jointly make a single application to the Tribunal by the same agent against the same person or body."

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 23.

23. After section 182 of the Principal Act the following section is inserted:

Copyright in statutory instruments and judgments, &c.

"182A. (1) The copyright, including any prerogative right or privilege of the Crown in the nature of copyright, in a prescribed work is not infringed by the making, by reprographic reproduction, of one copy of the whole or of a part of that work by or on behalf of a person and for a particular purpose.

"(2) Sub-section (1) does not apply to the making, by reprographic reproduction, of a copy of the whole or a part of the work, where a charge is made for making and supplying that copy, unless the amount of the charge does not exceed the cost of making and supplying that copy.

"(3) In sub-section (1), 'a prescribed work' means-

(a) an Act or State Act, an enactment of the legislature of a Territory or an instrument (including an Ordinance or a rule, regulation or by-law) made under an Act, a State Act or such an enactment;

(b) a judgment, order or award of a Federal court or of a court of a State or a Territory;

(c) a judgment, order or award of a Tribunal (not being a court) established by or under an Act or other enactment of the Commonwealth, a State or a Territory;

(d) reasons for a decision of a court referred to in paragraph (b), or of a Tribunal referred to in paragraph (c), given by the court or by the Tribunal; or

(e) reasons given by a Justice, Judge or other member of a court referred to in paragraph (b), or of a member of a Tribunal referred to in paragraph (c), for a decision given by him either as the sole member, or as one of the members, of the court or Tribunal."

#### COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 24.

##### Use of copyright material for the services of the Crown

24. Section 183 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(11) The copying of the whole or a part of a work for the teaching purposes of an educational institution of, or under the control of, the Commonwealth, a State or the Northern Territory shall, for the purposes of this section, be deemed not to be an act done for the services of the Commonwealth, that State or the Northern Territory."

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 25.

25. Before section 196 of the Principal Act the following section is inserted in Part X:

Interpretation

"195A. (1) In this Part, 'officer in charge' means-

(a) in relation to archives-the person holding, or performing the duties of, the office or position in the service of the body administering the archives the duties of which involve that person having direct responsibility for the maintenance of, and the provision of services in relation to, the collection comprising the archives;

(b) in relation to a central records authority-the person holding, or performing the duties of, the office in the service of the body administering the authority the duties of which involve that person having direct responsibility for the maintenance of, and the provision of services in relation to, the records deposited with the authority; and

(c) in relation to a library-the officer holding, or performing the duties of, the office or position in the service of the body administering the library the duties of which involve that person having direct responsibility for the maintenance of, and the provision of services in relation to, the collection comprising the library.

"(2) In this Part, a reference to the prescribed retention period after the making of a copy of the whole or a part of a work that was made in reliance on section 49, 50, 51A, 53B or 53D shall be read as a reference to such period as is declared by the regulations to be the prescribed retention period for the purposes of this Part."

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 26.

Use of works and broadcasts for educational purposes

26. Section 200 of the Principal Act is amended by inserting in paragraph (a) of sub-section (1) "or an appliance capable of producing a copy or copies by a process of reprographic reproduction" after "copies".

COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - SECT. 27.

27. After section 203 of the Principal Act the following sections are inserted in Part X:

Retention of records and declarations in relation to copies made by libraries, archives or institutions

"203A. (1) Where, at any time before the expiration of the prescribed retention period after the making of a copy of the whole or a part of a work

in reliance on section 49, 50 or 51A by an authorized officer of a library or archives, a relevant declaration in relation to the making of the copy is not retained in the records of the library or archives-

(a) the body administering the library or archives concerned; and

(b) the officer in charge of the library or archives concerned, are each guilty of an offence punishable, upon conviction, by a fine not exceeding \$500.

"(2) Subject to sub-section (3), where, at any time before the expiration of the prescribed retention period after-

(a) the making of a copy of the whole or a part of the work in reliance on section 53B by or on behalf of the body administering an educational institution; or

(b) the making of a handicapped reader's copy of the whole or a part of a work in reliance on section 53D by or on behalf of the body administering an institution assisting handicapped readers, a relevant record in relation to the making of the copy is not retained in the records of the institution concerned-

(c) the body administering the institution concerned; and

(d) the custodian in charge of the copying records of the institution concerned, are each guilty of an offence punishable, upon conviction, by a fine not exceeding \$500.

"(3) Sub-section (2) does not apply to a relevant record relating to the making of a copy of the whole or a part of a work by or on behalf of the body administering an institution at any time while-

(a) the record is being conveyed from the institution to a central records authority of the institution for deposit with that authority;

(b) the record is deposited with a central records authority of the institution; or

(c) the record is being conveyed from a central records authority of the institution to the institution or to another central records authority of the institution.

"(4) A body or person is not liable to be convicted twice of an offence against sub-section (1) with respect to the retention of the same declaration



or against sub-section (2) with respect to the retention of the same record.

"(5) It is a defence to a prosecution of the officer in charge of a library or archives for an offence against sub-section (1) in relation to the retention of a declaration or to a prosecution of the officer in charge of the copying records of an institution for an offence against sub-section (2) in relation to the retention of a record if the person prosecuted (in this sub-section referred to as the 'defendant')-

(a) satisfies the court that the record or declaration relates to the making of a copy of a work or a part of a work before the date upon which the defendant became the officer in charge of the library or archives or the custodian in charge of the copying records of the institution and was not in the possession of the body administering the library or archives, or the institution, as the case requires, at that date; or

(b) satisfies the court that-

(i) the contravention was due to the act or default of another person or to some other circumstance beyond the control of the defendant; and

(ii) he took all reasonable precautions and exercised due diligence to avoid the contravention.

