



Commonwealth of Australia Gazette

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No. 35

CANBERRA, MONDAY, 28 APRIL

1969

ORDER

Commonwealth of
Australia to wit
CASEY
Governor-General.

By His Excellency the Governor-General
in and over the Commonwealth of
Australia.

WHEREAS the Commonwealth of Australia is a party to the International Convention for the Protection of Literary and Artistic Works concluded at Berne on the ninth day of September, 1886 and revised at Berlin on the thirteenth day of November, 1908 and at Rome on the second day of June, 1928, in this Order referred to as "the Convention":

AND WHEREAS by Part II. of the Imperial Act known as the Copyright Act, 1911 of the United Kingdom, in this Order referred to as "the British Act", authority is conferred upon Her Majesty to direct, by Order in Council, that the British Act shall apply to certain classes of foreign works and that such an Order in Council shall apply to all Her Majesty's dominions to which the British Act extends, other than self-governing dominions:

AND WHEREAS by Part II. of the British Act authority is conferred on the Governor in Council of any self-governing dominion to which that Act extends to make, as respects that dominion, the like Orders as under that Part of the British Act Her Majesty in Council is authorised to make with respect to Her Majesty's dominions other than self-governing dominions:

AND WHEREAS it is provided by sub-section (1.) of section 25 of the British Act that that Act shall not extend to a self-governing dominion unless declared by the Legislature of the dominion to be in force therein either without any modifications or additions, or with such modifications and additions relating exclusively to procedure and remedies or necessary to adapt the Act to the circumstances of the dominion, as may be enacted by that Legislature:

AND WHEREAS the Commonwealth of Australia is a self-governing dominion to which, by virtue of the Copyright Act 1912-1966, in this Order referred to as "the Commonwealth Act", the British Act extends with such modifications and additions as are provided by the Commonwealth Act:

AND WHEREAS it is provided by section 12 of the Commonwealth Act that the Governor-General in Council may make Orders for altering, revoking or varying any Order in Council made by him in pursuance of any power conferred on him by the British Act or the Commonwealth Act:

AND WHEREAS the Governor-General in Council, in pursuance of the powers conferred on him by Part II. of the British Act and section 12 of the Commonwealth Act, made the Orders specified in the First Schedule to this Order:

AND WHEREAS by reason of changes in the membership of the Convention and for other reasons, it is desirable to revoke those Orders and to make other provisions in their stead:

AND WHEREAS the countries specified in the first column of the Second Schedule to this Order are, with the exception of the Kingdom of Thailand, parties to the Convention or are territories to which the Convention applies, as the case may be:

AND WHEREAS the Kingdom of Thailand is a party to the International Convention for the Protection of Literary and Artistic Works concluded at Berne on the ninth day of September, 1886 and revised at Berlin on the thirteenth day of November, 1908:

NOW THEREFORE I, Richard Gardiner, Baron Casey, the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, and by virtue of the authority conferred on me by the Commonwealth Act and the British Act, hereby order as follows:—

1. The Orders specified in the First Schedule to this Order are revoked.
2. Notwithstanding the revocation of the Orders referred to in the last preceding paragraph, any right or interest acquired or accrued at the date of this Order shall continue and any legal proceedings or remedy in respect of that right or interest may be instituted, continued or enforced as if this Order had not been made.
3. The British Act shall, subject to the provisions of this Order, apply—
 - (a) to a work first published in a country specified in the first column of the Second Schedule to this Order in like manner as if it were first published within the Commonwealth;
 - (b) to a literary, dramatic, musical or artistic work the author whereof was at the time of the making of the work a subject or citizen of a country specified in the first column of the Second Schedule to this Order in like manner as if the author were a British subject; and
 - (c) in respect of residence in a country specified in the first column of the Second Schedule to this Order in like manner as if such residence were residence in the Commonwealth.
4. The term of copyright subsisting in a work by virtue of this Order shall not exceed that conferred by the law of the country of origin of the work.
5. Nothing in the provisions of the British Act relating to existing works as applied by this Order shall be construed as reviving any right of preventing the production or importation of a translation in any case where the right has ceased by virtue of section 5 of the Imperial Act known as the International Copyright Act, 1886.
- 6.—(1.) Copyright in a musical work to which the British Act applies by virtue of this Order and which was published before the commencement of that Act shall include all of the rights conferred by the British Act with respect to the making of records, perforated rolls or other contrivances by means of which the work may be mechanically performed.

