

# EXPOSURE DRAFT



EXPOSURE DRAFT

## Copyright Legislation Amendment (Technological Protection Measures) Regulations 2017

---

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2017

Peter Cosgrove  
Governor-General

By His Excellency's Command

Mitch Fifield [**DRAFT ONLY—NOT FOR SIGNATURE**]  
Minister for Communications

---

EXPOSURE DRAFT

# EXPOSURE DRAFT

---

## Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules .....	1
	<b>Schedule 1—Amendments and repeals</b>	<b>2</b>
	Part 1—Amendments	2
	<i>Copyright Regulations 1969</i>	2
	Part 2—Repeals	4
	<i>Copyright Tribunal (Procedure) Regulations 1969</i>	4

# EXPOSURE DRAFT

---

## 1 Name

This instrument is the *Copyright Legislation Amendment (Technological Protection Measures) Regulations 2017*.

## 2 Commencement

- (1) Each provision of this instrument 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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	At the same time as Part 2 of the <i>Copyright Regulations 2017</i> commences.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Copyright Act 1968*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

# EXPOSURE DRAFT

Schedule 1 Amendments and repeals

Part 1 Amendments

---

## Schedule 1—Amendments and repeals

### Part 1—Amendments

#### *Copyright Regulations 1969*

##### 1 Regulation 1

After “*Copyright*”, insert “(*Technological Protection Measures*)”.

##### 2 Regulation 2

Repeal the regulation.

##### 3 Subregulation 3(1)

Omit “(1)”.

##### 4 Subregulation 3(1)

Repeal the following definitions:

- (a) *address for service in Australia*;
- (b) *the previous Act*.

##### 5 Subregulations 3(2), (3) and (4)

Repeal the subregulations.

##### 6 Parts 2, 3, 3A, 4, 5, 5A, 6, 6A, 7 and 8

Repeal the Parts.

##### 7 Schedules 3, 3A, 3B, 4, 5, 8, 9 and 10

Repeal the Schedules.

##### 8 Schedule 10A (before table item 3)

Insert:

---

2.2 An act by a person that does not infringe copyright because of Division 4 of Part IVA of the Act

---

2.3 Fair dealing that:

- (a) is described in section 40, 41, 41A, 103A, 103AA or 103C of the Act; and
- (b) is by a student enrolled in a course of instruction provided by an educational institution; and
- (c) is solely for the purposes of completing that course

---

2.4 Fair dealing that:

- (a) is described in section 40, 41, 41A, 103A, 103AA or 103C of the Act; and
- (b) is by a person who carries out research for an educational institution; and
- (c) is solely for the purposes of that research

---

2.5 Use by a person of a work or other subject matter that is not an infringement of copyright in the work or other subject matter

---

# EXPOSURE DRAFT

Amendments and repeals **Schedule 1**  
Amendments **Part 1**

---

because of subsection 200AB(1) of the Act because the use is covered by subsection 200AB(3) (use by body administering educational institution) of the Act

## **9 Schedule 10A (before table item 4)**

Insert:

3A	Access by or for persons with a disability	3A.1 An act by a person that does not infringe copyright because of Division 2 of Part IVA of the Act
----	--------------------------------------------	-------------------------------------------------------------------------------------------------------

## **10 Schedule 10A (before table item 5)**

Insert:

4.4 An act by a person that does not infringe copyright because of Division 3 of Part IVA of the Act

## **11 Schedules 11, 11AA, 11AB, 11AC, 11A, 11B, 11C and 12**

Repeal the Schedules.

**EXPOSURE DRAFT**

# EXPOSURE DRAFT

Schedule 1 Amendments and repeals

Part 2 Repeals

---

## Part 2—Repeals

### *Copyright Tribunal (Procedure) Regulations 1969*

#### 12 The whole of the Regulations

Repeal the Regulations.