Date Introduced:  2 April 1981  
House:  Senate  
Presented by: Senator the Hon. P.D. Durack, Attorney-General

**Short Digest of Bill**

**Purpose**

To provide that certain material currently required under the Copyright Act 1968 to be deposited with the National Library should in future be deposited with the proposed Australian Archives.

**Background**

The Bill operates to transfer a function previously exercised by the National Librarian to the Director-General of the Australian Archives under the Archives Bill 1981 introduced at the same time as the present Bill. The Copyright Act 1968 provides that a broadcaster who has a licence to broadcast a copyright work may make a recording (either videotape, cinematograph film or sound recording) without further permission as long as the recording is either destroyed within twelve months or such longer period as is agreed between the maker of the recording and the owner of the copyright, or delivered to the National Library for archival retention. Under the Berne Copyright Convention, such recordings must be destroyed unless they are preserved in official archives on the ground of their exceptional documentary character. With the establishment, on a statutory basis, of the Australian Archives, the Government has taken the view that the Archives is the appropriate body to receive such material.

**Provisions**

Clauses 3, 4 and 5 amend sections 47, 70 and 107 of the Copyright Act 1968 relating to the reproduction of a literary, dramatic or musical work for the purpose of broadcasting; reproduction of an artistic work for inclusion in a television broadcast; and the making of a record embodying a sound recording for the purpose of broadcasting. Each clause amends a sub-section, which currently makes the non-infringement of copyright depend upon destruction after twelve months or delivery to the
National Library with the National Librarian's consent, so that in future delivery will be to the Australian Archives with the consent of the Director-General. A further subsection is added in each case which prohibits the Director-General from giving his consent unless he has certified that the material in question is of an exceptional documentary character.

For further information, if required, contact:

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