(2.) In the application, by virtue of this Order, of section 19 of the British Act (other than paragraph (e) of sub-section (7.) of that section) to a work of which the country of origin is a country specified in the first column of the Second Schedule to this Order—

- (a) a reference in sub-section (7.) or sub-section (8.) of that section to 'the commencement of this Act', except in so far as the reference relates to the application of paragraph (b) of sub-section (7.) to that work, shall be read as a reference to the date shown in the second column of that Schedule opposite to the name of that country; and
- (b) a reference in sub-section (7.) of that section to 'the passing of this Act' shall be read as a reference to the corresponding date shown in the third column of that Schedule.
7. Where a person has, at any time before the commencement of this Order, taken action whereby he has incurred expenditure or liability in connexion with the reproduction or performance of a work in a manner which at that time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when that reproduction or performance would, but for the making of this Order, have been lawful, nothing in this Order shall diminish or prejudice any right or interest arising from or in connexion with that action that is subsisting and valuable at the commencement of this Order unless the person who, by virtue of this Order, becomes entitled to restrain the reproduction or performance of that work agrees to pay such compensation as is reasonable in the circumstances.
8. In this Order, the term "the country of origin", in relation to a work, has the same meaning as in the third paragraph of Article 4 of the Convention.
9. This Order shall be construed as if it formed part of the Commonwealth Act.
10. This Order shall come into operation on the thirtieth day of April, 1969.

FIRST SCHEDULE

1. Order dated the fourteenth day of March, 1923, applying the Commonwealth Act to or in relation to works first produced or published in certain foreign countries.

2. Order dated the nineteenth day of October, 1923, amending the Order dated the fourteenth day of March, 1923.

3. Order dated the fourteenth day of January, 1941, applying the Commonwealth Act to or in relation to works first produced or published in North Borneo and Sarawak.

4. Order dated the sixteenth day of August, 1943, further amending the Order dated the fourteenth day of March, 1923.

SECOND SCHEDULE

First Column	Second Column	Third Column
Republic of Austria ..	1 February 1923	1 October 1920
Kingdom of Belgium ..	1 February 1923	16 December 1911
Federative Republic of Brazil	1 February 1923	9 February 1922
People's Republic of Bulgaria	1 February 1923	5 December 1921
Federal Republic of Cameroon	30 April 1969	26 May 1930
Democratic Republic of the Congo	30 April 1969	20 December 1948
Republic of the Congo ..	30 April 1969	26 May 1930
Republic of Cyprus ..	1 July 1912 ..	16 December 1911
Czechoslovak Socialist Republic	1 February 1923	22 February 1921
Republic of Dahomey ..	30 April 1969	26 May 1930
Kingdom of Denmark ..	1 February 1923	16 December 1911
Republic of Finland ..	30 April 1969	1 April 1928
French Republic ..	1 February 1923	16 December 1911
The Overseas Departments and Territories of the French Republic	30 April 1969	26 May 1930
Gabonese Republic ..	30 April 1969	26 May 1930
Federal Republic of Germany (including Land Berlin)	1 February 1923	16 December 1911
Kingdom of Greece ..	1 February 1923	9 November 1920
Holy See ..	30 April 1969	12 September 1935
Hungarian People's Republic	1 February 1923	14 February 1922

SECOND SCHEDULE—continued

First Column	Second Column	Third Column
Republic of Iceland ..	30 April 1969	7 September 1947
Republic of India ..	1 July 1912 ..	16 December 1911
Republic of Ireland ..	1 July 1912 ..	16 December 1911
State of Israel ..	1 October 1920	16 December 1911
Italian Republic ..	1 February 1923	1 April 1914
Republic of the Ivory Coast ..	30 April 1969	26 May 1930
Japan ..	1 February 1923	16 December 1911
Lebanese Republic ..	30 April 1969	1 August 1924
Principality of Liechtenstein ..	30 April 1969	30 July 1931
Grand Duchy of Luxembourg	1 February 1923	16 December 1911
Malagasy Republic ..	30 April 1969	26 May 1930
Republic of Mali ..	30 April 1969	26 May 1930
Principality of Monaco ..	1 February 1923	16 December 1911
Kingdom of Morocco ..	1 February 1923	16 June 1917
Kingdom of the Netherlands ..	1 February 1923	1 November 1912
Surinam and the Netherlands Antilles	1 February 1923	1 April 1913
Republic of the Niger ..	30 April 1969	26 May 1930
Kingdom of Norway ..	1 February 1923	16 December 1911
Pakistan ..	1 July 1912 ..	16 December 1911
Polish People's Republic ..	1 February 1923	28 January 1920
Portuguese Republic ..	1 February 1923	16 December 1911
The Overseas Provinces of the Portuguese Republic	30 April 1969	7 May 1929
Socialist Republic of Romania	30 April 1969	1 January 1927
Republic of Senegal ..	30 April 1969	26 May 1930
Republic of South Africa ..	1 July 1912 ..	16 December 1911
Spanish State ..	1 February 1923	16 December 1911
Kingdom of Sweden ..	1 February 1923	16 December 1911
Swiss Confederation ..	1 February 1923	16 December 1911
Kingdom of Thailand ..	30 April 1969	17 July 1931
Republic of Tunisia ..	1 February 1923	16 December 1911
Republic of the Upper Volta ..	30 April 1969	26 May 1930
Socialist Federal Republic of Yugoslavia	30 April 1969	17 June 1930

