



# **Copyright Amendment (Film Directors' Rights) Act 2005**

**No. 130, 2005**

**An Act to amend the *Copyright Act 1968*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# Copyright Amendment (Film Directors' Rights) Act 2005

No. 130, 2005

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## An Act to amend the *Copyright Act 1968*, and for related purposes

[Assented to 8 November 2005]

The Parliament of Australia enacts:

### 1 Short title

This Act may be cited as the *Copyright Amendment (Film Directors' Rights) Act 2005*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 4 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	8 November 2005
2. Schedule 1	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	19 December 2005 ( <i>see</i> F2005L04088)

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## 4 Application of amendment

- (1) The amendment made by Schedule 1 applies to films that commence to be made after the commencement of that Schedule.

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- (2) However, the amendment has no effect to the extent to which the rights created by the amendment would be inconsistent with the rights arising under a contract entered into before the commencement of the amendment.

## Schedule 1—Amendment

### *Copyright Act 1968*

#### 1 At the end of section 98

Add:

- (4) If the film is not a commissioned film, then the reference in subsection (2) to the maker of the film includes a reference to each director of the film.
- (5) If a director directed the film under the terms of his or her employment under a contract of service or apprenticeship with another person (the *employer*), then, in the absence of any agreement to the contrary, the employer is to be substituted for the director for the purposes of subsection (4).
- (6) If a person becomes an owner of the copyright:
  - (a) because of the operation of subsection (4); or
  - (b) because of the operation of subsections (4) and (5);then the person becomes the owner of the copyright only so far as the copyright consists of the right to include the film in a retransmission of a free-to-air broadcast.
- (7) In this section:

*commissioned film* means a film made as mentioned in paragraphs (3)(a) and (b).

*director* has the same meaning as in Part IX.

*free-to-air broadcast* has the same meaning as in Part VC.

*retransmission* means a retransmission (as defined in section 10) to which Part VC applies.

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*[Minister's second reading speech made in—  
House of Representatives on 17 March 2005  
Senate on 14 September 2005]*

(43/05)