Certain institutions may elect to deposit copying records with central records authorities

"203B. (1) The body administering an educational institution may, by instrument in writing furnished to the Attorney-General, elect to deposit the records of the institution relating to any copying done in reliance on section 53B and the records of the institution relating to any copying done in reliance on section 53D with the central records authority specified in the notice and, upon the making of that election, the central records authority so specified becomes, for the purposes of this Act, the central records authority of the institution.

"(2) The body administering an institution assisting handicapped readers (not being an institution that is also an educational institution) may, by instrument in writing furnished to the Attorney-General, elect to deposit the records of the institution relating to copying done in reliance on section 53D with the central records authority specified in the notice and, upon the making of that election, the central records authority so specified becomes, for the purposes of this Act, the central records authority of the institution.

"(3) An election by the body administering an institution referred to in sub-section (1) or (2) to deposit records of the institution with a central records authority is of no effect unless the central records authority in

respect of which the election is made is a body corporate, or, if it is not a body corporate, is administered by the body making the election.

"(4) Where the body administering an institution is the Crown in right of the Commonwealth or of a State, an election under sub-section (1) or (2) may be signed on behalf of the Crown by the Minister of the Commonwealth or of the State responsible for the institution, or by a person authorized by that Minister to sign elections under this section.

"(5) Where the body administering an institution makes an election under sub-section (1) or (2) to deposit the records of the institution relating to copying done under section 53B or 53D with a central records authority-

(a) the custodian in charge of the copying records of the institution shall-

(i) cause any such copying records that were in the possession of the institution or of another central records authority immediately before the election is made to be deposited with the officer in charge of the first-mentioned central records authority as soon as practicable after the election is made; and

(ii) cause the relevant record in respect of each copy of a work or a part of a work made by or on behalf of that body after the election is made to be deposited with the first-mentioned central records authority as soon as practicable after the making of the copy and before the expiration of the period prescribed for the purposes of this sub-section after the making of the copy; and

(b) the body administering the institution shall-

(i) if there were relevant records of the institution in existence immediately before the election is made-as soon as practicable after paragraph (a) has been complied with in respect of those records; or

(ii) in any other case-as soon as practicable after the election is made, cause a copy of the election to be published in the Gazette.

"(6) If the custodian in charge of the copying records of an institution fails to comply with sub-section (5) in relation to a relevant record of a copying made in reliance on section 53B or 53D after the making of the election, the custodian and the body administering the institution are each guilty of an offence against this sub-section punishable, upon conviction, by a fine not exceeding \$500.

"(7) Where a central records authority is the central records authority of

an institution, an election by the body administering the institution to deposit the relevant records of the institution relating to copying done in reliance on section 53B or 53D with another central records authority is of no effect unless -

(a) the body administering the institution has delivered to the body administering the first-mentioned central records authority a notice under sub-section 203G (1) revoking the election made by it in respect of that central records authority;

(b) the body administering the first-mentioned central records authority has delivered to the body administering the institution a notice under sub-section 203G (2) of its intention to return the copying records of that institution to that institution; or

(c) the Attorney-General has delivered to the body administering the institution a copy of a notice under sub-section 203G (6) requiring the return to that institution of the copying records of that institution.

Retention of copying records by central records authorities

"203C. (1) Subject to sub-section (2), where, at any time after the relevant record of an institution in respect of the making of a copy (including a handicapped reader's copy) of the whole or a part of a work in reliance on section 53B or 53D has been deposited with a central records authority of the institution under section 203B or 203G but before the expiration of the prescribed retention period after the making of that copy, that record is not in the possession of the central records authority-

(a) the body administering the central records authority; and

(b) the officer in charge of the central records authority, are each guilty of an offence punishable, upon conviction, by a fine not exceeding \$500.

"(2) Sub-section (1) does not apply in relation to the retention, by a central records authority, of a relevant record relating to the making of a copy of the whole or a part of a work by or on behalf of the body administering an institution if the relevant record has been forwarded by the central records authority to that institution or to another central records authority in pursuance of sub-section 203G (5) or (9).

"(3) A body or person is not liable to be convicted twice of an offence against sub-section (1) with respect to the retention of the same record.

"(4) It is a defence to a prosecution of the officer in charge of a central records authority (in this sub-section referred to as the 'defendant') for an offence against sub-section (1) in relation to the retention of a record

deposited with the authority if the defendant-

(a) satisfies the court that the record was so deposited before the defendant became the officer in charge of the authority and was not in the possession of the authority at the time the defendant became the officer in charge of the authority; or

(b) satisfies the court that-

(i) the contravention was due to the act or default of another person or to some other circumstance beyond the control of the defendant; and

(ii) he took all reasonable precautions and exercised due diligence to avoid the contravention.

Arrangement of declarations and records

"203D. (1) Where the declarations that relate to the making of copies of the whole or parts of works by an authorized officer of a library or archives in reliance on any of the following sections, namely, sections 49, 50 and 51A, and that are retained in the records of the body administering the library or archives are not arranged in chronological order according to the dates on which the declarations were made-

(a) the body administering the library or archives, as the case may be; and

(b) the officer in charge of the library or archives, as the case may be, are each guilty of an offence punishable, upon conviction, by a fine not exceeding \$500.