Given under my Hand and the Great Seal of the Commonwealth this twenty-fourth day of April, in the year (L.S.) of our Lord One thousand nine hundred and sixty-nine, and in the eighteenth year of Her Majesty's reign.

By His Excellency's Command,

NIGEL BOWEN
Attorney-General.

(Ex. Min. No. 33)

ORDER

Commonwealth of Australia to wit
CASEY
Governor-General.

By His Excellency the Governor-General in and over the Commonwealth of Australia.

WHEREAS sub-section (1.) of section 11 of the Copyright Act 1912-1966, in this Order referred to as "the Commonwealth Act", provides that the Governor-General in Council may, subject to that section, direct that the Imperial Act known as the Copyright Act, 1911, in this Order referred to as "the British Act", and the Commonwealth Act shall extend to literary, musical, dramatic and artistic works first produced or published in any part of the Queen's dominions to which the British Act does not extend, in like manner as if the works had been first published or produced in the Commonwealth:

AND WHEREAS sub-section (3.) of that section provides that an Order in pursuance of the section shall only be made in case the Governor-General in Council is satisfied that the part of the Queen's dominions in relation to which the Order is proposed to be made has made, or has undertaken to make, such provisions, if any, as he thinks sufficient for the protection of works first produced or published in the Commonwealth and entitled to copyright therein:

NOW THEREFORE I, Richard Gardiner, Baron Casey, the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council and by virtue of the authority conferred upon me by the Commonwealth Act, and being satisfied that the parts of the Queen's dominions

specified in the Schedule to this Order have made, or have undertaken to make, such provisions as I think sufficient for the protection of works first produced or published in the Commonwealth and entitled to copyright therein, hereby order as follows:—

1. The British Act and the Commonwealth Act extend to literary, musical, dramatic and artistic works first produced or published in a country specified in the Schedule to this Order in like manner as if the works had been first published or produced in the Commonwealth.
2. The British Act and the Commonwealth Act extend to existing works in which copyright subsists in a country specified in the Schedule to this Order—
 - (a) in the case of a published work, by virtue of the work having been first published in that country; or
 - (b) in the case of an unpublished work, by virtue of the author of the work being at the date of the making of the work resident within that country.
3. This Order shall be construed as if it formed part of the Commonwealth Act.
4. This Order shall come into operation on the thirtieth day of April, 1969.

THE SCHEDULE

Bahama Islands
 Bermuda
 British Honduras
 Canada
 Cayman Islands
 Falkland Islands and its Dependencies
 Fiji
 Gibraltar
 Grenada
 Guyana
 Isle of Man
 Mauritius
 Montserrat
 New Zealand, including the Cook Islands, Niue and the Tokelau Islands
 St. Helena and its Dependencies
 St. Lucia
 St. Vincent
 Seychelles
 United Kingdom of Great Britain and Northern Ireland
 Virgin Islands

GIVEN under my Hand and the Great Seal of the Commonwealth this twenty-fourth day of April, in the year (L.S.) of our Lord One thousand nine hundred and sixty-nine, and in the eighteenth year of Her Majesty's reign.

By His Excellency's Command,

NIGEL BOWEN
 Attorney-General.

