

**Schedules 10 and 11 - Copyright Tribunal amendments**

A number of existing regulations in the *Copyright Regulations 1969* will need to be *repealed* consequential on amendments made by the Copyright Amendment Bill 2006. These are outlined below.

2. Schedule 11, Item 40 of the Bill repeals paragraphs 135K(1)(b), (c) and (d) of the Act. The substitute sub-sections inserted by that item remove references to prescribed matters. All regulations made for the purposes of paras 135K(1)(b), (c) and (d) will be repealed ie:

- reg 23B Marking of copies etc - paragraph 135K(1)(a)
- reg 23C Contents of record - paragraph 135K(1)(b)
- reg 23D Prescribed retention period - paragraph 135K(1)(c), and
- reg 23E Sending of copies of records - paragraph 135K(1)(d).

3. Schedule 11, Item 41 repeals sub-section 135K(2). All regulations made for the purposes of paragraphs 135K(2) will be repealed, ie:

- reg 23F Prescribed manner of keeping records - para 135K(2)(a) and
- reg 23G Form of record — paragraph 135K(2)(b).

4. Schedule 11, Item 48 repeals paragraphs 135ZX(1)(b), (c) and (d) (the substitute sub-ss remove references to prescribed matters). All regulations made for the purposes of paras 135ZX(1)(b), (c) and (d) will be repealed, ie:

- reg 23JG Prescribed particulars — paragraph 135ZX (1)(b)
- reg 23JH Prescribed retention period — paragraph 135ZX (1)(c), and
- reg 23JJ Sending of copies of records — paragraph 135ZX (1)(d).

5. Schedule 11, Item 49 repeals paragraph 135ZX(2) (the substitute sub-ss remove references to prescribed matters All regulations made for the purposes of : sub-s 135ZX(2) will be repealed, ie:

- reg 23JK Prescribed manner of keeping records — para 135ZX(2)(a) and
- reg 23JL Prescribed form — paragraph 135ZX(2)(b).

6. The amendments made by the Bill also allow for the prescribing of new matters by the regulations. In summary, new regulations may prescribe:

- the manner in which the Minister may refer to Copyright Tribunal for determination an application under s **135P** to be declared collecting society
- the manner in which the Minister may refer to Copyright Tribunal for determination the question of whether declaration made under s **135Q** should be revoked

- the manner in which the Minister may refer to Copyright Tribunal for determination an application under s **135ZZB** to be declared society for (specified classes of) relevant copyright owners
- the manner in which the Minister may refer to Copyright Tribunal for determination the question of whether declaration made under s **135ZZC** should be revoked
- the manner in which the Minister may refer to Copyright Tribunal for determination an application under s **135ZZT** to be declared collecting society
- the manner in which the Minister may refer to Copyright Tribunal for determination the question of whether declaration made under s **135ZZU** should be revoked
- (any) matters to be taken into consideration by the Tribunal when determining a records system in an application to the Tribunal under paragraph **135K(1)(b)**
- (any) matters to be taken into consideration by the Tribunal when determining a records system in an application to the Tribunal under paragraph **135ZX(1)(b)**
- (any) matters to be taken into consideration by the Tribunal when determining a question under the statutory licence in Part VA in an application to the Tribunal under subsection **135JAA(2)**, and
- (any) matters to be taken into consideration by the Tribunal when determining a question under the statutory licence in Part VB in an application to the Tribunal under subsection **135ZWAA(2)**.