"(2) Where the copying records of an educational institution, or an institution assisting handicapped readers, are not arranged in such a manner as to allow a person to inspect all of those records that relate to works by the same author without having to inspect any such records that relate to works by another author, the body administering the institution and the custodian in charge of the copying records of the institution are each guilty of an offence punishable, upon conviction, by a fine not exceeding \$500.

"(3) Sub-section (2) does not apply to or in relation to an institution that is required by this Act to deposit the copying records of the institution with a central records authority.

"(4) Where the copying records of an educational institution, or of an institution assisting handicapped readers, that are deposited with a central records authority are not arranged in such a manner as to allow a person to inspect all the records of that institution that relate to works by the same author without having to inspect any records of that institution that relate to works by another author, or any copying records of another institution that

are deposited with that authority, the body administering the central records authority and the officer in charge of the central records authority are each guilty of an offence, punishable, upon conviction, by a fine not exceeding \$500.

Inspection of records and declarations retained by libraries, archives or institutions

"203E. (1) The owner of the copyright in a work, or the agent of such an owner-

(a) may notify the officer in charge of a library or archives, in writing, that he wishes to inspect-

(i) all the relevant declarations retained in the records of the library or archives that relate to the making, in reliance on section 49, 50 or 51A, of copies of works or parts of works; or

(ii) such of those declarations as relate to the making, in reliance on section 49, 50 or 51A, of copies of works or parts of works and were made during a period specified in the notice, on a day specified in the notice, being an ordinary working day of the library, archives or institution not less than 7 days after the date of the giving of the notice; and

(b) may, if the notice related to the making of copies of works or parts of works in reliance on section 51A, state in the notice that he also wishes to inspect, on the day so specified, the collection of the library or archives.

"(2) The owner of the copyright in a work, or the agent of such an owner, may notify the custodian in charge of the copying records of an educational institution or an institution assisting handicapped readers (not being an institution which deposits its copying records with a central records authority), in writing, that he wishes to inspect-

(a) all the relevant records of the institution that relate to the making, in reliance on section 53B or 53D, of copies, or handicapped readers' copies, of works or parts of works; or

(b) such of those records as relate to the works of a specified author, on a day specified in the notice, being an ordinary working day of the institution not less than 7 days after the date of the giving of the notice.

"(3) The owner of the copyright in a work, or the agent of such an owner, may notify the officer in charge of a central records authority, in writing, that on a day specified in the notice, being an ordinary working day of the authority not less than 7 working days after the date of the giving of the notice, he wishes to inspect-

(a) all the relevant records of all institutions of which the authority is the central records authority, or all the relevant records of a specified institution of which the authority is the central records authority, that are deposited with the authority and relate to the making, in reliance on section 53B or 53D, of copies, or handicapped readers' copies, of works or parts of works; or

(b) such of the records of all institutions of which the authority is the central records authority, or such of the records of a specified institution of which the authority is the central records authority, as are deposited with the authority and relate to the works of a specified author.

"(4) Where a person gives notice, under sub-section (1), to the officer in charge of a library or archives that he wishes to inspect certain declarations on a particular day, that person may, during the ordinary working hours of the library or archives, on that day, but not earlier than 10 a.m. or later than 3 p.m., inspect the declarations to which the notice relates and, where the notice relates also to the inspection of the collection of the library or archives, may also during those hours on that day inspect that collection, and, for that purpose, may enter the premises of the library or archives.

"(5) Where a person gives notice under sub-section (2) or (3) to the custodian in charge of the copying records of an institution or to the officer in charge of a central records authority that he wishes to inspect certain records on a particular day that person may, during the ordinary working hours of the institution or authority on that day, but not earlier than 10 a.m. or later than 3 p.m., inspect the records to which the notice relates and, for that purpose, may enter the premises of the institution at which the copying records of the institution are kept or the premises of the authority, as the case requires.

"(6) Where a person who attends at the premises of a library or archives for the purpose of exercising the powers conferred on him by sub-section (4) is not provided with all reasonable facilities and assistance for the effective exercise of those powers-

(a) the body administering the library or archives, as the case may be; and

(b) the officer in charge of the library or archives, as the case may be, are each guilty of an offence punishable, upon conviction, by a fine not exceeding \$500.

"(7) Where a person who attends at the premises of an educational institution, an institution assisting handicapped readers or a central records authority for the purpose of exercising the powers conferred on him by sub-

section (5) is not provided with all reasonable facilities and assistance for the effective exercise of those powers-

(a) the body administering the institution or central records authority, as the case may be; and

(b) the custodian in charge of the copying records of the institution or the officer in charge of the central records authority, as the case may be, are each guilty of an offence, punishable, upon conviction, by a fine not exceeding \$500.

Additional offences in relation to the making and retention of records and declarations

"203F. (1) A person shall not, under section 49, 50, 51A, 53B or 53D, make a declaration or record that is false or misleading in a material particular.

Penalty: \$500.

