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## COPYRIGHT.

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No. 68 of 1933.

An Act to amend the *Copyright Act* 1912.

[Assented to 15th December, 1933.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title and  
citation.

- 1.—(1.) This Act may be cited as the *Copyright Act* 1933.
- (2.) The *Copyright Act* 1912\* is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Copyright Act* 1912–1933.

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\* Act No. 20, 1912.

2. After section two of the Principal Act the following section is inserted :—

“ 2A.—(1.) This Act shall extend to such Territories under the authority of the Commonwealth (including any Territory governed by the Commonwealth under a Mandate) as the Governor-General, by Proclamation, declares, and the extension of this Act to any Territory shall be subject to such modifications and additions relating exclusively to procedure, remedies and administration as the Governor-General specifies in the Proclamation declaring the extension.”

Extension of  
Act to  
Territories.

“(2.) For the purposes of this section—

- (a) any reference in this Act to a State shall be deemed to include a reference to any Territory to which this Act has been extended ; and
- (b) any reference in this Act to a State Copyright Act shall be deemed to include a reference to any Act or law of that Territory relating to copyright.”.

3. After section thirteen of the Principal Act the following section is inserted in Part II. :—

“ 13A.—(1.) Where any dispute has arisen between any person—

- (a) being an owner of copyright ; or
- (b) claiming the right to payment of royalty in respect of copyright,

Voluntary  
arbitration in  
disputes  
concerning  
public  
performance of  
works.

in literary, dramatic, musical or other works, or between any person being a manufacturer of records by means of which any such works may be mechanically reproduced, and any person using or desirous of using any such works or records, regarding the rates and methods of payment for the right to perform such works in public or to use such records for public performance, or the terms and conditions under which such works or records may be so performed or used, any party to the dispute may apply in writing to the Attorney-General for the determination of the dispute by voluntary arbitration by an arbitrator mutually selected, or, failing such selection, appointed by the Governor-General.

“(2.) The application may state the name of the arbitrator by whom it is desired that the dispute shall be determined.

“(3.) The arbitrator so selected or appointed may, upon receiving a submission to arbitration of the dispute, duly executed by the parties, hear the dispute and make his award in relation thereto.

“(4.) The parties to the dispute, by themselves, or, in the case of a company, association or body of persons, by their principal officers, shall, if required by the arbitrator, submit to be examined by the arbitrator on oath in relation to the matters in dispute, and shall produce before the arbitrator all books, deeds, papers, accounts,

writings and documents within their possession or power respectively which may be required or called for, and do all other things which, during the hearing of the dispute, the arbitrator may lawfully require.

“(5.) The costs of the arbitration shall be in the discretion of the arbitrator who may by his award direct to and by whom, and in what manner, those costs or any part thereof shall be paid and may, if he thinks proper, tax or settle the amount of costs to be so paid or any part thereof.

“(6.) Copyright in any such work shall not be deemed to be infringed by the performance or use in public of any such work or record if payment for the right to perform the work or use the record is made at the rates, in the method and subject to the terms and conditions under which such works or records may be performed or used, determined by the arbitrator in pursuance of sub-section (3.) of this section.

“(7.) For the purposes of this section “person” includes any company, association or body of persons.

“(8.) The regulations may prescribe any matters for and in relation to the practice and procedure before any arbitrator selected or appointed under this section and the fees payable to any such arbitrator.”.

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