(Ex. Min. No. 33)

Copyright Act 1968

APPOINTMENT OF THE SECRETARY TO THE COPYRIGHT TRIBUNAL

IN pursuance of the powers conferred by sub-section (1.) of section 170 of the Copyright Act 1968 I, Nigel Hubert Bowen, the Attorney-General of the Commonwealth, hereby appoint Niel Thomas Francis Fernon to be the Secretary to the Copyright Tribunal established by the Copyright Act 1968.

Dated this fifteenth day of April 1969.

NIGEL BOWEN
 Attorney-General

COMMONWEALTH OF AUSTRALIA

I, RICHARD GARDINER, BARON CASEY, the Governor-General in and over the Commonwealth of Australia, hereby appoint the Honourable John Robert Kerr, a Judge of the Commonwealth Industrial Court, to be a member of the Copyright Tribunal established under the Copyright Act 1968. The Honourable John Robert Kerr is to hold office for a period of four years.

Dated this eighteenth day of April 1969.

CASEY
 Governor-General

By His Excellency's Command,

NIGEL BOWEN
 Attorney-General

(Ex. Min. No. 27)

COMMONWEALTH OF AUSTRALIA

I, RICHARD GARDINER, BARON CASEY, the Governor-General in and over the Commonwealth of Australia, hereby appoint the Honourable Harry Talbot Gibbs, a Judge of the Federal Court of Bankruptcy, to be a member of the Copyright Tribunal established under the Copyright Act 1968. The Honourable Harry Talbot Gibbs is to hold office for a period of four years.

Dated this eighteenth day of April 1969.

CASEY
 Governor-General

By His Excellency's Command,

NIGEL BOWEN
 Attorney-General

(Ex. Min. No. 27)

COMMONWEALTH OF AUSTRALIA

I, RICHARD GARDINER, BARON CASEY, the Governor-General in and over the Commonwealth of Australia, hereby appoint the Honourable John Robert Kerr, a Judge of the Commonwealth Industrial Court and a member of the Copyright Tribunal established under the Copyright Act 1968, to be the Deputy President of the Tribunal.

Dated this eighteenth day of April 1969.

CASEY
 Governor-General

By His Excellency's Command,

NIGEL BOWEN
 Attorney-General

(Ex. Min. No. 28)

PROCLAMATION

Commonwealth of Australia to wit
CASEY
 Governor-General.

By His Excellency the Governor-General in and over the Commonwealth of Australia.

WHEREAS it is provided by section 2 of the Copyright Act 1968 that that Act shall come into operation on a date to be fixed by Proclamation:

NOW THEREFORE I, Richard Gardiner, Baron Casey, the Governor-General aforesaid, acting with the advice of the Federal Executive Council, hereby fix the first day of May, One thousand nine hundred and sixty-nine, as the date on which the Copyright Act 1968 shall come into operation.

GIVEN under my Hand and the Great Seal of the Commonwealth this eighteenth day of April, in the year of our (L.S.) Lord, One thousand nine hundred and sixty-nine, and in the eighteenth year of Her Majesty's reign.

By His Excellency's Command,

NIGEL BOWEN
 Attorney-General

GOD SAVE THE QUEEN!

(Ex. Min. No. 29)

NOTIFICATION OF THE MAKING OF REGULATIONS

Copies may be purchased at the Government Printing Office, Canberra, A.C.T. 2600 or the Commonwealth Sub-Treasury in each Capital City, at the price indicated.

Title of Act under which Regulations made	Citation of Statutory Rules	Particulars of Regulations comprised in Statutory Rules	Price of Statutory Rules
			\$
Copyright Act 1968	S.R. 1969, No. 58	Copyright Regulations	0.20
Copyright Act 1968	S.R. 1969, No. 59	Copyright Tribunal (Procedure) Regulations	0.20
Copyright Act 1968	S.R. 1969, No. 60	Copyright (International Protection) Regulations	0.15

AUSTRALIAN CAPITAL TERRITORY

City Area Leases Ordinance 1936-1968

DELEGATION

PURSUANT to sub-section (1.) of section 6 of the City Area Leases Ordinance 1936-1968, I, Peter James Nixon, Minister of State for the Interior, HEREBY DELEGATE to the person for the time being holding or performing the duties of the office of Commissioner for Housing, Housing Branch, A.C.T. Services Division, Department of the Interior my powers and functions under sub-section (2.) of section 28 of the City Area Leases Ordinance 1936-1968 insofar as those powers and functions extend to consenting to the mortgage or of an interest therein as provided under the said sub-section.

Dated this twenty-first day of April 1969.