"(2) A person shall not wilfully dispose of or destroy, or cause to be disposed of or destroyed, any relevant declaration or record in relation to the making of a copy of the whole or a part of a work in reliance on section 49, 50, 51A or 53B or in relation to the making of a handicapped reader's copy of the whole or a part of a work in reliance on section 53D unless the prescribed retention period in respect of the declaration or record has expired.

Penalty: \$500.

"(3) Where the body administering a central records authority fails to publish in the Gazette a copy of an election made by it under section 203B in accordance with the requirements of sub-section (5) of that section, the body administering that central records authority is guilty of an offence, punishable, upon conviction, by a fine not exceeding \$500.

"(4) Where the body administering a central records authority causes a notice to be published in the Gazette under sub-section 203G (9) that is false or misleading in a material particular, the body administering that central records authority is guilty of an offence, punishable, upon conviction, by a fine not exceeding \$500.

Return of copying records deposited with a central records authority

"203G. (1) A body that has made an election under sub-section 203B (1) or (2) to deposit its copying records with a central records authority may, at any time, by notice in writing furnished to the body administering the central records authority, revoke the election on a date specified in the notice, being a date not less than 30 days after delivery of the notice to the body administering the central records authority.

"(2) The body administering the central records authority of an institution may, at any time, by notice in writing furnished to the body administering the institution, inform the body administering the institution that as soon as practicable after a date specified in the notice, being a date not less than 30 days after delivery of the notice to the body administering the institution, it intends to cause the copying records of the institution retained by the authority to be returned to the institution.

"(3) A body shall, as soon as practicable after it causes a notice to be delivered to another body under sub-section (1) or (2), cause a copy of the notice to be delivered to the Attorney-General.

Penalty: \$500.

"(4) Where the body administering an institution is the Crown in right of the Commonwealth or of a State, a notice under sub-section (1) or (2) may be signed on behalf of the Crown by the Minister of the Commonwealth or of the State responsible for the institution, or by a person authorized by that Minister to sign elections under this section.

"(5) Where-

(a) the body administering an institution, by notice in writing furnished to the body administering a central records authority, revokes an election made under section 203B in relation to that central records authority; or

(b) the body administering a central records authority of an institution, by notice in writing furnished to the body administering the institution, informs the body administering the institution that it intends to cause the copying record of the institution deposited with the authority to be returned to the institution,  
the body administering the central records authority shall, as soon as practicable after the revocation of the election under sub-section (1) or the date specified in the notice given under sub-section (2), cause the copying records of the institution deposited with it-

(c) unless paragraph (b) applies-to be returned to the custodian in charge of the copying records of the institution; or

(d) if the body administering the institution informs the body administering the central records authority, by notice in writing, that it has made an election to deposit the copying records of the institution with another central records authority-to be forwarded to the officer in charge of that other central records authority.

Penalty: \$500.



"(6) If, at any time, the Attorney-General is satisfied that a central records authority is not being administered in a manner consistent with the requirements of this Act, the Attorney-General may, by notice in writing furnished to the body administering the central records authority, require the body to cause the copying records of each institution of which it is the central records authority to be returned to the custodian of the copying records of that institution on or before a date specified in the notice.

"(7) Application may be made to the Administrative Appeals Tribunal for the review of a decision by the Attorney-General, under sub-section (6), to require the body administering a central records authority to cause the copying records of each institution of which it is the central records authority to be returned to the custodian of the copying records of that institution.

"(8) As soon as practicable after a notice is delivered to the body administering a central records authority under sub-section (6), the Attorney-General shall cause a copy of the notice to be delivered to the body administering each institution of which the authority is the central records authority.

"(9) The body administering a central records authority shall-

(a) as soon as practicable after receipt of a notice under sub-section (6), cause the copying records of each institution deposited with it-

(i) unless sub-paragraph (ii) applies-to be returned to the custodian in charge of the copying records of the institution, or, if the institution is no longer in existence, to be deposited with such person or body as is nominated by the Attorney-General; or

(ii) if the body administering the institution informs the body administering the central records authority, by notice in writing, that it has made an election to deposit the copying records of the institution with another central records authority-to be forwarded to the officer in charge of that other central records authority; and

(b) as soon as practicable after it has complied with paragraph (a), cause a notice to be published in the Gazette stating that it has complied with that paragraph on a specified day and setting out the manner in which it has complied with that paragraph.

Penalty: \$500.

"(10) Upon the publication, by the body administering a central records

authority that is the central records authority of an institution, of a notice of the kind referred to in paragraph (9) (b) in relation to the copying records of that institution, that central records authority shall, by force of this sub-section, be deemed to have ceased to be the central records authority of that institution.

"(11) Where-

(a) the body administering an institution gives a notice under sub-section (1) to the body administering a central records authority;

(b) the body administering an institution receives a notice under sub-section (2) given by the body administering a central records authority; or

(c) the body administering an institution receives a copy of a notice furnished by the Attorney-General, under sub-section (6), to the body administering the central records authority of that institution, nothing in section 203B shall be taken to require the custodian in charge of the copying records of the institution to deposit with that central records authority any relevant records relating to copying done by or on behalf of the body administering that institution.

"(12) Where-

(a) under sub-section (9), the Attorney-General causes the copying records of an institution that is no longer in existence to be deposited with such person or body as is nominated by the Attorney-General for the purpose; and

(b) a relevant record that is so deposited ceases to be in the possession of that person or body at any time before the expiration of the prescribed retention period after the making of the copy to which the record relates, the person or body is guilty of an offence, punishable, upon conviction, by a fine not exceeding \$500.

