

RECOMMENDATIONS

Recommendation 1

3.144 The committee recommends that the Federal Government conduct a public awareness campaign and develop a 'plain English' consumer guide on the meaning and effect of the amendments contained in the Bill in order to assist people to understand their copyright rights and obligations under the *Copyright Act 1968*.

Recommendation 2

3.145 The committee recommends that the Federal Government re-examine with a view to amending the strict liability provisions in Schedule 1 of the Bill to reduce the possible widespread impact of their application on the activities of ordinary Australians and legitimate businesses.

Recommendation 3

3.146 The committee recommends that, in developing guidelines for management of the Bill's strict liability offences and infringement notice scheme, consultation should take place with appropriate bodies representing those to be regulated under the proposed regime, and relevant user-interest groups.

Recommendation 4

3.147 The committee recommends that proposed subsection 111(1) be re-drafted to make absolutely clear that individual consumers are not restricted to watching and listening to broadcast recordings in their own homes.

Recommendation 5

3.148 The committee recommends that Schedule 6 of the Bill be amended with respect to format-shifting to specifically recognise and render legitimate the ordinary use by consumers of digital music players (such as iPods and MP3 players), and other similar devices.

Recommendation 6

3.149 The committee recommends that the proposed amendments to the fair dealing exception for research and study in Schedule 6 of the Bill be clarified to make clear that only reproductions deemed to be fair dealings will be restricted and that the scope of the provision allowing any other amounts of reproduction will not be affected, if they are considered to be fair.

Recommendation 7

3.150 The committee recommends that Schedule 6 of the Bill be clarified to make it absolutely clear that libraries, archives and cultural institutions are able to make sufficient copies for the purposes of preservation.

Recommendation 8

3.151 The committee recommends that the scope of the exception for 'key cultural institutions' in Schedule 6 of the Bill be clarified to specifically include the ABC, SBS, the Australian Film Commission, universities, research institutions, and other like institutions which hold significant historical and cultural material.

Recommendation 9

3.152 The committee recommends that proposed section 28A in Schedule 8 of the Bill should be amended to clarify that the same range of copyright material currently covered by section 28 of the Copyright Act is included; that is, that section 28A should apply to communication of a work or subject matter as encompassed in section 28, and not only to a sound recording or cinematograph film.

Recommendation 10

3.153 The committee recommends that proposed section 200AAA in Schedule 8 of the Bill be clarified to ensure that caching for efficiency purposes (proxy caching) does not infringe copyright; and to ensure that there is no doubt that the reproduction must be removed after the end of the particular educational course for which it was made.

Recommendation 11

3.154 The committee recommends that the Federal Government consider the possibility of amending proposed subsection 135ZMB(5) in Schedule 8 of the Bill so that 'insubstantial' copying of works in electronic works need not be 'continuous'.

Recommendation 12

3.155 The committee recommends that the Federal Government consider harmonising the language used in the definition of 'technological protection measure' in Schedule 12 of the Bill with the language used in the definition of 'access control technological measure', by replacing the phrase 'in connection with the exercise of copyright' in the definition of 'access control technological measure' with the phrase, 'prevents, inhibits or restricts the doing of an act comprised in copyright'.

Recommendation 13

3.156 The committee recommends that the specific exception to liability for TPM circumvention to allow for interoperability in Schedule 12 of the Bill be amended to ensure it allows interoperability between computer programs and data to permit interoperable products to be developed.

Recommendation 14

3.157 The committee recommends that Schedule 12 of the Bill be amended to include a prohibition on any agreements purporting to exclude or limit the application of permitted exceptions under the TPMs liability scheme.

Recommendation 15

3.158 The committee recommends that the Federal Government undertake a public review of the impact of the changes made to the *Copyright Act 1968* by the Bill, after a period of two years of operation of the provisions.

Recommendation 16

3.159 Subject to the preceding recommendations, the committee recommends that the Senate pass the Bill.

