

## Attorney-General's Department

# Review of Copyright Digital Agenda reforms

A review of the amendments to the *Copyright Act 1968* contained in the *Copyright Amendment (Digital Agenda) Act 2000* (Digital Agenda Act) and related matters commenced on 1 April 2003.

## Background to the review

When introducing the Copyright Amendment (Digital Agenda) Bill 1999 into the House of Representatives on 2 September 1999 the then Attorney-General, the Hon Daryl Williams, AM QC MP proposed that the operation of the legislation be reviewed within 3 years of commencement. The Attorney-General said:

"The amendments provided by this Bill are at the cutting edge of online copyright reform, and clearly place Australia among the leaders in international developments in this area. As a result, in certain areas of the Bill we are entering uncharted waters. New technologies are changing rapidly and we wish to ensure that an appropriate balance is maintained between the rights of copyright owners and the rights of copyright users under the Copyright Act. I therefore propose that the operation of the legislation, particularly the extended statutory licence scheme for educational institutions and the new enforcement measure provisions, should be reviewed within 3 years of the commencement of the legislation."

The Digital Agenda Bill received Royal Assent on 4 September 2000 and the amendments to the Copyright Act commenced on 4 March 2001. The review of those amendments, as foreshadowed by the Attorney-General is being conducted by the Attorney-General's Department and is due to be completed in 2004.

## External consultant conducting a major part of review

On 1 April 2003 the Attorney-General announced that law firm Phillips Fox had been selected to conduct a major part of the Government's broader review of the digital agenda reforms. To view the Attorney-General's News Release (including the Terms of Reference for the review) click here.

Phillips Fox analysed key aspects of the reforms from legal, economic and technical points of view.

## Consultation

Wide public consultation was an important component of the research and analysis undertaken by Phillips Fox.

Issues papers were released at the beginning of August 2003. Public fora were held in Melbourne and Sydney to facilitate discussion on the issues raised in the issues papers. An online forum was also hosted by Phillips Fox to provide an opportunity for people who were unable to make either the Melbourne or Sydney fora.

Interested parties were encouraged to make submissions on the various issues raised in the papers. The closing date for submissions was 30 September 2003.

## Phillips Fox - Final Report

Phillips Fox provided their final report to the Government in February 2004. The Government released the report in April 2004.

The Phillips Fox report is available in electronic form by clicking here. If you would like to be sent a hard copy of the Phillips Fox report please make a request to [digitalagendareview@ag.gov.au](mailto:digitalagendareview@ag.gov.au) or telephone (02) 62506313.

## Current Status of the Government's Review

Phillips Fox conducted their research and analysis independently of the Government. During the term of the consultancy the Government negotiated with the United States a Free Trade Agreement. The Government is now moving towards signing its Free Trade Agreement with the US and implementing its obligations. In some areas, the copyright provisions of

<http://www.ag.gov.au/www/securitylawHome.nsf/AllDocs/RWP18B3985DD6A0767FCA256D9D00...> 30/04/2004

the Free Trade Agreement supersede the recommendations made in the Phillips Fox report. Where relevant the Phillips Fox report is being used to inform the Government's implementation of the Free Trade Agreement obligations.

Following the implementation of the Free Trade Agreement obligations, the Government will conclude its broader review of the Digital Agenda reforms. The broader review will include analysis of the Phillips Fox report in relation to issues that were not considered in the implementation of the Free Trade Agreement as well as other Digital Agenda reform issues that were raised during the review.

If you have concerns in relation to the Digital Agenda or the Computer Programs amendments to the Copyright Act that were not covered in the issues papers, or on which you have not already made a submission to Phillips Fox, make a submission on that matter directly to the Attorney-General's Department (attention of Copyright Law Branch, Robert Garran Offices, National Circuit Barton ACT 2600). Such concerns will be considered by the Government as part of its broader review of the reforms.


## Relevant links

[Phillips Fox website](#)

[Copyright Act 1968 \(incorporating Digital Agenda amendments\)](#)

[Copyright Amendment \(Digital Agenda\) Bill 2000 \(including Text of Bill, Explanatory Memorandum, Bills Digest and Second reading speeches\)](#)

[Copyright Amendment \(Digital Agenda\) Act 2000 Fact Sheet](#)

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