"(13) It is a defence to a prosecution of a person or body (in this sub-section referred to as the 'defendant') for a contravention of sub-section (12) if the defendant satisfies the court that-

(a) the contravention was due to the act or default of a person other than the defendant or to some other circumstance beyond the control of the defendant; and

(b) the defendant took all reasonable precautions and exercised due diligence to avoid the contravention.

Notation of copies and handicapped readers' copies

"203H. (1) In proceedings against a person or body for infringement of copyright in a work in connection with the making, by or on behalf of an institution, of a copy of the whole or a part of that work, the person or body is not entitled to rely on section 49, 50, 51A or 53B as justification for the making of that copy unless, at or about the time the copy was made, there was made on the copy a notation stating that the copy was made on behalf of that institution and the date on which it was made.

"(2) In proceedings against a person or body for infringement of copyright in a work in connection with the making, on behalf of an institution assisting handicapped readers, of a handicapped reader's copy of the whole or a part of that work, being a Braille, large-print or photographic version of the whole or a part of that work, the person or body is not entitled to rely on section 53D as justification for the making of that handicapped reader's copy unless, at or about the time the copy was made, there was made on the copy a notation stating that the copy was made on behalf of that institution and the date on which it was made.

"(3) In proceedings against a person or body for infringement of copyright in a work in connection with the making, on behalf of an institution assisting handicapped readers, of a handicapped reader's copy of the whole or of a part of that work, being a copy consisting of a record embodying a sound recording of that work or of a part of that work, the person or body is not entitled to rely on section 53D unless, at the time the record was made, there was embodied on the record, immediately before the commencement of that sound recording, a sound recording of the following message:

'This record, embodying a sound recording of (name of work) was made in reliance on section 53D of the Copyright Act 1968 on (date on which record made) by (name of person who made the record) on behalf of (name of institution assisting handicapped readers on behalf of which the record was made). Copyright may subsist in that work and, if it does, the making of a record embodying this sound recording, otherwise than with the permission of the owner of the copyright in the work or in reliance on a provision of the Copyright Act 1968, constitutes an infringement of copyright in the work.'

"(4) A person shall not-

(a) make, on a copy of the whole or a part of a work, a notation referred to in sub-section (1) or (2) that contains a statement that is false or misleading in a material particular; or

(b) cause to be embodied on a record embodying a sound recording a message referred to in sub-section (3) that contains a statement that is false or misleading in a material particular.

Penalty: \$500.

"(5) For the purposes of sub-sections (1), (2) and (3)-

(a) where a copy of the whole or a part of the work is made by an authorized officer of a library of an institution, the copy shall be deemed to have been made on behalf of the institution;

(b) where a copy of the whole or a part of a work is made by an authorized officer of a library that is not a library of an institution-

(i) the copy shall be deemed to have been made on behalf of the person or body administering the library; and

(ii) those sub-sections apply as if references in those sub-sections to an institution included references to that person or body; and

(c) where a copy of the whole or a part of the work is made by or on behalf of the body administering an institution, the copy shall be deemed to have been made on behalf of the institution.

"(6) The production, in any proceedings-

(a) for infringement of copyright in a work;

(b) before the Copyright Tribunal on application made under sub-section 53B (11) or 53D (10); or

(c) for a contravention of a provision of this Act, of a copy of the whole or a part of a work (including a Braille, large-print or photographic version, of the whole or of a part of the work) bearing a notation of the kind referred to in sub-section (1) or (2), whichever is applicable, is prima facie evidence of the matters stated in the notation.

"(7) For the purposes of sub-section (6), where a copy of the whole or a part of a work bears a notation of a kind referred to in sub-section (1) or (2), whichever is applicable, the notation shall, unless the contrary is proved, be deemed to have been made on the copy at or about the time the copy was made.

"(8) The production, in any proceedings of a kind referred to in sub-section (6), of a record embodying a sound recording of the whole or a part of a work, being a record that also embodies a sound recording of a message of the kind referred to in sub-section (3), is prima facie evidence of the matters stated in the message.



sound recording  
 Section 107 (1) . . . . . a record embodying the recording  
 (twice occurring) a copy of the  
 sound recording  
 Section 107 (2) . . . . . a record if the record a copy of a  
 sound  
 recording if the  
 copy  
 further records embodying the  
 recording further copies  
 of  
 the sound  
 recording Section 107 (3) . . . . . record (first occurring) copy of  
 a sound  
 recording  
 record (second, third and fourth  
 occurring) copy  
 Section 107 (5) . . . . . record (first occurring) copy of a sound  
 recording  
 any of the records any of the  
 copies  
 record (second occurring) copy  
 all the records all the copies  
 Section 111 (2) . . . . . a record embodying such a  
 recording a copy of such a  
 sound recording  
 Section 111 (3) . . . . . a record embodying such a  
 recording a copy of such a  
 sound recording  
 a record embodying the recording a copy of the  
 sound recording  
 Section 136 (1)  
 (definition of "licence") a record embodying the recording a copy of the  
 sound recording  
 Section 150 (1) . . . . . a record embodying the recording a copy of the  
 sound recording  
 Section 150 (2) . . . . . the recording the sound  
 recording the record the copy of the  
 sound recording  
 Section 150 (3) . . . . . the record the copy of the  
 sound recording