PETER NIXON
Minister of State for the Interior

AUSTRALIAN CAPITAL TERRITORY

Hawkers Ordinance 1968

NOTIFICATION OF COMMENCEMENT

PURSUANT to section 2 of the Hawkets Ordinance 1968, I, Peter James Nixon, Minister of State for the Interior, hereby

fix the first day of May, 1969, as the date upon which that Ordinance shall come into operation.

Dated this twenty-first day of April 1969.

PETER NIXON
Minister of State for the Interior

AUSTRALIAN CAPITAL TERRITORY

Fishing Ordinance 1967

NOTICE UNDER SECTION 10

PURSUANT to section 10 of the Fishing Ordinance 1967, I, Peter James Nixon, Minister of State for the Interior, HEREBY SPECIFY that the period commencing on the Sunday nearest to the thirtieth day of April and ending on the Sunday nearest the first day of June in the same year, is, for the purposes of section 10 of the Fishing Ordinance 1967, another period during which fish may be taken in trout fishing waters or trout or bass may be taken in any waters except that fish including trout or bass may not be taken in that part of the Tidbinbilla River which lies within the boundaries of the Tidbinbilla Fauna Reserve or that part of the Orroral River upstream from the crossing on the Orroral Road or the waters of the Cotter River between the wall of the Cotter Dam and Pierces Creek or between the wall of the Bendora Dam and the stream gauging station approximately four miles upstream from the Bendora Dam.

Dated this twenty-first day of April 1969.

PETER NIXON
Minister of State for the Interior



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CANBERRA, WEDNESDAY, 30 APRIL

1969

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Parliament House,
Canberra, 30 April 1969.

I HEREBY notify that, pursuant to the provisions of the Constitution of the Commonwealth of Australia, I have this day issued a Writ for the election of a Member to serve in the House of Representatives for the Electoral Division of Bendigo, in the State of Victoria, in the place of Noel Lawrence Beaton, Esquire, resigned.

Date of Writ	..	..	..	..	Wednesday, 30 April 1969.
Date of Nomination	..	..	..	..	Friday, 16 May 1969.
Date of Polling	..	..	..	..	Saturday, 7 June 1969.
Return of Writ	On or before Friday, 4 July 1969.

W. J. ASTON
Speaker of the House of Representatives.

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No. 35B

CANBERRA, WEDNESDAY, 30 APRIL

1969

PROCLAMATION

Commonwealth of Australia to wit
PAUL HASLUCK
 Governor-General.

By His Excellency the Governor-General
 of the Commonwealth of Australia.

WHEREAS Her Majesty has been graciously pleased, by Commission under Her Royal Sign Manual and the Royal Great Seal of the Commonwealth of Australia bearing date at Saint James's the first day of April, One thousand nine hundred and sixty-nine, to constitute and appoint me, Sir Paul Meernaa Caedwalla Hasluck, a member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, to be Governor-General and Commander-in-Chief in and over the Commonwealth of Australia, I do hereby proclaim and declare that I have this day taken the prescribed Oaths before the Right Honourable Sir Garfield Barwick, a member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Chief Justice of the High Court of Australia, and that I have assumed the said Office of Governor-General and Commander-in-Chief in and over the Commonwealth of Australia accordingly.

Given under my Hand and the Great Seal of the Commonwealth of Australia at Canberra in the Australian Capital Territory, this thirtieth day of April in the Year of Our Lord One thousand nine hundred and sixty-nine and in the eighteenth year of Her Majesty's reign.

By His Excellency's Command,

J. G. GORTON
 Prime Minister

GOD SAVE THE QUEEN!

DELEGATION TO PRESIDE OVER MEETINGS OF THE FEDERAL EXECUTIVE COUNCIL

IN pursuance of the provisions of section 126 of the Constitution of the Commonwealth of Australia, and of clause 6 of the Letters Patent constituting the Office of Governor-General, dated 29th October, 1900, I hereby appoint the Honourable Alan Shallcross Hulme, M.P., Vice-President of the Executive Council, to be my Deputy to summon meetings of the Executive Council, and, in the event of my inability to be present, to preside over meetings of the Executive Council and signify approval of the proceedings of such meetings.

If, for any reason, the Vice-President of the Executive Council is unable to attend, the Senior Member of the Executive Council who is present is hereby authorised to exercise the authority herein vested in the Vice-President.

Dated this thirtieth day of April, One thousand nine hundred and sixty-nine.

PAUL HASLUCK
 Governor-General

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