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

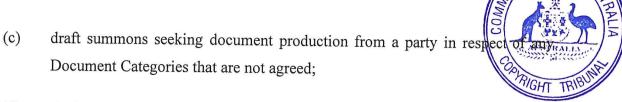
THE TRIBUNAL ORDERS BY CONSENT THAT:

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;



- (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

The Hon Justice Rofe, Deputy P