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PART II

## FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting the words "of this Act" and "of this section" (wherever occurring):

Section 10 (definition of "international organization to which this Act applies"), 14 (2), 28 (3), 29 (2) and (7), 47 (3), 63 (2), 65 (1), 68, 69, 70 (3) and (5), 80, 81 (3), 95 (2), 101 (3) and (4), 107 (3) and (5), 109 (1), (3) and (5), 119, 120 (1), 122, 123, 124, 125, 136 (1) (definition of "party"), (definition of "proceeding") and (3), 146 (3), 148 (1), 152 (4), (6), (7), (10), (11), (12), (13), (14), (15) and (17), 155 (9), 156 (3), 157 (6), 158 (3), 159 (3) and (6), 161 (5) and (9), 174 (3), 181, 183 (3), (4), (5) and (7), 194 (2), 200 (3), 204 (1), 206 (3), 213 (8), 214, 219 (5) and (6), 225, 229, 239 (5) and 240 (3).

2. The Principal Act is further amended as set out in the following table:

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-- Provision	Omit-	Substitute-
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-- Section 10- (definition of "calendar year")	twelve months commencing on the first day of January	12 months commencing on 1 January
(definition of "prospective owner")	sub-section (1) of section 197 of this Act	sub-section 197 (1)
(definition of "minimum royalty")	sub-section (5) of section 56 and and sub-paragraph (i) of paragraph (b) of section 57, of this Act or, if those provisions are affected by regulations made for the purposes of section 58 of this Act	sub-section

56 (5) and

sub-  
paragraph  
57 (b) (i)  
or, if  
those  
provisions  
are  
affected by  
regulations  
made for  
the  
purposes of  
section 58

(definition of "the  
royalty")

sub-section (1) of section 56 of  
this Act or, if that sub-section  
is affected by regulations made  
for the purposes of section 58  
of this Act sub-section  
is affected  
by  
regulations  
made for  
the  
purposes of  
section 58

Section 29 (2) . . . . . paragraph (a) of the last  
preceding sub-section paragraph  
(1) (a)

Section 31 (1) . . . . . sub-paragraphs (i) to (v),  
inclusive, of this  
paragraph sub-  
paragraphs  
(i) to (v),  
inclusive

Section 31 (2) . . . . . sub-paragraph (i) of paragraph  
(a) of the last preceding sub-  
section  
sub-  
paragraph  
(1) (a) (i)  
sub-paragraph (vi) of that



	paragraph	sub- paragraph	
		(1) (a)	
		(vi)	
Section 33 (1)	. . . . . sub-section (2) of the last preceding section	sub-section 32 (2)	
	the next succeeding section	section 34	
Section 33 (2)	. . . . . fifty	50	
Section 33 (3)	. . . . . fifty	50	
Section 33 (5)	. . . . . fifty	50	
Section 33 (6)	. . . . . fifty	50	
Section 34 (1)	. . . . . fifty	50	
Section 44 (2)	. . . . . two	2	
	five	5	
Section 47 (5)	. . . . . twelve	12	
Section 51 (1)	. . . . . fifty	50	
	seventy-five	75	
Section 55 (3)	. . . . . Sub-paragraph (i) of paragraph (d) of sub-section (1) of this section	Sub- paragraph (1) (d) (i)	
	sub-paragraph (i) or sub-paragraph (ii) of paragraph (a) of sub-section (1) of this section	sub- paragraph (1) (a) (i) or (ii)	
	sub-paragraph (iii) or (iv) of paragraph (a) of sub-section (1) of this section	sub- paragraph (1) (a) (iii) or (iv)	
Section 55 (5)	. . . . . paragraph (d) of sub-section (1)		

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	of this section	paragraph (1) (d)	
Section 56 (1)	. . . . . five per centum	5%	
Section 57	. . . . . two (wherever occurring)	2	

Section 58 (4) . . . . .	five	5
Section 58 (5) . . . . .	sub-section (1) of section 56 of this Act	sub-section 56 (1) sub-section (5) of section 56, and sub-paragraph (i) of paragraph (b) of section 57, of this Act
Section 59 (1) (b) . . .	sub-section (1) of section 55 of this Act	sub-section 55 (1)
Section 59 (1) (e) . . .	paragraph (b) of sub-section (1) of section 55 of this Act	paragraph 55 (1) (b)
Section 59 (4) . . . . .	paragraph (d) of sub-section (1) of section 55 of this Act and paragraph (e) of sub-section (1)	paragraph 55 (1) (d) and paragraph (1) (e)
Section 59 (5) . . . . .	paragraph (d) of sub-section (1) of section 55 of this Act	paragraph 55 (1) (d) paragraph (e) of sub-section (1)
Section 62 (2) . . . . .	Sub-section (1) of section 55 of this Act	Sub-section 55 (1) paragraph (a) of that sub-section
Section 63 (1) . . . . .	the first day of July, One thousand nine hundred and twelve	1 July 1912
	paragraph (a) and sub-paragraph (i) of paragraph (d) of sub-section (1), and sub-sections (3) and (4), of section 55, paragraph (d) of sub-section (1) of section 59, section 61 and sub-section (2) of section 62 of this Act	paragraph 55 (1) (a),

