

2021

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

COPYRIGHT AMENDMENT (SHORTER COPYRIGHT
DURATION) BILL 2021

EXPLANATORY MEMORANDUM

(Circulated by authority of the Hon. NGSpy MP)

General outline and financial impact

Shorter Copyright Duration

This Act shortens the duration of copyright for works that are made in the Commonwealth of Australia. To achieve this, it amends the duration of copyright in subsection 33(2) of the Act to be 10 years after the end of the calendar year in which the author of the work died, as well as amending:

- Subsections 33(3), 33(5) and 34(1) (in relation to variations of the basic provisions of copyright) from a period of 70 years to 35 years;
- Section 93 (in relation to sound recordings) from a period of 70 years to 35 years;
- Section 94 (in relation to cinematograph films) from a period of 70 years to 35 years;
- Section 95 (in relation to television broadcasts and sound broadcasts) from a period of 50 years to 35 years;
- Section 128 (in relation to a presumption of the publisher of work) from a period of 70 years to 35 years;
- Section 187 (in relation to original works made or first published by an international organisation) from a period of 70 years to 35 years;
- Section 188 (in relation to subject-matter made or first published by an international organisation) from a period of 70 years to 35 years.

Date of effect: The amendments shall take place from the 1st of September 2021.

Financial impact: There is no foreseeable financial impact on the Commonwealth of Australia.

Human rights implications: This Bill does not raise any human rights issues. See *Statement of Compatibility with Human Rights*.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Copyright Amendment (Shorter Copyright Duration) Bill 2021

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview

This Bill shortens the duration of copyright in different circumstances, with the general rule being changed from the author's lifetime and 70 years to the author's lifetime and 10 years.

Human rights implications

This Bill does not engage any of the applicable rights or freedoms. This is because copyright provisions do not engage in human rights, as they are not a human right to have.

Conclusion

This Bill is compatible with human rights as it does not limit any applicable human rights or freedoms.