



**COMMONWEALTH OF AUSTRALIA**

*Copyright Act 1968*

**IN THE COPYRIGHT TRIBUNAL**

**FILE NO. CT 1 of 2023**

**REFERENCE BY:** Phonographic Performance Company of Australia Ltd (ACN 000 680 704)

under section 154 of the *Copyright Act 1968 (Cth)*

**ORDER**

**TRIBUNAL:** ROFE J (Deputy President)

**DATE:** 23 NOVEMBER 2023

**WHERE MADE:** MELBOURNE

**THE TRIBUNAL ORDERS BY CONSENT THAT:**

**Referral Question**

1. The hearing set down for 2.15 pm on 23 November 2023 for the hearing of the Referral Question be vacated.

**Document Production**

2. On or before 19 December 2023, the parties email to the Associate to Rofe J any:
  - (a) draft summonses containing the agreed Summons Categories, together with a request that the Tribunal exercise its power to issue the summons under s 167 of the *Copyright Act 1968 (Cth)*;
  - (b) draft orders containing the agreed Factual Categories to be disclosed, together with a request that the Tribunal exercise its power to make those orders pursuant to s 164(a) of the Copyright Act;



- (c) draft summons seeking document production from a party in respect of any Document Categories that are not agreed;
  - (d) draft summons seeking document production from any third party;
  - (e) draft orders seeking Factual Categories to be disclosed; and
  - (f) short written submissions with respect to each of the matters referred to in paragraphs (c) to (e) above.
3. On or before 30 January 2024, the parties email to the Associate to Rofe J any short written submissions in answer to any submissions provided pursuant to order 2 above.
4. On or before 1 February 2024, the parties email to the Associate to Rofe J any request to provide short oral submissions in respect of any draft summons provided pursuant to order 2 above.

#### **Agreed statement of facts**

5. The parties file a statement of agreed facts by 5 April 2024.

#### **Evidence**

6. Evidence is to proceed by way of affidavit, noting s 164 of the Copyright Act.
7. The contents of any expert's report must conform with the requirements set out in the *Harmonised Expert Witness Code of Conduct*.
8. Evidence in CT 1 of 2023 be treated as evidence in CT 2 of 2023.
9. On or before 30 April 2024, PPCA file and serve its evidence in chief.
10. On or before 13 August 2024, CRA file and serve its evidence in answer.
11. On or before 8 October 2024, PPCA file and serve any evidence in reply.

**Pre-trial case management**

12. The matter be listed for a case management hearing at 9.30 am on 4 November 2024.
13. The parties be granted liberty to apply on three days' notice.

Date stamped: 23 November 2023

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The Hon Justice Rofe, Deputy President