	sub-paragraph	
	55 (1) (d)	
	(i), sub-sections 55	
	(3) and (4)	
	, paragraph	
	59 (1) (d),	
	section 61	
	and sub-section 62	
	(2)	
Section 63 (2) . . . . .	paragraph (d) of sub-section (1)	
	of that section	paragraph
		59 (1) (d)
	the first day of July, One	
	thousand nine hundred and twelve	1 July 1912
Section 63 (3) . . . . .	two	2
Section 64 . . . . .	sections 55 and 59 of this Act	sections 55 and 59
Section 70 (5) . . . . .	twelve	12
Section 77 (2) . . . . .	fifteen	15
	paragraph (d) of the last	
	preceding sub-section	paragraph
		(1) (d)
Section 79 . . . . .	sub-section (2) of section 34 of	
	this Act	sub-section
		34 (2)
Section 81 (1) . . . . .	two (wherever occurring)	2
Section 81 (2) . . . . .	two	2
	fifty	50
Section 81 (3) . . . . .	two	2
Section 82 (1) . . . . .	Sub-section (2) of section 35 of	
	this Act	Sub-section
		35 (2)
	two	2
Section 83 . . . . .	sub-section (2) of section 44 of	
	this Act	sub-section
		44 (2)
Section 92 (1) . . . . .	two	2
Section 93 . . . . .	fifty	50
Section 94 (1) . . . . .	sub-section (1) or sub-section	
	(2) of section 90 of this Act	sub-section
		90 (1) or
		(2)

	fifty	50
Section 94 (2) . . . . .	sub-section (3) of section 90 of this Act	sub-section 90 (3)
	fifty	50
Section 95 . . . . .	fifty (wherever occurring)	50
Section 96 . . . . .	twenty-five	25
Section 99 . . . . .	sub-paragraph (iii) of paragraph (a) or sub-paragraph (iii) of paragraph (b) of section 91 of this Act	sub- paragraph 91 (a) (iii) or 91 (b) (iii)
Section 105 . . . . .	sub-section (3) of section 89 of this Act	sub-section 89 (3)
Section 107 (5) . . . . .	twelve	12
Section 108 (3) . . . . .	paragraph (b) of sub-section (1) of this section	paragraph (1) (b)
Section 109 (6) . . . . .	paragraph (c) of the last preceding sub-section	paragraph (5) (c)
Section 110 (1) . . . . .	fifty	50
Section 113 (1) . . . . .	sub-section (2) of section 110 of this Act	sub-section 110 (2)
Section 127 (1) . . . . .	sub-sections (4), (5) and (6) of section 35 of this Act	sub- sections 35 (4), (5) and (6)
Section 128 . . . . .	fifty	50
Section 129 (2) . . . . .	paragraphs (a) and (b) of the last preceding sub-section	paragraphs (1) (a) and (b)
Section 131 . . . . .	sub-section (3) of section 98 of this Act	sub-section 98 (3)
Section 133 (3) . . . . .	sub-section (3) or sub-section (5) of the last preceding section	sub-section 132 (3) or

	(5)	
Section 135 (3) . . . . .	five	5
Section 136 (2) . . . . .	sub-section (5) of section 132 of this Act	sub-section 132 (5)
Section 138 . . . . .	five	5
Section 140 . . . . .	five	5
Section 141 . . . . .	seven	7
Section 146 (3) . . . . .	two	2
Section 146 (8) . . . . .	two	2
Section 147 . . . . .	sub-section (3) of the last preceding section	sub-section 146 (3)
Section 149 (1) . . . . .	sub-section (3) of section 47, or sub-section (3) of section 70, of this Act	sub-section 47 (3) or 70 (3)
Section 150 (1) . . . . .	sub-section (3) of section 107  of this Act	sub-section 107 (3)
Section 151 (1) . . . . .	sub-section (1) of section 108 of this Act	sub-section 108 (1)
Section 152 (1) . . . . . (definition of "broadcaster")	sub-paragraph (iii) of paragraph (a) or sub-paragraph (iii) of paragraph (b) of section 91 of this Act	sub- paragraph 91 (a) (iii) or 91 (b) (iii)
Section 152 (8) . . . . .	the thirtieth day of June one per centum	30 June 1%
Section 152 (9) . . . . .	the thirtieth day of June (wherever occurring)	30 June
Section 152 (15) . . . . .	the thirtieth day of June	30 June
Section 152 (16) . . . . .	sub-section (6) of this section	sub-section (6)
Section 153 (1) . . . . .	paragraph (b) of sub-section (3) of section 59 of this Act	paragraph 59 (3) (b)
Section 156 (2) . . . . .	fifteen (first occurring)	15

	twelve	12
	fifteen (second occurring)	15
	three	3
Section 156 (5) . . . . .	Sub-sections (3), (4) and (6) to (10), inclusive, of the last preceding section	Sub-sections 155 (3), (4), and (6) to (10) inclusive
Section 159 (4) . . . . .	sub-section (1), sub-section (2) or sub-section (3) of section 157 of this Act	sub-section 157 (1), (2) or (3)
Section 159 (5) . . . . .	sub-section (4) of section 157 of this Act	sub-section 157 (4)
Section 166 (2) . . . . .	section 148 of this Act section 156 of this Act sub-section (3) of section 161 of this Act	section 148 section 156 sub-section 161 (3)
Section 172 (3) . . . . .	section 161 of this Act	section 161
	One thousand dollars or imprisonment for three months	\$1,000 or imprisonment for 3 months
Section 173 . . . . .	paragraph (b) of sub-section (2) of section 163 of this Act	paragraph 163 (2) (b)
	One thousand dollars or imprisonment for three months	\$1,000 or imprisonment for 3 months
Section 180 . . . . .	fifty (wherever occurring)	50
Section 181 . . . . .	fifty	50
Section 183 (6) . . . . .	sub-section (1) of this section	sub-section (1)
Section 183 (8) . . . . .	sub-section (1) of this section	sub-section (1)
Section 184 (1) . . . . .	sub-paragraph (iii) of paragraph (a) or sub-paragraph (iii) of	

