

132AO Causing recording or film to be heard or seen in public

Indictable offence

- (1) A person commits an offence if:
 - (a) the person causes:
 - (i) a sound recording to be heard; or
 - (ii) images from a cinematograph film to be seen; or
 - (iii) sound from a cinematograph film to be heard; and
 - (b) the hearing or seeing occurs in public at a place of public entertainment; and
 - (c) causing the hearing or seeing infringes copyright in the recording or film.
- (2) An offence against subsection (1) is punishable on conviction by a fine of not more than 550 penalty units or imprisonment for not more than 5 years, or both.

Note: A corporation may be fined up to 5 times the amount of the maximum fine (see subsection 4B(3) of the *Crimes Act 1914*).

Summary offence

- (3) A person commits an offence if:
 - (a) the person causes:
 - (i) a sound recording to be heard; or
 - (ii) images from a cinematograph film to be seen; or
 - (iii) sound from a cinematograph film to be heard; and
 - (b) the hearing or seeing occurs in public at a place of public entertainment; and
 - (c) causing the hearing or seeing infringes copyright in the recording or film and the person is negligent as to that fact.

Penalty: 120 penalty units or imprisonment for 2 years, or both.

- (4) An offence against subsection (3) is a summary offence, despite section 4G of the *Crimes Act 1914*.

Strict liability offence

- (5) A person commits an offence if:
 - (a) the person causes:
 - (ii) images from a cinematograph film to be seen; or
 - (iii) sound from a cinematograph film to be heard; and
 - (b) the hearing or seeing occurs in public at a place of public entertainment; and
 - (c) causing the hearing or seeing infringes copyright in the recording or film.

Penalty: 60 penalty units.

- (6) Subsection (5) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.