
COPYRIGHT BILL

In late January the Attorney-General, Mr Lionel Bowen, announced that the Government had approved the introduction of several amendments to the Copyright Act. The Bill is expected to be tabled in Parliament in the Autumn sittings and until such time its details will not be known. However, according to the Attorney-General's media release, the Bill will address the following areas:

- the piracy penalties will be significantly increased;
- new offences will be created;
- the Act will be extended expressly to cover satellite broadcasts;
- the onus of proof of ownership of copyright will be facilitated and, in prosecutions, also proof of the defendant's knowledge that he is dealing with pirate copies;
- access to audiovisual materials for the handicapped, libraries and archives will be increased;
- "fair dealing" in audiovisual materials for the purposes of criticism or review and reporting news will be permitted; and
- the Federal Court costs rules will be applied to the Copyright Tribunal.

It is only in the area of piracy penalties that details have been provided. The thrust of the proposed amendments is to create a new category of corporate piracy offences and to provide much heavier fines in this category. For example, in the case of the video piracy, the present maximum fine of \$1,500 per infringing copy upon first conviction will remain for individual offenders, but for first convictions for corporate offences, the maximum level per infringing copy will be \$7,500. Imprisonment up to two years will also be made available as an alternative to the fine for an individual's first conviction. For subsequent convictions, the maximum fine for individuals will remain at \$1,500 per infringing copy (with the option of imprisonment increased from two

to a maximum of five years), whereas the new maximum fine for corporate offences will be \$1,500 per infringing copy.

The fine limits will also be increased. For convictions in the Federal Court, the maximum fine will be \$50,000 for individuals and \$250,000 for companies. This compares with the present limit of \$10,000. In other courts, the fine limits will be \$10,000 for individuals and \$50,000 for companies compared to the present \$1,500.

Two other items of special interest are the Government's intention to extend the Act expressly to satellite broadcasts and to provide "fair dealing" for audiovisual materials for the purposes of criticism or review and reporting news.

As to the intention to cover satellite broadcasts, any number of options are available and not all of these will yield a definition of "broadcast" that is consistent with the definition in the Broadcasting Act. It may be the case, that the Government intends only to include a satellite transmission within the definition of "broadcast" where that transmission is used to effect a transmission to the public, that is a broadcast.

Whilst this will remain a matter of speculation until the Bill is tabled, the extension of the fair dealing provisions to audiovisual materials is clear. The first comment is that whilst fair dealing for the purposes of criticism or review and reporting news will be applied to audiovisual materials, the fair dealing provision for the purposes of research and study will not be so applied. It may have been felt that a "research or study" fair dealing provision might be overly relied upon by educational institutions. Alternatively, it may be a case of doing nothing in the educational area until the entire educational package is resolved. Although it had been expected that the Bill would provide this package, this proved to be an area of such difficulty and disagreement that the proposals were dropped from the Bill.

However, the proposed fair dealing provisions will clearly be frequently utilised. If "audiovisual material" includes a broadcast, broadcasters will be entitled for the purpose of reporting news to use the "exclusive" broadcast materials of competing broadcasters. In addition, one can imagine that there may be considerable scope for over use by educational institutions as far as copying for the

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(Cont'd from p8)

Territory soon, using transmitters in Alice Springs, Katherine and Tennant Creek and that the Government would conduct a study as to whether such services should be extended to Cape York, the Kimberleys and the Pilbara.

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purpose of criticism and review is concerned.

The Media Release also stated the Government's intention to further consider options for home taping (and educational use of audiovisual materials) and to examine the potential for a rental right for copy-right owners of records and videos.

Catriona Hughes

NATIONAL BROADCASTING SERVICES DEVELOPMENT COUNCIL

The Government has formed the NBSDC to advise it on the ABC and SBS radio and television expansion. The establishment of the Council means the abolition of the National Broadcasting Service Planning Committee and the Special Broadcasting Service Planning Committee.

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AUSSAT

TECHNICAL DIGEST

In the context of AUSSAT and the domestic satellite and Remote Commercial Television Services (RCTS) technology is becoming important. The Bulletin will attempt to explain some of the terms used to enable readers to better understand these communications issues.

The first term is "B-MAC", the technical system to be used for the ABC's remote area service (HACBSS), and, thus, also for RCTS licensees.

It is said that the B-MAC (Multiplexed Analogue Component, Type B) transmission system chosen for Australia's Homestead and Community Broadcasting Satellite Service (HACBSS), has several significant advantages: high quality television reception, six digital sound channels, a data channel and more reliable reception, even under extreme climatic conditions. The system also has the capacity to keep pace with future technological developments which will improve the quality of television (e.g. extended definition television).

The system is capable of carrying stereo and mono sound broadcasts plus television with stereo sound, teletext, and a data channel which could provide emergency warnings, special educational programs and other services.

B-MAC signals transmitted via satellite at a frequency of 12 GHz are received by a dish-shaped antenna and Outdoor Unit (ODU). The ODU converts these signals to a lower frequency for transmission through an interconnecting cable (about 30m long) to the Indoor Unit (IDU). The IDU provides a means of tuning to different satellite transponders, or channels, and with the aid of a baseband processor located within the IDU, separates the picture, sound channels, data and teletext for connection to domestic receiving units.

The television picture or pages of teletext are accessible through either a traditional television (PAL) receiver or RGB (Red/Green/Blue) video monitor. Radio programs or sound to match the television picture are accessible through a stereo amplifier. A traditional radio receiver is not required.