	paragraph (b) of section 91 of this Act	sub- paragraph 91 (a) (iii) or 91 (b) (iii)	
Section 185 (4) . . . . .	(definition of "the relevant provision of this Act")	section 32 of this Act	section 32
Section 186 (1) . . . . .	two (wherever occurring)		2
Section 187 (2) . . . . .	fifty		50
Section 188 (2) . . . . .	fifty		50
Section 188 (3) . . . . .	two		2
	twenty-five		25
Section 199 (7) . . . . .	sub-paragraph (iii) of paragraph (a) of section 91 of this Act	sub- paragraph 91 (a) (iii)	
	sub-paragraph (iii) of paragraph (b) of section 91 of this Act	sub- paragraph 91 (b) (iii)	
Section 200 (4) . . . . .	sub-sections (1) and (2) of this section	sub- sections (1) and (2)	
Section 201 . . . . .	One hundred dollars		\$100
Section 209 (1) . . . . .	sub-section (5) of section 29 of this Act	sub-section 29 (5)	
	thirty		30
	fourteen		14
Section 209 (2) . . . . .	sub-section (7) of section 29 of this Act	sub-section 29 (7)	
Section 210 (2) . . . . .	Division 5 of this Part		Division 5
Section 211 (1) . . . . .	Sub-section (1) of section 32 of this Act	Sub-section 32 (1)	
Section 211 (2) . . . . .	Sub-section (2) of section 32 of this Act	Sub-section 32 (2)	
Section 211 (3) . . . . .	Sub-section (2) of section 32 of		32

(2) this Act Sub-section 32 (2)  
 paragraph (e) of that sub-section paragraph 32  
 (2)(e) Section 211 (4) . . . . . Sub-section (3) of section 32 of  
 this Act Sub-section 32 (3)  
 Section 212 . . . . . Sub-section (6) of section 33 of  
 this Act Sub-section 33 (6)  
 sub-section (2) of section 32 of  
 this Act sub-section 32 (2)  
 fifty 50  
 Section 213 (1) . . . . . Sub-sections (4) and (6) of  
 section 35 of this Act Sub-sections 35  
 (4) and (6)  
 Section 213 (2) . . . . . Sub-section (5) of section 35 of  
 this Act Sub-section 35 (5)  
 Section 213 (3) . . . . . sub-section (4), sub-section (5)  
 or sub-section (6) of section 35  
 of this Act sub-section 35 (4), (5)  
 or (6)  
 sub-section (2) of section 35 of  
 this Act sub-section 35 (2)  
 Section 215 (2) . . . . . sub-section (1) of section 5 of  
 this Act, sub-sections (2) to  
 (7), inclusive, of section 19 of  
 the Copyright Act, 1911 sub-section  
 5 (1) of  
 this Act,  
 sub-  
 sections 19  
 (2) to (7),  
 inclusive  
 of the  
 Copyright  
 Act, 1911

Section 216 . . . . . section 68 of this Act section 68





	of this Act	Sub-section 187 (1)	
Section 236 (2) . . . . .	Sub-section (2) of section 187 of this Act	Sub-section 187 (2)	
Section 237 (1) . . . . .	Sub-section (1) of section 188 of this Act	Sub-section 188 (1)	
Section 237 (2) . . . . .	Sub-section (2) of section 188 of this Act	Sub-section 188 (2)	
Section 237 (3) . . . . .	Sub-section (3) of section 188 of this Act	Sub-section 188 (3)	
Section 238 (1) . . . . .	section 190 of this Act paragraphs (b) and (c) of sub-section (1) of that section	section 190 paragraphs 190 (1) (b) and (c)	
Section 239 (3) . . . . .	sub-section (1) of section 197 of this Act	sub-section 197 (1)	
Section 239 (4) . . . . .	sub-section (1) of this section (wherever occurring)	sub-section (1)	
	twenty-five	25	
Section 240 (1) . . . . .	Section 198 of this Act	Section 198	
Section 241 . . . . .	Section 201 of this Act	Section 201	
Section 244 . . . . .	the first day of July, One thousand nine hundred and twelve	1 July 1912	
Section 245 . . . . .	Division 2 of this Part	Division 2	
Section 248 (1) . . . . .	sub-section (1) of section 239	sub-section 239	
(1) sub-section (1) of section 24	sub-section 24 (1)		
Section 249 . . . . .	One hundred dollars	\$100	

## COPYRIGHT AMENDMENT ACT 1980 No. 154 of 1980 - NOTES

### NOTES

1. Act No. 154, 1980; assented to 19 September 1980.
2. No. 63, 1968, as amended. For previous amendments, see No. 216, 1973; No. 91, 1976; and No. 160, 1977.