

CHAPTER 1

INTRODUCTION

Background

1.1 On 19 October 2006, the Senate referred the provisions of the Copyright Amendment Bill 2006 (the Bill) to the Standing Committee on Legal and Constitutional Affairs, for inquiry and report by 10 November 2006. On 10 November 2006, the committee resolved to extend the reporting date until 13 November 2006.

1.2 The Bill makes a range of major amendments to the *Copyright Act 1968* (Copyright Act). According to the Explanatory Memorandum (EM) to the Bill, many of the amendments implement outcomes of several copyright law reviews conducted by the Federal Government in 2005-06, and other policy initiatives. The Bill also gives effect to Australia's remaining intellectual property obligations under the Australia-United States Free Trade Agreement (AUSFTA) by implementing a liability scheme for certain activities relating to the circumvention of Technological Protection Measures (TPMs); and by setting out a number of permissible exceptions to that liability scheme.

1.3 In his Second Reading Speech, the Attorney-General stated that the Bill 'introduces significant reforms' to the Copyright Act which demonstrate 'the Howard government's ongoing commitment to having an effective, world-class and up-to-date copyright regime'.¹ According to the Attorney-General, the Federal Government is mindful of the particular challenges to copyright in the digital technology age:

The government is committed to dealing with these challenges to copyright head-on, while seeking to acknowledge the opportunities technology presents. We want laws in place which mean copyright pirates are penalised for flouting the law. And we want to make sure that ordinary consumers are not infringing the law through everyday use of copyright products they have legitimately purchased.

These important reforms include new exceptions to make our copyright laws more sensible and defensible. The bill also introduces new offences and enforcement measures to ensure that those who seek to undermine the legitimate rights of copyright owners can be brought to account. These balanced and practical reforms will ensure the effectiveness of our copyright laws in the dynamic environment that we face.²

1 The Hon. Philip Ruddock MP, Attorney-General, Second Reading Speech, *House of Representatives Hansard*, 19 October 2006, p. 1.

2 The Hon. Philip Ruddock MP, Attorney-General, Second Reading Speech, *House of Representatives Hansard*, 19 October 2006, p. 1.

1.4 The Attorney-General noted that the Bill is 'wide ranging but it is also targeted'. It targets piracy, not the legitimate everyday behaviour of Australian consumers and institutions'.³

Conduct of the inquiry

1.5 The committee advertised the inquiry in *The Australian* newspaper on 25 October 2006, and invited submissions by 30 October 2006. Details of the inquiry, the Bill, and associated documents were placed on the committee's website. The committee also wrote to over 100 organisations and individuals.

1.6 The committee received 74 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.7 The committee held a public hearing in Canberra on 7 November 2006. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available through the Internet at <http://aph.gov.au/hansard>.

Acknowledgement

1.8 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearing.

Note on references

1.9 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.

3 The Hon. Philip Ruddock MP, Attorney-General, Second Reading Speech, *House of Representatives Hansard*, 19 October 2006, p. 2.